

A Challenge to the United Nations and the World: Developing the Rule of Law*

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I. INTRODUCTION

Those who have followed the work of the United Nations over the last few years have no doubt noted the determined efforts, in particular by the Secretary-General, to work towards an international society based on the rule of law. The reason is that, a few years ago, this issue was identified by the Secretary-General and his Senior Management Group as one of the major challenges to the Organization in the new century. As a matter of fact, in our analysis, the topic came second only to peace and security in the order of importance.

The Secretary-General never misses an opportunity to refer to the topic when this is appropriate. He has done so in many of his speeches, and it has become a standing theme in his annual reports on the work of the Organization. His Millennium Report¹ contains several references to the rule of law, which caused the General Assembly to respond by expressing its determined support for a rule-based international society in its Millennium Declaration in September 2000.²

In my last public lecture as Legal Counsel of the United Nations on 24 February 2004, I spoke about the prospects for the rule of law among nations.³ It was a speech of a more philosophical nature. Today's lecture will approach the topic from a slightly different angle, first, because the title indicates the rule of law *in general* and second, because it focuses on *developing* the rule of law.

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1. KOFI A. ANNAN, 'WE THE PEOPLES': THE ROLE OF THE UNITED NATIONS IN THE 21ST CENTURY, U.N. Doc. A/54/2000, U.N. Sales No. E.00.I.16 (2000), available at <http://www.un.org/millennium/sg/report/full.htm>.

2. G.A. Res. 9753, U.N. GAOR, 55th Sess., Supp. No. 49, at 3, U.N. Doc. A/55/2 (2000).

3. Hans Corell, Prospects for the Rule of Law among Nations, Address at the United Nations Vienna International Centre (Feb. 24, 2004), available at http://www.un.org/law/counsel/english/Vienna_24_2_04final.pdf.

II. RULE OF LAW AT THE NATIONAL LEVEL

As we all know, the concept “rule of law” comes from the national level. So, let us first look at the national level.

My initial observation would be that the law that is to form the basis of the rule of law at the national level has to fulfill certain standards. It must qualify as acceptable, in particular in relation to human rights requirements. Any law will simply not do!

These standards can of course be set at the national level. However, in reality, guidance is today sought in international documents, in particular in the Universal Declaration of Human Rights of 1948 and the two Covenants on Human Rights from 1966.⁴ There is hardly a constitution drafted these days that does not contain the standards laid down in these instruments. Basically, this means that a society under the rule of law can only be developed in a democratic system.

I read with great interest an article by one of the members of your faculty, Professor David Kairys: *Searching for the Rule of Law*.⁵ The article is based on a speech that he delivered on 7 November 2002.⁶ I tend to agree with most of his observations. In this context, I would like to draw attention to his description of the rule of law as a social or political system. He notes that:

One of the interesting things about . . . the rule of law as a social or political system is that instead of the rule of law being part of, or following from, our great systemic principles, everything else, including the grandest of our [i.e. the United States] principles, is seen as following from the rule of law.⁷

He then continues:

Democracy is seen not as an organizing principle of the highest order for our society, but as a requirement of the rule of law. We need democracy, and laws arrived at democratically, in order to have the rule of law. This logic seems backwards and inappropriately law-centric. We need democracy because we need democracy, and we need freedom and

4. *Universal Declaration of Human Rights*, G.A. Res. 217A, U.N. GAOR, 3d Sess., 183d plen. mtg., at 71, U.N. Doc. A/810 (1948); *International Covenant on Economic, Social and Cultural Rights*, G.A. Res. 2200, U.N. GAOR, 21st Sess., Supp. No. 16, at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (entered into force Jan. 3, 1976); *International Covenant on Civil and Political Rights*, G.A. Res. 2200, U.N. GAOR, 21st Sess., Supp. No. 16, at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force Mar. 23, 1976). These documents and the optional protocols that comprise the “International Bill of Human Rights” are available at <http://www.un.org/Depts/dhl/resguide/resins.htm>.

5. David Kairys, *Searching for the Rule of Law*, 36 SUFFOLK U.L. REV. 307 (2003).

6. David Kairys, Address at the Suffolk University Law Review Donahue Lecture Series (Nov. 7, 2002).

7. Kairys, *supra* note 5, at 314.

equality because we need freedom and equality.⁸

I understand the argument, in particular after reading the article as a whole. However, for my part, I would reiterate just as a simple fact—and without being law-centric or belittling the need for a democratic system for more overriding reasons—that a society under the rule of law, as it should be understood today, can only be developed in a democratic system. In my view, democracy is therefore not a requirement *of* the rule of law, but a requirement *for* the rule of law.

The basis for the concept should be laid down in the state's constitution. More important legislation should be adopted by an elected Parliament, while the additional competence could be delegated to the government or national agencies under the government depending on the level of detail. Federal states have their specific requirements here, depending on how they are structured. Under all circumstances, there has to be a system which is subject to parliamentary control and ultimately to proper scrutiny by the population through free and fair elections.

But what is the situation at the national level at present? I am afraid that the picture is rather mixed.

In many states it is fair to say that the system is fairly well developed. The truth is, however, that there is no perfect solution. There will never be one. We will always have to grapple with the issue of good governance, if not for any other reason than for the fact that there will be new development in many fields, not least through advancements in science. A particularly serious question in this context is the damage that we cause to the environment through our way of life and through a growing world population.

This having been said, there is room for vast improvement in many states, both in the sense that there is a democratic deficit and that the normative system is rudimentary, or at least not up to standards, including in basic fields that traditionally require well-elaborated legislation.

The reason for this could be lack of political will. But more often, the reason is that the necessary resources are simply not available at the national level. I have frequently encountered this phenomenon, and that is why I attach great importance to legal technical assistance.

It is imperative that this assistance can be arranged in a rational manner. Within the United Nations we have tried to find out what is available within the system.⁹ It is an impressive list, but the question is whether the United Nations, or other actors, are able to provide what is needed. As you well know, much work is being done here by many, including intergovernmental organizations, individual states, and the community of non-governmental organizations.

But now you ask: is this not a bit too abstract? What is this law that is referred to? The answer is very simple; there are no shortcuts here. This law

8. *Id.*

9. U.N. SENIOR MGMT. GROUP, STRATEGY FOR AN ERA OF APPLICATION OF INTERNATIONAL LAW: ACTION PLAN (June 2000), available at http://untreaty.un.org/ola-internet/cover_sheet.htm.

should be understood as the whole body of norms that is necessary to administer a modern society.

I mentioned the international standards in the field of human rights. Those would take you quite far. But the main body of law that I refer to in this context would be of a multifaceted nature and only contain elements that relate to human rights.

What I am thinking of here is the body of rules that govern personal status, marriage, inheritance, real estate, property in general, education, public health, social welfare, business, local administration (including urban and rural planning), criminal responsibility, legal procedure, etc. In short, the whole body of law at the national level would have to be developed in a consistent and coherent manner and examined for compliance with constitutional and human rights standards.

As it appears from what I said a few moments ago, one of the major challenges today is to assist the many countries that have not been able to lift this complex material to a sufficiently sophisticated level. One case in point is the need for a proper land register (*cadastre*). Without such a register, it is literally impossible to develop a modern society where property can be transferred in a secure manner and be used as collateral for the financing of investments, be it for business purposes or private housing. Furthermore, such a register cannot be established in the abstract; it is necessary at the outset to establish with sufficient certainty, the rightful owner or leaseholder that can be entered in the register as the holder of the title. From experience, I know that this can often prove to be an extremely delicate matter, giving rise to contentious issues that sometimes have to be settled in court. And then the question arises: does such a court system exist and does it have sufficient resources to deal with the many issues that will arise in the process?

I mentioned this specific area just to give an illustration to a problem that many countries face. Until such countries have a sufficiently developed system to deal with the many issues that will arise, they will be dependent on aid and support from others, and that is not healthy in the long run. Those engaged in assisting developing countries sometimes refer to a phenomenon that tends to paralyze efficient development, namely donor dependence and a tendency within the administration of a country to rely upon that "someone else" is coming to help them out.

The illustrations that I have now given of the situation that many states are facing is, however, only part of the problem. Even if one could, through some magic wand, produce a full-fledged set of laws for different purposes, these laws would still have to be applied by the national authorities, including the courts, at the state, regional, or local level as circumstances require. And for this you need officials with sufficient education, training, and experience. It may take considerable time to develop such competence.

In addition, and now I come to a very sensitive matter, these persons would have to have the necessary integrity to perform their functions "under the laws." Regretfully, one of the major threats against the development of a system under the rule of law at the national level is corruption. The need for concerted action

against corruption has been addressed by the United Nations. This effort led to the successful adoption, on 31 October last year, of the United Nations Convention against Corruption.¹⁰ This Convention was opened for signature in Mérida, Mexico, on 9 December 2003, and hopefully the ratification process has now started at the national level.¹¹

Let me recall the Secretary-General's message to the ceremony in Mérida. He said that it is now widely understood that corruption undermines economic performance, weakens democratic institutions and the rule of law, disrupts social order, and destroys public trust, thus allowing organized crime, terrorism, and other threats to human security to flourish. He went on to say that no country—rich or poor—is immune to this evil phenomenon. Both public and private sectors are involved. And it is always the public good that suffers. In focusing on developing countries, he stated that corruption hurts poor people in those countries disproportionately. It affects their daily life in many different ways, and tends to make them even poorer, by denying them their rightful share of economic resources or life-saving aid.¹²

Against this background, it should be clear that the development of the rule of law at the national level in many instances is a formidable challenge, first to those that are in charge at the national level, but also to those who may have to assist them.

Within the United Nations, questions related to the rule of law at the national level have traditionally been dealt with by the General Assembly and the Economic and Social Council (ECOSOC) and their subsidiary bodies. It is therefore interesting to note that, lately, the Security Council has also started to discuss rule of law as a distinct item on its agenda. During its presidency in September 2003, the United Kingdom introduced the matter for discussion at the

10. Press Release, United Nations General Assembly, General Assembly Adopts U.N. Convention Against Corruption, Opens Treaty for Signature at High-Level Conference in Merida, Mexico, 9-11 December (Oct. 31, 2003), U.N. Doc. GA/10199, available at <http://www.un.org/News/Press/docs/2003/ga10199.doc.htm>. The text of the convention is in the Report of the Ad Hoc Committee for the Negotiation of a Convention Against Corruption, U.N. Doc. A/58/422 (2003) and is available at http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf (last visited Dec. 13, 2004).

11. So far 13 countries have ratified the Convention. United Nations, Multilateral Treaties Deposited with the Secretary-General, ch. 18, treaty 14 (United Nations Convention Against Corruption), at <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterCVIII/treaty18.asp> (listing signatories and ratifying parties) (last modified Dec. 13, 2004). "This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession." Report of the Ad Hoc Committee for the Negotiation of a Convention Against Corruption, U.N. Doc. A/58/422, art. 68(1) (2003), available at http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf (last visited Dec. 13, 2004).

12. Kofi A. Annan, Message at the Opening of the High-Level Political Conference for the Purpose of Signing the United Nations Convention Against Corruption, Merida, Mexico (Dec. 9, 2003) (delivered by Hans Corell), available at http://www.un.org/law/counsel/english/corruption_message.pdf.

ministerial level in the Council.¹³ This led to a request to the Secretary-General to prepare a report on the topic.¹⁴ This report is due later this spring.¹⁵

The reason that the Council has focused on the rule of law is that the peacekeeping operations have become more and more complex in later years. Member states have also come to realize that a peacekeeping operation is not complete—or will at least not be successful—if matters relating to the rule of law are not addressed as an element of the operation. Experience shows that there is a great risk that the efforts made during a peacekeeping operation may not bear fruit if there is no proper system for law and order in place when the military contingent leaves the area upon completion of the military task.

Also, some very important lessons have been learned from the United Nations operations in Kosovo and East Timor. In particular, it has become even clearer how complex it is to develop a system under the rule of law when there is very little to build on. And the longer it takes for the local agencies to establish their authority, the more the field is open to criminals and other elements who flourish in an environment where they can operate with little risk of being discovered or, if discovered, with little risk of being brought to justice.

In executing his mandate in Kosovo and East Timor, the Secretary-General and his Special Representatives have had to both govern and legislate. In a democratic state, the latter activity is the prerogative of an elected assembly. But as I have said on other occasions, in these two operations the United Nations had no choice. The United Nations could not govern without legislating.

Because of the sensitivity of this activity, the Secretary-General decided that all legislation (regulations) issued in the two provinces should first be vetted by the United Nations Office of Legal Affairs.¹⁶ This became quite an extensive activity. Not that we questioned the substantive solutions in customs, taxation, banking or whatever the subject matter was. Our task was to review the regulations from a constitutional viewpoint. That is: were they in conformity with the Charter, the pertinent Security Council resolutions, international human rights standards, etc.? In short, we were engaged in the same kind of activity that occurs in the Cabinet Office at the national level in order to ascertain that the constitution and international obligations are respected and, ultimately, that the standards of a society under the rule of law are upheld.

So, to sum up on the issue of rule of law at the national level, the law that we

13. See Press Release, United Nations Security Council, Security Council Calls on Member States To Help Enhance UN Role in Establishing Justice, Rule of Law in Post-Conflict States (Sept. 24, 2003), U.N. Doc. SC/7880, available at <http://www.un.org/News/Press/docs/2003/sc7880.doc.htm>.

14. See *id.*

15. The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General, U.N. SCOR, 59th Sess., 5052d mtg., U.N. Doc. No. S/2004/616 (2004), available at <http://daccess-ods.un.org/TMP/3186619.html>.

16. See Report of the Secretary-General on the Work of the Organization, U.N. GAOR, 55th Sess., Supp. No. 1, ¶ 325, at 43, U.N. Doc. A/55/1 (2000), available at <http://www.un.org/documents/sg/report00/a551e.pdf> (last visited Dec. 13, 2004).

should look to here must be adopted with full respect for applicable international standards, in particular in the field of human rights. The rule of law also presupposes that the application of the law is entrusted to persons with the necessary integrity, independence, and impartiality. Furthermore, the laws must be properly published and accessible to the general public. And finally, and most interestingly, we note that the national legislator is not free to act as he or she pleases. There is interdependence between the norms at the international and national level.

In this context, I would also like to draw attention to a decision by the depositary of the Covenant on Civil and Political Rights. One state party to the Covenant, the Democratic People's Republic of Korea, informed the Secretary-General that it intended to withdraw from the Covenant. After much deliberation and analysis in the Office of Legal Affairs, our conclusion was that a state party to this particular treaty cannot withdraw unilaterally. The legal analysis behind this conclusion was disseminated to the membership together with the note informing the states that the request for withdrawal could not be granted on the basis of the communication.¹⁷ Interestingly, no state, not even North Korea, criticized the conclusion. This is a very positive development. The example also serves to illustrate that the international legal regime in the field of human rights has gained in influence and stability—again an indication to the national legislator that there are limits to what he or she can do.

III. RULE OF LAW AT THE INTERNATIONAL LEVEL

Allow me now to proceed to the international level and discuss how the principle of the rule of law can be applied there. Let us first take a look at the law that exists.

My first observation would be that during the twentieth century, international law has been developed both at the universal and regional levels. It has been incorporated in a great number of universal, regional, and bilateral treaties. The efforts by the United Nations alone in this field have led to the elaboration of hundreds of multilateral treaties dealing with essential issues of inter-state relations,¹⁸ as well as to the individual rights to which human beings are entitled in

17. On 25 August 1997, the Secretary-General received from the Government of the Democratic People's Republic of Korea a notification of withdrawal from the Covenant, dated 23 August 1997. As the Covenant does not contain a withdrawal provision, the Secretariat of the United Nations forwarded on 23 September 1997 an *aide-mémoire* to the Government of the Democratic People's Republic of Korea explaining the legal position arising from the above notification. As elaborated in this *aide-mémoire*, the Secretary-General is of the opinion that a withdrawal from the Covenant would not appear possible unless all states' parties to the Covenant agree with such a withdrawal. The above notification of withdrawal and the *aide-mémoire* were duly circulated to all states' parties. Secretary General Depositary Notification, CN 467.1997.Treaties-10 (Nov. 12, 1997).

18. See generally United Nations, Multilateral Treaties Deposited with the Secretary-General, at <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/Bible.asp#partI> (providing text and status of treaties deposited with the United Nations) (last modified Dec. 13, 2004).

their own countries,¹⁹ to the protection of the environment,²⁰ and to the regulation of commerce and trade.²¹

The contribution by the United Nations to this effort is therefore considerable. The Secretary-General of the United Nations is the depositary of well over 500 multilateral treaties,²² and there is not a day at the U.N. Headquarters in New York without a treaty action being taken by one or more member states of the Organization. The treaties are organized by subject matter and the database where they are stored is visited frequently by representatives of States, scholars and members of non-governmental organizations and the general public via the Internet. Presently, the treaty database has more than one million hits per month.

Coming now to the rule of law, it is obvious that this principle can also be applied internationally. However, in drawing parallels between the national and international level one should be clear that there are differences.

I have addressed this issue on many occasions in the past, drawing particular attention to the Charter of the United Nations.²³ In its preamble it is said that the peoples of the United Nations are determined "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained."²⁴

In addition, Article 1, paragraph 1 of the Charter states that one of the purposes of the United Nations is "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."²⁵

According to paragraph 3 of the same Article another purpose is "to achieve international co-operation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."²⁶

19. See United Nations, Multilateral Treaties Deposited with the Secretary-General, ch. 4, at <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/chapterIV.asp> (providing text and status of treaties concerning human rights) (last modified Dec. 13, 2004).

20. See United Nations, Multilateral Treaties Deposited with the Secretary-General, ch. 27, at <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXXVII/chapterXXVII.asp> (providing text and status of treaties concerning the environment) (last modified Dec. 13, 2004).

21. See United Nations, Multilateral Treaties Deposited with the Secretary-General, ch. 10, at <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterX/chapterX.asp> (providing text and status of treaties concerning international trade and development) (last modified Dec. 13, 2004).

22. See generally, United Nations, Multilateral Treaties Deposited with the Secretary-General, at <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/Bible.asp#partI> (providing text and status of treaties deposited with the United Nations) (last modified Dec. 13, 2004).

23. U.N. CHARTER, available at <http://www.un.org/aboutun/charter> (last visited Dec. 12, 2004).

24. *Id.* at pmb1.

25. *Id.* at art. 1, para. 1.

26. *Id.* at art. 1, para. 3.

Detailed provisions on peaceful settlement of disputes are laid down in Chapter VI of the Charter²⁷ and, as you know, the International Court of Justice is one of the six principal organs of the United Nations.²⁸

Against this background, the obvious conclusion is that one of the purposes of the United Nations is to contribute to the establishment of the rule of law in international relations.

As I have already pointed out, the formulation of rules at the international level has a decisive impact on the formulation of rules at the national level—or should have. But at the international level the obligations that states undertake become obligations among themselves: *pacta sunt servanda*—agreements must be honoured.

At the national level, violators of the law are brought to justice as a last resort. At the international level, the picture is more complex. There we do not have the same system for ensuring that existing laws are applied.

It is true that we have the International Court of Justice, but not all states accept its compulsory jurisdiction. It is true that we have witnessed the establishment of international criminal tribunals, including the International Criminal Court. But all states do not accept the jurisdiction of the latter.

Therefore, the possibilities of assuring compliance with the law are less efficient at the international level. This problem becomes particularly notable when the state whose compliance is in question is a very powerful state. Ultimately such a state can say that it intends to act in a particular manner whether others like it or not.

I pointed to this dilemma in my lecture in Vienna on 24 February 2004 which I referred to a while ago.²⁹ If the situation occurs that a powerful state decides “to go it alone” in reality the only remedy that remains is to appeal to the powerful to reconsider. It was in that context that I found it appropriate to quote the American presidents who were involved in creating the United Nations and in applying its Charter during the first years after the establishment of the Organization. What the world needs in the situation that I am describing here is for those in charge to demonstrate knowledge, experience, vision, and statesmanship of the same kind as was exhibited by the personalities of those days.

So, to sum up on this point, the United Nations has served as a mechanism for coordinating a multitude of international lawmaking activities and providing diverse information not only to governments and international or national institutions, but also to the general public. An impressive body of international law has been created, covering almost every aspect of human activity. At the present stage, in securing the rule of law in international relations, the focus should be on a strengthening of the political will to apply existing instruments when the need arises and on a more widespread knowledge of their content.

Let me now revert to my observation earlier about the interrelationship

27. *Id.* at art. 6.

28. U.N. CHARTER arts. 33–38.

29. Corell, *supra* note 3.

between the rule of law at the national level and international level and approach this phenomenon from the international arena. Some moments ago, I stated that the national legislator is in reality bound by international norms when national law is elaborated. I will now focus on the direct impact of international norms (and adjudication) on existing national legislation.

First, we have to look at the concept "violation of human rights." This expression is often used in a very broad and, in my view, inaccurate manner. Basically, human rights norms are laid down to protect the citizens against their own government. It is against this background that modern treaties on human rights contain various mechanisms in order to ascertain compliance. Some of these mechanisms are quite elaborate. Let me take the European Court of Human Rights as an example, in part because of my personal experience as the agent of the Swedish Government before this Court for a period of eleven years between 1983 and 1994.

In dealing with the cases that the Government had to defend before this Court, it was striking to see how often they concerned matters of procedure. In particular, there were instances where our legal system, with its roots several hundred years back, did not allow for recourse to courts, even if an administrative decision concerned something that would qualify as civil rights and obligations. My country lost a few cases of this nature, with the result that we had to amend our national law in order to comply with the required standard.³⁰ In my view, this was to the benefit of our system. But more importantly, these cases demonstrated that violations of human rights often occur as a result of the application—and *correct application*—of existing national law.

The conclusion is that the present system not only requires that the legislator, in developing new law to be applied at the national level in a particular field, must look to the international norms that exist in this same field. The legislator must also adjust existing law in light of the case law that emerges at the international level.

This observation should be of particular interest to an American audience. Over the years I have, from time to time, discussed these issues with American colleagues. The argument that I have often met is that the United States does not need this international scrutiny because all the rights that we are discussing here

30. See, e.g., *Eklatani v. Sweden*, App. No. 10563/83 (1988), 13 Eur. Ct. H.R. 504 (1991), available at <http://www.echr.coe.int/Eng/Judgments.htm>; *Lundevall v. Sweden*, App. No. 38629/97 (2002), available at <http://www.echr.coe.int/Eng/Judgments.htm>; *Paulson-Medalen v. Sweden*, App. No. 16817/90, 26 Eur. Ct. H.R. 260 (1998), available at <http://www.echr.coe.int/Eng/Judgments.htm>; *Pudas v. Sweden*, App. No. 10426/83 (1987), 10 Eur. Ct. H.R. 380 (1988), available at <http://www.echr.coe.int/Eng/Judgments.htm>; *Salomonsson v. Sweden*, App. No. 8978/97 (2002), available at <http://www.echr.coe.int/Eng/Judgments.htm>. See also Hans Corell, *The European Convention on Human Rights: Swedish Experiences—Thoughts for the Future*, in *FESTSKRIFT TILL LARS HJERNER, STUDIES IN INTERNATIONAL LAW* 103, (Norstedts Förlag et al. eds., 1990); Carl-Henrik Ehrenkrona, *The Effects of the Case-Law of the European Court of Human Rights in Sweden as a Dualistic State*, in *PROTECTING HUMAN RIGHTS, THE EUROPEAN PERSPECTIVE: STUDIES IN MEMORY OF ROLF RYSSDAL* 475 (Karl Heymanns Verlag, 2000).

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are laid down in the U.S. Constitution. My quiet observation has always been that this is what we thought in Sweden too, until the human rights machinery in Strasbourg started operating. Other states in Europe have the same experience. The question is if we will see the United States subjecting itself to international scrutiny of this nature.

IV. CONCLUSION

With these few remarks, I have tried to outline the main components of the challenge that faces the United Nations and the world; in other words: all of us. Much more could of course be said. But I will stop here in order to give room for a discussion. What I hope that I have been able to convey is that developing the rule of law is not a one-time exercise. It is a major effort that will never be completed. It can not be completed, and it must not be said to be completed, because it has to reflect the current situation at any time.

Looking back only a few years is sufficient to make us understand that the laws that existed then would not suffice today. It is therefore important to note that developing the rule of law seen in this perspective is just as much developing a method, a tool that can be adjusted and applied in the future when we face new challenges, as we will. And in this respect, we are all in the same situation all over the world. We need a well structured method in order to address what lies ahead. Those who will be at the helm then are among the students present here today.

Thank you for your attention!