

IN MEMORIAM: GABRIEL WILNER

*Michel Waelbroeck**

THE HAGUE

I met Gabriel for the first time in July 1965. I was an assistant to Professor Charles Chaumont who, in addition to teaching international law at my university, was Secretary General of the Curatorium of the Academy of International Law in The Hague. The previous year, the Curatorium decided to hire what was at the time known as a “Tutorial Associate” (the title was subsequently changed to “Director of Studies”) in order to assist the professors who were invited to teach during the summer sessions in the preparation of their seminars. Gabriel was hired for the 1964 session. The experience was successful, and the following year the Curatorium decided to appoint a second Tutorial Associate. Professor Chaumont asked me if I would be interested. I answered affirmatively, although I was working on a book at the time and wished to devote the summer vacation to finishing it. Professor Chaumont assured me that the task was not very demanding and that I would have plenty of free time to work on my book. Moreover, the prospect of spending six summer weeks in this pleasant seaside city was attractive in itself, and the job seemed interesting. So I accepted.

I was a bit taken aback by my first meeting with Gabe. He struck me as very serious, very enthusiastic about the importance of the role that the seminars were designed to play, and very intent to organize them as efficiently as possible, and devote as much time and effort as he could to their preparation. Normally, students were mainly interested in following a few courses given by illustrious professors and spending the rest of their time on the beach or visiting the Netherlands; they were not required to take an examination. However, a few students with academic ambitions wished to acquire the prestigious “Hague Diploma,” which was reputed to be very difficult to obtain. Gabe thought it would be a good idea if we organized our own seminars on topics specially selected to take into account the requirements of those students, in addition to the professors’ seminars. I

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could not say, "No," even though I realized that I would have significantly less time to work on my book.

After this rather intimidating first encounter, things worked out quite well. The more I worked with Gabe, the more I appreciated his kindness, his enthusiasm, and his willingness to take upon himself more than his share of the workload. We had complementary skills, being specialized in different areas of international law, so that each of us learned a lot from talking with the other. We were thus able to respond more adequately to the students' requirements. And I still had some spare time to devote to my book—and even to the occasional visit to the beach (my hotel was in the sea-side resort of Scheveningen, a couple of miles from the Peace Palace, where the Academy was located).

By the end of the summer, Gabe and I had become good friends. We were often invited together by the students to their parties, and we occasionally had a nice dinner at a good restaurant. We promised to keep in touch.

BRUSSELS

Surprisingly, I kept no recollection of being in contact with Gabe during the years he spent in Brussels immediately afterwards. This is probably due to our respective workloads. He was following specialized courses in international law and, at the same time, working as a Legal Assistant to an American lawyer, Homer Angelo, who had a busy legal practice in Brussels and a reputation for giving a lot of hard work to his assistants. For my part, I recently started to teach community law at the Institute for European Studies of the Free University of Brussels and launched several research projects, in addition to trying to finish the book I was working on for some time. I knew Homer Angelo rather well. In fact, he suggested that we organize a joint seminar on the legal aspects of relations between Europe and the United States. It remains a bit of a mystery, however, that I had so few contacts with Gabe during that period.

ATHENS

In 1969–1970, I was invited by New York University School of Law to give a series of courses on European Community law. During my stay, I was invited to give lectures in several American universities. One of my friends (who unfortunately has passed away since then), Pasco Bowman, was appointed Dean of University of Georgia School of Law. He asked me to come to Athens to talk about recent developments and future prospects of the European common market and I accepted. Upon Dean Bowman's request, I

had the honor of preparing a written version of my lecture for publication in the inaugural issue of the *Georgia Journal of International and Comparative Law*. Gabriel was working in the Office of Legal Affairs of the United Nations at the time, so we missed one another during my stay in Athens. However, I am sure that he recognized my name a couple of years later when he became faculty advisor to the *Journal*.

THE BRUSSELS SEMINAR

I renewed my acquaintance with Gabe in 1973 when he launched the Brussels Seminar on the Law and Institutions of the European Communities (subsequently renamed Brussels Seminar on the Law and Institutions of the European Union). Indeed, that very same year, he asked me to teach a course on the rules of competition.

The Seminar consisted of an intensive three-week program, initially aimed at U.S. law students, most of whom came from the University of Georgia. It was held in Brussels every July. The Seminar provided an overview of the activities and functioning of the institutions of the European Union. The faculty included a large number of European instructors chosen from among the officials of the European Union, practicing lawyers, university professors, and members of the European Court of Justice. A couple of Seminar alumni, who became engaged in legal practice in Brussels, were later invited to join the faculty staff.

In addition to an intensive course study, the program included visits to the European institutions, the Belgian law courts, NATO, and the Court of Justice in Luxembourg. There were also a couple of receptions, which were well attended by the students.

During the last week, there was a dinner where students could meet faculty members and their wives in an informal and relaxed atmosphere. I always enjoyed those occasions since they provided the opportunity to get to know the students better. My wife enjoyed them as much as I did. She was impressed and amused to see how overflowing with energy, ambition, and future projects the students were. During these dinners, my wife and I also got to know Gabe's charming wife, Gisèle. She was a Belgian national, and I am sure that Gabe's attachment to Europe and Belgium, in particular, must have been due to his close links with Gisèle's family—especially her brother, Herwig, and his nephew, who, for several years, acted as a Student Advisor, and thus played an important role in the program by helping to resolve students' practical problems and to adjust to their new environment. My wife and I became good personal friends of Gisèle, whom we invited several times to our home with Gabe and other friends.

Over the years, the student body was gradually extended. Students from other American universities started to participate. Later, even students from other countries were admitted. For a few years, Palestinian students from Bir Zeit University in Palestine also attended classes. However, it was unfortunately not possible to continue this practice due to political developments in the Middle East that made it very difficult, if not impossible, for Palestinian students to leave their country. Gabe regretted that result enormously; indeed, he attached much importance to encouraging friendly relations between Western and Palestinian students.

Gabe also regularly adjusted and expanded the scope of the Seminar to take into account the numerous changes that occurred in the law and the institutional set-up of the EU. He also adapted the teaching staff in response to those changes, as well as to account for the reactions of his students.

One example of this flexibility involved me personally. Initially, I was asked to give a four-hour course on competition law. However, this timeframe was really very little in view of the steadily increasing scope of the field I was required to cover. Realizing this, Gabe added a separate course on merger control, a topic that grew in importance after the adoption, in 1989, of a regulation allowing the Commission to vet mergers for their compatibility with the maintenance of competition in the common market. This meant that I no longer had to deal with that topic myself. He also allowed me an extra hour to devote to a workshop, which we conducted jointly and in which I described in detail a case I was involved in recently before the European Commission or Court of Justice. As a part of this workshop, I circulated copies of the actual pleadings that the parties involved in the case submitted, so students could visualize first-hand what those pleadings looked like. It was fun, since it brought back memories of our joint teaching experience many years earlier in The Hague.

I thoroughly enjoyed teaching to the participants in the Seminar. Indeed, I have always found that teaching to American students is both rewarding and stimulating. It is rewarding because they ask a lot of questions, which shows that they are listening (!) and at least trying to understand what is explained to them. (European students are generally much more passive, although this has somewhat improved over the years.) It is also stimulating because their questions often call my attention to the fact that something I said was not sufficiently clear, and also because the questions are often pertinent and oblige me to rethink and sometimes change my own opinions.

Since the initiation of the Seminar, Gabe called on me every year to give the lectures on competition law. I still recall, as if it were yesterday, the way he would greet me on my arrival to the first class and kindly introduce me to the students. It was obvious that he was deeply involved in the success of the Seminar.

Even before I knew him, he was already interested in international affairs. Before taking up his activities with the Hague Academy, he worked as an Associate in the legal department of the American Arbitration Association, specializing in international commercial arbitration with Professor Martin Domke. Subsequently, he worked for the United Nations and for the United Nations Conference on Trade and Development. In addition to his other activities at the University of Georgia, he devoted much of his time to the *Georgia Journal of International and Comparative Law* as Faculty Advisor. Since I also had a background in international law and lived during my youth in Geneva, Switzerland, and Montreal, Canada, before settling down in Brussels, there were many affinities between us.

One of these affinities was our common concern to promote better understanding between peoples, cultures, and religions. In this respect, he regarded the Seminar as a modest but essential instrument. As a teacher in a university in the “Deep South,” where isolationist tendencies often come to the forefront, he felt the need to develop international law and relations as an integral part of the university curriculum. He took his responsibilities as Associate Dean of the Dean Rusk Center very much to heart, just as he devoted energy to finding money for the Seminar, in addition to maintaining contacts with faculty members and updating the curriculum. His dedication as a Legal Advisor and Consultant to various United Nations institutions and to African and Asian regional institutions; his stay in India from 1983–1984 as a Fulbright Research Fellow; his lectures in Delhi, Cochin, Ouagadougou, and Buenos Aires; his numerous publications on international arbitration, human rights, international conflict settlement, and the transfer of technology to less-developed nations; et cetera, all point in the same direction. And there is no doubt that his continued interest in European integration was due to the fact that he viewed it (as I did) as a bulwark against the recurrence of the armed conflicts that led to so much destruction and suffering during the past century.

In losing him, the world has lost a major promoter of international peace and understanding, and I have lost one of my very best friends.