LAW AND TIME: AN ESSAY

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1. Introduction

Philosophers and scientists have studied time for more than two thousand years; however, despite their efforts, it is hardly better understood today. Many questions remain: what actually is time; whether time exists when nothing is changing; what gives time its arrow one way and not the other way; whether the future is real; whether it is sensible to speak of time flowing; and whether the present is an objective feature of reality or only a product of subjective experience.

Time is one of the most valuable things that we try to save in our every day life, but, more often than not, irretrievably waste. People, perhaps, invented calendars and watches in order to waste it in a more efficient and definite way. Time can appear to be an illusion, but at the same time, it is essential to our life in general and to our rights and obligations in particular.

Time plays an important role in the legal regulation of a great variety of relationships, both national and international, emerging from society’s ever-increasing social (as well as, unfortunately, antisocial) interactions. References to time are ubiquitous in legal documents.

Unlike philosophers, lawyers have found a definition of time (for their own needs, of course). According to Black’s Law Dictionary, “time – a measure of duration”, the latter being defined as, “the length of time something lasts”.1 This definition is not perfect (since it appears circular;

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1 Black’s Law Dictionary 1491, 520 (7th ed. 1999).
time is being defined through time itself). But are there any definitions that could not be challenged? At any rate, time must be more than merely a “measure of duration”. Perhaps, in a legal sense it might be considered as an objective quality of the universe subjectively used as a physical quantity to determine the commencement, duration, and cessation of the rights and obligations of legal subjects.

Ancient peoples likely had a keen sense of time and realized its significance. This follows from a number of their reflections. Our colleagues stated many years ago, tempus enim modus tollendi obligationes et actiones, quia tempus currit contra desides et sui juris contemptores (For time is a means of destroying obligations and actions, because time runs against those who are inactive and show little respect for their own rights). This sentiment taken from the domain of civil law relationships seems to be relevant and applicable to socio-political circumstances of contemporary society.

Indeed, as recent events show in Sudan as well as those in Rwanda in 1994, mass and grave violations of human rights, necessitating the intervention of the mechanisms of international criminal justice, take place in circumstances where competent authorities have missed the opportunity to settle these disputes.

As stated in the Report of the Secretary-General’s High-level Panel on Threats, Challenges and Change:

The biggest failures of the United Nations in civil violence have been in halting ethnic cleansing and genocide. In Rwanda, Secretariat officials failed to provide the Security Council with early warning of extremist plans to kill thousands of Tutsis and moderate Hutus. When the genocide started, troop contributors withdrew peacekeepers, and the Security Council, bowing to United States pressure, failed to respond. In Bosnia and Herzegovina, United Nations peacekeeping and the protection of humanitarian aid became a substitute for political and military action to stop ethnic cleansing and genocide. In Kosovo, paralysis in the Security Council led the North Atlantic Treaty Organization (NATO) to bypass the United Nations.²