

CURRENT NOTES

ÅKE HAMMARSKJÖLD

Now and then in the history of mankind Nature seems to raise up a man to serve a particular purpose. Endowed with the highest intelligence, equipped with a capacity for broad understanding, actuated by a sympathy which transcends limitations of inheritance and locality, such a one arrives at a moment when a great job needs to be done. Then the Genius which presides over human affairs makes it possible for him to do that job. When his work is finished, the achievement can be universally acclaimed, even though a full realization of its value may have to be left to the future which will reap the benefit.

Åke Hammarskjöld did not live to finish his forty-fifth year. In a brief span his accomplishments were such as few men have had to their credit in a lifetime twice as long.

For seventeen years, Hammarskjöld played a leading rôle in activities connected with the Permanent Court of International Justice. As a member of the Secretariat of the League of Nations, he worked with the Committee of Jurists which met at The Hague in 1920 to draft the Statute of the Court; he followed that draft through all the stages of its consideration by the Council and Assembly of the League of Nations in 1920; he labored tirelessly in 1921 to procure the necessary ratifications of the Protocol of Signature, and to ensure the success of the first election of judges; and he was designated by the Secretary General to serve as the acting secretary of the Court when the judges first met at The Hague on January 30, 1922. Four days later, though not yet twenty-nine years old, he was elected by the Court to be its Registrar. He continued to discharge that responsibility until the Assembly and the Council elected him a judge of the Court, on October 8, 1936. In the capacity of judge, he took part in the hearing of only one case before his death on July 7, 1937.

In his work as Registrar, he was compelled to blaze new paths. First of all, an international administration had to be created. It was a task for which almost no precedents were at hand to serve as guides. Fortunately, Hammarskjöld combined with his interest in details a capacity to delegate responsibility. He had soon assembled an excellent staff, many of the members of which still hold their posts. A prodigious worker himself, he knew how to extract from others the willing expenditure of their utmost energies. The Registry became a house always in order. The Registrar set its standards, he imparted its methods, he begot its efficiency, he inspired its loyalties. He made the Court the best documented public institution in the world.

The Registrar has, also, an important diplomatic function. Questions arise continually which have to be negotiated with governments individually

in their capitals or collectively at Geneva, and these negotiations require pliability not less than persistence. With a possibility of serious misunderstanding ever present, Hammarskjöld steered a course which was free of any untoward incident. If he was at times thought to be exigent, his exigence produced results and it never lost him a friendship. His work was not simply that of an efficient *fonctionnaire*. He felt it to be his duty "to constitute a link for the preservation of continuity in a body of changing composition." His exceptional memory made the Court look to him as the guardian of its precedents, and one whose knowledge of the Court's deliberations during this period is based simply on the published documents can surmise that Hammarskjöld's influence was not confined to the administrative decisions which were taken during those fifteen years.

Any other person would doubtless have thought that the office of Registrar demanded all of his energies. Yet Hammarskjöld found it possible to keep up a variety of other interests. Under various pseudonyms and occasionally under his own name, he published illuminating studies of the constitution and activities of the Court; he was continuously engaged in scientific work, such as that of the Institute of International Law, the Academy of International Law, the Annual Digest of Public International Law Cases; he was a faithful participant in the work of the League of Red Cross Societies; he pursued a critical interest in the literature and art of many peoples. The last of his published studies, "*Réforme éventuelle de l'article 30 de la Convention de Genève de 1929*,"¹ is a model of scientific form. With his numerous preoccupations, he seemed always to have time to assist his friends in their endeavors, and many of them, of whom the writer was one, often sought to avail themselves of his valuable assistance.

The quality of the man is perhaps best indicated by his own tribute to a former President of the Court.² Writing of Adatci's "refined courtesy", he said it was "not simply the product of education and tradition, but an innate tact, a goodness of heart." Adatci's memory furnished to Hammarskjöld "the proof that theoretical knowledge and practical experience, however vast, only acquire their value when allied to tolerance and [to a] confident perseverance" in "faith in mankind and its future." How easily the lives of others are made to mirror the attributes of one's own spirit!

MANLEY O. HUDSON

SIR ROBERT BORDEN

With the passing of Sir Robert Laird Borden on June 10, Canada and the whole British Commonwealth lost one of her most distinguished statesmen. From 1911 to 1920 he served as Prime Minister of Canada—first as Conservative leader and then as head of the Union Government. Throughout the

¹ *Zeitschrift für ausländisches öffentliches Recht u. Völkerrecht* (1937), p. 265.

² Published in this JOURNAL, Vol. 30 (1936), p. 114.