THE CONSTRUCTION OF A HUMANIZED INTERNATIONAL LAW

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1. May I, first of all, express my satisfaction for the presence, in this ceremony, of all distinguished friends from the European Court of Human Rights (ECtHR) and from the International Institute of Human Rights (IIHR). And may I, likewise, thank President Dean Spielmann and Dr. Andrew Drzemczewski for having kindly written the Preface and the General Introduction, respectively, of my two-set Books of Opinions, and for their kind words in this ceremony of presentation of the two-volume work tonight. This is a very special occasion to me, as I have been carefully and closely following the evolving case-law of the ECtHR since the early seventies.

2. I am particularly grateful for the words just pronounced by my friends President Dean Spielmann and Dr. Andrew Drzemczewski. President D. Spielmann very kindly recalled my contribution to the treatment of the rule of exhaustion of local remedies, which consumed several years of my youth, and became a theme which has accompanied me ever since. And Dr. A. Drzemczewski very kindly expressed his solidarity with the views I recently sustained at The Hague on the Convention against Genocide being people-centred and being accordingly approached not from a strictly inter-State outlook, but with attention rather turned to the victims.

3. This occasion is very special to me also for the position I have always upheld in full support of the multiplicity of international tribunals. In the late nineties I had the occasion to give start to the annual meetings between delegations of the Inter-American Court of Human Rights (IACtHR, which I was then presiding), and of the ECtHR, in a fruitful dialogue. That multiplicity is a phenomenon of our times, and a reassuring one, as it opens new paths of access to international justice on the part of the justiciables. Attention is thus focused on the common mission of international tribunals of imparting justice in their respective jurisdictions, rather than on false issues of delimitation of competences.

4. Each case brought before an international tribunal is a universe in its own, raising issues as to the facts as well as to the law, - both substantive and procedural law. The two-Books of Opinions being presented tonight disclose my handling of such issues in two distinct international jurisdictions (the IACtHR - volume I, and the International Court of Justice [ICJ] - volume II). Individual Opinions contribute to an understanding of the reasoning conducive to judicial decisions, and further disclose the judge’s own conception of the exercise of the international judicial function.

5. President D. Spielmann has just recalled the words of one of my predecessors at the ICJ, Judge H. Lauterpacht, as to the relevance of Individual Opinions to the development of international law itself. And Dr. A. Drzemczewski, for his part, has just observed that, in addition to my various Individual Opinions already contained in this two-volume anthology, there is a very recent one, that could perhaps become the third volume: the Dissenting Opinion I have just presented in the ICJ, six days ago, in its Judgment in the case concerning the Application of the Convention against Genocide (Croatia versus Serbia).

6. I thank Andrew for his solidarity with my most recent dissent and for his observation that here in Strasbourg, and elsewhere, not a few jurists are bound to feel the same way as I do and to share my views. I have always appreciated the ECtHR’s open-mindedness and its careful attention to the progressive
development of international law, in particular in the domain of the international protection of the rights of the human person. States exist for human beings, and not vice-versa.

7. It is very very significant to me that this act is taking place in Strasbourg, here in the premises of the ECtHR. I have always been attentive to the evolving case-law of the ECtHR (since my first visits to it, in 1972 and 1973), as seen in my numerous cross-references to it in my Individual Opinions in two distinct international jurisdictions [formerly the IACtHR and nowadays the ICJ]. I have ever since closely followed the successive changes in the ECtHR’s interna corporis, and its institutional adaptations to the new times.

8. The Leitmotiv of my work compiled in the two-set Books of my Individual Opinions being launched here is portrayed in the title itself of the work: The Construction of a Humanized International Law. The endeavours to the accomplishment of this goal have given sense to my professional life, as a judge and an academic. In concluding, may I add that I much appreciate the feeling of a real legal community which Strasbourg conveys, conformed by the ECtHR and the IIHR, the latter represented here tonight by its President, and former President of the ECtHR, Judge Jean-Paul Costa, together with its permanent staff members, like those of the ECtHR. Strasbourg is, in sum, a dear city which belongs to the realm of my personal life. May I once again thank you all for your presences and for the kind attention with which you all have distinguished me tonight.