

Professor emeritus Hanna Bokor-Szegő¹ on Everyday International Law

(Interview made by Péter Kovács, translated by Eszter Kirs²)

- *You are dealing with the theory of everyday international law. Could you tell me some more words about it?*

- With pleasure. Actually, it is not about theory of everyday international law, but only its notion, which I would like to bring into the vocabulary of international lawyers. This intent of mine has the following reasons.

I have a past of more decades in teaching, and several questions were always posed by the students at the first lecture, when we examined the issue of differences between internal and international law. As we mentioned that there is no central executive branch in international law, students were a bit stunned. They said that in this case international law cannot be mentioned as 'law', because its enforcement cannot be ensured. Then as we went on with studying, students could be divided into two groups. One of them insisted on thinking that without executive branch international law is not 'law'. The other group, as we studied about the details: Space Law, Law of the Sea or Human Rights Law, was open for accepting international law as a real branch of 'law'. On the other hand, when they heard about its violations, as mass media report news about these illegal acts, they were extremely disappointed. So, students were hesitating between these two extremities. One group already had a prejudice that international law does not exist as 'law' because it does not have any executive branch, and the other one thought that it works as internal law, which has rules to be enforced by power-enforcement organization.

I tried to bring these two views closer to each other at the lectures, and to explain that we should examine always the will of states, the consensus among them and the creation-process beyond international norms. I divided rules of international law into two big groups.

There are international legal rules which can be born only by a compromise, so every state gives something, but their will is still not the same. Obviously, great powers have always great significance related to the birth of this compromise, and it can break with changes of power-

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relations. These important norms, such as the prohibition of aggression or the principle of non-intervention into internal affairs, were weakened by changes of power-relations.

Whereas, there is a great group of international rules which has total unity of interests of states behind. Thousands of these norms per day are enforced without being noticed. Violations occur also related to them, but very rarely. I show you some examples. There is the most universal international treaty, the Universal Postal Convention. When the colonialism was still valid, colonies had their own independent postal administration. They were so called associated members, because every state had the interest for being able to send mails and parcels to their citizens to every corner of the world.

On the other hand, I can mention here as an instance numerous rules adopted by the World Health Organization for preventing epidemics or registering certificates of vaccination. When there is an epidemic in a certain country, it is permitted to enter it only after the vaccination was certified by the yellow WHO certificate. In this regard there is an obvious unity of interests, and so, rules will be enforced more probably without the intervention of any power-enforcement organ. I called this latter group 'everyday international law'.

-One or two years after the 1956 revolution Hungary tried and used the Sabin-drops derived from the United States specially quickly. Recently, the international community could co-operate with high efficiency related to bird flu.

-It is the point, because there was unity of interests. I would like to highlight this notion, and to talk a bit about the question whether everyday international law is of a universal or a regional character. For instance, I think on the issue, that in the field of Human Rights Law, which can hardly be listed to everyday international law, there are several basic rules which can be mentioned without a doubt among everyday international legal norms at regional level. For example, there is a convention on legal assistance in Family Law which declares that if one of the parties kidnaps the child from the other one after divorce, or does not give him back at the end of visit, it is obvious that the relevant state will take the necessary steps. But it does not apply to all regions of the world. If a child gets, for example, to a third world country, he or she definitely will not be given back, just think on the movie called "Not Without my Daughter". So, we must think whether everyday international law should be divided into universal and regional groups of rules.

I would add one last comment to this issue. After the fact that states are informed about international catastrophes, spread of epidemics and natural disasters in minutes with the help of high technical infrastructure, I think that everyday international law will be broadened with further new rules. However, it may be a sign of my constant optimism.

- What is the relation between norms belonging to everyday international law and to the law of real-politics? Are there more rules belonging to everyday international law in the field of international law in general?

- After my opinion, yes. Just think on rules adopted by the UNESCO. A World Heritage Committee was established by this organization, which decides about objects and monuments belonging to World Heritage, and declares what kind of obligations and support the states have related to their restoration. It is a real universal interest. Besides, there are many further similar rules, such as the ones in the field of Protection of Copyright or Trade Law. In these cases, I believe, total unity of interests exists. If we think on conventions about public roads, it cannot be a question whether it is a common interest to have common Highway Code. The Convention on the Protection of Lives on the Sea introduced the sign of SOS, which means “Save Our Souls” or “Save Our Ships”. It obliges the ships in close distance to help people in danger if they use the sign SOS. This is connected to such a universal interest, that it can be mentioned as an everyday international legal rule in the field of Law of the Sea.

- I suppose here can be listed the environment protection as well. If it is so, why is it so difficult to create a common ruling system?

- This is a very good question. The Kyoto Convention exists. Certain great powers have however also selfish economical interests not to decrease the output.

- What do you think about the future development of the situation of everyday international law?

- As I said earlier, I am optimistic, and considering globalisation, I think that this specific group of norms will grow wider and wider.

- Thank you very much for your answers.