

ANNIVERSARY: THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF THE INTERNATIONAL LAW ASSOCIATION HUNGARIAN BRANCH (1923-2023)

On the Centennial of the Hungarian Branch of the International Law Association

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Abstract

The year 2023 is celebrated worldwide as an anniversary by international lawyers, as the foundation of the International Law Association (ILA) took place at a conference held in Brussels in October 1873. Then, on 8 September of the same year the Institut de droit international (IDI) was established. The Hungarian Branch of the ILA is also celebrating its 100th anniversary in 2023. In honor of the centennial of the ILA Hungarian Branch's establishment, this article commemorates the history of the Hungarian Branch, recalling the history of its membership, publications and periodicals, as well as ILA conferences organized by the Hungarian Branch in Budapest.

Keywords: ILA, IDI, Hungarian Branch, centennial, Budapest conference.

1. Foundation of the Hungarian Branch and its members

The year 2023 is an anniversary celebrated worldwide by international lawyers, as the International Law Association (ILA) was founded at a conference held in Brussels in October 1873,¹ then, on 8 September of the same year the *Institut de droit international* (IDI) was also established. Both the ILA and the IDI are learned societies, congregating public and private international lawyers. The major difference between the two organizations is that the ILA has an extensive membership with more than 4,000 members from all continents, ranging from young lawyers and Ph.D. candidates to renowned professors and diplomats *etc.*, with several decades of domestic and international experience. Meanwhile, the membership of IDI is limited, the number of its titular members and associates

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1 Originally, the society was established as Association for the Reform and Codification of the Law of Nations, its name was then changed to International Law Association at the Brussels Conference in 1895.

under the age of 80 may not exceed 132; most of IDI's members are at the top of their professional career.² For Hungarian public and private international law lawyers, the year 2023 is an anniversary because the Hungarian Branch of the ILA was established 100 years ago on 24 February 1923, and it was exactly 30 years ago that we could host the first regional conference of ILA.

The ILA Hungarian Branch was established after World War I, on 24 February 1923, as one of the ILA's first national branches. The Association headquartered in London operated for half a century at that time with no national branches up until World War I; the foundation of its first branches ensued at the beginning of the 1920s. At the time of the foundation of the Hungarian Branch of ILA and in the first half of the 1920s no separate university department dedicated to international law existed in Hungary. The first such department was established at the University of Budapest in 1928. Nevertheless, public international law had already been taught before that time and textbooks on international law in Hungarian were also available after 1876.³ In the Austro-Hungarian Monarchy (1867-1918) Hungary was not independent in conducting its foreign affairs and the two countries maintained a joint Ministry of Foreign Affairs and joint diplomatic service. Following World War I the absence of trained Hungarian international lawyers affected primarily the Hungarian foreign affairs service. Therefore, a separate course was launched for the teaching of subjects relevant to foreign affairs.⁴

From the outset, the Hungarian Branch operated under the auspices of the Hungarian Lawyers' Association, as the Association's Section of International Law. Between the two World Wars the Section was very active, with the contemporary press regularly reporting on its events.

The ILA Hungarian Branch has been operational since its founding, except for the few years when its work was suspended during and after World War II. The first president of the Hungarian Branch was Professor Ferenc Nagy (1852-1928), member of the Hungarian Academy of Sciences, its vice-president was Ármin Fodor (1862-1944), judge at the *Kúria* (Supreme Court of Hungary), while the executive council of the branch consisted of, among others, Pál Auer (1885-1878), diplomat and journalist, József Illés (1871-1944), judge and professor of history of law and Ödön Kuncz (1884-1965), a renowned professor of commercial law. The position of secretary (and subsequently, vice-president) of the Hungarian Branch was filled by

- 2 Since its foundation, Hungarian members of the Institute included Professor Géza Magyary, Professor László Gajzágó, Professor István Szász, Ambassador Endre Ustor, Professor György Haraszti, Professor Ferenc Mádl (President of Hungary between 2000-2005), Professor Vanda Lamm (vice-president of the IDI between 2010-2011).
- 3 The first textbook on public international law in Hungarian language was written by István Kiss and published in 1876. Two years later, István Apáthy also published a textbook on international law, and both authors wrote their works based on German and Swiss textbooks. Cf. Péter Kovács, 'A magyarországi nemzetközi jogtudomány rövid áttekintése', in András Jakab & Attila Menyhárd (eds.), *A jog tudománya*, HVG-ORAC, Budapest, 2015, p. 335.
- 4 It is worth mentioning that the Hungarian Foreign Affairs Association addressed a petition to the Rector of the University of Budapest concerning the establishment of a separate department of international law in 1924. Cf. Olivér Eöttevényi, 'A Magyar Külügyi Társaság munkássága 1923-24-ben', *Külügyi Szemle*, 1923-24, Issue 3, pp. 290-291.

Nándor Baumgarten (1873-1935), lawyer, professor of commercial law at that time, who played an outstanding role in the foundation of the Hungarian Branch. As demonstrated above, the members of the Hungarian Branch included not only professors of public and private international law, but judges, lawyers, and professors of other fields of law as well.

To mark the 15th anniversary of the foundation of the Hungarian Branch, the Budapest Bar Association convened a conference.⁵ The opening speech was delivered by István Osvald (1867-1944), the president of the *Kúria*; while the activities of the Hungarian Branch carried out in the initial fifteen years were summarized in an address by Bertalan Geőcze (1886-unknown), lawyer, private docent at the University of Szeged. At the conference, presentations were made on diverse subjects of international law: Gyula Ambrózy (1884-1954), minister of Foreign Affairs, delivered a lecture on 'World Peace and International Law'; Professor László Buza (1885-1969) on behalf of the University of Szeged expounded on 'The Crisis of New International Law', while Professor Ferenc Faluhelyi (1886-1944), from the University of Pécs, discerned 'The New Tendencies of International Law in the post-World-War Era'.

After World War II, the ILA Hungarian Branch could not *de facto* operate for political reasons. It was only reinstated on 13 August 1960. The first president of the newly set-up Hungarian Branch was László Buza, professor of public international law, while Gyula Hajdú (1886-1973), professor at the University of Budapest, and Ambassador Endre Ustor (1910-1998) acted as vice-presidents, and the honorary secretary was Professor György Haraszi (1912-1980), of the University of Budapest. Former Presidents of the Branch⁶ comprised Professor László Buza (1960-1964), Professor Gyula Hajdú (1964-1966), Ambassador Endre Ustor (1966-1970), Professor György Haraszi (1970-1980), Professor Hanna Bokor-Szegő (1981-1998) and Ambassador Árpád Prandler (1998-2014), who served as *ad litem* judge of the International Criminal Tribunal for the Former Yugoslavia (ICTY).⁷

For over twenty years, the Hungarian Branch operated under the auspices of the Hungarian Lawyers' Association. Today, it is closely linked with the Subcommittee of International Law of the Committee of Legal Sciences of the the Hungarian Academy of Sciences (HAS), and with the Committee on International and European Law of the Hungarian Lawyers' Association.

The *Report of the Forty-Ninth Conference of ILA* issued about the Conference held in Hamburg in 1960 also mentioned the Hungarian Branch and its 26 members. For obvious political reasons, the Hungarian Branch reorganized in 1960 and registered as a newly established branch, notwithstanding the fact that, as mentioned above, it had been founded in 1923. Subsequently, up until the political transformation of 1990, the membership of the Branch consisted of no

5 On the conference, see Bertalan Geőcze, *A Nemzetközi Jogi Egyesület Magyar Tagozatának 15. évfordulójára*. Magyar Jogász Egylet, Budapest, 1939.

6 The terms of office are indicated in brackets.

7 The current officers of the Hungarian Branch are: Professor emeritus Vanda Lamm (president), Professor emeritus János Bruhács (vice-president), Professor Ernő Várnay (vice-president), Professor Gábor Sulyok (secretary general), Dr András Hárs (tresaurer), Dr Tamás Ádány (webmaster).

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more than 25 persons. Besides university professors and researchers, its membership was made up of officials of the Ministry of Foreign Affairs and of the then separately functioning Ministry of Foreign Trade and diplomats.

Since the 1960s, after the reorganization of the Hungarian Branch of ILA, Hungarian public and private international lawyers have regularly attended ILA Conferences, its members have participated in the main administrative body of the Branch and an increasing number of Hungarian professionals play a role in the academic life of the Association. Over the past decades, the following ILA International Committees had Hungarian members: Charter of the United Nation Committee, Committee on the Enforcement of Foreign Judgments, Committee on International Commercial Arbitration, Human Rights Committee, International Medical and Humanitarian Law Committee, Committee on Cultural Heritage Law, Committee on the Right to Food Committee, Committee on Enforcement of Human Rights, Committee on International Monetary Law, Committee on Legal Aspects of Long Distance Air Pollution, Committee on International Criminal Court, and International Trade Law Committee. Currently, two Committees have Hungarian Members, the Space Law Committee (Dr Attila Sipos) and the Committee on International Migration and International Law (Dr Tamás Molnár).

2. ILA Conferences in Hungary

Over the course of the 20th century not only did Hungarian international lawyers regularly attend ILA Conferences, but have also played an important role in ILA's work since the very beginning; in addition, several important ILA programs were held in Hungary. As such, the Hungarian Branch organized two ILA conferences as well as the first regional conference in the history of the Association.

The first event referred to above was the 25th Conference of the ILA held between 22 and 25 September 1908 in Budapest. At the time, ILA conferences were held annually.⁸ The most important topics addressed at the 1908 Budapest Conference were the Rules of the unification of bills of exchange law (so-called Budapest Rules); comparative procedure; extradition; territorial waters; seamen, shipowners, the strike clause; blockade; double imposts; workmen's compensation and the sale of goods. The patron of the conference was the Minister of Justice Antal Günther (1847-1920), and the under-secretary of state for Justice, Gusztáv Tóry (1857-1925) was appointed president of the conference. According to the official program of the conference, several presentations were made by Hungarian professors, such as Dénes Berinkei (1871-1944), Árpád Ferenczy (1877-1930), Ruzstem Vámbéry (1872-1946), Gusztáv Szászy-Schwarz (1858-1920) and Dezső Márkus (1862-1912). Most of the presentations held by Hungarian scholars dealt with different issues of private international law, a discipline that was probably more developed than public international law in Hungary at that time. The reason for this was that in Hungary the teaching of public international law as an

⁸ On the conference, see Kinga Bódiné Beleznai, *Hivatás és függetlenség, A Magyar Királyi Kúria elnökei 1869-1937*, Budapest, 2020, p. 177.

autonomous discipline commenced relatively late, and in general, international law was taught within the framework of philosophy of law. Thus, as far as their 'original profession' is concerned, the first Hungarian international lawyers dealt basically with other fields of law, and it ensued only later that they started teaching international law and publishing works expanding on international law.

The 38th ILA Conference was once again convened in Budapest, between 6 and 10 September 1934.⁹ The invitation for the Budapest Conference was put forward at the 36th Conference held in New York in 1930 by the Hungarian delegation, a member of which was István Szászy (1899-1976), later a professor of private international law of global renown. The presidency of the ILA welcomed the invitation, however, because of the Great Depression and the depreciation of the British Pound, it was decided that the next conference of 1932 will not be held in Budapest, but in England, which took place in Oxford in 1932. However, Hungary was asked to organize the following conference in 1934.

In the practice of ILA, the program of prospective conferences is approved by the Executive Council of the Association, however, the organizing branch may recommend certain topics for the agenda. Several topics were suggested by the Hungarian organizers to be included in the agenda of the Budapest Conference, however, some of them were not accepted. The topics rejected include the issue of national minorities, the amendment of the Covenant of the League of Nations, the extension of the jurisdiction of the PCIJ, refugee rights and extraterritoriality, the international protection of patents, the international protection of the benevolent acquisition of securities and damages caused to third parties by aircraft. According to contemporary specialized literature, the putting on the agenda of these topics was rejected by ILA because they were amenable to given rise to political disputes.¹⁰

In light of the final program of the Budapest Conference, the Hungarian Branch set up sub-committees on the topics of the Conference. The sub-committees were the following: sub-committee on trusts; sub-committee on trademarks and brand names; sub-committee on international payments in gold and foreign currencies; sub-committee on citizenship of married women; and the sub-committee dealing with the impact of the Briand-Kellogg Pact on international law.

Several renowned personalities of Hungarian public life took part in the preparation for the Conference, for example, former and active ministers, the Lord Mayor of Budapest, Members of Parliament, lawyers, and university professors *etc.*¹¹ Legal practitioners also played a part in organizing the Conference through the Hungarian Lawyers' Association and the Budapest Bar Association.

The 38th Conference of the ILA was held in the Palace of the Hungarian Academy of Sciences between 6 and 10 September 1934. Its participants came from 23 different States and István Oswald (1867-1944), the first President of the *Kúria*, the President of the Hungarian Branch acted as President of the Conference.

9 On the conference, see Andor Lázár *et al.*, A Nemzetközi Jogi Egyesület XXXVIII. Konferenciája. *Magyar Jogászegyleti Értekezések és egyéb tanulmányok*. Vol. 2, Issue 8, 1934, pp. 437-495.

10 *Id.* p. 428.

11 Among others, Pál Auer, László Búza, György Drucker, Olivér Eöttevényi, Ferenc Faluhelyi, József Illés, Béla Köves, Ödön Kuncz, Gyula Moór, Károly Szladits, Miksa Teller, and Móric Tomcsányi.

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On the part of Hungary, solely the members of the ILA Hungarian Branch were admitted to attend the Conference.¹²

The results of the Conference include the following: the Budapest Articles of Interpretation of the Briand-Kellogg Pact of Paris; Report on Model Arbitration Clause; a draft Convention on the Creation of International Courts of Private Civil Law; Interim Report of the Committee on Trade Marks and Trade Names; Report on Payments in Gold and Other Currencies; Interim Report on Insolvency; Interim Report by the Committee on Cartels; and The Interim Report on the Nationality of Married Women.

It is worth highlighting the Articles of Interpretation of the Brian-Kellogg Pact because of its great significance.¹³ This resolution is of outstanding relevance today in light of the war in Ukraine owing to its clause setting forth that in the event of a violation of the Pact by recourse to armed forces or war launched by one Signatory State *vis-a-vis* another, the other States may “(d) supply the State attacked with financial or material support, including munitions of war; (e) support the attacked State with armed forces”. Besides this, pursuant to Point (6) “The violating State is liable to pay compensation for all damage caused by violation of the Pact to any Signatory State or to its nationals.” At the closing of the debate on the resolution Manley O. Hudson, professor at Harvard University noted: “The Budapest Articles of 1934 will go into history.”¹⁴

The Hungarian organizers of the 1934 ILA Conference made sure that Hungarian lawyers were informed of the Conference’s achievements and summaries were produced on the presentations and discussions held in the conference’s sections. These were published in the journal *Magyar Jogászegyleti Értekezések és egyéb tanulmányok* (Essays and Other Studies of the Hungarian Legal Society).¹⁵

Following the re-establishment of the Hungarian Branch in 1960, the most important scholarly event arranged by the Hungarian Branch was the first regional conference of the ILA. The ILA Executive Council welcomed the invitation from the Hungarian Branch to hold its first European regional conference in the capital of Hungary. The event took place between 2 and 5 October 1993 in Budapest, and it was co-organized with the Institute for Legal Studies of the Hungarian Academy of Sciences. The members of the organizing committee were Professor Hanna Bokor-Szegő (1925-2006), the president of the Hungarian Branch, Professors

12 It is worth mentioning that Hungarian lawyers were encouraged to join the Hungarian Branch of ILA. The call of the presidency of the Hungarian Lawyers’ Association related to the conference shows that the membership fee of the Hungarian Branch, beyond the membership fee of the Lawyers’ Association, was 8 Pengő, with a current value of cca. 30 Euros.

13 See ‘Budapest Articles of Interpretation’, in *Reports of the Thirty-Eighth’s Conference*, Budapest, 1934, pp. 66-68.

14 Id. p. vii.

15 See the following articles: Pál Auer, ‘I. Nemzetközi Polgári Törvénysszék. II. Választott bíróságok különböző államok alattvalóinak jogvitájában’; Alajos Urbach, ‘Védjegyek és kereskedelmi elnevezések’; István Siklóssy, ‘Az értékállandósági záradékok kérdésének tárgyalása az International Law Association konferenciáján’; Ferenc Faluhelyi, ‘A Briand-Kellogg-egyezmény magyarázata’; Ernő György, ‘A nemzetközi fizetéseképtelenségi jog problémái’; Ferenc Harasztosi Király, ‘Kartellek’; György Harasztzi, ‘A férjes nők állampolgárságának kérdése az I.L.A. budapesti kongresszusán’. *Magyar Jogászegyleti Értekezések és egyéb tanulmányok*, Vol. 2, Issue 8, 1934, pp. 450-495.

András Bragyova (1950-2020) and Professor Vanda Lamm, the director of the Institute for Legal Studies.

The theme of the conference, 'The Transformation of Europe: Its Impact on International Law', comprised a series of topic headings: (i) Reborn States in Europe and Their Relationship to International Law; (ii) Human Rights, Minority Rights and the Protection of Refugees; Questions of Definition, Implementation and Control; (iii) Conflict Resolution: Old and New Methods; (iv) International Commercial Law; (v) International Trade Law and Regional Economic Development; and (vi) International Environmental Law. The keynote speech of the conference was made by Tibor Várady, professor of the Central European University. The conference hosted more than one hundred participants from all over Europe. A selection of the papers submitted to the conference were published in the periodical *Acta Juridica Hungarica*.¹⁶

3. Publications and Periodicals of the Hungarian Branch

In the interwar period, the Hungarian Branch issued a periodical in Hungarian language under the title *Nemzetközi Jogi Egyesület Magyar Tagozatának Könyvtára* (Library of the Hungarian Branch of the International Law Association), publishing articles on public and private international law authored by Hungarian scholars.

An important milestone in the work of the Hungarian Branch was the launch of series of booklet of essays published from 1962 with the title 'Questions of International Law' – in the beginning, the issues contained 5-6 articles in English written by Hungarian authors. The publication of the first booklet was to commemorate the 50th Jubilee Conference of the International Law Association and majority of the papers centered on topics that had featured on the agenda of the 50th ILA Conference. Subsequently, *Questions of International Law* became a regular publication issued biennially, mark the occasions of ILA Congresses. The issues were tangibly growing in volume, reflecting the increasingly active participation of Hungarian scholars at the ILA Biennial Conferences.¹⁷ Unfortunately, after 1970 the publication of the series *Questions of International Law* was suspended. In 1977, thanks to the efforts of Professor György Haraszti, the series was relaunched under the title '*Questions of International Law, Hungarian Perspectives*'. The paperback was replaced by a hard cover; the volumes of the new series contained more studies, which were published in a collaboration between *Akadémiai Kiadó*¹⁸ and Sijthoff, and distributed not only in Hungary but also abroad. The series *Questions of International Law* was edited by Professor György Haraszti, and following his death in 1980, by Professor Hanna Bokor-Szegő.

16 *Acta Juridica Hungarica*, Vol. 35, Issues 3-4, 1993.

17 László Buza & György Haraszti (eds.), *Questions of International Law*, 1962, 1964, 1966. Hungarian Lawyers' Association, Budapest, 1962, 1964, 1966; György Haraszti (ed.), *Questions of international law*, 1968, 1970. Hungarian Lawyers' Association, Budapest, 1968, 1970.

18 Akadémiai Kiadó, founded in 1828 by the Hungarian Academy of Sciences, is Hungary's oldest continuously operating publishing house.

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However, after more than ten years of existence, the publication of the new series was finally ceased in 1991 for financial reasons.¹⁹

It was a very welcome development that in 2013, a new periodical compiled by Hungarian scholars of international law and EU law, the *Hungarian Yearbook of International and European Law* was launched and published by Eleven Publishing. Its editor in chief is Marcel Szabó, professor at Pázmány Péter Catholic University, Faculty of Law and Political Sciences.²⁰ The Yearbook contains not only papers on public and private international law but also studies and reviews on European law. Over the past decade, the Yearbook has achieved wide-ranging recognition abroad as well, and besides Hungarian authors, a great number of foreign authors have also published their papers under its chapters.

4. Epilogue

In celebration of the 150th anniversary of the ILA and the centenary of the ILA Hungarian Branch, I would like to mention those colleagues, whose work was crucial for the Hungarian Branch in recent decades. These include Károly Nagy (1932-2001), professor of International Law at Szeged University; Professor Géza Herczegh (1928-2010), the first Hungarian judge of the ICJ; Professor Gyula Gál (1926-2012), who was one of the first scholars to publish a comprehensive monograph on space law; András Bragyova (1950-2020), professor of public international law and constitutional law as well as judge of the Hungarian Constitutional Court and László Valki (1941-2022) professor and former head of the International Law Department at Eötvös Loránd University (ELTE) of Budapest.

Today, the membership of the Hungarian ILA Branch is growing each year and, thanks to the introduction of student membership, more and more junior colleagues have become members of the Branch. It is safe to say that our Branch has been joined by several highly talented and diligent young scholars who will carry forward the outstanding scholarly traditions of their predecessors.

19 György Haraszti (ed.), *Questions of International Law, Hungarian Perspectives*. Vol. 1 and 2, Sijthoff and Noordhoff-Akadémiai Kiadó, Leiden, Budapest, 1979, 1981; Hanna Bokor-Szegő (ed.), *Questions of International Law, Hungarian Perspectives*, Vol. 3, 4, and 5. Sijthoff and Noordhoff-Akadémiai Kiadó, Leiden, Budapest, 1986, 1988, 1991.

20 Editor-in-chief: Professor Marcel Szabó (Pázmány Péter Catholic University, Budapest; justice of the Constitutional Court of Hungary); chairman of the Editorial Board: Professor Péter Kovács (judge, International Criminal Court, The Hague); editors: Laura Gyeney and Petra Lea Láncoš (Pázmány Péter Catholic University, Budapest).