

THE HAGUE PRIZE FOR INTERNATIONAL LAW 2011

LAUDATIO PROFESSOR NICO SCHRIJVER ON BEHALF OF

THE NOMINATING COMMITTEE

Je vous remercie, Monsieur le président.

Excellences, mes dames, messieurs, chers collègues,

C'est un grand honneur de présenter aujourd'hui le rapport du jury et, spécialement d'adresser professeur Paul Lagarde.

Il m'a fait grand plaisir d'avoir rencontré le Professor Paul Lagarde à la conférence récente de l'Institut de Droit International à Rhodos. A cette occasion nous avons eu un entretien agréable.

Puisque le rapport du jury est en anglais, je continue ma présentation dans cette langue.

Now that The Hague Prize for International Law is bestowed for the fourth time, it is gratifying to be able to focus on the position of The Hague as *the* pre-eminent worldwide centre for private international law, of growing importance in an age of globalisation and regional integration.

The Conference's membership includes seventy-one Member States from all continents, plus the European Union. It is the birthplace of a great number of multilateral treaties or 'conventions': for example, in the post-1945 period as many as thirty-eight, all of which were negotiated at the Peace Palace in The Hague.

The so-called 'Hague Conventions' cover three broad areas:

- (1) the law of children, families and vulnerable adults;
- (2) legal cooperation and litigation; and
- (3) commercial and finance law.

More than one hundred and thirty States are now Parties to one or more of the Hague Conventions. In addition, the Hague Conventions serve as a source of inspiration for national and regional legislators, and for courts and arbitrators all over the world. These areas are also within the focus of interest of the newly-

established The Hague Institute for Global Justice. The Hague Conference has a real and tangible impact on the daily lives of people all over the world in their efforts to achieve justice.

One of the most important contributors to the work of the Conference is Professor Paul Lagarde from France, laureate of The Hague Prize for International Law 2011.

Professor Paul Lagarde is a scholar of worldwide reputation and one of the most eminent specialists in private international law. Many of his publications have influenced the development of private international law, such as the famous *Traité de Droit International Privé*, which he co-authored, as from the fifth edition, with Professor Batiffol. As a lecturer, Lagarde acquired great fame in the law schools of Nancy, Nanterre and Paris I.

Professor Lagarde frequently accepted invitations to serve as a member of the jury for PH D defences, the '*soutenance de thèse*' in many French law schools. In 1977, he lectured on '*La réciprocité en droit international privé*' at the Hague Academy of International Law. In 1986, he was in charge of the 'general course': '*Le principe de proximité dans le droit international privé contemporain*'. There he developed the term 'proximity', according to which a legal relationship in the context of private international law is governed by the law of the state with which this relationship had the closest connection *in concreto*. Ever since, this doctrine has been readily adopted in many scholarly writings and official documents.

The name 'Paul Lagarde' is inseparable from the journal *Revue critique de droit international privé*, which is a leading quarterly journal of worldwide reputation. Professor Lagarde has played a key role in the board of editors for the past 50 years; from 1962 as Secretary-General, and from 1976 as Editor-in-Chief. He wrote a great number of significant articles in the journal, as well as an endless series of case notes on court decisions which were always extremely well documented, well considered and which provided reliable guidance for courts and scholars.

A few years ago the Hague Conference celebrated half a century of valuable contributions by Paul Lagarde. His words have always carried great authority amongst the Conference's experts and delegates from all over the world. Professor Lagarde was one of the principal *auctores intellectuales* of a large number of international legal instruments, adopted during the period 1980-2000.

Professor Lagarde also chaired the complex negotiations on the 1986 Hague Sales Convention. Moreover, he acted as Rapporteur for the famous 1996 and 2000 Hague Conventions regarding the protection of children and vulnerable adults. No doubt, Lagarde's outstanding Explanatory Reports on these two Hague Conventions will be studied and cited for decades to come, including by national courts all over the globe.

Furthermore, Professor Lagarde also performed a prominent role in the development of private international law within the European Union. He was one of the 'rapporteurs' of the Explanatory Report of the 1980 EC Rome Convention, which has become an oft-cited reference.

In later years, Lagarde acted as one of the scientific co-ordinators of a comparative law study which was a preparatory study (2002) for the EU Regulation on the private international law aspects of succession upon death. He encouraged the European Union to follow, where possible, the solutions he helped to formulate for the 1989 Hague Convention.

Lagarde was one of the founding members and is still a leading member of the '*Groupe européen de droit international privé (GEDIP)*' which monitors the impact of the European Union on private international law and, where useful, provides well co-ordinated suggestions for new legislation.

As former Secretary-General (during the years 2000-2008) of the '*Commission Internationale de l'État Civil*' (CIEC), founded in 1949 as an intergovernmental framework of co-operation in the field of civil status (*état civil*), he was the driving force behind this framework and provided indispensable scientific support. This framework brought about a large number of international conventions. He was the principal architect of the 2007 *Convention on the Recognition of Registered Partnerships*, which draws inspiration from the 1978 *Hague Convention on Celebration and Recognition of the Validity of Marriage*.

Professor Lagarde has visited The Hague frequently, and for long enough periods of time to make one think that he has his second 'habitual residence' in The Hague!

As a key personality within the Hague Conference on Private International Law, with a keen sense of the real problems that face private international law and with an immensely creative and energetic capacity for finding feasible solutions, and as a scholar of worldwide reputation, the jury was proud to nominate Professor Paul Lagarde for the The Hague Prize for International Law 2011.