Conference Report: Private International Law Festival 2022 Edinburgh



Private International Law Festival

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Edinburgh, United Kingdom

by *Michael Cremer* and *Samuel Zeh**

After two years of living through a global pandemic, the very first Private International Law Festival from 16 to 17 May 2022, held in Edinburgh, was the first opportunity for many to finally meet other scholars and exchange ideas in person again. The event was hosted by the University of Edinburgh in cooperation with the Max Planck Institute for Comparative and International Private Law (Hamburg) and organized primarily by *Verónica Ruiz Abou-Nigm* (Edinburgh).

As its name implies, the Festival was meant as an opportunity for scholars from all around the world to celebrate the many facets of the discipline. This was reflected in the broad range of presentations, which featured both traditional and novel approaches to Private International Law (PIL). The two-day Festival included seven panels, the Forum Conveniens Annual Lecture at Edinburgh Law School and a book launch. Thematically, it encompassed not only sustainable development, decolonial theory and migration governance, but also Private

International Law in Scotland, same-sex relationships and many other topics.

After a welcome by the host *Verónica Ruiz Abou-Nigm* who emphasized the overarching goal to celebrate the discipline, the first cluster of the event focused on *Private International Law and Sustainable Development*. *Hans van Loon* (Institut de Droit International) gave an overview of the relationship between Private International Law and the UN Sustainable Development Goals 2030. He outlined the challenge of reconciling economic development with sustainability and the contribution PIL can make towards this goal. In the previous year, he had, together with *Ralf Michaels* and *Verónica Ruiz Abou-Nigm,* worked on the project "The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law" which culminated in a Conference and an open-access book publication. As the coordinator of that project, *Samuel Zeh* (Max Planck Institute for Comparative and International Private Law, Hamburg) elaborated on the lessons learned and insights gained in the process. Afterwards, *María Mercedes Albornoz* (MacCormick Fellow, Edinburgh Law School / CIDE, México) offered a Global South perspective on Sustainable Development and Private International Law. The first thematic panel concluded with *Ralf Michaels* discussing whether facilitation and regulation as key objectives of PIL can be reconciled with the quest for sustainability.

Ralf Michaels then switched to chair the second panel of the day on *Decolonising Law and Private International Law*. It was started off by *Roxana Banu* (Queen Mary University of London) with *Reflections on Private International Law's Colonial History*. She made the case for expanding the intellectual history of Private International Law both geographically and in terms of actors, while at the same time situating PIL theories and techniques in a colonial context. Subsequently, *Nicole Štýbnarová* (University of Helsinki / University of Oxford) elaborated on how Private International Law has transitioned from arguing about transnational marriages from relativist arguments in the 19th century to universalist language and how this transition was sparked by the changing imperial economy. *María Julia Ochoa Jiménez* (Universidad de Antioquia) addressed PIL in Latin America and explained its neo-colonial character by tracing its historical development. Finally, *Sandrine Brachotte* (Sciences Po Paris) laid out a method for decolonizing PIL with non-secular worldviews. She suggested a pragmatic approach that goes from specific cases to theory, thereby altering the concepts of Private International Law.

After the lunch break, two panels – chaired by *Gerry Maher* (University of Edinburgh) and *Verónica Ruiz Abou-Nigm* – were dedicated to *Private International Law in Scotland* in accordance with the location of the Festival. Scholars from several Scottish universities gave an overview of their respective Private International Law curricula and their current topics of research. This included *Paul Beaumont* and *Jayne Holliday* (University of Stirling), *Justin Borg-Barthet* and *Patricia Živkovi?* (University of Aberdeen), *Verónica Ruiz Abou-Nigm* (Edinburgh Law School), *Janeen Carruthers* and *Bobby Lindsay* (University of Glasgow). Additionally, *Kirsty Hood* (The Faculty of Advocates) and *Michael Clancy* (Law Society of Scotland) emphasized the importance of Private International Law for legal practitioners in Scotland.

Like every grand festival the Private International Law Festival also took place on different stages: The main stage in the Usha Kasera Lecture Theatre at Edinburgh Law School was reserved for the *Forum Conveniens Annual Lecture*. It was delivered by *Máire Ní Shúilleabháin* (University College Dublin) on *Same-Sex Couples in the Cross-Border Context: Closing the Gaps in the Conflict of Laws*. Living up to this title the lecture was a true *tour de force* as it covered virtually all aspects of the topic. It brought together common law perspectives from Irish, Canadian and UK law with the European regulations and requirements of negative integration and cross-border recognition as established by the judgments of the CJEU. Thus, the lecture sparked an animated debate which was chaired by *Carlos Esplugues Mota* (Universitat de València) and continued well into the subsequent *Forum Conveniens Reception*.

The second day of the Festival opened with a cluster on a new project that the panelists are working on: *Private International Law and Sustainable Migration Governance*. *Verónica Ruiz Abou-Nigm*, *Jinske Verhellen* (Ghent University), *Gülüm Özçelik* (Bilkent University), *Laura Carballo Piñeiro* (University of Vigo), *Ulla Liukkunen* (University of Helsinki) and *Hans van Loon* presented their findings up until now and future plans for this project. This includes issues such as migrants' right to legal identity, access to social security schemes in a cross-border context and circular migration.

The topic of migration was also a focus of the second panel of the day, which was chaired by *Kasey McCall-Smith* (Edinburgh Law School) and offered *Interdisciplinary Latin American Perspectives on Coloniality and Migration*. *Isadora Dutra Badra Bellati* (Max Planck Institute for Comparative and

International Private Law, Hamburg) analyzed a Brazilian Supreme Court decision on the legality of the outsourcing of labor through the lens of decolonial theory. This was followed by *Valentina Rioseco* (University of Edinburgh) discussing whether the obligation of states to allow entry and stay in international and inter-American human rights law can pave pathways for regular migration. Afterwards, *Gabriela García García* (University of Aberdeen) spoke about *The Latin American Landscape of Migrant Integration and Inclusion* and proposed a baseline framework for domains and indicators of integration in Latin America. Next, *Nuni Vieira Jorgensen* (Queen Mary University of London) shed light on the effects that the closure of land borders has on transnational family arrangements and family reunifications: "protected borders" tend to interrupt care arrangements to the detriment of transborder families. As last speaker on the panel, *Marilda Rosado* (Universidade do Estado do Rio de Janeiro) gave an overview of initiatives that support migrants in Brazil and foster cooperation.

The next highlight of the Festival was the book launch of the much awaited "*Guide to Global Private International Law*" (Hart Publishing). The editors, *Paul Beaumont* and *Jayne Holliday*, presented the book, which not only provides an overview of PIL from a global perspective, but also offers many suggestions for its further unification. They were joined by multiple contributors, some in the room and some connected virtually, who gave short insights into their chapters and their workflow. Keeping in the spirit of the Festival, this was a true celebration of the hard work and dedication that have gone into compiling this guide.

The last panel of the Festival was chaired by *Alex Mills* (University College London) and covered *New Horizons for Private International Law.* First, *Nicolas Rennuy* (University of York) analyzed the Law of Social Security Coordination and showed how there are multiple links between the field and Private International Law, including the type of conflict rules, the connecting factors, the scope of the rules and conceptions of indirect choice of law. Afterwards, *Michael Cremer* (Max Planck Institute for Comparative and International Private Law, Hamburg) made the case for Private International Law perspectives in patent law, illustrating this through a conflict of laws reconstruction of the right of priority stemming from the 1883 Paris Convention on the Protection of Industrial Property. Next, *Rosario Espinosa* (Universitat de València) presented her work on *Sorority, Equality and Private International Law* explaining how Private International Law can be used as a tool to promote equality and solidarity between women. The last contribution

was made by *Toni Marzal* (University of Glasgow) who proposed *A Relations-First Approach to Choice of Law* and criticized the established positivist perspective that dominates the current understanding of PIL.

Sadly, every celebration must come to an end. The last words of the Festival belonged to the driving force behind it: *Verónica Ruiz Abou-Nigm*. It was not before a big applause for her work and effort in organizing the event so quickly and perfectly, that everybody bid farewell.

The Private International Law Festival in Edinburgh was a resounding success. It was itself the perfect example of the multiple facets of Private International Law, that it set out to celebrate. The presentations not only covered an extensive number of different topics, but also displayed both traditional and novel methodologies. They put new topics on the agenda of the discipline, while also shedding new light on existing debates. In addition, the Festival combined truly global projects like the launch of the *Guide to Global PIL* with the focus on the Scottish perspectives on PIL. At the same time, it also provided the opportunity for intergenerational exchange, with many younger researchers presenting their work and joining the debate.

For many it was the first in person meeting with fellow scholars after the pandemic. The Festival provided a worthy setting for this return. Hopefully, it will become a regular event.

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