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Editorial

Editorial: *EJIL* at 30; The EU – A Community of Fate, at Last; Vital Statistics; In this Issue; The Birth of *EJIL*

EJIL at 30

Some things never seem to change. It was, I believe, with a keen eye on emerging talent, that we published Martti Koskeniemmi as the lead article in Volume I, Issue 1 of *EJIL*.¹ We thought it was appropriate when we celebrated our 20th anniversary to invite him to revisit what had by then become a classic.² And for our 30th anniversary we had known for some time that we would invite Koskeniemmi to be the author of our annual Foreword article. Have we lost our keen eye for emerging talent? I do not think so (see our Vital Statistics below). Koskeniemmi is like a good wine or spirit that loses nothing of its bite and yet offers a particular savour and mellowness as it ages.

We debated how to mark *EJIL*'s 30th anniversary: after all, we published a special issue at 20 and another celebration at 25. I looked at my Editorial for our *EJIL* at 20 issue.³ In some ways, it is a bit like all living creatures. There is something in their defining characteristics that remains constant. There is not much that I would add to that Editorial.

Still, there has been some innovation in the last 10 years: Think *EJIL*: Talk! (celebrating its 10th Anniversary) *EJIL*: Live!, The Foreword, Roaming Charges and the Last Page, the Debates, and more.

For the sake of nostalgia we reproduce, at the end of this Editorial, the earliest letter we can find from the birth of *EJIL*. Please be sitting when you take a look and kindly suppress the guffaws. (Yes, what happened to the English/French idea...?) It was all in earnest and good faith. But has your life turned out to be as your parents thought and maybe hoped when you were born?

Guffaws aside, I do want to take this opportunity to offer profound thanks to the European University Institute, and its Academy of European Law, without whose support *EJIL* would not have come into being, a support which has continued in various ways for three decades. It has been exemplary in never seeking to impose any shackles, ideological, organizational or otherwise, on the editorial freedom that *EJIL* has enjoyed.

Thanks also go to the NYU School of Law, which understands itself as a 'Global Law School' (the Americans do have a certain panache for the Big Name) and has a deep

¹ Koskeniemmi, 'The Politics of International Law', 1 *EJIL* (1990) 4, available at <http://www.ejil.org/pdfs/1/1/1144.pdf>.

² Koskeniemmi, 'The Politics of International Law – 20 Years Later', 20 *EJIL* (2009) 7, available at <http://www.ejil.org/pdfs/20/1/1785.pdf>.

³ Weiler, 'Editorial', 20 *EJIL* (2009) 1, available at <http://www.ejil.org/pdfs/20/1/1789.pdf>.

and profound commitment to international law scholarship. In this relationship it has never been ‘NYU first’, let alone ‘America first’ – quite the contrary: International Legal Scholarship first! And with this spirit both my predecessor as Editor-in-Chief, Philip Alston, and I have been privileged to exercise our functions from this institution.

Finally, we have had a rewarding (for them, too, I hope) relationship with our publisher, Oxford University Press. Sometimes they have had to grin or grimace and bear it, but they have been supportive of all our initiatives and idiosyncrasies and we are grateful for that. It is a marriage the vows of which we renew every five years (maybe a good idea for all marriages), but somehow I believe that there will be gold and diamond and whatever anniversaries in years to come.

But with this, the reminiscing and navel gazing come to an end. And gladly (for all...) it will not be me who decides how to celebrate such anniversaries in the future.

Instead, the birth of *EJIL* coincided with the much more monumental event – the fall of the Berlin Wall. Throughout *this* anniversary year we will be dedicating several features to mark this cataclysm in international history and international legal history. Watch this space!

The EU – A Community of Fate, at Last

I have great sympathy for the outburst of Donald Tusk on special places in Hell. I believe I was just as harsh or even worse in writing about the Cameron folly.⁴ At the time of writing, the final act in the Brexit farce is still unfolding. I am one of those Europeans who genuinely regret the departure of the United Kingdom – and I am not thinking just of the material consequences, as most are prone to do. A Europe without the UK is diminished. But I also respect the sovereign decision of the British people and, equally, I will of course respect a sovereign decision to change course, should that happen. Responsibility for the current shambles rests primarily on the very issue which so taxed Tusk: going into the referendum without any serious governmental assessment of the hows and whats and whens.

Some responsibility also falls on the Union. I thought that the decision to postpone any discussion of future relations before the divorce terms were settled wasted a precious year of joint reflection, negotiations and preparations.⁵ I thought then and still think that there was no reason not to run both tracks in parallel so as to avoid the very crunch that we now face. In private, some European leaders have admitted such to me.

And finally, I continue to find it not credible that the combined public authorities of the Union, the UK and the Republic of Ireland cannot come up with a Frontstop

⁴ Weiler, ‘Editorial: There is Chutzpah and Then There is David Cameron’, 27 *EJIL* (2016) 556, available at <https://doi.org/10.1093/ejil/chw047>.

⁵ <https://www.ejiltalk.org/editorial-the-case-for-a-kinder-gentler-brexite/>.

solution on the lines proposed here,⁶ thus diffusing the most explosive stumbling block for some semblance of an orderly exit.

Be all that as it may, there is, in my view, one silver lining to this remarkable sham-ble: whatever the end result of Brexit, leave or stay, the idea of solving one's problems with Europe by leaving the Union is dead. By happenstance or design (let the historians decide on that) whatever appetites Brexit originally may have created among would-be followers, has been extinguished. Probably forever.

Europe, like most states, may be ravaged by internal divisions of the most profound nature. Think of, say, Poland of today. Or for that matter, the United States. But everyone in Poland understands that Poland is their Community of Fate and that that fate has to be determined within that community. And this has become the European status quo. Whatever the divisions, the solution must be found within the framework of the Union.

This is not all apple pie and motherhood. A community of fate shaped in part by fear rather than conviction carries risks of undercurrent *resentiment* of the kind which can lead to some of the phenomena we now have come to label as 'populism'. (When we do not like it we call it populism; when we like it, it is simply popular.) And essential progress of the Union might be difficult with some Member States who could have been more comfortable within a looser relationship – the gentler, kinder Brexit option and will now vindicate their reticence within the Union.

But still, when all is said and done, it is a fundamental ontological turning point in the life of the Union, a constitutional moment if ever there was one. From the perspective of European integration, a golden lining to the Brexit saga.

Vital Statistics

How vital are our statistics? We take them very seriously. Each year we gather the figures on the state of our submissions: from where and by whom we receive manuscripts, which are accepted, and which are published in *EJIL*. We do this to observe and understand changes that may be taking place in submission and publication patterns in our Journal, and we keep our authors and readers informed of those patterns and changes.

The gender breakdown of submissions we receive has remained quite constant over past years: the number of submissions received by male authors has consistently outnumbered those by women each year, with figures hovering between 61 and 65 per cent of submissions coming from male authors. However, the good news is that the percentage of manuscripts accepted by women authors this past year rose from 24 to 49 per cent, so we can expect to read more articles by women authors in 2020.

I should emphasize that in the screening and publication decisions we do not consciously practise any form of 'affirmative action' as regards gender or any other of the parameters tracked in our stats.

⁶ <https://www.ejiltalk.org/a-frontstop-approach-to-the-backstop-conundrum/>.

We somewhat arbitrarily divide the world into four regions for our statistical purposes: the European Union, the Council of Europe countries outside the EU (CoE), the US and Canada, and the rest of the world (RoW). We measure by country of submission rather than by nationality of author, simply because it is not possible to accurately obtain the latter information. However, we think the figures convey a fairly reliable picture of our authors and *EJIL*'s presence in the world. *EJIL* received submissions from 45 countries during 2018.

One observable change this past year may be seen in a considerably higher percentage of submissions from EU countries. Of the total number of manuscripts submitted in 2018, 50 per cent came from the EU (37 per cent in 2017), 11 per cent from CoE countries, 11 per cent from the US and Canada and 28 per cent from RoW countries. This higher percentage of submissions from EU countries was also reflected in the number of articles accepted and published: 68 and 70 per cent, respectively. The figures for accepted and published manuscripts for CoE countries and US and Canada were consistent with the number of submissions received, whereas the percentage of accepted and published articles dropped for the RoW submissions: 17 and 13 per cent, respectively. We will be monitoring this.

We encourage submissions from authors outside the English-speaking world, and we provide an excellent copy-editing service for all articles accepted for publication. The number of submissions from non-English-speaking countries continues to rise gradually: over the past five years the percentage has risen from 54 to 67 per cent. More articles were published in 2018 from non-English speaking than English speaking countries: 52 and 48 per cent respectively. The figure for accepted articles from non-English-speaking countries remains fairly stable at 46 per cent of the total.

I never tire of explaining that in selecting articles *EJIL* is not a referee service. Yes, everything we publish is refereed; we aim for high scholarly quality, ever more important in the digital age where so much is published and self-published with no quality controls. But obviously we receive many more publishable articles than we are able to publish and our final selection from the publishable crop is curatorial in nature – we try to make each issue of *EJIL* interesting to a wide variety of readers with different interests and scholarly orientations. Likewise, a large task of our Board is 'agenda setting' by commissioning debates and symposia on topics that we think merit attention by the IL community. In the earlier years of the Journal the ratio between solicited and unsolicited published articles was 2/3 to 1/3 in favour of the former. In more recent years, as the number and quality of submissions has risen, we have reversed this ratio and it now runs at 2/3 to 1/3 in favour of unsolicited manuscripts, both as regards number of articles and number of pages published.

We are also well on our way to honouring our promise of informing authors within six to eight weeks at the most whether or not their submission has passed initial screening and will be sent to peer review, so that they do not lose precious time in submitting to other journals. A very vital statistic. The new system is in place and I am confident that in 2019 it will be honoured fully.

The vital statistics are also one, only one, indicator by which we interrogate ourselves: How well are we doing? Taking the 'EJIL family' as a whole – *EJIL*, *EJIL: Talk!*, *EJIL: Live!* – we want to believe we are making a meaningful contribution to the world of IL scholarship, discourse and practice. Ultimately, in our conception it is a qualitative judgment, for which it is not easy to find reliable quantitative proxies. It seems that many authors believe *EJIL* is a good journal in which to publish. Our mailbox continues to receive between 5–10 submissions per week (250–300 per annum).

What of impact? I can only repeat my annual Cato's cry. I am not only sceptical but critical regarding the impact that various 'impact factors' have on our discipline, on journal publishing and on faculty appointment and promotion decisions. There are no sour grapes here: for example, *EJIL*'s H-Index, (an entirely problematic indicator) among international law journals as computed by Google Scholar, places it regularly in the top five as does the William & Mary ranking for impact factor among international law peer-reviewed journals. My scepticism is based on the bias in the journal database from which these indices are calculated (English-language journals with a strong North American bias), and more importantly because of the negative impact that the chase after a higher 'impact factor' produces on editorial policy. 'Famous' scholars will increase your impact factor to the detriment of the young and upcoming. 'Sexy' topics will have the same effect, to the detriment of the esoteric and unusual.

As a matter of policy we refuse to make our editorial decisions with an eye on impact factor. If you examine our Tables of Contents over the last 30 years you will see plenty of evidence for our commitment to young scholars and a broad range of topics with an eye to expanding the disciplinary and methodological boundaries of IL. We are, for example, at the forefront of empirical (including experimental IL) studies and at the same time we try to keep a healthy balance between theory and doctrinal scholarship.

We could within one year raise our impact factor by simply reducing the number of articles published and sticking with the topical subject and famous authors of which there is no shortage. Our policy goes in exactly the opposite direction.

The quantitative metric to which we pay most attention, and which we think is relevant to our authors too, is the number of PDF downloads of *EJIL* articles. Our open access policy (all *EJIL* articles are free and accessible after one year from the date of publication) means that they have become, for example, a major resource for classroom teaching. The numbers keep growing. For 2016 there were 500,000 annual downloads of *EJIL* articles. For 2017 OUP reported 650,000 downloads. For 2018 the figure rose to 800,000 downloads. I am somewhat sceptical as regards these numbers and twice, at my insistence, OUP provided us with a full audit and they stand behind these figures. I still remain sceptical. But whatever the methodology, we have seen a continuous growth in downloads from year to year and, using the same methodology, OUP reports that we are doing very well in relation to other journals they publish.

We hope that despite the unavoidable necessity to be selective in what we can publish, international legal scholars will continue to submit their work for consideration by *EJIL* and that our readers continue to use *EJIL* as one of their principal journals of reference in IL.

In this Issue

This issue opens, as noted in the introductory Editorial, *EJIL* at 30, with *Martti Koskenniemi's* Foreword.

In our Articles section *Valentina Vadi* focuses on the evolving field of international legal history, exploring the adequate scale and perspective in this realm and stressing the importance of a pluralist, inclusive approach based on micro-histories in contrast to the still prevailing macro-histories. *Hannah Woolaver* analyses the intricate interplay between the domestic and international levels with regard to states' treaty consent both in relation to treaty entry and exit. Focusing on three prominent examples – Brexit, the possible US abandonment of the Paris Agreement, and South Africa's potential departure from the International Criminal Court, she fills a research lacuna regarding international legal recognition for domestic rules of treaty withdrawal and argues for an invalidation of withdrawal in the event of manifest violation of domestic law. *Claire Jervis* concludes this section with her article, which scrutinizes the questionable substantive-procedural dichotomy in international law. Taking the International Court of Justice's famous Jurisdictional Immunities case as a starting point, she points towards the fallacies inherent in this binary approach.

We introduce a new occasional Series – The Theatre of International Law – with a piece by *Lorenzo Gradoni* and *Luca Pasquet*, 'Dialogue concerning Legal Uncertainty and other Prodigies'. Further submissions in this vein are welcome.

Tilmann Altwicker revives our long-standing rubric, 'The European Tradition of International Law', analysing Gottfried Wilhelm Leibniz's almost forgotten theory of International Law. He argues that this 'last universal genius' offered the rare combination of an international legal theory both grounded in his metaphysics and natural law theory and inspired by his extensive study of the positive international law of his time.

Since the 30th anniversary of *EJIL* coincides with the 30th anniversary of the fall of the Berlin Wall, we found it fitting to feature an iconic symbol of the Cold War – the famous needle eye between the East and the West: Checkpoint Charlie – as our Roaming Charges image for this issue. Electrified when he heard about the fall of the Wall, Mstislav Rostropovich, one of the greatest cellists of the 20th century, who himself had suffered from the oppressive regime, travelled immediately to Berlin to give an ad hoc open-air concert at Checkpoint Charlie, signalling the imminent triumph of freedom and humanity over confinement and thralldom. Click the URL (<https://www.youtube.com/watch?v=FqIEdv3Q3-M>) and enjoy his goosebumps-evoking interpretation of Bach's cello suites, performed on a chair he borrowed from one of the guards at the wall.

In the next section, we feature a symposium on Regional Organizations and Regional Integration. Following the Introduction by *Damian Chalmers*, the author, in a joint piece with *Julia Slupska*, analyses how the almost 300 regional trade agreements are rewriting the terms of world trade and investment. *Davor Jancic* investigates parliamentarization of regional organizations, focusing on African economic integration but also comparing it to phenotypes in Latin America, Europe and North America. *Päivi*

Johanna Neuvonen looks at the crossroads of socio-political membership and regional community building, analysing the tools used by different regional organizations and arguing for a vindication of difference. *Floris de Witte* concludes the symposium by bringing to light how different regional organizations structure their understanding of the individual and how this, in turn, frames the process of integration.

Petros Mavroidis concludes the issue with his article on the WTO Agreement on Technical Barriers to Trade (TBT) Last Mile for Tuna (to a Safe Harbour). He argues that the Appellate Body of the WTO has not only bluntly transferred its GATT case law to the TBT Agreement but has also applied it erroneously.

For the Last Page in this issue we publish a thoughtful reaction by *John Morss* to our mercy-centred Last Page in the special issue on 'Perpetrators and Victims of War', Vol. 29-3.

JHHW

The Birth of *EJIL*

To: M. Emil Noël, President of the EUI

From: A. Cassese, J. Weiler

Date: October 13, 1987

Dear President,

Re: The European Journal of International Law

Further to your correspondence in the Summer with M. Weiler we would now like to present a formal request to the EUI concerning the European Journal of International Law.

In a first meeting of three of the Editors of the Journal which took place in August we discussed the points raised in your letter to M. Weiler. You will see that our revised proposal takes into full account your principal concerns.

In particular you will see that we have decided to make the Journal a bi-lingual English-French publication and that we have accentuated even further the European Community dimension of the publication without, however, losing its appeal to the wider constituency of public international lawyers.

We hope the Institute can reach a swift decision in this matter so that we may get down to the actual work of starting the ECJ.

E. Zaccardelli
p.p. Joseph Weiler

Antonio Cassese
Antonio Cassese

Proposal for establishing a European Journal of International Law

The proposal for establishing a new European transnational journal of international law derives from a perception of a lacuna and need in this field.

The post-War period has seen a renewed growth of international legal scholarship in Europe and a significant expansion in national scholarly journals. Almost all countries now boast one or two professional international law journals and often a National Yearbook. Yearbooks are frequently published (wholly or in part) in English (with a view to reaching a wide international audience) and in addition to scholarly articles they try to give a synopsis of national state practice and judicial opinion of the country concerned.

Despite this welcome proliferation these publications do not cater for three glaring needs:

1. Institutionalized Europe, and in particular the European Communities, has emerged as an important international legal actor in its own right. The EC participates in numerous treaties, international organizations and other international fora. It is the prime example of a new international organizational "state" practice. And yet, there is no journal which has, as its major focal point, the treatment of the EC in international law.

To be sure, several of the European law journals deal with these issues on an occasional basis; and some of the international legal journals also publish from time to time scholarly articles in this area. But they do not provide a systematic focal point for international lawyers worldwide of the new phenomenon and its problems. It is not altogether an exaggeration to say that the few studies on the international role of the EEC have become the domain of specialized European law journals. The European Community has been practically alienated from the mainstream of international law scholarship. This of course is easy to understand in view of the growing autonomy of the EEC as a separate legal order, but it is regrettable that the insight of international law and international lawyers regarding the evolution of Europe as an international actor and the lesson that international lawyers may learn from the European experience is, to some extent, absent from the main fora of international law scholarship.

As regards the Council of Europe, most scholarship has focussed on the European Convention on Human Rights, with more limited attention being given to its other systemic features.

The new Journal would provide a vehicle to address these concerns.

2. In addition, we feel that despite the growing process of European integration, and the slow but sure removal of barriers to the movement of factors of production, there remain quite significant frontiers to the movement of ideas within Europe in the field of international law.

For both linguistic and other reasons, very frequently significant problems of international law are discussed on parallel lines within different jurisdictions.

Again, it is probably no exaggeration to say that in the field of international law, there is no forum for a truly European debate on central issues.

On a significant number of issues there is probably a distinct European way of thinking which is different from, not only Second and Third World perceptions, but also from other Western and particular American perceptions. We would like to both reflect and encourage this tendency -- without, of course, diminishing the plurality of national European experiences.

3. There is another "European" phenomenon which has not been reflected adequately in transnational European international law scholarship: the division between East and West Europe. With the exception of the writings of some notable Soviet and Eastern European colleagues there is a veritable divide between the two worlds. In particular there has not developed a shared forum where Western and Eastern international law scholars could regularly engage in scholarly interchange. Also lacking is a forum readily available to Western Scholars reporting regularly on legal developments in the Socialist world of international law -- the geographical focal point of which is, after all, Europe.

While the long-term significance of recent developments in the Eastern Bloc remain to be seen, there can be little doubt that the opportunity of encouraging a dialogue should not be missed. The EJIL would hope to offer, in a modest but important way, such a forum.

It is against this background that we have decided to found the new European Journal of International Law.

We are proposing that this Journal become, for a trial period of five years, a House Journal of the European University Institute. (In the way as, say, the ZAOR is the House Journal of the Max Planck Institute for International Law in Heidelberg).

What follows are some notions concerning the likely orientation of the EJIL. Since this is but a position paper most issues are still open to debate and change.

The European Journal of International Law (EJIL) will provide a uniquely European forum of international law. In so doing, the EJIL will be both the European journal of International Law and the journal of European International Law.

Languages

In choosing the languages of publication we have to reconcile contradictory concerns. On the one hand it is imperative to respect the cultural and linguistic diversity of Europe -- one of its unique features.

On the other hand, we want to be accessible to the largest number of readers and to foster cross-cultural exchange of idea. Sad as it may be, if we were to publish a piece in say, Danish, or Greek, the readership would be substantially reduced.

Finally, we have to take into account the exigencies of the practical world of publishing. Our aim is to make the Journal financially viable within five years. Multi-lingual publications are notoriously difficult to publish and sell.

In trying to reconcile these different exigencies we have adopted the following formula:

- a. The languages of the Journal will be English and French. The EJIL will publish articles in either English or French.
- b. It will accept however for publication articles written in other languages (so that authors may write and submit in their mother tongue) and will translate these into the languages of the Journal (English/French).
- c. It will carry brief synopses of major articles in some of the other languages.

Orientation

The following is offered only as a tentative reflection - final decisions are yet to be taken by the editorial board.

The orientation of the EJIL will be as follows.

1. The EJIL will highlight the practice of the European Economic Community in the international law arena.

a. With this in mind, the EJIL will publish in each issue at least one major article concerning International legal issues of the EC.

b. The EJIL will publish in each issue a special section dealing with Community ("State") Practice in the International Law field.

This represents both a conceptual breakthrough -- to treat the Community as a generator of State Practice -- and a practical innovation since no current Journal carries such a répertoire.

2. The EJIL will be oriented towards the new generation of European scholars; encouraging both their readership and participation.

3. The EJIL will seek to encourage contributions also from Eastern Europe.

Structure

Each issue of the EJIL will include the following selections:

a. Lead Articles. These will be selected from contributions submitted to the Journal. From time to time the Editors will announce themes which will receive special attention and become the subject of a mini-symposium within the Journal.

It is also planned to organize from time to time small colloquia at the EUI contributions to which will then be published as these mini-symposia in the EJIL.

b. Panorama. This will be a selection of much shorter contributions dealing with topical issues on the European and International agenda. It will give brief legal analyses of recent political events.

c. Répertoire. This section, as indicated above, will present in a systematic way, European Community "State" practice in the international arena. It will also present the International Treaty Practice of the Community and a survey of Court Decisions pertinent to International Law.

d. Book Reviews.

About once a year the EJIL will publish a special contribution assessing the work of great European public international lawyers from the different European countries and exposing their work to a wider audience.

Organization

The EJIL will be organized around two bodies: an editorial board and an advisory board.

The editorial board will consist of four members, representing various legal traditions in Europe. It will carry the full responsibility for all aspects of the Journal.

The members of the Editorial Board -- in effect the founders of the Journal -- will divide the responsibilities among them on functional and linguistic grounds.

The Founding Editors are:

1. Professor A. Cassese of the European University Institute and the University of Florence, member of the Board of Editors of the "Italian Yearbook of International Law"
2. Professor P. Dupuy, University of Paris II, member of the Board of Editors of "Revue générale de droit international public"
3. Professor B. Simma of the University of Munich
4. Professor J.H.H. Weiler of the Michigan Law School and the European University Institute. (Over the next few years Prof. Weiler will have also a regular attachment to Oxford).

The Editors will not receive compensation for their work for the Journal.

The advisory board will consist of leading internationalists primarily from Europe.

The primary tasks of the Advisory Board members would be to help the editors in designing the policy and orientation of the Journal; to assist in the launching of the Journal and then in the evaluation of manuscripts.

We suggest the following persons to be invited to sit on our advisory board:

Ex officio:

The President of the EUI
The Head of the Law Department of the EUI
One Member of the Research Council

We propose the following persons as our first invitees to be members of the Advisory Board:

F. CAPOTORTI, Professor, University of Rome

J.A. CARRILLO SALCEDO, Professor, University of Sevilla, Member of the European Court of Human Rights
R.J. DUPUY, Professor, Collège de France
C-D. EHLERMANN, EEC
J. FROWEIN, Professor, University of Heidelberg, Vice-President European Commission of Human Rights
B. GRAEFRATH, Professor, Academy of Science, Berlin (GDR)
R. HIGGINS, Professor, University of London
F. RIGAU, Professor, Université catholique de Louvain
K.J. SKUBIZEWSKI, professor, Academy of Science, Warsaw
H. THIERRY, Professor, University of Paris X
G. TUNKIN, Professor Emeritus, University of Moscow
A. YANKOW, Professor, University of Sofia, Member of the UN ILC

Publication Policy

We are proposing that for a trial period of 5 years the Journal will become a House Journal of the European University Institute. It will carry the EUI logo and be headquartered in Florence.

No doubt during this period many lessons will be learnt. After five years the arrangement could be reviewed.

The prestigious German firm of Duncker & Humblot has already agreed in principle to publish the EJIL. They will assume financial responsibility for the printing and distribution process.

We are particularly pleased with this choice since they have international experience precisely in this field, being the publishers of the German Yearbook of International Law.

Obviously this principled agreement will have to be translated into a mutually acceptable contract to both parties.

Our current intention is to publish the Journal originally two and then three times a year.

We propose to publish the first issue in Spring 1989.

Personnel

In addition to the Editors the EJIL will need a staff of two persons for the Journal: A Managing Editor (B/3-A/7); A Secretary (C/3-C/1).

Financial Support

1. Duncker & Humblot will carry all the costs of printing and distribution.

2. The EUI will support the personnel -- managing editor and secretary.
3. In addition a small operating budget essentially to cover the cost of meetings of the editors etc. will be needed. We estimate that 8 m. it. lire per annum should cover this item.
4. The Journal will need two offices and normal infrastructural support: telephone, mail, copying etc. The modality of this support could be settled by agreement and tried out for a period of five years.
5. Professor Simma's Institute in Munich will be able to contribute some money towards translation costs: In this regard we also hope to receive some help from the translation service of the EUI and hopefully from one or more of the European Community Institutions.

After five years it may be possible to achieve a greater measure of financial independence from revenue generated by the Journal itself.

We are also contemplating creating, contemporaneously with the Journal, the European Society of International Law which at a later date could have a positive financial bearing; but this is still very tentative. Again, our belief is that a successful Journal will provide a strong launching pad for the Society rather than vice versa.

Synopsis of the Proposal

For a period of 5 years the European Journal of International Law will become a House Journal of the European University Institute.

Orientation

1. The Journal will become a forum for focussed scholarly publication of the international legal problems concerning Europe and the World.

Special emphasis will be given to issues concerning the European Community and the World.

2. The Journal will engender debate and promote scholarship on international legal problems concerning European countries inter se.

3. The Journal will promote scholarly intercourse between West and East Europe.

4. The Journal will provide a forum for the emergence, where appropriate, of a European debate and perspective, distinct from the two major blocs.

5. The Journal will provide services (reports etc.) of interest to the European international lawyer.

Operation

1. The Journal will first appear twice a year, then, after 1 or 2 years, three times a year.
2. The Journal will be published in English and French. Manuscripts will, however, be accepted in the author's own language.
3. The publisher Duncker & Humblot has indicated a principled interest to publish and distribute the Journal.

Management

1. The Editors of the Journal will be: Professors Cassese, Dupuy, Simma and Weiler supported by an Advisory Board of leading international law scholars.
2. The personnel of the EJIL will consist of a Managing Editor (B3-A7) and a Secretary (C3-C1).