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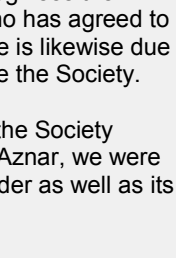
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1. Message from the new President

Dear ESIL Members,

At the 5th Biennial Conference in Valencia and the meeting of the Executive Board that followed, I had the honour of being elected President for the coming two years. This is a real privilege for me. I hope that I can contribute to the growth of ESIL and to its scientific reputation.



Allow me first to thank Anne Peters, who served as President of ESIL from 2010 to 2012. Her unwavering commitment and great human and intellectual qualities have enabled the Society to consolidate its standing and to implement new initiatives. I also wish to extend my gratitude and that of the Society to the six members whose term on the Board has just finished (Barbara Delcourt, Francesco Francioni, Jan Klabbers, Linos-Alexandre Sicilianos, Rüdiger Wolfrum, Ineta Ziemele). In addition, I would like to welcome five new members to the Board (Anne van Aaken, Nehal Bhuta, Luis Hinojosa, Massimo Iovane, Ralph Wilde). It is important that the outgoing members as well as the incoming members know that the Society recognises their substantial contribution to the Society. I would also like to thank Mario Prost, who has agreed to continue his excellent work as Executive Director of ESIL. Our heartfelt gratitude is likewise due to Joyce Davies, Administrative Director of ESIL, who continues to adroitly serve the Society.

The strength of ESIL is in its members. The Valencia Conference showed how the Society remains a vibrant one. Inspired by the organisers, Jorge Cardona and Mariano Aznar, we were engaged in debate as to the contours of regionalism in the international legal order as well as its — occasionally ambivalent — relationship with universalism.

My aim as President is to promote the scientific reputation of the Society so that it becomes a central actor in the scholarly debate in Europe. Our work should reflect the diversity of legal and linguistic traditions as well as the diversity of conceptions of international law. The development of the Society's relationship with other scientific institutions, including national societies, is also necessary. In short, we will need to continue the healthy dialogue with our partners.

ESIL also relies on the vitality of its interest groups. As they become more numerous we must ensure that they too have a voice within the society. I will return to this issue of how to strengthen the role of interest groups in the coming months.

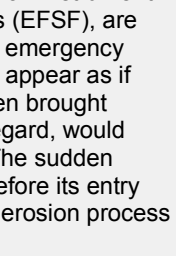
I very much look forward to working with you over these next two years. Let us build on the vitality and vibrancy of ESIL!

Laurence Boisson de Chazournes
President, European Society of International Law (ESIL)

2. Guest Editorial

The Collapse of the Euro Regime under the Lisbon Treaty

Christian Tomuschat - Professor Emeritus, Humboldt University of Berlin



Europeans always took pride in affirming that the integration process of the 27 nations was intimately linked to the rule of law. The European Union seemed to stand on firm legal ground. In the midst of the current financial crisis, this belief has suffered heavy damage.

The Euro, instead of contributing to strengthening European cohesiveness, has brought the common undertaking to the brink of collapse. Hastily, strategies have been developed since 2010 to provide financial assistance to ailing Member States, in particular to Greece, Ireland and Portugal. With Italy and Spain also facing up to hefty budget deficits, the rescue package threatens to engulf the Union in a major financial and economic disaster.

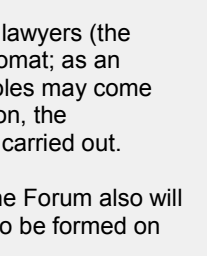
No fault can be attributed to the substantive legal regime. The Lisbon Treaty, complemented by the Protocol on the "Excessive Deficit Procedure", establishes precise limits on annual deficits and overall governmental debt. Care was also taken to specify that, notwithstanding the currency union, each Member State remains responsible for its own financial stability. The bailout clause of the TFEU – no assumption by the Union or by Members States of financial commitments of any other Member State - was hailed as the touchstone of a regime of strict separation of national budgets. And lastly, the temptation of simply printing money was struck by a formal ban.

And yet: as pressure built up in the Euro zone, these defences started faltering. In 2002 already, France and Germany had set a bad example by ignoring the "Growth and Stability Pact". As a consequence of turmoil at world level, the threat of a default of some Members States acted again as a potent mobile to find creative legal responses to the perceived threat of a financial and economic disaster with unpredictable consequences. All the mechanisms designed to maintain individual responsibility of the Member States received an interpretation suited to deflect any possible objections. And the European Central Bank has started buying governmental bonds seemingly without any restriction.

Averting catastrophe is an understandable concern. And it may even be that many of the measures taken, such as the blowing up of an exceptional emergency clause to an instrument encompassing 60 billion Euros or the resort to dubious private law constructions (EFSF), are justifiable under the relevant treaty provisions. Yet the lesson is clear: where an emergency situation arises or is perceived to arise, the law will have a difficult stand. It may appear as if "*Not kennt kein Gebot*" has become the paramount rule. No proceeding has been brought before the Court of Justice since the Commission, holding a monopoly in that regard, would commit political suicide by initiating a legal action impeding the rescue efforts. The sudden weakness of the law also casts a shadow on the Fiscal Compact Treaty, long before its entry into force. At the same time, the ensuing loss of confidence may accelerate the erosion process which currently threatens the integration process in its entirety.

3. Valencia 2012 - Report

From 13 to 15 September 2012, the University of Valencia hosted the 5th ESIL General Conference, in collaboration with the *Centro de Estudios de Derecho y Relaciones Internacionales* (CEDRI). Almost 280 people from around the world were welcomed to the old building of the university to discuss the theme of "Regionalism and International Law".



The Swiss Confederation, the Spanish Government, the Regional Government of Valencia, the Museum of Fine Arts of Valencia, Broseta Law Firm and Bruylant Editores all kindly supported the conference. Oxford University Press generously sponsored part of the welcome cocktail, which was hosted at the Botanic Gardens of the University of Valencia.

Prior to the main conference, the eight ESIL Interest Groups held their meetings and workshops. The conference then opened with a welcome address delivered by four distinguished speakers: Esteban Morcillo, the Chancellor of the University of Valencia, Dr. Urs Ziswiler, Ambassador of the Swiss Confederation in Spain, ESIL President Anne Peters, and Jorge Cardona, one of the conference organizers.

The conference consisted of eight fora and eight agorae. The themes of the fora were: History and Concept of Regionalism; Regionalism and the Unity of International Law; Regionalism, International Organisation and Integration; Regionalism and Globalization; Allocating Interests: States Legal Policies between Universalism and Regionalism; Regionalism, Peace and Security; WTO and Regional Integration; Regionalism and Human Rights. The agorae looked at the following topics: International Law Making; Internal Dimensions of Self-Determination; Frozen Regions: Arctic & Antarctica in the New Millennium; Development and Economic Law; Lost in Translation: Migration, Culture and Religion in a Different Region; Global Environment and Regional Responsibilities; Regional Traditions and Universal Judicial Institutions; Collapsed States, International Administrations, Occupation and Neo-Protectorates. Only the best 24 among 190 submitted abstracts were selected for the agorae in a highly competitive process.

In the various fora and agorae, each with their unique approach, every aspect of regionalism in current international law was analysed, giving an opportunity for deep, interesting scientific discussions among all the participants and the members of the panels.



We should like to announce that all conference sessions - which were broadcast live on the web - will be uploaded to the website of CEDRI (with a link to the ESIL website) in a few weeks from now so they will be available for all members. Furthermore, all the Forum contributions and some of the Agora and Interest Group sessions will be published in the *Select Proceedings of the European Society of International Law* (Vol. 4, Hart Publishing, 2013) and in the *ESIL SSRN Conference Paper Series*.

The ESIL General Assembly was held on Sat 15 Sept and, among other decisions, new Board members were elected. At the ESIL Board meeting the following day, Laurence Boisson de Chazournes was elected as the new President of the society, taking over from Anne Peters. The conference ended with a gala dinner at the Museum of Fine Arts of Valencia. After a private visit offered by the Museum, a cocktail and dinner was offered in the cloisters and the Ambassador Vich patio. During dinner, the ESIL Prize was awarded to our colleague Michael Waibel, and all of us present agreed to meet again in Amsterdam for the forthcoming ESIL Research Forum and in Vienna for the 6th ESIL Biennial Conference. See you there!

4. Amsterdam 2013

On 23-25 May 2013, the 5th ESIL Research Forum will take place in Amsterdam. It will be organised jointly by the Amsterdam Center for International Law (University of Amsterdam) and the Department of Transnational Legal Studies (VU University Amsterdam). The theme of the Research Forum is "International Law as a Profession".

The Research Forum will explore the different roles exercised by international lawyers (the international lawyer as a judge or arbitrator; as a legal adviser, counsel or diplomat; as an academic, researcher, or teacher; and as a domestic lawyer). Each of these roles may come with different discourses and conceptions about how the making, the application, the interpretation, the enforcement, and the systematization of international law is carried out.

Keynote speeches will be delivered by Vaughan Lowe and David Kennedy. The Forum also will have two semi-plenaries with invited speakers, and a large number of panels to be formed on the basis of the call for papers.

The website and the preliminary programme are now online at www.esil2013.nl. The call for papers, also to be found at this website, was opened immediately following the Valencia Conference, with a deadline of 15 November 2012.

The event will take place in Felix Meritis, built in 1788, one of the grandest buildings on the Keizersgracht in the old center of Amsterdam.

Online registration will open on 1 December 2012.

5. ESIL Book Prize

The 2012 ESIL Book Prize was awarded to Michael Waibel, Lauterpacht Centre for International Law, University of Cambridge, for his book "Sovereign Defaults before International Courts and Tribunals" published in May 2011 by Cambridge University Press.

The jury members, Eyal Benvenisti, Jutta Brunnee and Francesco Francioni, were unanimous in their selection of the prize-winner. "A remarkable book – to our knowledge, it is the first comprehensive and systematic treatment of this subject. The book combines historical analysis with careful research of case law and other practice. The result is an impressive and original treatment of a subject that is of the utmost relevance for the present state of the international economic system."

The prize was awarded during the Gala Dinner at the 5th ESIL Biennial Conference in Valencia.

T.M.C. Asser Press and Springer are delighted to offer ESIL members a 20% discount on law titles, courtesy of T.M.C. Asser Instituut. Recent titles include:

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To receive the discount simply you need only to follow the link below which will take you directly to the ESIL Book Discount Portal where the discount will be automatically applied. Remember to bookmark the link for future access too. <http://www.springer.com/esil?token=SlRKKXbJGB3Y6W89>

Should you need more information, please contact:

Antoinette Wessels
T.M.C. Asser Press
P.O.Box 16163
2500 BD The Hague
The Netherlands
Tel.: +31.70.3420803
Fax: +31.70.3420801
Email: a.wessels@asser.nl

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Comité éditorial:
Massimo Iovane (Naples) et Geir
Ulfstein (Oslo)

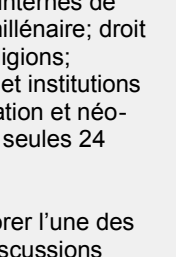
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1. Message de la nouvelle Présidente

Chers membres de la SEDI,

Lors de la 5^{ème} Conférence biennale de Valence et de la réunion du Conseil qui l'a suivie, j'ai eu l'honneur d'être élue Présidente pour les deux années à venir. C'est un privilège. J'espère pouvoir contribuer à accroître l'essor de la SEDI et sa réputation scientifique.



Permettez-moi tout d'abord de remercier Anne Peters, Présidente de la SEDI entre 2010 et 2012. Son constant engagement et ses grandes qualités humaines et intellectuelles ont permis à la Société de consolider ses assises et de mettre en oeuvre de nouvelles initiatives. Je tiens aussi à exprimer ma reconnaissance et celle de la Société aux six membres dont le mandat au sein du Conseil vient de s'achever (Barbara Delcourt, Francesco Francioni, Jan Klabbers, Linos-Alexandre Sicilianos, Rüdiger Wolfrum, Ineta Ziemele). Je souhaite accueillir les cinq nouveaux membres du Conseil (Anne van Aaken, Nehal Bhuta, Luis Hinojosa, Massimo Iovane, Ralph Wilde). Que les membres partants et les membres arrivants sachent que la Société est reconnaissante de leur implication dans la direction de la Société. Je voudrais aussi remercier Mario Prost d'avoir accepté de continuer à exercer la fonction de Directeur exécutif de la SEDI. Nos remerciements chaleureux vont aussi à Joyce Davies, Directrice administrative de la SEDI, qui accompagne la Société avec grande dextérité.

La SEDI est forte de ses membres. La conférence de Valence a montré combien cette société est vivante. Sous l'impulsion de ses organisateurs, Jorge Cardona et Mariano Aznar, nous nous sommes retrouvés très nombreux à nous interroger et discuter des contours et du profil du régionalisme dans l'ordre juridique international, ainsi que de ses rapports, parfois ambivalements, avec l'universalisme.

Mon souhait en tant que Présidente est de contribuer à la promotion du statut scientifique de la Société, afin qu'elle soit un acteur central et incontournable en Europe. Ce statut tient notamment au respect en son sein de la diversité des traditions juridiques et linguistiques ainsi qu'à la diversité des conceptions du droit international. Le développement de ses relations avec d'autres institutions scientifiques, notamment les sociétés nationales, est également nécessaire. Nous devons dialoguer entre nous et dialoguer avec nos partenaires.

La vie de la SEDI repose aussi sur la vitalité de ses groupes d'intérêt. Leur nombre s'accroît et permet aux membres de la SEDI d'échanger et de construire. Je reviendrai dans les mois qui viennent sur les possibilités de consolider leur rôle.

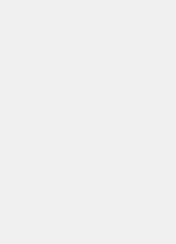
Je serais contente de vous rencontrer et de vous lire. Faisons vivre ensemble la SEDI!

Laurence Boisson de Chazournes
Présidente de la Société Européenne de Droit International (SEDI)

2. Editorial de l'invité

The Collapse of the Euro Regime under the Lisbon Treaty

Christian Tomuschat - Professeur émérite, Université Humboldt de Berlin



Europeans always took pride in affirming that the integration process of the 27 nations was intimately linked to the rule of law. The European Union seemed to stand on firm legal ground. In the midst of the current financial crisis, this belief has suffered heavy damage.

The Euro, instead of contributing to strengthening European cohesiveness, has brought the common undertaking to the brink of collapse. Hastily, strategies have been developed since 2010 to provide financial assistance to ailing Member States, in particular to Greece, Ireland and Portugal. With Italy and Spain also facing up to hefty budget deficits, the rescue package threatens to engulf the Union in a major financial and economic disaster.

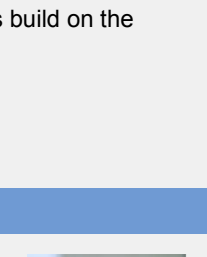
No fault can be attributed to the substantive legal regime. The Lisbon Treaty, complemented by the Protocol on the "Excessive Deficit Procedure", establishes precise limits on annual deficits and overall governmental debt. Care was also taken to specify that, notwithstanding the currency union, each Member State remains responsible for its own financial stability. The bailout clause of the TFEU – no assumption by the Union or by Members States of financial commitments of any other Member State - was hailed as the touchstone of a regime of strict separation of national budgets. And lastly, the temptation of simply printing money was struck by a formal ban.

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Averting catastrophe is an understandable concern. And it may even be that many of the measures taken, such as the blowing up of an exceptional emergency clause to an instrument encompassing 60 billion Euros or the resort to dubious private law constructions (EFSF), are justifiable under the relevant treaty provisions. Yet the lesson is clear: where an emergency situation arises or is perceived to arise, the law will have a difficult stand. It may appear as if "*Not kennt kein Gebot*" has become the paramount rule. No proceeding has been brought before the Court of Justice since the Commission, holding a monopoly in that regard, would commit political suicide by initiating a legal action impeding the rescue efforts. The sudden weakness of the law also casts a shadow on the Fiscal Compact Treaty, long before its entry into force. At the same time, the ensuing loss of confidence may accelerate the erosion process which currently threatens the integration process in its entirety.

3. Valencia 2012 - Compte rendu

La 5e Conférence biennale de la SEDI, organisée conjointement par l'Université de Valence et le Centro de Estudios de Derecho y Relaciones Internacionales (CEDRI), a eu lieu du 13 au 15 septembre 2012 à Valence.



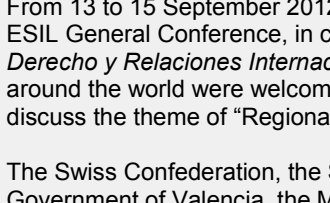
Près de 280 personnes sont venues du monde entier pour débattre dans l'ancien bâtiment de l'université du thème "Régionalisme et droit international".

La Conférence a bénéficié du soutien financier de la Confédération suisse, du gouvernement espagnol, de la région de Valence, du Musée des Beaux Arts de Valence, du cabinet d'avocats Broseta et des Editions Bruylant. Oxford University Press a généreusement sponsorisé une partie du cocktail de bienvenue dans le jardin botanique de l'Université de Valence.

En prélude à la Conférence principale, les huit Groupes de Réflexion de la SEDI ont tenu leurs ateliers thématiques. La Conférence s'est ensuite ouverte sur l'intervention de quatre orateurs de marque: Esteban Morcillo, Doyen de l'Université de Valence; Dr. Urs Ziswiler, Ambassadeur de la Confédération suisse en Espagne; Anne Peters, Présidente de la SEDI; et Jorge Cardona, membre du comité organisateur.

La Conférence a consisté en huit fora et huit agorae. Les thèmes des fora étaient les suivants: histoire et concept du régionalisme; régionalisme et unité du droit international; régionalisme, organisations internationales et intégration; régionalisme et mondialisation; répartition des intérêts: politiques juridiques des états entre universalisme et régionalisme; régionalisme, paix et sécurité; OMC et intégration régionale; régionalisme et droits de la personne. Les agorae avaient pour thèmes: production des normes en droit international; dimensions internes de l'auto-détermination; régions gelées: Arctique et Antarctique dans le nouveau millénaire; droit économique et du développement; Lost in translation: migrations, cultures et religions; responsabilités environnementales globales et régionales; traditions régionales et institutions judiciaires universelles; états défaillants, administrations internationales, occupation et néo-protectorats. La procédure de sélection des contributions fût très compétitive et seules 24 contributions sur les 190 reçues ont été retenues.

Chaque forum et chaque agora, avec son approche singulière, a permis d'explorer l'une des multiples facettes du régionalisme en droit international et a donné lieu à des discussions passionnantes entre participants et membres des panels.



Nous sommes heureux d'annoncer que toutes les sessions, qui ont été retransmises en direct sur le site internet de la Conférence, seront bientôt disponibles sur le site du CEDRI (le lien sera publié sur le site de la SEDI). De plus, toutes les contributions présentées dans le cadre des fora et certaines des contributions présentées dans le cadre des agorae et des ateliers des Groupes de Réflexion seront publiées dans les *Select Proceedings of the European Society of International Law* (Vol. 4, Hart Publishing, 2013) ainsi que dans notre *SSRN Conference Paper Series*.

L'Assemblée Générale de la SEDI s'est tenue le samedi 15 septembre et a donné lieu, entre autres choses, à l'élection de nouveaux membres du Comité Exécutif. Le jour suivant, lors de la réunion du Comité Exécutif, Laurence Boisson de Chazournes a été élue nouvelle Présidente de la Société, prenant la succession d'Anne Peters. La Conférence s'est conclue par le dîner de Gala au Musée des beaux arts de Valence. Lors du dîner, le prix de la SEDI a été remis à Michael Waibel et nous nous sommes tous donnés rendez-vous à Amsterdam pour le prochain Forum de Recherche de la SEDI et à Vienne, en 2014, pour la 6e Conférence Biennale. Nous espérons vous y voir nombreux!

4. Amsterdam 2013

Le 5e Forum de Recherche de la SEDI aura lieu du 23 au 25 mai 2013 à Amsterdam. Le Forum sera organisé conjointement par le Amsterdam Center for International Law (University of Amsterdam) et le Department of Transnational Legal Studies (VU University Amsterdam). Le thème du Forum de Recherche est "Les Professions du Droit International".

Le Forum de Recherche explorera les différents rôles exercés par les juristes internationalistes ("internationaliste en tant que juge ou arbitre; en tant que juriconsulte, conseil ou diplomate; en tant qu'universitaire, chercheur ou enseignant; en tant que juriste interne). Chacun de ces rôles s'accompagne de ses propres récits et de ses propres conceptions quant aux modes de production, d'application, d'interprétation, de mise en oeuvre et de systématisation du droit international.

Les allocutions d'ouverture et de clôture seront prononcées par Vaughan Lowe et David Kennedy. Le Forum comprendra également deux séances semi-plénières avec des orateurs invités ainsi qu'un grand nombre de panels composés sur la base de l'appel à contribution.

Le site internet et le programme préliminaire du Forum sont désormais disponible à l'adresse suivante: www.esil2013.nl. L'appel à contribution, disponible sur le site du Forum, a été ouvert immédiatement après la Conférence de Valence. La date limite pour la soumission des propositions est le 15 novembre 2012.

Le Forum de Recherche se tiendra dans le bâtiment Felix Meritis, construit en 1788, l'un des plus majestueux bâtiments du Keizersgracht dans la vieille ville d'Amsterdam.

Les inscriptions (en ligne) pour le Forum de Recherche seront ouvertes le 1er décembre 2012.

5. Prix de la SEDI

Le prix de la SEDI 2012 a été remis à Michael Waibel, du centre Lauterpacht pour le droit international de l'Université de Cambridge, pour son ouvrage intitulé « Sovereign Defaults before International Courts and Tribunals », publié en mai 2011 par Cambridge University Press.

Les membres du jury, Eyal Benvenisti, Jutta Brunnee et Francesco Francioni, ont été unanimes quant au choix du gagnant: « Un livre remarquable. Il s'agit, à notre connaissance, du premier traitement exhaustif et systématique du sujet. Cet ouvrage combine une analyse historique avec une recherche minutieuse de la jurisprudence et de la pratique. Il en résulte un traitement impressionnant et original d'un sujet de très grande importance pour le système économique international actuel ».

Le prix a été remis à l'occasion du dîner de gala de la 5e conférence biennale de la SEDI à Valence.