

Prof. Dr. GAŠO KNEŽEVIĆ
(1953–2014)

I

Despite his untimely demise, Gašo Knežević, a full professor at the University of Belgrade Faculty of Law, to whom this Book of Friendship [*Liber amicorum*] is dedicated, left profound traces as a legal theoretician, law professor and mentor to young researchers and practitioners, arbitrator and president of arbitration institutions, law drafter, school reformer, human rights advocate, champion of the social values he believed in, and, not less importantly, a colleague and a friend.

Gašo Knežević was born on 15 September 1953 in Belgrade. He graduated from primary school and the then elite Fifth Belgrade Gymnasium with honors. He enrolled at the University of Belgrade Faculty of Law in the academic year 1972/73 and graduated within four years, in 1976. He was an excellent and outstanding student and completed his degree with a remarkable GPA of 9.56, while also writing and presenting several creditable research papers focusing on private and international law. He won the second prize in the University-wide Student Day competition for his paper on The Status of Women in Roman Law [*Položaj žena u rimskom pravu*].

He continued his legal education at the graduate studies at the Faculty, graduating in the top of his class. He completed his Master of Laws degree [*magistar pravnih nauka*] in 1984, defending his Master's thesis on the Concept and Characterization of Domicile as a Decisive Fact in Matters Involving the Conflict of Laws [*Pojam i kvalifikacija domicila kao odlučujuće činjenice sukoba zakona*]. He further specialized in the area of Private International Law at the Hague Academy of International Law. He defended his doctoral dissertation, titled Applicable Law for Contracts for the International Commercial Sale of Goods [*Merodavno pravo*].

za trgovački ugovor o međunarodnoj prodaji robe], and was awarded a doctoral degree with distinction from the University of Belgrade Faculty of Law in 1987.

Professor Knežević began his legal career in the judiciary. Between his graduation and his appointment at the Faculty of Law he worked at the District Commercial Court in Belgrade, gaining valuable experience; he passed the Bar Exam as soon as the formal requirements had been met and was promoted to an assistant judge [*stručni saradnik*]. He maintained his ties to the legal profession and, in particular, his awareness of the significance of the judiciary, throughout his professional life.

His university career began in 1980. His first appointment was as a Junior Lecturer [*asistent-pripravnik*], a position he held until he was made Lecturer [*asistent*] in 1986. He was promoted to Assistant Professor in 1988, followed by the appointment as Associate Professor in 1993. He was re-elected to the same position in early 1999, followed by his election to the highest academic rank, that of the Full Professor of Private International Law, in 2002.

Judging by the number of years he spent in each position and the time of appointment to each rank, his was an exemplary career; this was also the opinion in the University circles and among the general legal profession. However, those familiar with his career path know that it was not without its challenges and that his work was not always appropriately rewarded. As is often the case with those who stand out from the crowd, he was a frequent target for the attacks of his bigoted, professionally jealous colleagues and those provoked by his open-mindedness or his public activity outside the University, which Professor Knežević notably never allowed to interfere with his academic career, not even when University students, in mass protests against University and social injustices, called out his name, professing their trust and asking for his support and leadership.

This culminated at the time his colleagues at the Faculty of Law and the University in general were being persecuted and even removed from their positions. Gašo could not come to terms with this and ended up being harassed and humiliated himself in response to his protests. His opponents were not squeamish about their choices of means, heaping slander and insults on him, so much so that even the then Faculty Management had to dissociate itself from them. In face of these events, Professor Gašo Knežević quit his job at the University in early 2000 to become an attorney, only to return to his chair after the regime change took place at the end of the same year, by a unanimous vote of the Academic Council; from then on, he held his chair until his death. There were other occasional incidents caused by those who envied him – because they could not equal his achievements or abide his sophistication, legal

erudition or his relationship with students. However, arguments were always on Gašo's side, so that his scientific and professional authority kept growing with each random accusation.

As a Lecturer and Professor, Gašo Knežević primarily taught Private International Law at both undergraduate and graduate levels of study, at the Belgrade University Faculty of Law. He also taught Civil Procedure Law, Family Law, Contract Law, Introduction to Civil Law and Arbitration Law, once the subject was introduced in the curriculum. In his capacities as both professor and member of master's and doctoral committees, he was a guest lecturer at many universities in the region, taught at the Constitutional and Legislative Policy Institute in Budapest, served as Visiting Professor at the Central European University, and taught courses for the Alternative Academic Education Network and the Schools of Human Rights organised by the Belgrade Human Rights Centre. He was a highly respected and hugely popular lecturer. He always received the highest student evaluations and got the most positive feedback from student surveys. He also enjoyed a fine reputation as an examiner, best summed up by the adage: strict, but fair and compassionate. In fact, the universal respect and esteem he enjoyed among the student body, which was earned rather than achieved by pandering to students or lowering the academic criteria, were oftentimes the cause of misunderstandings with his environment.

II

Gašo Knežević left behind a rich scientific opus. His bibliography includes over 100 titles, mainly in the field of Private International Law and related disciplines.

A considerable segment of his opus consists of systematic works – university textbooks; we will take them as a starting point for this overview. The Private International Law textbook, a work commenced by the acclaimed Professor Tibor Varady, joined by Bernadet Bordaš and Gašo Knežević as co-authors of the fifth edition, and Vladimir Pavić as co-author on the seventh, deserves special mention. Since 2001, when Professor Knežević became a co-author, the volume has seen ten further editions (the last one published posthumously in 2016) and is still used as a textbook. Intended mainly for students, the book was used as a university textbook in several schools and countries in the region. The fact that it crossed state borders speaks to its scientific, professional and pedagogical success. At the same time, the book lives as an inspiring reading in the hands of practitioners, invoked *expressis verbis* by judges and arbitrators in their rulings and awards, and by lawyers in their submissions. It is an

essential reading for those continuing to study Private International Law in graduate programmes, and is widely quoted in master's theses and dissertations.

Its clear style devoid of technical or mystifying verbiage, a trait of all its four co-authors, is also a staple in Gašo's other works. It is a quality praised by his commentators since his earliest legal writings, in the official papers justifying his appointment to both the initial and the highest academic ranks.

In addition, Professor Knežević wrote several other systematic works that are still used as textbooks in undergraduate, master's and doctoral programmes: Arbitration and ADR [*Arbitraža i ADR*], co-authored with Vladimir Pavić; Private International Law [*Međunarodno privatno pravo*], co-authored with Vladimir Pavić, published in the Bar Examination Study Guides [*Priručnici za polaganje pravosudnog ispita*]; and Civil Procedure Law of the European Union [*Građansko procesno pravo Evropske unije*], co-authored with Vesna Rakić Vodinelić.

Intended for practitioners but also used as a class reading in law schools is the Commentary on the Private International Law Act [*Komentar Zakona o međunarodnom privatnom i procesnom pravu: Zakon o rešavanju sukoba zakona sa propisima drugih zemalja u određenim odnosima*], co-authored with Mihajlo Dika and Srđan Stojanović. Published on the eve of the breakup of the former Yugoslavia in 1991 as a commentary on a statute of the former state, it was quoted in both legal writings and court rulings and arbitral awards in virtually all the states formed on the ruins of Yugoslavia, long after the disappearance of the country in which the statute was adopted, and right up until today.

Professor Knežević also published numerous monographs in Serbian and English: his dissertation, titled Applicable Law for Contracts for the International Commercial Sale of Goods [*Merodavno pravo za trgovački ugovor o međunarodnoj prodaji robe*]; a work on citizenship – Citizenship of FR Yugoslavia (co-authored with Vesna Rakić Vodinelić); and the monograph titled International Commercial Arbitration: Main Issues and Challenges [*Međunarodna trgovačka arbitraža: osnovna pitanja i problemi*]. One of the doyens of Serbian arbitration law, Professor Mitrović, called this book the first individually written and comprehensive work on this topic, as well as the first Commercial Arbitration Law textbook, in the Serbian language.

Gašo Knežević also edited and co-authored several collectively written monographs, including, most prominently, The Dissolution of Yugoslavia: Legal Consequences [*Prestanak SFRJ: pravne posledice*]. The title is telling of the topic of this book, which, when published, was more than timely and is still quoted today.

In addition to his longer works, Gašo Knežević published numerous articles on various private international law topics. He tackled both the frequently treated and the most complex theoretical issues of private international law, such as Preliminary Question in Private International Law [*Prethodno pitanje u međunarodnom privatnom pravu*], as well as those dictated by reality and current events, such as Issues of Citizenship in the Former Yugoslav Space [*Problem državljanstva na EX YU prostoru*] or Damage Caused by Armed Conflicts (War Damage) [*Štete izazvane ratnim sukobima (ratna šteta)*]. His preferred research and publication topics, in addition to those addressed in his master's and doctoral theses, were the following: citizenship as connecting factor and the concept of citizenship in general, particularly in transition, in cases of change of sovereignty; arbitration and arbitral proceedings, including court control and recognition and enforcement of foreign arbitral awards; some procedural issues with a foreign element or procedural issues arising out of change of sovereignty. He was also interested in mediation and other forms of alternative dispute resolution.

The common traits of all Professor Knežević's writings are his profound awareness of both national and comparative literature and case law; analytical skill that does not flinch from the most complex and profound questions; readiness to take a stand on matters giving rise to scientific or practical disputes; and clarity and effectiveness of expression and a style and language accessible to all readers. Professor Knežević is an author who is widely quoted considering the language most of his works are written in – especially in Serbia and the former Yugoslav republics. He was regularly invited and gladly responded and contributed to scientific gatherings throughout the former Yugoslavia and internationally. Most of Professor Knežević's legal opus has a permanent quality and will certainly long continue to be quoted and used for arguments in theoretical writings, as well as used as an aid in interpreting and applying private international law.

III

Throughout his entire professional career, Gašo Knežević was in touch with the legal profession, not only as a theoretician following, analysing and even criticising court practice, but also as a legal practitioner.

His professional interest in arbitration law naturally led him to a career in arbitration. He was on the list of arbitrators of several international commercial arbitration courts in Europe and was appointed as an arbitrator by the parties to different arbitral proceedings. As might be expected, his longest-standing ties were to the Foreign Trade Court of

Arbitration attached to the Yugoslav (Serbian) Chamber of Commerce, in which he was both a member of the Board and, for many years, a successful President. He demonstrated his devotion to arbitration by initiating and in large part drafting the Serbian Arbitration Act. Acting as an arbitrator, he had a decisive influence on the development of arbitration culture in Serbia and the region. Professor Knežević was the chief promoter of the Serbian Arbitration Association and the first President of the Belgrade Arbitration Centre, the permanent arbitration court with the Association. It was to show its recognition and gratitude that the Association initiated the publication of this *Liber amicorum*. He played a particularly important role in establishing the ties between arbitration as a subject of academic interest and the development of arbitration law.

But Gašo Knežević's practical work was not limited to arbitration. He began his career in the Commercial Court; when forced to leave the Faculty of Law, he worked as an attorney; in his capacity as member of professional associations and a prominent expert he chaired or was a member of several committees preparing draft statutes that were subsequently adopted; and he worked on the drafting of the new Private International Law Act until his very death.

He also administered bar examinations as part of his practical work. In the mid-1990s he was entrusted with preparing the questions for the Private International Law subject tested at the bar exam, and acted as bar examiner for several years. He confirmed his ties with the legal profession by acting as the High Representative of Serbia in intergovernmental bodies working on the succession of the former Yugoslavia (Standing Joint Committee on Succession Issues), within which he was credited with jump-starting the process. For a while he acted as the chief legal adviser to the Serbian Ministry of Foreign Affairs.

IV

Professor Knežević's professional, social and public engagement was not limited to the legal profession in the narrower sense. He was secretary of the Editorial Board for the Annals of the Belgrade Faculty of Law [*Anali Pravnog fakulteta u Beogradu*] law review, one of the editors of the Entrepreneur [*Privrednik*] magazine, Vice-Dean of the Faculty of Law and Chair of the Civil Law Department.

He was equally active in the non-governmental sector, particularly in citizens associations relating to law. He was one of the founders of the Belgrade Human Rights Centre, Centre for Advanced Legal Studies (in which he served as executive director for a while), and a lecturer for the Alternative Academic Education Network.

He was active in politics, and consistent in the public voicing of his position at the time of breakup of the former Yugoslavia. He was elected a member of the National Assembly Council of Citizens and, subsequently, a Member of Parliament in the Serbian National Assembly. He served in the Provisional Government and, subsequently, the Serbian Government, from 2000 to 2004, as Minister of Education and Sports. During his term of office he initiated a major educational reform. The objectives of the reform, in addition to bringing the curricula and syllabi up to date, were to place the student at the centre of the pedagogical process on the one hand, and to provide continuing education for the teaching staff on the other. In the area of higher education, his reform efforts included, in addition to returning to universities their independence and strengthening the role of accreditation and supervisory bodies, the inclusion of Serbia in the internationally recognised Bologna Process in higher education. The reform was radical, but regrettably eventually came to a halt, so that its results were in large part reverted. Small wonder the reform process was substituted by his successors' discussion on replacing Darwinism with Creationism in the school curriculum.

He was consistent, honest and transparent in his public and political life. This was probably the reason why he made enemies among those who recognised themselves in his critical remarks. But there was and still remains a great number of his admirers, who perpetuate his work in all these areas or, if that is no longer possible, save his concepts and ideas for a happier future.

V

As a professor, minister and a civil rights advocate, Professor Gašo Knežević was particularly devoted to young people. His attention at the University was devoted not only to students but also to young researchers, whom he continually sought to help improve and develop. As the chair of the Arbitration Court he helped many young arbitrators join the arbitrator roster and land their first cases. He co-authored many of the scientific and systematic works he published with the legal experts of the generation that preceded him, to which he belonged, and his students alike.

This brings to light another dimension of Professor Gašo Knežević's personality. He knew how to promote collegial relationships, build bridges, make and maintain friendships. He was a gladly awaited guest in all of former Yugoslavia and beyond. He engaged in discussions with his colleagues to find common ground, looked to the future, searched for solutions rather than problems, in lecture halls and classrooms, at conference tables, associations, restaurants or next to tennis courts alike. He

was equally happy in Podgorica, Zagreb, Ljubljana, Budapest, Paris or Vienna, easily crossing the boundaries between professional dialogue and personal friendship. He instilled his cosmopolitan spirit into his students in Belgrade and other cities.

Thus *Liber amicorum*, The Book of Friend(ship)s, is an entirely fitting title for a memorial book dedicated to Professor Gašo Knežević. Its publication was promoted and made possible by Gašo's friends. Due to unfortunate circumstances, the works written by some among them did not, despite their fondest wishes, find their way between its covers; this does not mean that they do not keep a lasting memory of Professor Knežević.

The book's editorial board thanks the authors and other collaborators who made this book possible, and the University of Belgrade Faculty of Law and the Serbian Arbitration Association, its publishers.

Editorial Board