

**Report of the second biennial conference of the European Society of  
International Law, held at the University of Paris I, Panthéon-Sorbonne,  
18-20 May 2006**

Europe has always been at the heart of international law, even if its legacy mingles with other influences. Theoretical works have long explored “the European tradition of international law” and emphasised the unique character of this contribution. Critics have, of course, scoffed at European pretensions to universality in this discipline, either by arguing that Europe is essentially preoccupied with European interests which are not truly universal, or because it seems to them to be too often motivated by its own interests. Nevertheless, regardless of the perspective adopted, Europe’s historical contribution cannot be denied. European theorists have played a central role in the evolution of international law, and the promotion of the international rule of law continues to permeate European foreign policy.

It is therefore all the more surprising that, until recently, an organisation which aimed to gather together all European international lawyers simply did not exist. In this respect, the inaugural conference of the European Society of International Law, held in Florence in May 2004, was an extraordinary event - the outcome of a project which had been discussed for many years, but which until then had remained fruitless. The preparations had started in 2001, following a meeting organised by the editors of the European Journal of International Law (Philip Alston, Antonio Cassese, Pierre-Marie Dupuy, Bruno Simma and Joseph Weiler) along with Hanspeter Neuhold. This led to the formation of a Foundation Committee which, led by Philip Alston, resulted eventually in the Florence event, which was rendered even more symbolic due to the concurrent enlargement of the European Union from fifteen to twenty-five members.

According to its participants, a wide range of students, young researchers, established academics and practitioners, hailing from all over Europe and beyond, the second biennial conference, which took place on 18-20 May 2006 in Paris, reaffirmed the outstanding success of the European Society of International Law.

The following report gives an account of its proceedings and highlights.

**The organising team:**

The organising team of the Paris conference, led by Professor H el ene Ruiz Fabri, at that time the Vice-President and currently the President of ESIL, was comprised of academics and administrators from the Joint Institute of Comparative Law of Paris (UMR 8103, Centre National de la Recherche Scientifique/ University of Paris I) and from the Centre de recherche en droit international (CERDIN) of the University of Paris I. The other members of the organising team were:

- § Professors Herv e Ascensio, Emmanuelle Jouannet, Isabelle Pingel, Jean-Marc Sorel and Brigitte Stern;
- § Vincent Tomkiewicz, Conference Secretary;

§ Mrs Sophy Guy, Secretary-General of the Joint Institute of Comparative Law of Paris, assisted by Mrs Audrey Cavarec, H el ene Hamant and Svetlana Zasova from the CERDIN.

A team of about twenty doctoral students from the University of Paris I also assisted in the final phase of preparations and were invaluable during the conference itself, helping to welcome and escort the speakers, as well as handling the practical organisation of the different sessions and social events.

### **The conference programme:**

Legal discourse, especially in Europe, has been overrun by the idea of the constitutionalisation of international law. But, if such a movement can be discerned, there are also opposing tendencies. The very label of "constitutionalisation" has been controversial, not simply as a matter of whether this is a correct empirical description of the evolution of international law, but also in terms of whether the academic "constitutionalist" construct is a useful paradigm. Investigation of the concept of constitutionalism and related concepts such as legal pluralism is booming in Europe.

It seemed very fitting therefore that the European Society of International Law should choose this as its principal theme, the axis around which it organises its various events. Given the scope needed to fully examine the role played by the constitutionalisation of international law, ESIL decided to simply pose the question "International law: do we need it?".

"Internationalists", mainly but not exclusively European, were invited and thereby given a forum within which they could discuss the matter which is currently preoccupying them - namely, that the heart of contemporary society is deeply imprinted by inequality and injustice. To respond to this in as innovative way as possible, the organising team at Paris I deliberately focussed on questions which are not always adequately dealt with in the "internationalist" world. The team hoped in particular that the limits and shortcomings of international law would be examined in terms of its history, its teaching and its implementation. Moreover, that the way in which international law responds to demands for inclusion and progress would be addressed and that the promises it carries would be identified. To this end, for the organising team at Paris I, the programme gave the chance to reflect upon its commitment to instituting a new legal humanism in international law, a legal humanism which is simultaneously critical and revitalised. The European question was nevertheless present throughout the conference as a backdrop for the examination of the fundamental questions: which Europe and which vision of international law does it wish to present to the world? And to what end?

### **The location:**

The conference was held in the heart of Paris's fifth arrondissement in the Sorbonne's venerable lecture theatres of the Sorbonne - its large panelled rooms and maze of corridors giving access to more distant locations. As its principal

lecture theatre was in the midst of renovations, the opening session was held in the Oceanographic Institute at 195 rue Saint Jacques. Subsequently, the conference took place principally in the Liard, Turgot, Descartes and Richelieu lecture theatres in the Sorbonne, as well as in some of the other halls.

Some scholastic publishers—Pedone, Hart Publishing, Oxford University Press, Cambridge University Press, Bruylant, Ashgate and Martinus Nijhoff—displayed their publications in the Sorbonne's Salon des Autorités, considered one of the masterpieces of this renowned building. It is decorated with contrasting paintings by Benjamin Constant and Hélène Dufau, the latter being the only woman involved in the interior decoration of the Sorbonne. This room is generally reserved for the formal presentation of distinguished guests to the academic body.

The Sorbonne emerged from one of the most ancient French schools, the Collège de Sorbon, which was established in 1257-1258 and named after its founder. It rapidly overshadowed all the other Parisian schools. It became a reputed centre of learning and came to take an active part in the philosophical and political debates of its times. During the centuries, its history has been closely bound up with that of the University of Paris, of which the Sorbonne became the symbol. The centre of the protests of May 1968, the University has since been reorganised into autonomous universities but the Sorbonne, which symbolises French universities, remains now and always a magical place where students and more established academics meet.

Since the end of the 1960s, apart from those parts occupied by the Education Offices of Paris, the Sorbonne has principally housed the Universities of Paris I (Panthéon-Sorbonne) and IV (Sorbonne). The University of Paris I emerged from the amalgamation of parts of the Economics Faculty (Panthéon) and Faculty of Humanities (Sorbonne). Today it is the largest university in France, and home to the research institutes which organised the conference.

### **Progress and participation:**

The conference was a resounding success, surpassing even the organisers' expectations, who were even forced to close registration sooner than they had anticipated. The premises can accommodate a limited number of people and so participation had to be limited to 350, including the speakers. Taking account however of the invited guests, as well as researchers and students from the University of Paris I who attended for free if they registered, roughly 400 people attended all or part of the conference. The mood of the conference was very friendly, laid-back yet always studious. As had been the most important aim of the organisers, all points of view were respected, and even the most dissident or critical voices were never ignored. This sometimes gave rise to extremely lively debate, but all were fruitful and revealed interesting perspectives on the issues under discussion. Networks which had been established at previous ESIL events were consolidated and allowed for the exchange of facts and information between internationally-minded Europeans.

Particular attention had been paid not only in selecting varied and stimulating

speakers but also in ensuring that their interaction would give rise to significant advances. It is commonplace that the selection of speakers for this type of conference must combine the desire to invite prominent figures but also publicise those who are less well known to as large an audience as possible. The organising team also sought to pay heed to the numerous factors necessary to ensure that the line-up was balanced and non-discriminatory—to ensure women were represented as much as men, that young researchers were alongside their seniors, that there were those from the east as well as the west, Europeans and non-Europeans.

In terms of structure, it was decided to divide the conference into different types of sessions, namely:

**I. plenary sessions:**

The aim of these was principally to stimulate discussion, to involve eminent figures in a particular discipline or a politician in order to reflect a diversity of viewpoints, and to mark the opening and closing of the programme.

**i. opening session, May 18:**

Opening lecture—M Hubert Védrine, former Minister of Foreign Affairs, France

Round-table on “A European vision of international law: to do what?”

—Professor Rüdiger Wolfrum (Max Planck Institute, Heidelberg, and Judge of the International Tribunal for the Law of the Sea)

—Professor Ineta Ziemele (University of Riga, and Judge of the European Court of Human Rights)

—Mr Michael Wood (Barrister, and former Legal Adviser of the Foreign and Commonwealth Office, United Kingdom)

—Professor Yury Kolosov (MGIMO, University of Moscow, member of the UN Committee on Economic, Social and Cultural Rights, and member of the Permanent Court of Arbitration)

—Professor Jean Paul Jacqué (Director of Legal Services for the Council of the European Community)

**ii. special lecture, May 19:**

—Mr Pascal Lamy, Director General of the World Trade Organisation

**iii. closing session, May 20:**

Round-table on “International law and legal humanism: whose perspectives?”

§ Professor Mireille Delmas-Marty (Chair of Comparative Legal Studies and the Internationalisation of Law, Collège de France);

§ Professor George Abi-Saab (Member and former President of the Appeal Panel of the World Trade Organisation);

§ Professor David Kennedy (Manley O Hudson Chair, Harvard Law School);  
and

§ Professor Iulia Motoc (University of Bucharest)

## **II. *Fora*:**

Six *fora* or round-tables were organised on issues which were directly connected to the programme. Each comprised four speakers and a moderator. These round-tables were organised to examine three major themes which corresponded to the three principal axes adopted for the programme by the Paris I organising team—namely, the uses of international law (I), the outcasts of international law (II) and, finally, possible alternatives (III).

The speakers, whether practitioners or academics, were all distinguished specialists in their field and contributed, by virtue of the quality of their presentations and interventions, to the immense scholarly success of the conference.

## **III. *Agorae*:**

The conference included ten sessions, or *agorae*, whose function was to allow for the presentation of work in progress and to share in an exchange of views. Each *agora* was focussed on a field or sub-field of international law and comprised six to eight participants. The participants were not allocated a precise topic but were free to deliver a presentation on an issue of their own choosing which fell within the theme of the *agora*. Above all, participants were encouraged to discuss work in progress, which could be a monograph, an article, their doctoral dissertation or any other research project. Each *agora* thus offered a unique opportunity to share new ideas with a group of colleagues who were specialists or particularly interested in the same issue. Even if the time available for presentations in the *agorae* was limited, everyone agreed that the chance they were offered to take to the floor was valuable and that the time reserved for discussion had been profitably used.

Participation in an *agora* was the result of a selection procedure which required the submission of a *curriculum vitae* and abstract. This was open to all, without conditions regarding location, gender or seniority in the field. This biennial conference, however, gave preference to the work of young researchers so that they could have the possibility to express themselves before a large audience and to foster relations with their more established colleagues. The large number of applicants who submitted abstracts made the selection a long and difficult process. Be that as it may, the diversity of participants and the number of “newcomers” was one of the major successes of the conference.

### **Publication of the papers:**

All the speakers had been encouraged to circulate their papers in advance. The European Society will publish a volume of selected papers from the *fora* and plenary sessions under the imprint of Hart Publishing. Professors H el ene Ruiz Fabri and Emmanuelle Jouannet from the University of Paris I will be in charge of this publication, with the help of Vincent Tomkiewicz who maintained contact with the speakers throughout the conference preparations and will continue to do so in the future. Subject to the agreement of the Publications Committee elected by the Executive Board of the Society, the papers presented in the *agorae* will be posted on the European Society’s website, unless their authors decide to publish elsewhere.

### **Linguistic diversity:**

According to the Constitution of the European Society, activities undertaken under its auspices must proceed, to the greatest extent possible, in at least two languages—usually English and French. During the conference, all of the plenary sessions and the *fora* were simultaneously translated. In all other sessions the participants had the choice of speaking in either English or French.

The publication of the proceedings will, accordingly, be done in the language employed during the oral presentation.

### **Finances:**

Apart from subscriptions, the conference budget was augmented by:

- contributions from the organising research institutions;
- financial sponsorship from the Ile-de-France Region; the University of Paris I (Sorbonne-Panthéon); the French Ministry of Higher Education and Research; the City Council of Paris; the French Ministry of Foreign Affairs; the University Agency of French Speaking Communities; the Foundation Maison des sciences de l’homme; and the Europaeum (for the award of scholarships for the *agorae*);
- logistical support from the Groupement de droit compare (GDR CNRS); and ambigo.com.

### **The General Assembly of the European Society:**

One of the most important functions of the conference was to allow members of the European Society to take part in its annual General Assembly. The first General Assembly, which took place in Florence, gave the opportunity not only for the formal adoption of the Society’s statutes and a discussion of its future directions and activities, but also the election of its inaugural Executive Board. This year the General Assembly had the opportunity to give an update on the Society’s activities and to view the financial reports presented to it.

In addition, the replacement of some members of the Executive Board, for a period of four years, took place by secret ballot. There were ten seats to fill:

- § five members of the Board were re-elected: Andréa Bianchi (Graduate Institute of International Studies, Geneva); Vera Gowlland Debbas (Graduate Institute of International Studies, Geneva); Boldizsár Nagy (University of Budapest); Hélène Ruiz Fabri (University of Paris I); and Bruno Simma (International Court of Justice);
- § five new members were admitted to the Board: Christine Chinkin (London School of Economics); Emmanuelle Jouannet (University of Paris I); Nico Kirsch (University of Oxford); Susan Marks (University of Cambridge); and Iain Scobbie (School of Oriental and African Studies, University of London); and

§ five members, who were not candidates for re-election, departed the Board: Pierre-Marie Dupuy (European University Institute, Florence); Florian Hoffman (Catholic University of Rio); Vaughan Lowe (University of Oxford); Frédéric Mégret (McGill University, Montreal); and Hanspeter Neuhold (University of Vienna).

Members of the Board who were not up for re-election this year were: Mariano Aznar Gomez (Spain); Iulia Motoc (Romania); Anne Peters (Germany/Switzerland); Jarna Petman (Finland); Nico Schrijver (the Netherlands); Thomas Skouteris (Greece/the Netherlands); Ineta Ziemele (Latvia/Sweden); and Francesco Francioni (Italy).

### **Appraisal and perspectives:**

All things considered, the conference won its double bet of being both scholarly and European. It brought together participants from thirty-five European States, of whom a third came from the new members of the European Union (Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Slovenia to name but some) and also from Bulgaria, Romania, the Russian Federation, Ukraine. Finally, a little less than 15% of participants came from States beyond Europe—in particular from Australia, Brazil, Canada, Israel, Japan and the United States. The same diversity of nationalities was found amongst the conference speakers since, apart from those from France, there were speakers from Austria, Belgium, Brazil, Canada, Columbia, Cyprus, Estonia, Germany, Greece, Hungary, Iceland, Israel, Iran, Ireland, Italy, Mauritania, Mexico, the Netherlands, Romania, Russia, Serbia-Montenegro, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, the United Kingdom and the United States.

The intellectual contribution of the discussions, not to mention their depth and diversity, have already been underlined and will be confirmed with the publication of the proceedings. The runaway success of the conference has reinforced this young Society's scholarly and regional credentials. Future events are already in planning stages. The next Research Forum, whose principal aim is to showcase the work of young researchers, will take place in Budapest in September 2007. It will be organised under the direction of Professor Boldizsár Nagy. The next biennial conference will take place in Heidelberg in 2008 under the direction of Professor Rudiger Wolfrum of the Max Planck Institute.