

The 2021 European Society of International Law Conference

Brief Words of Welcome with References

by

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9 September 2021

Stockholm, Sweden

Your Royal Highness Crown Princess Victoria,
Professor Photini Pazartzis, President of the European Society of International Law,
Professor Astrid Söderbergh Widding, President of Stockholm University,
Professor Jessica van der Sluijs, Dean of the Faculty of Law at Stockholm University,
Professor Pål Wrangé, Director of the Stockholm Centre for International Law and Justice,
Distinguished Conference Attendants,

As chairman of the Board of the Stockholm Centre for International Law and Justice (SCILJ) it gives me great pleasure to wish you all warmly welcome to the 2021 Annual Conference of the European Society of International Law. This Conference was planned for September 2020, but because of the COVID-19 pandemic it had to be postponed until now. Furthermore, the way in which the present Conference will be held will be different from previous ESIL Conferences, in particular since many participants will not be here in person but connect through the virtual alternative.

The SCILJ was established in February 2012 with the following missions:

- To develop research in international law, especially the relationship between international law and other legal systems and between international law and international politics and ethics;
- To strengthen the links between academia and practice;
- To establish and maintain international contacts, and
- To strengthen the profile of international law at Stockholm University.

The Centre shall have an interdisciplinary and practice-oriented character and will make international law visible as part of the public discourse.

The Centre also has an International Advisory Board, presently consisting of eleven distinguished members from around the world.

Among the events that the Centre organises every year – some 25 – should be mentioned the Hilding Eek Memorial Lectures, delivered by distinguished international legal scholars, and the doctoral retreats on Critical Research in International Law (CRIL). The Centre also organises regular seminars on various topics.

With respect to research, the Centre has initiated a legal interdisciplinary research program called “Global Law, Local Lives”. The project, which has participants from different legal disciplines, is led by a steering group. The Centre also has several fellows at the University and also visiting fellows.

At the national level, the Centre co-operates regularly with the Swedish Branch of the International Law Association, as well as with other institutes at the Department of Law, such as the Swedish Law and Informatics Research Institute, the Child Rights Centre and the Institute of European Law, as well as with other national partners, such as the National Defence University.

At the international level, the Centre has a partnership with the Forum for International Criminal and Humanitarian Law in Brussels. It also collaborates with the Centre for International Law and Justice in Copenhagen, the Erik Castrén Institute in Helsinki and PluriCourts at the University of Oslo as well as with the International Law Institute at Peking University.

Researchers at the Centre also actively interact with society through interviews in the mass media and by publishing popular science articles. There is also a close cooperation between the teachers and researchers of the Centre and the lawyers responsible for international law in the Swedish Ministry for Foreign Affairs.

The present ESIL Conference is the greatest event that the Centre has organised, and we are very glad that Stockholm was chosen for this purpose.

Professor Wrangé will present the purpose of the Conference and its scientific contents. I myself will only add a few brief remarks, based on my experience from the bench here in Sweden and as Chief Legal Adviser in the Ministry of Justice and the Ministry for Foreign Affairs and, finally, as the Legal Counsel of the United Nations between 1994 and 2004. My focus will be on the need for the rule of law and the responsibility of lawyers for defending this element – indispensable for achieving international peace and security.

If you look at conflicts around the world and ask what is causing them, you come to the conclusion that there is a common denominator: no democracy and no rule of law. The latest events in Afghanistan and the situation in the European countries Belarus, Hungary and Poland illustrate the multifaceted problems that exist here. One of the most central duties of a state under the rule of law is to protect human rights. It is therefore necessary to strengthen the rule of law and to fight one of its worst enemies: corruption. Lawyers have a special role to play here irrespective of where we discharge our professional duties.

A disturbing factor in later years is that even in democracies the rule of law and human rights are not respected in a manner that is absolutely necessary for achieving international peace and security. The point of departure when we reflect on this is a heritage from a generation that experienced two world wars in the past century, namely the Universal Declaration of Human Rights from 1948, today recognised as customary international law.¹ The third preambular paragraph of the Declaration reads:

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Within the United Nations the General Assembly and the Security Council have stressed the importance of the rule of law in many resolutions. By way of example reference can be made to the General Assembly resolution on education for justice and the rule of law in the context of sustainable development of 18 December 2016,ⁱⁱ and Security Council resolution on peacekeeping operations of 13 December 2018.ⁱⁱⁱ In the Council of Europe we have the European Convention on Human Rights^{iv} and the European Court of Human Rights.^v Also the European Union is engaged in the need for protection of human rights, the latest examples being an action plan that the Commission issued on 17 July 2019 *Strengthening the rule of law within the Union A blueprint for action* COM(2019) 343 final^{vi} and a joint communication by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy on 25 March 2020 *EU Action Plan on Human Rights and Democracy 2020-2024*.^{vii} There is also the *Outcome of Proceedings* by the Council of the European Union of 18 November 2020.^{viii} The Organisation for Security and Cooperation in Europe (OSCE) is also focusing on rule of law ensured by rights, in particular its Office for Democracy and International Human Rights (ODIHR).^{ix}

With respect to what is meant by human rights there are also several definitions that are useful. Within the United Nations we can find one in paragraph 6 in the report that then Secretary-General Kofi Annan presented to the General Assembly in 2004 under the title *The rule of law and transitional justice in conflict and post-conflict societies*.^x

Within the Council of Europe, there is a very useful definition presented by the so-called Venice Commission on 18 March 2016.^{xi} In the European Union the rule of law is defined in the Commission's action plan that I just referred to. I should also mention that the OSCE has a support programme here.^{xii}

Among non-governmental organisations reference can be made to the World Justice Project that is issuing a very interesting index every year to map the actual condition for the principle of the rule of law in many countries and jurisdictions: the *World Justice Project Rule of Law Index*.^{xiii}

For my part, I often use a very straightforward and brief definition, consisting of four elements: (1) democracy; (2) proper legislation respecting international human rights standards; (3) the institutions to administer this law, including independent and impartial courts; and (4) the individuals with the integrity and the knowledge to administer these institutions. The fourth element is maybe the most demanding challenge. I have focused on this in an article entitled *The Dag Hammarskjöld Legacy and Integrity in International Civil Service*.^{xiv}

Finally, I never miss an opportunity to mention a short guide that has been elaborated to assist politicians in understanding their responsibility for the rule of law: *Rule of Law – A guide for politicians*. It is elaborated under the auspices of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law at Lund University, Sweden, and the Hague Institute for the Internationalisation [now Innovation] of Law (HiIL), Netherlands. The guide is freely available for downloading and printing from the web in 26 languages.^{xv}

Once again to all of you: Warmly welcome to the Conference!

Endnotes

See next page.

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- i <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- ii A/RES/74/172 <https://undocs.org/en/A/RES/74/172>
- iii S/RES/2447 (2018) [https://undocs.org/S/RES/2447\(2018\)](https://undocs.org/S/RES/2447(2018)) This link does not always work, so you may have to use <https://www.un.org/securitycouncil/content/resolutions-adopted-security-council-2018>
- iv https://www.echr.coe.int/documents/convention_eng.pdf
- v <https://www.echr.coe.int/Pages/home.aspx?p=home>
- vi COM(2019) 343 final <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019DC0343&from=EN>
- vii JOIN(2020) 5 final https://eur-lex.europa.eu/resource.html?uri=cellar:e9112a36-6e95-11ea-b735-01aa75ed71a1.0002.02/DOC_3&format=PDF
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- ix <https://www.osce.org/democratization>
- x UN Doc. S/2004/616* https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2004/616
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- xv <https://rwi.lu.se/publications/rule-law-guide-politicians/>