

Good evening.

You have all met Emmanuel.

You all have memories of the time you met him, for a majority of you in your professional life. Just like you, I have the recollection of a cheerful and attentive individual. They are part of the remembrance of each of us.

For a start, allow me to begin with the first time when I heard of Emmanuel. Early summer 1983. The Hague, the Secretary general of the Conference on Private International Law tells me: we had a remarkable recording secretary, Emmanuel Gaillard, a young law professor; and he is going to teach at Harvard. No, I hadn't heard of Professor Gaillard. And I will not meet him: he is off to Cambridge when I am just back from there.

In those early times, which are contemporary with the publication of his doctoral dissertation on the concept of authority or power in private law, his career is already punctuated with writings, conferences, and even when one has not become personally acquainted with Emmanuel, one reads and listens to him. Because he knows how to put his ideas across in the most convincing manner. Professor Gaillard breaks new grounds, expresses his ideas with the greatest clarity. One follows the directions he indicates with complete confidence.

True, there aren't so many who have been graced at the onset of their professional life with the following words, which I take from Professor Cornu, Emmanuel's doctoral dissertation supervisor:

“Ce livre se passe de préface car le temps de la prédiction n'est plus. En nous donnant à fêter son succès, M. Gaillard nous épargne la vanité de l'annoncer ».

“This book needs no foreword, as the time for prediction has elapsed. By giving us to celebrate his success, Mr. Gaillard spares us the vanity to announce it”.

The prudence with which judges exercise their interactions with the outside world would explain that my Colleagues, who were testing the new French arbitration Law after the great reform of the nineteen eighties, did not become associated with Emmanuel in the arbitration circles. Doubtless, personal encounters took place. The strength of his thoughts enlightened us and soon established Professor Gaillard as an author that cannot be ignored.

At the Supreme Court level, where some of us engaged in a form of enlarged deliberations with academics or practitioners for the development of the law, Emmanuel, with his intelligence, brilliance, gentleness, pedagogy and elegance invited himself in our discussions through his academic writings.

Dialogue with his work was both easy and agreeable. His master treaty on arbitration, which he co-authored with Fouchard and Goldman, was, and still is, the reference book which expresses the best of our preoccupations and aspirations about arbitration. The way he thought about arbitration was entirely in line with our judicial policy in the field.

Leading judgments, more particularly on the competence-competence principle and on the enforcement of awards annulled at the seat, could be viewed as performances where we interpreted his work. We did our best to interpret his teachings with sensibility and accuracy, trying to capture all the nuances of his writings in order to resound all their notes.

This certainly left room for disagreements. These were propitious occasions for me to exchange further with Emmanuel, with a view to finding acceptable solutions, even if, as he well knew, these would necessarily be subject to future discussions and adaptations.

Emmanuel, a great legal mind, was a simple and easy-going person. As an individual, he was fun to deal with. Can you try to remember if you ever saw him in a bad mood? It is rather his sense of humor and vitality that predominated.

Of course, his influence extended well beyond the development and shaping of French arbitration case law. The tensions which result from the decisions of the European Court of Justice for the stability of investment arbitration induced him to launch a dialogue among the judges of the highest national courts of the European Union, members of the European Court of Justice and of other international courts. His invitation was made in the hope that these judicial institutions would end their rivalries and quest for power. With a few others who participated in these discussions, I am grateful for the initiative he took. Without him, such working sessions would not have been possible.

Yas has pointed out to the three spots in this room which illustrate the many aspects of Emmanuel's life and work, which we will discover or remind ourselves of.

He once told me that he thought of embracing a career at the bar when he was a youngster. We should all be fortunate for this early choice because it enabled each of us to cross his path in life. His personal and intellectual skills would have, no doubt, allowed him to succeed in many other fields in life than the law, and we would have missed him.

Most certainly, he was an honor to the world of law by his actions and his thoughts. But Emmanuel was more. He honored society more generally by his efforts to achieve the common good, his quest for international justice and its ethics, his aptitude to create links and build up dialogues between individuals and institutions, which lead us to an increased legitimacy in our aims, to more cooperation in our relations, and to universal values which rally all of us.

Yas, you wanted me to launch the Emmanuel Gaillard Lectures on the occasion of tonight's celebrations.

I must acknowledge that the format of my speech is not the one of an Emmanuel Gaillard Lecture, but, with your permission, I could venture to make some remarks on this welcome ambition to engage in the debate on the perception of arbitration.

Those who will be invited to deliver the Lectures will have the honor and the challenge to keep alive the values that Emmanuel promoted and stood for. His thoughts on the autonomy and legitimacy of international arbitration are a legacy to all.

His course at the Hague Academy exposes the different approaches to arbitration, anchors his choice in favor of an arbitral legal order, and above all, brings to light the coherence of each representation of arbitration. It is my hope that talented performers will interpret and further reveal the many faceted sides of his work. Like all great works, his may have different resonances according to the cultural approach and sensitivity of the performer. Our future lecturers will thus stand to the fore of the value providers he identified among the social actors of arbitration.

As I am gradually moving an end to enable other speakers to evoke Emmanuel's stature, may I take the liberty to address you on one of the first times I met with Emmanuel. This happened in the Fall of 1984. We ran on each other on the step of the Law Faculty on the Place du Panthéon. I keep a vivid memory of that sunny day when a radiating young man enthusiastically told me: look at Goldman and Bellet, they are passionately working to establish Paris as a reputable place for arbitration, and this is even more remarkable when you think that they're of venerable age!

It was not Emmanuel's destiny to reach their age. But, whichever legal theory of international arbitration we are closer to, there is at least one thing which is within our reach and that we could and should do: that is to contribute in our turn to maintaining the best arbitral practices he fought for. This would perpetuate his ambitions and commitments. And what a smile he would give us!

And should we be able to pass down to others the aspects of his radiant personality, he would continue to live.

Thank you, Yas and your Colleagues, for your confidence in giving me the possibility to address the many friends Emmanuel had, as this important and moving gathering illustrates tonight.

Thank you all.

Dominique Hascher