

Hopes and fears for international law:
The Work of the International Court of Justice – Professor Hilary Charlesworth
Introduction to the 2024 Opening Lecture
Marie-Laure Salles

Dear professor Charlesworth, Madame la Conseillère d'Etat, Madame la Présidente du Conseil de Fondation, vos Excellences, dear students, dear colleagues, dear friends, Mesdames et Messieurs, it is my pleasure to welcome you tonight at the institute for the opening keynote lecture of the academic year.

We have the great chance and honor today to welcome Professor Hilary Charlesworth. Professor Charlesworth, you are tonight in the Maison de la Paix, a little less grand denomination than the Palace of Peace but I can assure you that our conviction and energy for peace are as intense here as in the Hague!

Professor Charlesworth is a distinguished international lawyer with a long academic career focusing in particular on international legal theory, human rights and feminist legal theory. Since 2021, Professor Charlesworth has served as Judge at the International Court of Justice. The formal and more complete presentation of Professor Charlesworth's career will be made in a few minutes by Madame Beth Krasna, President of the Foundation Board of the Geneva Graduate Institute.

Hopes and Fears for International Law: The Work of the International Court of Justice. This is the title of your talk today Professor Charlesworth. The Geneva Graduate Institute has it in its DNA, ever since its creation in 1927, to believe that the only hope for peace and justice lies in international collaboration and international law. Without international law, the geopolitical landscape is back to square one, a situation of anomie – a notion popularized by the French sociologist Emile Durkheim. A condition of instability and violence (Hobbes termed it war of all against all) resulting from a breakdown of common standards and guard rails. International law and international collaboration therefore are the backbone of hope for peace and justice – and the role of the International Court of Justice is key in that respect. At the same time, international law is at risk. Some of the attacks and criticisms are justified – just like our international collaboration system, our international law system reflects the times and power dynamics of its creation. It does need rethinking. But we should beware of throwing the baby with the bathwater – transforming international law, yes, weakening and delegitimizing it further to the point of incapacitation would be foolish and dangerous for all of us, for humanity.

The International Court of Justice is the principal judicial organ of the United Nations. It was founded in 1945 and started operating in 1946, but it inscribed itself in the legacy of its predecessor, the Permanent

Court of International Justice. The Permanent Court of International Justice was called for by article 14 of the Covenant of the League of Nations. Article 14 defined the role of the Court that was to be created in the following terms: “*The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it.*” The Permanent Court of International Justice, sometimes called the World Court was operational between 1922 and 1946 and had its permanent seat already then in the Peace Palace in the Hague.

Whether the International Court of Justice is a World Court, I will let Professor Charlesworth address this. But the ICJ counts 15 judges, elected for mandates of nine years by the General Assembly and the Security Council of the United Nations. And those 15 judges come from different parts of the world, and more importantly may be from different legal systems in order to ensure the representation of legal diversity. Professor Charlesworth will certainly enlighten us on the degree to which the International Court of Justice can set legal precedent if not directly at least indirectly. The last years are showing in any case, that in a period when the political dynamics of multilateralism are highly dysfunctional, reflecting a polarized world and a situation where states increasingly tend towards the business of war instead of the project of peace, the ICJ may be having an increasingly important role to play to defend and sustain the flickering flame globally of peace and justice.

At the Geneva Graduate Institute we have a long history connecting us with the International Court of Justice. Our former colleague, Professor Georges Abi-Saab was frequently involved at the Court as counsel on a number of cases. He also served as Judge ad hoc twice, appointed by Mali in a case against Burkina Faso and by the Tchad in a case against Lybia. Judge Abdulqawi Yusuf, who is in his second term at the International Court of Justice and was President of the Court between 2018 and 2021 is an alumnus of the Institute and obtained his PhD in 1980 from the Department of International Law. Another Judge of the ICJ, Georg Nölte, was a member of our Institute’s foundation board until 2021 when he joined the Court. A number of members of our alumni community held prominent roles in the Court’s registry – (Fatsah Ouguergouz, Jean-Pierre Issele, Mamadou Heble, Santiago Villalpando and Vladislav Lanovoy). Many of our professors have, on the other hand close connections with the Hague Academy of International Law, an Institution which was created in 1923 in close connection with the Permanent Court of International Justice – just like we were created in 1927 with tight links to the League of Nations. For example, Madame la Professeure Paola Gaeta delivered a few months ago, as part of the academy’s prestigious summer school, a course on genocide and the dual responsibility of the state and the individual.

All this to say, dear professor charlesworth, that you are at home here at the geneva graduate institute and that we are particularly delighted and honored to welcome you today.

Tonight's event will unfold in the following way. In a few minutes, I will leave the floor to madame la Conseillère d'Etat, Madame Anne Hiltbold. Then Madame Beth Krasna, president of the institute's foundation board will take the stage, introduce professor Charlesworth and award her the 2024 Edgar de Picciotto prize. We will then listen to Professor Charlesworth. The discussion that will follow will be moderated by professor Nico Krisch, head of the international law department at the institute. And i want to thank you warmly for that Nico.

Before that however, I would like to pause a few moments to honor the memory of our dear colleague Professor Mohamed Mahmoud Ould Mohamedou who left us last week, much too early. One year ago, Mahmoud was on stage with me for the Opening Lecture of the 2023 academic year. Mahmoud was a fighter for peace, for international collaboration and for justice. So, normally he would have been here sitting on the first row today. We are and will be terribly missing him and I would like to dedicate this evening to him, *in memoriam*.

Madame la Conseillère d'Etat, je vous laisse maintenant la parole.