

The Hague Academy of International Law:

An introduction by the Secretary-General

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The Hague Academy of International Law was first thought of more than a century ago, and it has been functioning since 1923. Every year, it organizes the famous summer courses on private international law and public international law, which are given by well-known specialists and are open to students from all countries of the world. Over time, other activities have been added to this original activity: the Centre for Research, the External Program, the program of advanced studies and the Colloquia. Taken together, all these activities have turned the Academy into an institution that is constantly seeking to adapt itself to the needs of the age as regards the dissemination of knowledge of international law. The General Assembly of the United Nations regularly refers to the “valuable contribution” that the Academy “continues to make to the United Nations Program of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law”. (A/Res/60/19)

Origins and Development of the Academy

In the context of the movement for the establishment of peace through law, the idea of creating an Academy of International Law was mooted at the Hague Conference in 1907 (having previously been voiced by the *Institut de droit international* as early as 1873). At that time, there were two opposing views as to what it should be. The first, supported by Ludwig von Bar, was to make it a forum for mediation which would give its opinion on disputes, and would thus avoid the creation of an international court. On the other hand, in Bern, Professor O. Nippold supported the idea of an Academy that would be dedicated to teaching, which could operate within, or alongside, the Permanent Court of Arbitration. In his words, at The Hague, “Practice and theory would be on an absolutely equal footing and would work together in the noble task of developing international law, thus contributing to the preservation of peace in the world.”

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At the 1907 Conference there was insufficient time to discuss the various projects for an international university that had first been envisaged for The Hague. The Dutch Government then took up the idea—and the ILA in turn examined the question—in London in 1910 and then in Paris in 1912. A plan to create a University with its own permanent teaching staff was then put forward. This project was considered too ambitious, and the scheme was revised by Tobias Asser, who proposed a plan that envisaged more or less what the Academy was finally to become, with courses held from July to October (at that time, University terms ended well before the summer and began again only in November). Asser received the Nobel Peace Prize in 1911 and contributed a part of the prize money to the Academy, while the Carnegie Endowment for peace provided a fund of 10 million dollars, administered by a *Curatorium* composed of 28 American nationals.

This structure was subsequently redesigned by James Brown Scott and Asser, resulting in a division between the Curatorium, for academic aspects, and the *Board of Directors* of the Carnegie Foundation, for material and financial aspects. A *Secretary-General* for both the Curatorium and the Board of Directors and a *Finance Committee* were also planned. The Academy's by-laws were finally adopted on this basis in 1914, and the structure has changed very little since then. The first meeting was held in Paris on 31 January 1914, and was attended by the greatest legal scholars of the time. Louis Renault was the President of the Curatorium, and Gilbert Gidel the Secretary-General. The inauguration was planned for October 1914 and the first courses for 1915. But war broke out, and preparations could not be resumed until 1921. Charles Lyon Caen replaced the late Louis Renault, and Nicolas Politis became the Vice-President in 1922.

Courses began on 14 July 1923, at the Peace Palace in The Hague. They were given only in French, without any translation, in the presence of 353 students, of whom 35 were women, from 31 different countries. Over the years, these figures were to grow, reaching an average of 600 students in total for the two sessions, representing over one hundred different nationalities. The number of female students, which was relatively high even from the beginning, has of course increased considerably, and now equals the number of male students.

In total, more than 1,000 lecturers from all fields and from all over the world have given courses at the Academy, and these courses have been attended by some 40,000 students. Many of these have become great jurists, famous academics, distinguished practitioners, well-known diplomats, and first-ranking political figures. In this respect, attending courses in The Hague is an exceptional opportunity for students not only to make solid and precious friendships throughout the world, but also to build up their future professional network.

Several hundred lecturers and more than 1,500 participants from Africa, Asia and Latin America have attended external sessions.

Finally, the Centre for Research has welcomed 1,000 young research students, working under the direction of around one hundred teachers.

In one way or another, the Academy has thus brought together a significant number of participants and has thereby made a strong contribution to the dissemination of knowledge of international law, through teaching and research, thanks to the invaluable assistance of the greatest names of international law, who have put their knowledge to the service of its various activities.

The Academy today

Administration of the Academy

The *Administrative Council* is in charge of the financial and material aspects of the Academy's operations. This is a Dutch body, whose members are of Dutch nationality, and whose president is always a leading personality. The Board of Directors has close ties with the Carnegie Foundation, which manages the Peace Palace.

The Academy's academic activities and policies are defined by the Curatorium. This body consists of seventeen members, all of different nationalities, who are well-known international lawyers in the academic or diplomatic worlds, or as practicing international lawyers. The president of the Curatorium is a distinguished personality and well-known jurist who generally has extensive experience of international and diplomatic life. Among the most recent presidents are Roberto Ago, Nicolas Valticos and Boutros Boutros-Ghali. The Curatorium meets at least twice a year. The Secretary-General, who is usually a university professor of international law, prepares and carries out the decisions of the Curatorium and ensures the Academy's continuous operation.

Spirit of the Academy

The Academy is not, and does not aspire to be, a University, but deliberately seeks to operate on a different plane. While it is true that it contributes to training in international law, since it gives courses, and while it is also true that the best students can hope to be awarded the prestigious 'Diploma of the Academy', which is given only very sparingly (see below), its most significant characteristics clearly distinguish it from universities. The form in which the courses are given does indeed involve a reflection on the subject matter – with which the more advanced students are often already familiar – by means of exercises in the form of "lectures" on various subjects, requiring the students to examine essential and fundamental questions. Although the courses do not take place in the beautiful gardens of the Peace Palace, like those of Akademos, they do partake of the original idea of *Akadêmeia*. Nevertheless, an analysis of actual practice, the attention that is devoted to factual issues which are so important for lawyers, and an examination of the

solutions that are actually provided for the problems that arise, naturally form part of the exercise, in particular during the more interactive seminars.

Since it is not a university, the Academy does not have a permanent teaching staff, and nobody can claim the title of Professor at the Academy. For its teaching activities, it calls upon academics, diplomats and practitioners who come from outside the Academy, from various institutions all over the world. Other than for the General Course, the Curatorium seldom invites for a second time a lecturer who has already given a special course. This is because it considers that it is desirable, by inviting a wide variety of lecturers, to be as open as possible to the world, and to benefit from the widest variety of viewpoints and ideas. This ensures a constant renewal, which guarantees that the Academy permanently adapts itself to the needs and the rapid changes in today's international legal life.

The Academy's programs

From its original program, the Academy has retained the summer courses, which have been redesigned and structured over time and which remain the preferred means of fulfilling its mission of disseminating knowledge of international law. The fundamental changes in the world and the new aspirations to which these have given rise have led the Academy to constantly adapt its programs and activities to needs that are anticipated or have been formally expressed, and to diversify its activities and methods.

Courses during the summer sessions

The summer courses are the principal and best known activity of the Academy and the materials are subsequently published (see below).

The courses take place at the Peace Palace in The Hague. They are given in English or French, equal time being devoted to each language, and are simultaneously translated into the other language. They are spread over a period of six weeks in July and August each year. The first three weeks are devoted to private international law, and the following three weeks to public international law. A merit-based scholarship program allows approximately 20% of the students to receive assistance from public and private bodies, and from distinguished personalities from various countries. Beneficiaries are selected by the Secretary-General, in the name of the Curatorium of the Academy.

Each session comprises of a general course and special courses. The general course is given over a period of two weeks (10 hours in total) in private international law and three weeks (15 hours in total) in public international law. These general courses are entrusted to well-known and very experienced lecturers. They deal in depth with the developments, trends and main features of the lecturers' subject matter, and the courses provide an

opportunity for students to take a step back from the subject and to identify—by means of a panoramic view and with an overall consideration of the issues—the main lines of the subject around which legal thinking is structured. The general course thus makes an essential contribution to the training of young lawyers who attend the Academy.

As their name indicates, the special courses, which last for five hours and are spread over one week, are devoted to specific questions or single topics, and are given by lecturers who have made a special study of these subjects.

Students thus attend 45 hours of general and special lectures during each of the two sessions. In addition, a seminar is given by each lecturer in relation to the subject of his or her lectures. This allows the students more opportunity to ask questions or to request additional information on the course, to participate in discussion, etc.

At the end of the session, students who have attended the courses regularly will receive a *certificate of attendance*.

Finally, for students who are of a high standard and wish to study for the examination, which leads to the awarding of the *Academy's diploma*, or who are prepared to participate in intensive seminars on questions of private or public international law, a series of directed studies is available, over the three-week period of each session, under the responsibility of a professor.

The *examination for the Academy's diploma* consists of a written paper and an oral examination. It is organized at the end of each of the two sessions and therefore relates to either private international law or public international law, it being understood that candidates for one of the subjects must also be familiar with the main aspects of the other (see details of the regulations for the examination on the Academy's website: www.hagueacademy.nl). The diploma is considered very prestigious and only slightly more than 200 diplomas have been awarded over the last sixty years.

Finally, students enjoy the considerable resources of The Hague, as the capital of international law. The *Peace Palace library*, which is the largest international law library in the world, is open to the Academy's students during their presence in The Hague. Students are also given an internet access code allowing them to download documents in order to better prepare for their stay or to complement the research they are undertaking. Their knowledge of the *judicial and legal institutions* that have their seat in The Hague is also fostered by a program of lectures and visits relating to the Permanent Court of Arbitration, the International Court of Justice, the International Criminal Court, the International Criminal Tribunals, the Iran-U.S. Claims Tribunal, the Hague Conference on Private International Law, etc.

The program of courses, together with information on registration (which closes several months before the courses begin), applications for scholarships, accommodation, etc. may be consulted on the Academy's website: www.hagueacademy.nl

Most of the academic activities of the Academy are published. The most famous and most important of these published works are the *Collected Courses*. In 2008, some 330 of these volumes had been published in their well-known green and gold binding, which has remained unchanged from the very beginning. This series is the largest encyclopedia of private and public international law, and is an indispensable tool not only for those studying or conducting research into international law, but for practitioners as well.

The *Collected Courses* contain almost all the courses that have been given throughout the sessions of the Academy. A complete list is provided on the Academy's website, together with a list of forthcoming publications of courses that have been given recently but whose authors have not yet provided their final manuscript. (See www.hagueacademy.nl)

Since 2006, the Academy has published separately, through Nijhoff publications, some of the general courses which the Curatorium has considered, in view of their particular academic interest, should be specially published. The titles of the chosen courses are also listed on the Academy's website.

The Centre of Research

As soon as the summer courses have ended, the Centre of Research opens. This Centre takes in, for a period of three weeks, twelve English-speaking and twelve French-speaking research students who, under the direction of one professor for each language, undertake research on one of the aspects of the theme chosen for the session (for example, in 2006, "Terrorism and international law", in 2007 "Rules and institutions of international humanitarian law put to the test of recent armed conflicts", in 2008 "Implementation of Environmental law", in 2009, "Cultural diversity", and in 2010 "International migrations").

Candidates must be young research students who are already experienced and highly qualified, with a doctorate or the Academy's diploma, and who have acquired intellectual maturity and extensive knowledge. Participants are required to submit a research report to the Director of the Centre. The best work is published in a collective work devoted to the year's theme, in the 'Legal Publications of the Academy' series.

Throughout their stay in The Hague, the research students receive a grant from the Academy.

The work of the *Centre of Research* is also published in two forms. The report of each of the directors of studies relating to the theme chosen for the year in question is first published in a softback edition. This document is both a status report on the question, set out in accordance with the authors' views, and an interesting indication of the way in

which the Centre has functioned and how the research was conducted on the subject in question. Later, a collection of the best work of the Centre's young research students, undertaken under the guidance of the two directors, is published in a hardback volume, presented in the same way as the courses. These papers are organized in accordance with the logical outline that has been followed for the research work, thus providing, on the subject as a whole, a series of studies that are linked and organized. A list of the volumes published in soft-cover and hardback (the "Legal Works of the Academy" series) may be consulted on the Academy's website

The External Program

At the end of the 1960s, the Academy established the 'External Program', which is generally held annually, in turn in Africa, Asia and Latin America, upon the invitation of foreign governments or international organizations. At the time of the External Program's establishment, the Academy was seeking to make a contribution towards development, by providing training in third world countries to young academics or young diplomats who found it difficult to come to The Hague for the summer sessions. These students thus found the means, in their own region, of benefiting from the teaching of professors and practitioners of a high standard, whose lectures and seminars were generally of special interest to the geographical region where the session was held.

Despite the geopolitical changes that have occurred since then, the program has continued to be organized and is still extremely popular in the countries visited by the Academy. It is a means not only of developing knowledge of international law and of emphasizing the main characteristics of legal policy in given areas, but also, by the way in which it is organized, of promoting mutual familiarity among students from the countries in the region. The teaching methods are interactive, and are aimed at fostering the dialogue and discussion that also take place in informal settings, during meals, encounters, visits and lectures.

The external program is designed for around twenty participants from the countries in the region, whose travelling expenses are financed by the Academy and whose accommodation is financed by the government of the host State. In addition, a similar number of participants come from the host State itself. In 2005 it was organized in Lima (Peru), in 2006 in Addis Ababa, Ethiopia (hosted by African Union) and in 2008 in Santo Domingo, Dominican Republic.

The program of advanced studies

This program was introduced in 2004, thanks to a subsidy from the French Government, and was organized again in 2006 with the same aid, together with aid from the Swiss Government. It consists of seminars designed to refresh the participants' knowledge and to

inform them of the changes that have occurred in international law during recent years. It is directed at civil servants, diplomats, judges and practitioners who, in the past, have received legal training that needs to be updated or who feel the need to have a more neutral and better thought out view of international law for purposes of their professional activity. This program also allows them to take a “break” from professional action, thus promoting reflection.

Around 25 participants meet for approximately two weeks at the Peace Palace in The Hague, for an intensive program of seminars, lectures, encounters and visits to institutions.

The Academy's Colloquia

Within the framework of a small working group, these bring together specialists of the subject that is being studied, from various countries of the world. The main interest of the colloquia, other than that of bringing together academics, diplomats and practitioners who have a common interest and knowledge of a specific theme, is to give rise to a publication of a high academic standard in the ‘Legal Publications of the Academy’ series. Numerous and varying topics have been covered such as: *International Trade Agreements; Legal Aspects of Economic Integration; The Protection of the Environment and International Law; The right to Health as a Human Right; The right to Development at the international level; The Management of Humanity's Resources: The Law of the sea; The Future of International Law in a Multicultural World; The future of the International Law of The Environment; The Adaptation of Structures and Methods at The United Nations; The Peaceful Settlement of International Disputes in Europe: Future Prospects; Development of the Role of the Security Council; The Convention on the Prohibition and Elimination of Chemical Weapons: A Break-through in Multilateral Disarmament. The 1907 Hague Conference. (Second Peace Conference) current developments* – organised in 2007).

The *colloquia* that have been organized in the past and which continue to be organized as described above, are also published in the same ‘Legal Works of the Academy’ series.

Courses in 2008

On 7 July 2008, 85 years after the first courses began, The Hague Academy of International Law will hold its two annual sessions – in private and public international law – in the new building of The Hague Academy situated in the gardens of the Peace Palace.

The First Period takes place from 7-25 July in Private International Law with professors coming from around the world. The Public International Law courses will be in the ‘Second Period’ from 28 July to 15 August and will include topics such as International Humanitarian Law, Contemporary Forms of Slavery and dispute settlement.