

Text of the introductory address delivered by:
PROFESSOR WILLIAM A. SCHABAS,
National University of Ireland, Galway, on 7
April, 2006, on the occasion of the conferring
of the Degree of Doctor of Laws, *honoris
causa*, on **LOUISE ARBOUR**



A Sheansailéir, agus a mhuintir na hOllscoile,

Louise Arbour was born in Montreal in February 1947, the very month when another Montrealer, John Humphrey, was preparing the first draft of the *Universal Declaration of Human Rights* at the behest of the United Nations Commission on Human Rights. She studied at the Faculty of Law of the University of Montreal, and then took up a prestigious clerkship at the Supreme Court of Canada. A career as a legal academic followed, at Osgoode Hall Law School of York University in Toronto, before being named to the Ontario Supreme Court and subsequently to that province's Court of Appeals.

In 1995, Louise Arbour was appointed to preside over an inquiry into events at Canada's Prison for Women, after a journalistic report indicated terrible abuse of inmates in the Canadian equivalent of Mountjoy Jail. Her report condemned egregious violations of the rights of women prisoners. Within weeks of submitting the report, she was preparing to move from remote Toronto to the capital of international justice, The Hague.

One of South Africa's great jurists, Richard Goldstone, had met Louise Arbour at an academic conference held at Witswatersrand University, in 1990. She made quite an impression on Judge Goldstone who was, himself, poised at the threshold of a brilliant international career. Judge Goldstone became the first Prosecutor of the International Criminal Tribunal for the former Yugoslavia when it was set up, in 1994. But his country's new President, Nelson Mandela, had agreed to release him from his position at the Constitutional Court of South Africa for only two years. As he understood the job, one of Judge Goldstone's tasks was to find his successor. A skilled talent scout, he turned to the dynamic Canadian judge he had met and subsequently befriended.

Under Louise Arbour's stewardship as Prosecutor, the two international criminal tribunals, for the former Yugoslavia and Rwanda, registered their first convictions. They developed a robust body of case law in a discipline essentially neglected since the Nuremberg Trials. And the prosecutorial focus began moving up the pyramid of evil, to the 'big fish' who were responsible for planning and organising the atrocities, at the Vukovar hospital, and in Srebrenica, and Moyamba, and Muyira Hill. In May 1999, Louise Arbour announced that Yugoslavia's president, Slobodan Milosevic,

had been indicted for crimes against humanity and war crimes relating to the expulsion of ethnic Albanians from Kosovo.

She left the international tribunals later that year, appointed to her country's highest judicial office, the Supreme Court of Canada. There, Louise Arbour participated in a decision condemning capital punishment as incompatible with Canadian constitutional principles, and with international human rights norms. Dissenting in another case, she argued that there should be no defence to a charge of assault when children are subject to corporal punishment.

But the international community was not prepared to accept her withdrawal into the cocooned offices of the Canadian judiciary. In 2003, her name circulated as candidate for Prosecutor of the International Criminal Court, a job that was hers for the asking. The August 2003 murder of Sergio Vieira di Mello, in Baghdad, left the United Nations searching for the rare individual capable of serving as the organization's Chief Officer in the field of human rights.

The position of High Commissioner for Human Rights is well known to the Irish public. The person who defined the job, and who served from 1998 to 2002, was our own Mary Robinson. Today is the twelfth anniversary of the Office of the High Commissioner. The first High Commissioner began his functions on 7 April 1994, a day etched in the history of human rights violations as the start of the Rwandan genocide.

As the senior United Nations Human Rights official, Louise Arbour now presides over the greatest reform of the institution's human rights machinery since its establishment. In a more substantive sense, she faces profound challenges to core principles of human rights that have featured in the post-September 11 environment, including prolonged, illegal detentions, torture, and what are called 'extraordinary renditions', a diplomatic euphemism for kidnapping. Her voice is loud and convincing in condemnation of such abuses. She speaks with eloquence, courage and great authority. The world is a better place because of her.

Praehonorabilis Cancellarie, totaque universitas. praesento vobis, hanc meam filiam quam scio tam moribus quam doctrina habilem et idoneam esse quae admittatur, honoris causa, ad gradum Doctoratus in utroque Jure, tam Civili quam Canonico, idque tibi fide mea testur ac spondeo totique Academiae.