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Rule of Law – A guide for politicians

Message by video-recording from Ambassador Hans Corell, Chairman of the Board of Trustees of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law at Lund University, Sweden

Mr. Chairman,
Distinguished Delegates,
Friends,

It gives me great pleasure to address you today, in particular since 24 October is the UN Day. The purpose of my address is to introduce you to a publication – *Rule of Law – A guide for politicians* – that you should have received by now.

An interesting coincidence is that exactly one month ago, on 24 September, the High-level Meeting of the UN General Assembly adopted a Declaration on the Rule of Law at the National and International Levels. I am sure that you are aware of the well-deserved mentioning of the Inter-Parliamentary Union in that Declaration.

My name is Hans Corell. I am a former judge and later legal adviser to three Ministers of Justice and three Ministers for Foreign Affairs in my native Sweden. I served as the Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations from 1994 to 2004. Having now retired from public service, I am addressing you in my capacity as Chairman of the Board of Trustees of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law at Lund University in Sweden.

Let me first tell you about the genesis of the Guide.

There is an organisation called the InterAction Council of Former Heads of State and Government. It was established in 1983 as an independent international organization to mobilize the experience, energy and international contacts of a group of statesmen who have held the highest office in their own countries. Council members jointly develop recommendations on, and practical solutions for the political, economic and social problems confronting humanity. A few months ago, Thomas S. Axworthy of Canada was appointed Secretary-General of the Council.

In 2008, the Council had decided to address the topic “Restoring International Law”. Chairman of the Council that year was Mr. Ingvar Carlsson, Former Prime Minister of Sweden. He had asked me to advise him and the Council.

The Council started its deliberations in the city of Hamburg in mid-June 2008 in a High-level Expert Group Meeting on Restoring International Law: Legal, Political and Human Dimensions. Present at this meeting where, in addition to the Chairman, the following four members of the Council:

Mr. Helmut Schmidt, Former Chancellor of Germany,
Mr. Malcolm Fraser, Former Prime Minister of Australia,
Mr. Jean Chrétien, Former Prime Minister of Canada, and
Mr. Olusegun Obasanjo, Former President of Nigeria.

During the meeting, the point was made that there was a need to raise the awareness of politicians of the basics of international law and the meaning of the rule of law. In accordance with the Council's working methods, the Chairman delivered a report from the meeting to the plenary session of the Council.

The plenary session of the Council took place in Stockholm the week after, when the five Council members mentioned were joined by former heads of state and government from Austria, Brazil, Colombia, Cyprus, Finland, Germany, Greece, Hong Kong, Iceland, Indonesia, Jamaica, Japan, Jordan, Korea, Mexico, Norway and Tanzania.¹

The discussion on the rule of law continued, and when the members of the Council adopted their Final Communiqué on 27 June 2008 it contained, among others, the following three recommendations:

- Acknowledging that the challenges mankind faces must be addressed through multilateral solutions within a rule-based international system;
- Encouraging non-governmental organisations to continue their activities in enhancing respect for human rights and the rule of law;
- Calling for all states to devote resources to education on global ethics, the foundations of international law and the meaning of the rule of law at the national and international level.

The more we thought about this Communiqué within the Raoul Wallenberg Institute, the more we believed that there ought to be a follow-up. The then Director of the Wallenberg

¹ The following members of the Council were present at the plenary session:

H. E. Mr. Helmut **Schmidt**, Honorary Chairman (Former Chancellor of Germany)
H. E. Mr. Malcolm **Fraser**, Honorary Chairman (Former Prime Minister of Australia)
H. E. Mr. Ingvar **Carlsson**, Co-chairman (Former Prime Minister of Sweden)
H. E. Mr. Jean **Chrétien**, Co-chairman (Former Prime Minister of Canada)
H. E. Mr. Esko **Aho** (Former Prime Minister of the Republic of Finland)
H. E. Mrs. Gro Harlem **Brundtland** (Former Prime Minister of Norway)
H. E. Mrs. Vigdís **Finnbogadóttir** (Former President of the Republic of Iceland)
H. E. Mr. Bacharuddin Jusuf **Habibie** (Former President of the Republic of Indonesia)
H. E. Mr. **Lee** Hong-Koo (Former Prime Minister of Korea)
H. E. Mr. AbdelSalam **Majali** (Former Prime Minister of Jordan)
H. E. Mr. Benjamin William **Mkapa** (Former President of Tanzania)
H. E. Mr. Yoshiro **Mori** (Former Prime Minister of Japan)
H. E. Mr. Olusegun **Obasanjo** (Former President of the Nigeria)
H. E. Mr. Andrés **Pastrana** (Former President of Colombia)
H. E. Mr. Percival N.J. **Patterson** (Former Prime Minister of the Republic of Jamaica)
H. E. Mr. José **Sarney** (Former President of Brazil)
H. E. Mr. Constantinos Georgios **Simitis** (Former Prime Minister of Greece)
H. E. Mr. **Tung** Chee Hwa (Former Chief Executive of Hong Kong)
H. E. Mr. George **Vassiliou** (Former President of Cyprus)
H. E. Mr. Franz **Vranitzky** (Former Chancellor of Austria)
H. E. Mr. Richard von **Weizsäcker** (Former President of Germany)
H. E. Mr. Ernesto **Zedillo** Ponce de León (Former President of Mexico)

Institute, Mr. Leif Holmström, and I contacted a friend in the Netherlands, Mr. Sam Muller, Director of the Hague Institute for the Internationalisation of Law (HiIL). We got together and decided to cooperate in preparing a guide on the rule of law that could be used by politicians all around the world.

Dr Ronald Janse of the Hague Institute was asked to take the lead in preparing a first draft, addressing the fundamental elements of the topic. So he did, and we are most grateful to him for this pioneering effort.

The draft was discussed and further developed within the two Institutes. It was then circulated to the members of the InterAction Council for comments. It was also shared with the Secretariat of the Inter-Parliamentary Union. Let me take this opportunity to thank Secretary General Anders B. Johnsson and his team for the highly pertinent and valuable suggestions and comments that they provided. Needless to say, we were careful to take due note of these contributions.

At all times, the lodestar was that the Guide should be as short as possible so that it could be read by busy politicians in different positions at the national level. At the same time, the Guide should also be useful to other decision-makers and policy-makers and to journalists and others who need to orient themselves in the topic.

The contents of the Guide should be self-explanatory. It is our sincere hope that you will find it useful. As it appears, the Guide can be freely downloaded from the websites of the two Institutes.

Presently, the Guide is available in English only. However, translations are forthcoming in different languages. We are happy to note that, for the worthy cause, translators are providing this assistance *pro bono*.

I would like to use this opportunity to invite you to identify persons in your respective countries who can translate the Guide into as many languages as possible. Please do not hesitate to contact Mr, Rolf Ring of the Raoul Wallenberg Institute, who is in charge of this activity. His address appears in the Guide.

Let me close on the note that the rule of law is certainly not a matter for lawyers only. Quite the contrary! It is an ideal that must be anchored at the grassroots level in all societies. And as politicians, notably members of parliaments from all over the world, you have an obligation to explain this ideal and to defend it.

This brings me to a very serious question based on my own experiences from the United Nations. It is mentioned in the Guide and related to the adoption by the UN General Assembly resolution on the Declaration on the Rule of Law at the National and International Levels of 24 September that I mentioned at the outset.

I refer to the fact that in some cases members of the Security Council, including permanent members, have violated the UN Charter. A sad example is the war against Iraq in 2003. In that situation, permanent members of the Security Council went to war in violation of both international law and domestic law. The leaders of those countries at that time believed that their national interest required the use of force contrary to the law. They were prepared to

disregard the rule of law. Another example is the way in which certain counter-terrorist measures have violated international human rights standards.

This is an area where *your* responsibilities come into play. You have a responsibility to see to it that the governments of your countries do not violate obligations under international law in the future.

Democracy and the rule of law are necessary pre-requisites for the maintenance of international peace and security. They are crucial for creating a positive development at the national level, since they enhance predictability and contribute to establishing the necessary pre-requisites for reasonable living conditions for all members of a society. It is therefore necessary that all politicians have a good understanding of what is meant by a society under the rule of law.

Needless to say, one can always have views about the contents of a short Guide of this nature. What should be included, and what should not? Let us hope that the present Guide will be of service to politicians in all countries and that it will contribute to a common understanding within countries and across borders of the meaning of the rule of law and of its contribution to international peace and security, good neighbourliness and a prosperous future for the present and coming generations.

My friends, Chers amis,

Comme vous êtes au Canada et surtout à Québec, je sais que c'est important que je vous adresse aussi en français.

J'espère que votre conférence a été profitable et que vous allez retourner à vos pays avec des impressions nouvelles et aussi avec des idées constructives comment continuer vos charges importantes. Mais j'espère aussi que vous avez eu l'occasion de voir la belle ville de Québec avec ses environs pleins de beauté et qu'en plus vous avez pris part de sa culture et son histoire intéressante.

Je vous remercie profondément de m'avoir donné la possibilité de vous adresser à cette occasion. Merci beaucoup pour votre attention!

Thank you very much for your attention!