

Symposium in Honour of *Christian Tomuschat*

On 23 July 2016, Professor *Christian Tomuschat* celebrated his 80th anniversary. Holder of the chair of constitutional and international law at Humboldt University in Berlin until 2004, where he also directed the Institute of International and European Law, he had previously served in the Advisory Board (*Fachbeirat*) of the Heidelberg Max Planck Institute for Comparative Public Law and International Law from 1986 to 2002, being the board's chairman from 1992 to 2002. He then was a member of the *Kuratorium* of the Institute from 2002 to 2015. In his honour, a symposium took place in Heidelberg from 22 to 23 July 2016. The participants coming from different countries comprised colleagues and companions who have known him as an academic teacher and researcher, as a member of international bodies, as a judge and as an adviser on international law.

The symposium sought to come to grips, in the spirit of *Christian Tomuschat*, with fundamental trends of international law. In his 1999 General Course on Public International Law at the Hague Academy of International Law, *Tomuschat* characterised international law as dynamic but volatile, as “progressively moving from a sovereignty-centred to a[n] [...] individual-oriented system. [...] [T]he international legal order cannot be understood any more as being based exclusively on State sovereignty. [...] States are no more than instruments whose inherent function it is to serve the interests of their citizens as legally expressed in human rights. At the present time, it is by no means clear which one of the two rivalling *Grundnorms* will or should prevail in case of conflict. Over the last decades – a crawling process has taken place through which human rights have steadily increased their weight, gaining momentum in comparison with State sovereignty as a somewhat formal principle.” Importantly, *Tomuschat* continued that “[t]he transformation from international law as a State-centred system to an individual-centred system has not yet found a definitive new equilibrium”.¹ Almost two decades later, we sharply perceive the lack of “equilibrium” of the international legal order. It seems even as if the pendulum is swinging back towards the “formal principle” of State sovereignty, to use *Tomuschat's* words.

Paying tribute to *Tomuschat's* particular concern and commitment for the effective implementation of international law standards, the symposium was

¹ C. *Tomuschat*, International Law: Ensuring the Survival of Mankind on the Eve of a New Century: General Course on Public International Law, RdC 281 (1999), 11 et seq. (237 and 161 et seq., emphasis added).

dedicated to the subject “Effectiveness and Legitimacy of International Law”. *Christian Tomuschat* taught his students to always look for effective mechanisms of enforcement that help to put legal norms into practice. Legal texts do not contribute much to shaping international relations when they lack implementation. Beyond that, actors also need to be convinced of the legal importance or even necessity of the rules. In the end, both elements are closely related to the question of legitimacy of the law; they feed on it but also contribute to constituting legitimacy.

Along this line of thought, the symposium was meant to contribute to the nascent research on the implementation of international law.

The present issue of the Heidelberg Journal of International Law publishes three of the seven contributions to the symposium and the concluding observations of *Christian Tomuschat* himself.

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