

# A Tribute to the Two ILA Conferences Organized in Hungary

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## Abstract

*The Editorial Board of the Hungarian Yearbook of International Law and European Law took the decision to commemorate the hundred-and-fiftieth anniversary of the establishment of the International Law Association (ILA), the best known private transboundary cooperation network of those teaching and researching in the field of the law of nations. By coincidence, 2023 is also the centenary of the establishment of the Hungarian Branch of the ILA. This article covers these two conferences organized in Budapest, the first held in 1908 and the second in 1934.*

**Keywords:** ILA, Hungarian branch, anniversary, conference, Budapest.

## 1. Introduction

The Editorial Board of the Hungarian Yearbook of International Law and European Law took the decision to commemorate the hundred-and-fiftieth anniversary of the establishment of the International Law Association (ILA), the best known private transboundary cooperation network of those teaching and researching in the field of the law of nations. By coincidence, 2023 is also the centenary of the establishment of the Hungarian Branch of the ILA. When I received my colleagues' invitation to write a short article about Hungary and the ILA, I decided to cover these two conferences organized in Budapest, the first held in 1908 and the second in 1934.

## 2. The 1908 Conference

As it is apparent from the date, the 1908 conference was organized still at the time the Austro-Hungarian Monarchy was in place. It is widely known that the precise legal status of Hungary within the K.u.K. (*'Kaiserlich und Königlich'*) double monarchy is still subject of scholarly discussions and analysis. The question is namely, whether Austria-Hungary should be understood a single subject of international law or if Hungary was participating as a state of its own in a kind of a supranational cooperation referred to as a 'Real-Union'. In this framework, it was

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merely foreign affairs, defense and military policy as well as the related fiscal competencies that pertained to the emperor and king Franz Joseph, assisted by two ‘common ministries’ and the special mixed parliamentary ‘delegation’. Meanwhile, all other aspects of sovereignty were exercised by the Austrian parliament and government, situated in Vienna and the Hungarian Parliament and government operating in Budapest.

National branches of the ILA were established generally after World War I, but Hungarian international lawyers as well as attorneys at law or judges having an interest in international relations had taken part in various activities of the International Law Association *quasi* since its very foundation [e.g. Ferencz Nagy, professor of the Kolozsvár University (today Babes-Bolyai University in Cluj Napoca, Romania) was present at the Antwerp ILA conference of 1875].

The ‘Hungarian participation’ (and not Austro-Hungarian participation) in the ILA was manifested *inter alia* in the fact that the 1908 Budapest conference was organized by the Hungarian Lawyers’ Association, the Budapest Bar Association and the Budapest Lawyers’ Circle. Austrian or Austro-Hungarian institutions did not formally take part in the organization of the 1908 conference. This approach was similar to that exhibited towards the International Olympic Committee (IOC): there was no ‘common’ Austro-Hungarian participation, but Austria (*i.e.* with all the eternal hereditary territories) and Hungary had distinct, independent participation. It is true that legally, both the IOC and the ILA are private forms of international co-operations (or in modern terms: NGOs) and so discussions on delicate sovereignty issues did not hamper the independent participation of Hungarian international lawyers in the ILA.

Moreover, during the side events of the 1908 Budapest conference, the Hungarian organizers sought to disseminate information on all the legal particularities of Hungarian sovereignty within the double monarchym *e.g.* through the speeches of the already mentioned Ferencz Nagy and count Albert Apponyi,<sup>1</sup> MP and leader of the Independence Party and at that time minister for education and religious affairs.

Presided by Justice Phillimore,<sup>2</sup> the 1908 Budapest ILA Conference was the 25th since the creation of the ILA, dealing mostly with (i) Rules for the Unification of Bills of Exchange Law, (ii) Comparative Procedure, (iii) Extradition, (iv) Territorial Waters, (v) Seamen, Shipowners and the Strike Clause, (vi) Blockade, (vii) Double Imposts, (viii) Workmen’s Compensation, (ix) Sale of Goods.<sup>3</sup>

The adoption of the Budapest Rules for the Unification of Bills of Exchange Law can be considered the most important result of the conference even if four years later some amendments were decided at the Paris ILA conference. In the oldest and most prestigious Hungarian Review of Legal Sciences (*Jogtudományi Közlöny*, founded in 1866 and still published in 2023), a very detailed analysis was

1 See at [https://en.wikipedia.org/wiki/Albert\\_Apponyi](https://en.wikipedia.org/wiki/Albert_Apponyi). Several footnotes in this study attempt to introduce the biographies of certain Hungarian public or private international lawyers to foreign readers, about whom a very few English-language sources are available. For this reason, this study refers to Wikipedia pages several times, without using these sources as ‘genuine’ scientific citations.

2 See at [https://en.wikipedia.org/wiki/Walter\\_Phillimore,\\_1st\\_Baron\\_Phillimore](https://en.wikipedia.org/wiki/Walter_Phillimore,_1st_Baron_Phillimore).

3 See at [www.ila-hq.org/en\\_GB/documents/record-of-ila-conferences-1873-to-date](http://www.ila-hq.org/en_GB/documents/record-of-ila-conferences-1873-to-date), p. 2.

printed on the rules governing this area of law, which was so crucial to many middle class and noble Hungarian families afraid of losing their real estate property due to a bill of exchange signed by a frivolous family member to cover his smaller or larger personal debt. The author of the series of articles<sup>4</sup> presenting the Budapest rules, the debates and the conflicting laws of the different national legal systems was the young financial lawyer Elemér Hantos, at that time already secretary general of Hungarian financial institutions and later an important public servant in the staff of the League of Nations.<sup>5</sup>

International law professor Árpád Ferenczy<sup>6</sup> presented a number of other debates emerging at the conference,<sup>7</sup> e.g. those on the national prize courts and the international prize court<sup>8</sup> in international law through reports made by Sir William R. Kennedy (High Court of Justice of England), and Sir Thomas Barclay,<sup>9</sup> or international arbitration (report made by Evans Darby<sup>10</sup>). The conference adopted Károly Zipernowsky's<sup>11</sup> motion to establish a committee for the study of the development of conventions on arbitration and their eventual uniform registration with public accessibility. Following his speech at the conference, Dezső Dárday, judge at the Fiume maritime court was appointed together with Sir Thomas Barclay to submit a joint report at the next coming conference about current problems of the breadth of the territorial sea waters in light of the problems arising in the application of the Bynkershoek/Galiani principles and the equidistance rules within geographical peculiarities.

Paul Govare<sup>12</sup> (Paris) and Lajos Benyovits, Hungarian author of several textbooks on criminal law and international criminal co-operation, as well as on maritime private law reported on the legal status of the commandants of commercial steamships, requirements surrounding their professional qualification and their legal capacity to act for the benefit of the owners of the transported materials.

Some aspects of the family law apparently became the hot potato of the conference especially from the point of view of the recognition of divorces, where divorce is forbidden under the law of the divorcee's original nationality, but possible and granted according to the newly acquired citizenship. The report submitted by Italian professor C.F. Gabba aimed to declare illegal such a divorce which he

4 *Jogtudományi Közlöny*, Vol. 44 (1908), pp. 351-352; Vol. 46 (1910), pp. 367-368; Vol. 49 (1911), pp. 395-396.

5 See at [https://en.wikipedia.org/wiki/Elemér\\_Hantos](https://en.wikipedia.org/wiki/Elemér_Hantos).

6 See at [https://en.wikipedia.org/wiki/Árpád\\_Ferenczy](https://en.wikipedia.org/wiki/Árpád_Ferenczy).

7 *Jogtudományi Közlöny*, Vol. 44, 1908, pp. 348-351.

8 The text of which was adopted one year before, at the 2nd The Hague Peace Conference, but which never entered into force. The participants were still enthusiastic.

9 See at [https://en.wikipedia.org/wiki/Thomas\\_Barclay\\_\(economic\\_writer\)](https://en.wikipedia.org/wiki/Thomas_Barclay_(economic_writer)).

10 See at <https://snaccooperative.org/view/48120874>.

11 See at [https://en.wikipedia.org/wiki/Károly\\_Zipernowsky](https://en.wikipedia.org/wiki/Károly_Zipernowsky), and see more at <https://encyclopedia2.thefreedictionary.com/Karoly+Zipernowsky>. (The well-known professor of mechanical and electric engineering, inventor of the alternating current transformer was *inter alia* the vice-president of the Hungarian Peace Society and his wife was also very active in the international peace-movement of women.)

12 See at [www.ilaparis2023.org/en/the-french-branch-in-brief/](http://www.ilaparis2023.org/en/the-french-branch-in-brief/).

considered to have been undertaken in *fraudem legis*. Árpád Ferenczy and judge Dezső Márkus strongly criticized the report – their reasoning put an emphasis on the civil law (and not religious law) character of marriage and divorce, the principle of free will as well as certain particular aspects of Hungarian and Austrian laws of citizenship. (In my opinion, the problem was seen from the point of view of the legality or illegality of ‘forum shopping’). Following the debate, the Gabba-report was not approved by the conference.

Those reporting on social and insurance law were Nándor Baumgarten<sup>13</sup> and Géza Pap.<sup>14</sup> They drew attention to the necessity of preparing international conventions (i) on the basis of the *lex loci* where the accident occurred, in case of lengthier work postings abroad, and (ii) on the extension of workers’ security schemes to immigrant workers and their family left at home. Georges Barbey<sup>15</sup> (Paris) was advocating for considering harbor strikes as *vis maior* or inserting a common ‘strike clause’ in contracts on trade and shipping.

The conference approved Dutch professor Josephus Jitta’s report emphasizing the need to adopt an international convention on the sale of goods. Several contributions focused on the difficulties of how to prove the precise substance of a foreign law institution, in particular where this is of customary law nature.

As to international criminal law, the topic of extradition treaties was reported by J. Arthur Barratt (K.C. barrister, London), Rusztem Vámbéry,<sup>16</sup> Miksa Berger,<sup>17</sup> Dénes Berinkey<sup>18</sup> and Aurél Lengyel.<sup>19</sup> The Barrat report stressed the common international interest in treating anarchists not as political offenders but as ordinary criminals whose extradition may be granted. Berger emphasized that no extradition may be granted where the offense shall only be prosecuted at the victim’s request. As to the institution of expulsion, Lengyel warned of the danger of possible governmental abuses surrounding references to ‘public order’ and suggested that a common exhaustive enumeration of legal bases for expulsion of foreigners be used. The conference took note of the differences and postponed a detailed examination of the issue to the next conferences.

As mentioned above, some Hungarian legal institutions were presented to the attendees of the conference. Besides the big questions of Hungary’s status within the Austro-Hungarian Monarchy referred to above, Hungarian institutions related to the rule of law, the judiciary, labor law legislation, juvenile delinquency, pension schemes in general, with special regard to attorneys at law, conflicts of laws with territorial or self-government related aspects *etc.* were all subjects of presentation, sometimes even at ministerial level.<sup>20</sup>

13 See at [https://hu.wikipedia.org/wiki/Baumgarten\\_Nándor](https://hu.wikipedia.org/wiki/Baumgarten_Nándor) (available only in Hungarian).

14 See at [https://dbs.anumuseum.org.il/skn/en/c6/e174982/Personalities/Pap\\_Geza](https://dbs.anumuseum.org.il/skn/en/c6/e174982/Personalities/Pap_Geza).

15 See at <https://gw.geneanet.org/garric?lang=en&p=georges&n=barbey&oc=1>.

16 See at [https://en.wikipedia.org/wiki/Rustem\\_Vambery](https://en.wikipedia.org/wiki/Rustem_Vambery).

17 See at <http://mek.niif.hu/04000/04093/html/szocikk/10545.htm> (available only in Hungarian).

18 See at [https://en.wikipedia.org/wiki/Dénes\\_Berinkey](https://en.wikipedia.org/wiki/Dénes_Berinkey).

19 See at [https://hu.wikipedia.org/wiki/Lengyel\\_Aurél](https://hu.wikipedia.org/wiki/Lengyel_Aurél) (available only in Hungarian).

20 Beside the already mentioned Albert Apponyi, e.g. Ferenc Kossuth, minister of commerce. See at [https://en.wikipedia.org/wiki/Ferenc\\_Kossuth](https://en.wikipedia.org/wiki/Ferenc_Kossuth).

### 3. The 1934 Conference

The 1934 Budapest ILA conference should have taken place two years earlier, but for reasons linked with the world economic crisis, the board decided to postpone external conferences and the 1932 event was held in Oxford. The consequence of this delay was that one of the main topics, *i.e.* the Briand-Kellogg Pact and the League of Nations was somewhat overshadowed due to the lapse of time, Hitler's rise to power and the still tangible effects of the global crisis.

The above-mentioned prestigious Hungarian law review, the *Jogtudományi Közlöny* published a special issue before the opening of the conference and another one, following its closure. The special issue presented at the opening to conference participants was published in a way, that most of its Hungarian contributions were translated to English or French or were accompanied by at least a very detailed summary in a foreign language.<sup>21</sup> The welcoming address written by the then editor in chief, Ruzssem Vámbéry was followed by an article authored by Andor Jacobi<sup>22</sup> (*“L'essor du Droit des gens”*) expressing his trust in the League of Nations, and writing about the topic of the abandonment of the war as a tool of national policy, the Permanent Court of International Justice and the codification of international law. Ferenc Váli<sup>23</sup> wrote his article solely in English (*“International Arbitrations and their Limitations”*). The expert on the law of exchanges, Ernő Liebmann<sup>24</sup> elaborated on *“The Gold Clause in European Legal System”*, while László Nádas wrote about the *“International Combines from the Legal Point of View”* (*i.e.* about anti-trust law, cartels, *etc.*). Ernő György,<sup>25</sup> director of the National Credit Association made *“Remarks on the Legal Solution regarding the Settlement of International Debts”* and finally, attorney at law Géza Admeto wrote about the issue of *“England and the Question of Codification.”*

The original idea of the Hungarian Branch of the ILA, *i.e.* to put on the agenda also the *(i)* question of minority protection, *(ii)* the possible modification of the Pact of the League of Nations, *(iii)* refugee law and extraterritoriality, *(iv)* patent law, and *(v)* liability for damages caused by aircrafts was not accepted by the board, considering them too political. However, this did not prevent the organizers from continuing with the preparatory works to ensure that the conference is a success.

The topics approved by the board concerned *(i)* the effect of the Briand-Kellogg Pact on the development of international law, *(ii)* current issues of international private arbitration, *(iii)* trademark law, *(iv)* payments in gold, *(v)* law on bankruptcy, *(vi)* trusts and ‘cartels’ and *(vii)* the nationality of married women.

The greatest Hungarian private lawyer of the first half of the 20th century and at that time already ‘corresponding’ member of the Hungarian Academy of Sciences, Károly Szladits,<sup>26</sup> as well as the bankruptcy law specialist, Professor Artur

21 *Jogtudományi Közlöny*, Vol. 44 (1908), pp. 181-188.

22 See at [https://hu.wikipedia.org/wiki/Jakobi\\_Andor](https://hu.wikipedia.org/wiki/Jakobi_Andor) (available only in Hungarian).

23 See at [https://en.wikipedia.org/wiki/Ferenc\\_A.\\_Váli](https://en.wikipedia.org/wiki/Ferenc_A._Váli).

24 See at [www.amazon.com/s?i=stripbooks&rh=p\\_27%3AErno+Liebmann&s=relevancerank&text=Erno+Liebmann&ref=dp\\_byline\\_sr\\_book\\_1](http://www.amazon.com/s?i=stripbooks&rh=p_27%3AErno+Liebmann&s=relevancerank&text=Erno+Liebmann&ref=dp_byline_sr_book_1).

25 See at [https://hu.wikipedia.org/wiki/Ernő\\_György](https://hu.wikipedia.org/wiki/Ernő_György) (available only in Hungarian).

26 See at [https://hu.wikipedia.org/wiki/Károly\\_Szladits](https://hu.wikipedia.org/wiki/Károly_Szladits) (available only in Hungarian).

Meszlényi<sup>27</sup> and international law professor Ferenc Faluhelyi<sup>28</sup> acted also as co-rapporteurs or session-presidents.

After the closure of the conference, the materials adopted as well as the full text of the conference were promptly translated into Hungarian or their detailed Hungarian summaries were published in a special issue of the *Nemzetközi Jog Tára*<sup>29</sup> ('Materials of International Law'). Among its authors, besides the Hungarian lawyers referred to above, Professor Bertalan Geőcze, secretary of the Hungarian Branch of the ILA, Olivér Eöttevényi, vice president of the Hungarian Society for Foreign Affairs and Professors Pál Angyal,<sup>30</sup> Pál Auer,<sup>31</sup> László Buza,<sup>32</sup> István Kertész,<sup>33</sup> Ödön Kuncz,<sup>34</sup> Gyula Moór,<sup>35</sup> István Szász,<sup>36</sup> Móric Tomcsányi,<sup>37</sup> Ernő Wittmann<sup>38</sup> and the young graduate György Haraszi<sup>39</sup> should be mentioned. The Hungarian Academy of Sciences also published a special issue of the *Budapesti Szemle*<sup>40</sup> (Budapest Review) on the history of the International Law Association. The same issue also analyzed some contemporary questions of international law, the discussions that took place and the documents that had been adopted at the conference. The author was Fülöp Rottenbiller,<sup>41</sup> former under-secretary of justice, an expert on juvenile delinquency and international criminal cooperation.

From among the foreign participants, it is worth mentioning *inter alia* Åke Hammarskjöld,<sup>42</sup> registrar of the Permanent Court of International Justice, Lord Robert Blanesburgh,<sup>43</sup> outgoing president of the ILA, elected president Stephen Oswald, Wyndham Anstis Bewes, the ILA's secretary general, Harvard professor Manley O. Hudson, Paul Govare (who also participated in the 1908 conference), Albert de Geouffre de La Pradelle,<sup>44</sup> Jean-Hippolyte-Paulin Niboyet.<sup>45</sup>

The most interesting discussions centered on the different proposals concerning the institutionalization of international arbitration for litigation (*i*)

27 See at [https://hu.wikipedia.org/wiki/Meszlényi\\_Artúr](https://hu.wikipedia.org/wiki/Meszlényi_Artúr) (available only in Hungarian).

28 See at [https://hu.wikipedia.org/wiki/Ferenc\\_Faluhelyi](https://hu.wikipedia.org/wiki/Ferenc_Faluhelyi) (available only in Hungarian).

29 See at <https://konyvtar.parlament.hu/nemzetkozi-jog-tara>.

30 See at [https://hu.wikipedia.org/wiki/Angyal\\_Pál\\_\(jogász\)](https://hu.wikipedia.org/wiki/Angyal_Pál_(jogász)) (available only in Hungarian).

31 See at [https://hu.wikipedia.org/wiki/Pál\\_Auer](https://hu.wikipedia.org/wiki/Pál_Auer) (available only in Hungarian).

32 See at [https://data.bnf.fr/fr/10846162/laszlo\\_buza/](https://data.bnf.fr/fr/10846162/laszlo_buza/). Péter Kovács, 'László Buza and His Heritage for Hungarian International Lawyers', *Baltic Yearbook of International Law*, Vol. 7, 2007, pp. 171-176.

33 See at [https://en.wikipedia.org/wiki/István\\_Kertész\\_\(diplomat\)](https://en.wikipedia.org/wiki/István_Kertész_(diplomat)).

34 See at <https://peoplepill.com/people/oedoen-kuncz>.

35 See at [https://en.wikipedia.org/wiki/Gyula\\_Moór](https://en.wikipedia.org/wiki/Gyula_Moór).

36 See at [https://heionline.org/HOL/Page?handle=hein.journals/ajur19&div=28&g\\_sent=1&casa\\_token=&collection=journals](https://heionline.org/HOL/Page?handle=hein.journals/ajur19&div=28&g_sent=1&casa_token=&collection=journals).

37 See at [https://hu.wikipedia.org/wiki/Móric\\_Tomcsányi](https://hu.wikipedia.org/wiki/Móric_Tomcsányi) (available only in Hungarian).

38 See at [https://epa.oszk.hu/01600/01615/00101/pdf/EPA01615\\_ars\\_hungarica\\_2015\\_01\\_005-028.pdf](https://epa.oszk.hu/01600/01615/00101/pdf/EPA01615_ars_hungarica_2015_01_005-028.pdf).

39 See at <https://heionline.org/HOL/LandingPage?handle=hein.journals/ajur22&div=24&id=&page=>

40 *Budapesti Szemle*, Vol. 235, Issues 633, 634, 635.

41 See at [www.arcanum.com/hu/online-kiadvanyok/Lexikonok-magyar-eletrajzi-lexikon-7428D/r-775E4/rottenbiller-fulop-7785B/](http://www.arcanum.com/hu/online-kiadvanyok/Lexikonok-magyar-eletrajzi-lexikon-7428D/r-775E4/rottenbiller-fulop-7785B/).

42 See at [https://en.wikipedia.org/wiki/Åke\\_Hammarskjöld](https://en.wikipedia.org/wiki/Åke_Hammarskjöld).

43 See at [https://en.wikipedia.org/wiki/Robert\\_Younger,\\_Baron\\_Blanesburgh](https://en.wikipedia.org/wiki/Robert_Younger,_Baron_Blanesburgh).

44 See at [www.sfdi.org/internationalistes/la-pradelle/](http://www.sfdi.org/internationalistes/la-pradelle/).

45 See at [www.sfdi.org/internationalistes/niboyet/](http://www.sfdi.org/internationalistes/niboyet/).

between states, (ii) between a state and a foreign company and (iii) between exclusively foreign companies.

Wyndham Anstis Bewes wrote about the rather negative reaction to his report on the establishment of a Committee of Conciliation between Nations that he had prepared in response to the mandate received at a previous ILA conference. On the other hand, Lapradelle's report proposing the establishment of international private law arbitral tribunals for litigation between states and private law companies was considered promising by the participants. (The idea showed some similarities with today's ICSID or the current activity of the Permanent Court of Arbitration.) Govare also advocated for international commercial arbitration, but he concentrated on litigation between companies.

The conference successfully adopted the interpretative rules to the Briand-Kellogg Pact. These rules emphasized the use of arbitration and recognized the neutral states' right to assist the state who fell victim to aggression. They pointed out, that States cannot regain their *jus ad bellum* even in case they denounce the Pact, however contracting parties have the right to provide even a military assistance without infringing the Pact. The contracting parties cannot recognize territorial gains or other results of aggression. In any case, the implementation of The Hague and Geneva humanitarian law conventions should be thoroughly observed.

The sessions on cartels however, concluded merely that it is necessary to continue the analysis of existing legal institutions. As to the nationality of the married women, similarly, as happened at the 1931 session of the *Institut de Droit International*, criticisms were voiced concerning The Hague Convention on Certain Questions Relating to the Conflict of Nationality Law (1930). Critics condemned the convention for failing to put wives at an equal footing with their husband, for instead of taking into account the spouse's free will, it applied an automatism favouring the husband's choice.

#### 4. In Place of Conclusions

With the organization of the two ILA conferences, Hungarian public and private international law lawyers contributed maintaining international scientific cooperation among lawyers from around world. It is particularly tragic, that several participants of these events became victims of the Holocaust<sup>46</sup> and World War II.<sup>47</sup> Some survived the persecutions<sup>48</sup> or avoided these through emigration.<sup>49</sup> Others entered the diplomatic service but resigned and finished their professional carrier in exile.<sup>50</sup> Yet others, who stayed in Hungary, were deprived of their membership in the Hungarian Academy of Sciences because the post-war communist regime had

46 Andor Jacobi, Ernő Liebmann.

47 Ferenc Faluhelyi.

48 György Haraszti.

49 Ernő Wittmann.

50 Pál Auer, István Kertész, Ödön Kuncz, Ruzstem Vámbéry.

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no use for their intellectual skills and knowledge.<sup>51</sup> This article also commemorates them.

51 Gyula Moór, István Szászy, Károly Szladits.