Chapter 17

Fighting for Justice: Åke Hammarskjöld at the Permanent Court of International Justice

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1. Introduction

Hammarskjöld has been a household name for generations, immediately recognised and admired throughout a world sharing living memories of Dag Hammarskjöld (1905–1961). Other members of this internationalist family to be reminisced are Åke Hammarskjöld (1893–1937), Dag Hammarskjöld’s older brother, and their father, Hjalmar Hammarskjöld (1862–1953). Ove Bring has written of Hjalmar Hammarskjöld that he and “his sons were groomed in a typical Swedish civil service tradition … where the concepts of ‘duty’ and ‘responsibility’ reflected time-honoured values”. It has been said that it was Åke Hammarskjöld “whom [Dag] Hammarskjöld resembled most in talent, intellect and temperament”. They both died prematurely in international service.

Åke Hammarskjöld was born on 10 April 1893. Having graduated with university degrees in both philosophy (1914) and law (1917), he entered first the Swedish Ministry for Foreign Affairs and then, in 1920, the Secretariat of the League of Nations. Åke Hammarskjöld became intimately involved in the preparations for the Permanent Court of International Justice, to the active life of which he devoted the remaining part of his own professional life right up to his tragic death on 7 July 1937. As both international civil servant and world court registrar and judge, Åke Hammarskjöld outshone his contemporaries. In retrospect, he stands as one of the founding fathers of the Permanent Court as a ground-breaking institution.


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The active life of the Permanent Court spanned over two decades (1922–1940) in the course of which an international judiciary emerged and the merits of international adjudication and international law when put into practice were explored. At the time of its establishment, the Permanent Court was the first standing court of potentially global competence. Its historical significance, as well as Åke Hammarskjöld’s dedication to the project, is echoed in his own words from 1935 when the decay was already well under way: “The drawback of an experiment, carried on on this scale, is that it must succeed.”4 As a matter of fact, the Permanent Court did succeed. In the words of Sir Robert Jennings, “[i]t was the accepted success of that Court [i.e., the Permanent Court] that ensured the constitution of its successor”,5 that is, the International Court of Justice, the principal judicial organ of the United Nations.

2. Drafting the Statute of the Permanent Court

In 1920, the Council of the League of Nations had given effect to Article 14 of the Covenant of the League, according to which it fell upon the Council to formulate and submit to the Members of the League for adoption “plans for the establishment of a Permanent Court of International Justice”. At the request of the Council, a first draft or draft-scheme of the Statute was finalised on 24 July 1920 by the Advisory Committee of Jurists.6 The ten members of the Advisory Committee had convened at The Hague in the summer of 1920 where they were assisted by the Under-Secretary-General of the League of Nations, Dionisio Anzilotti, and his young assistant, Åke Hammarskjöld.

Some months before, Hammarskjöld had been appointed to the position in the Legal Section of the Secretariat of the League having the launch of the Permanent Court under Anzilotti’s supervision as his main occupation. When the time came for the draft-scheme adopted by the Advisory Committee to be submitted to the Council of the League, Anzilotti told Sir Eric Drummond, the Secretary-General of the League, that Hammarskjöld “is quite well acquainted with every question discussed by the Committee and I regard his presence at San Sebastian [as] almost as necessary as mine”.7 According to James Brown Scott, who had accompanied the American member to the session of the Advisory Committee, “Mr. Hammarskjöld inherits a great name, and he seems destined to increase its lustre if health and years are added to ability and tact, poise and judgment”.8

7 Ibid., p. 191.