

OPENING SPEECH IN CEREMONY AT THE FACULTY OF LAW OF VILNIUS UNIVERSITY, VILNIUS, LITHUANIA¹

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Today, we are pleased and honoured to welcome an exceptional guest – Judge of the International Court of Justice, His Excellency Antônio Augusto Cançado Trindade. We highly appreciate His Excellency's kind consent to share his tremendous experience and thoughts on the development and prospects of international justice. Taking into account multiple challenges to international stability and the ensuing human suffering, I am sure that our guest's ideas about humanity-oriented international justice will become a source of inspiration for all of us. This is also an extraordinary opportunity for our students to become inspired and motivated from the very beginning of the new semester.

Judge Antônio Augusto Cançado Trindade's vision of international justice and International Law has been influenced by his prior experience in a position of the President of the Inter-American Court of Human Rights and his rich academic experience. Currently one of the most famous Professors of International Law, Mr. Cançado Trindade has been lecturing for nearly 40 years before different audiences all over the world: in Argentina, Venezuela, Colombia, Norway, Italy, Belgium, France and other States. It would take a while to present even a small part of the extraordinary rich professional biography of our honoured guest. To mention only few facts, the Professor is a Doctor *Honoris Causa* of University Panteion of Athens, of the American University of Paraguay, among others; a member of the Scientific Board of the Hague Academy of International Law (elected in 2004), and a Member of the Institute of International Law (*Institut de Droit International*, elected in 1997). Mr. Cançado Trindade also served as a legal adviser to the United Nations Environment Programme (UNEP, 1990-1992), the UN Refugee Agency (1994 and 2004), United Nations Development

Programme (1988), the Council of Europe (1995), the International Committee of the Red Cross (1997-2000), and UNESCO (1997). In 1985-1990, he was a Legal Adviser to the Ministry of External Relations of Brazil. Despite numerous positions and responsibilities, the Professor has produced an incredible number of publications, 30 of which are his books, nearly 500 monographs and articles. And all this is only part of his incredible biography.

Judge Cançado Trindade is known for his brave, anti-formalistic values-based approach to international law, as well as for his consistent critique of the unconditional primacy of the State over the individual. The dissenting opinions, publications, and lectures of our distinguished guest reveal his perception of international justice emanating from the universal juridical conscience, based on the duty of care for the humankind, human dignity, and respect for human rights. Judge Cançado Trindade is strongly committed to the view that international judges have a particular role in defending the international rule of law and ensuring protection of those most vulnerable, including women, migrants, and indigenous peoples. The Professor refers to scholars, practitioners, and students as "the new generations of international lawyers" dedicated to universalization and humanization². I also recall His Excellency in his Dissenting Opinion in the case of the *Jurisdictional Immunities of the State* (2012) noting that

Individuals are indeed subjects of international law (not merely 'actors'), and whenever legal doctrine departed from this, the consequences and results were catastrophic. Individuals are titulaires of rights and bearers of duties which emanate directly from international law (the *jus gentium*). Converging

developments, in recent decades, of the international law of human rights, of international humanitarian law, and of the international law of refugees, followed by those of international criminal law, give unequivocal testimony of this.³

There are many other ideas expressed by our honourable guest that I would like to quote. However, I am sure that soon we will have a unique opportunity to hear them from Judge Cançado Trindade directly. Thus, let me draw your attention to just one more particular idea, consistently advocated by Professor Cançado Trindade, namely, that States cannot use sovereignty and territorial control as a shield for committing crimes against humanity. Taking into account that for 50 years of occupation, all that Lithuania could rely on was international law, this idea is especially meaningful for us.

Dear colleagues, before finishing my short introductory speech, I would like to emphasize that our guest's visit to Vilnius is truly special. First of all, it is on very rare occasions that

we have an opportunity to welcome law professionals of such a high standing. Another reason is that His Excellency is from Brazil, the State that has never recognized or justified the occupation and repressive actions of the Soviet regime in Lithuania and other Baltic States⁴.

To quote the words of former Lithuanian President His Excellency Valdas Adamkus, "The support of such countries like Brazil [or the United States of America] was a major source of strength for our people who after fifty years of oppression and persecution were reborn as a nation and reestablished a free and independent state. Therefore, we highly value the bilateral relationship that exists today between Lithuania and Brazil – a relationship which is based on the common values of freedom, democracy, and respect for human rights and which has never been broken since 1931"⁵. Let me now pass the floor to our honourable guest His Excellency Judge Cançado Trindade.

NOTES

1. Introducing Judge Antônio Augusto Cançado Trindade's *aula magna* on "A Century of International Justice and Prospects for the Future", at Vilnius University, Vilnius, Lithuania, on 04 September 2015 (11:00h-13:00h).
2. Editorial review of the book *International Law for Humankind* (The Hague Academy of International Law Monographs). Christophe Swinarski, *International Humanitarian Legal Studies*, Issue 2, 2011.
3. Dissenting Opinion of Judge Cançado Trindade in the *Jurisdictional Immunities of the State* case (2012), para. 180.
4. Brazil recognized Lithuania *de jure* on 09.12.1921. Diplomatic relations were established in 1931. Brazil recognized the re-established independent State of Lithuania *de jure* on 04.09.1991. Diplomatic relations were re-established on 05.11.1991. From 1996 to 2004, Vytautas Antanas Dambrava served as the first Ambassador of Lithuania to Brazil after the re-establishment of independence (resided in Venezuela, then in Spain). From 1994 to 1995, Luiz Antonio Jardim Gagliardi served as the first Ambassador of Brazil to Lithuania after the re-establishment of independence (resided in Denmark). Information of the Ministry of Foreign Affairs of Lithuania, 2014.03.04, <https://www.urm.lt/default/en/bilateral-Brazil>.
5. President Adamkus Introduced Lithuania to Representatives of Brazilian Political, Business and Academic Communities, 18.07.2008. Available at: <http://archyvas.lrp.lt/en/news.full/9403>.

