

The Refuge and the birth of an international business law

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

The Huguenot exodus raised complex legal questions, which contributed to the development of a business law oriented towards international affairs. The refugees owned property and held claims in France, which the kingdom had placed under sequestration or confiscated. They concluded contracts with partners established in several countries. They married and passed on their property within dispersed families. Each transaction raised questions of applicable law, competent jurisdiction and recognition of foreign decisions.

The French authorities had organised the administration of the property of Protestant fugitives, entrusted to a special administration.¹ Families sought to recover this property through simulated sales, nominees or arrangements with relatives who had remained in France. Bankers and notaries played an essential part in these often delicate operations.

The dispersed merchants also resorted to arbitration to settle their disputes, in order to avoid national courts that were slow or hostile. Trust between members of the network made it easier to accept arbitral awards. This practice foreshadows the role of international arbitration in contemporary business, of which Geneva is one of the centres.

Contemporary Swiss private international law offers cross-border transactions a framework that the refugees of the seventeenth century would have appreciated. The Federal Act on Private International Law governs the applicable law, the jurisdiction of the courts and the recognition of foreign decisions, as well as international arbitration.² The Lugano Convention facilitates the circulation of judgments between Switzerland and the European states that are parties to it.³ These instruments constitute an essential legal infrastructure for a financial centre that manages international estates and contracts.

1 Notes

1. Musée protestant, entry “Les nouveaux convertis” (museeprotestant.org): since emigration was forbidden, the property of those who fled was confiscated, an economic sanction intended to discourage departures; the administration of this property was the subject of a special régie, studied in particular in the article “Les Ligonier et la Régie des biens des Religionnaires fugitifs” (jstor.org). ↩
2. Federal Act of 18 December 1987 on Private International Law (PILA; LDIP; SR 291), Chapter 12 (Art. 176–194), in its revised version in force since 1 January 2021; Art. 176 para. 1: “The provisions of this chapter apply to any arbitration if the seat of the arbitral tribunal is in Switzerland and if, at the time the arbitration agreement was concluded, at least one of the parties to it had neither its domicile, nor its habitual residence, nor its seat in Switzerland” (text published by Swiss Arbitration, swissarbitration.org). ↩
3. Federal Office of Justice, “Convention de Lugano 2007” (bj.admin.ch): convention “concluded on 30 October 2007 at Lugano, between the Swiss Confederation, the European Community, the Kingdom of Denmark, the Kingdom of Norway and the Republic of Iceland”, on “jurisdiction and the recognition and enforcement of judgments in civil and commercial matters”, in force for Switzerland on 1 January 2011; it succeeds the Lugano Convention of 16 September 1988 (SR 0.275.12). ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/geneva-the-refuge-and-the-birth-of-an-international-business-law