

Obituary of Professor Paolo Picone (1940, 2025) (27 October 2025)



The international legal community received with profound sorrow the news of the passing of Professor Paolo Picone, who died on 27 October 2025 at the age of 85. With his departure, one of the most influential European international lawyers of the second half of the twentieth century and the early twenty-first has left us, an eminent scholar whose vast and meticulously crafted oeuvre left an indelible mark on both public and private international law.

Born in Naples in 1940, Picone was educated at the Università degli Studi di Napoli “Federico II”, where he graduated with highest honours in 1963 and served as an assistant to the great Rolando Quadri, working within an exceptional intellectual milieu that also included Benedetto Conforti, Luigi Ferrari-Bravo and Antonio Tizzano. This environment, remarkable for its intellectual quality and density, shaped an early academic trajectory that soon led him to obtain the *libera docenza* in 1969 and, a few years later, to the chair as *professore ordinario*.

His academic career spanned more than four decades in leading Italian institutions: the University of Bari (1976, 1980), the Università Federico II of Naples (1980, 1999), where he became a central figure of the so-called “Neapolitan School” of international law, and the University of Rome “La Sapienza”, which ultimately conferred upon him the title of Professor Emeritus. He also developed an intense

international presence as visiting professor at distinguished universities such as the Freie Universität Berlin, the Université Paris I, Panthéon-Sorbonne, the University of Hamburg and the Universidad Autónoma de Madrid. His scholarly standing was further recognised through membership in the Institut de droit international, the Accademia Nazionale dei Lincei and the Académie internationale de droit comparé.

A Juridical Mind of Originality and Enduring Influence

Picone's 1969 monograph, *Norme di conflitto speciali per la valutazione dei presupposti di norme materiali: gli artt. 27 e 84 del Code de la nationalité française* (Naples, Jovene, 1969), exerted particular influence in Spain. At a time when Spanish scholarship was beginning to debate methodological pluralism in the determination of applicable law, Picone's pioneering analysis of special conflict-of-laws techniques provided an innovative conceptual framework that substantially shaped the Spanish discussion on the methodological transformation of private international law.

Picone's scholarly contributions encompassed an unusually broad spectrum, and his work left a deep imprint on every field he addressed. In private international law, a central part of his influence stemmed from his General Course at the Hague Academy of International Law in 1999, *Les méthodes de coordination entre ordres juridiques en droit international privé*. In this monumental course, he offered a systematic analysis of the various techniques by which legal systems coordinate the regulation of cross-border private situations, an analytical framework that remains a foundational reference for scholars in Europe, Latin America and Spain. In public international law, his name became associated with some of the most complex debates of recent decades: erga omnes obligations, the constitutional structure of the post-Bretton Woods economic order, jus cogens, State responsibility, the prohibition on the use of force and the role of the Security Council. His book *Comunità internazionale e obblighi «erga omnes»* (Naples, Jovene, 2006) stands as one of his most influential works.

In this volume, collecting essays written since the 1980s, Picone argued that the so-called "international community" should be understood as a structured social entity distinct from States, endowed with its own interests and protected juridically through erga omnes obligations, enforceable by all States *uti universi*. He maintained that such obligations evidenced the gradual verticalisation of the international legal order and the decline of a purely contractualist conception of international law. He drew a clear distinction between rules of *jus cogens* and erga omnes obligations, contending that international crimes should be understood as serious violations of the latter.

Picone applied these insights to fields such as environmental law, international economic law and, with particular emphasis, the United Nations system and the use of force. He argued that, under certain circumstances, the UN could function as a material organ of the international community, especially through the Security Council acting to protect fundamental collective interests. His reading of unilateral interventions purportedly undertaken to enforce erga omnes obligations, as well as his critique of the final version of the International Law Commission's Articles on State Responsibility, stimulated wide-ranging doctrinal debates. The book became

an indispensable reference for understanding the contemporary evolution of erga omnes obligations and, more broadly, the structure of the international legal system.

Throughout these analyses, always attentive to the communal dimension of international law, Picone defended a non-contractualist conception of the system, oriented toward the protection of collective values and the recognition of an international community endowed with a core of structural principles.

Reception and Influence in Spain

Professor Picone's work was received in Spain with exceptional interest. His Hague Academy courses, his monographs on private international law and his numerous writings on erga omnes obligations were widely cited and discussed. His influence permeated the general theory of private international law, the debates surrounding European harmonisation and Spanish reflections on the nature and function of peremptory norms in international law. The Universidad Autónoma de Madrid, where he served as visiting professor, benefited greatly from his teaching, and successive generations of Spanish internationalists have recognised in his work a cornerstone for the contemporary systematisation of public and private international law.

Mastery and Legacy

Beyond his scholarly output, Paolo Picone was a true master in the fullest sense. He trained dozens of researchers who now occupy leading positions in European universities and generously supported the careers of scholars within and beyond his immediate school. His personality, marked by a distinctive Neapolitan blend of irony, strength of character and sharp critical intellect, made him a passionate and demanding interlocutor, whose presence enlivened seminars and debates with brilliance and incisiveness.

The breadth and depth of Picone's magisterium were exemplified by the *Liber amicorum* published in his honour in 2011, edited by Aldo Ligustro and Giorgio Sacerdoti. With nearly one thousand pages and forty-six contributions in several languages, the volume offered compelling testimony to Picone's intellectual influence on international economic law, a field to whose theoretical and systematic development he contributed decisively. The diversity of topics, ranging from general issues of the international economic order to monetary and financial law, international trade, WTO dispute settlement, foreign investment law and EU competition law, illustrated both the transversal impact of his scholarship and the vitality of his intellectual school. For many internationalists, including those in Spain, the volume provided privileged access to a particularly rich and rigorous Italian academic tradition.

A Personal Tribute

It is with deep sadness that I express my personal condolences on the passing of Professor Paolo Picone, with whom I had the honour of coinciding as a

representative of Spain at the Hague Conference on Private International Law in 1994. I have always retained a vivid memory of his intellectual lucidity, analytical rigour and, not least, his unmistakable and very Neapolitan sense of humour, which lent humanity even to the most technical discussions. I extend my heartfelt condolences to his family, his students and the entire Italian and international academic community, which today mourns the loss of an irreplaceable master.

José Carlos Fernández Rozas

Madrid, 17 noviembre 2025