

### In memoriam: Géza Herczegh (1928-2010)

by Gábor Sulyok<sup>1</sup>

The *doyen* of the Hungarian doctrine of international law, Professor Géza Herczegh, member of the Hungarian Academy of Sciences, former member of the Constitutional Court and the International Court of Justice has passed away in his eighty-second year. His humane attitude and outstanding professionalism, which serves as an example to us all, had not only elevated him to the highest positions in each and every field of his public life, but also earned him general respect and created a notable scientific legacy.

Géza Herczegh had pursued his studies and founded his exemplary career in the most turbulent period of the past century. He had graduated from the Saint Norbert Secondary School of the Order of the Canons Regular of Premontre in Gödöllő in 1943, and had obtained his diploma at the Faculty of Law of the University of Szeged in 1951. Following his university education, he became a researcher at the Institute for State and Law of the Hungarian Academy of Sciences. As a result of his research activities and postgraduate studies, he obtained the degree “Candidate of Sciences” in 1965. The English edition of his dissertation concerning the function of general principles of law in the international legal order is widely considered as one of the most famous and most frequently cited monographs ever produced in the Hungarian doctrine of international law.

His subsequent investigations possessed an equally original character. Indeed he was the first domestic researcher to have scrutinized the sociology of international law and the theoretical questions of international relations by interdisciplinary means. In time, however, he turned his interest to the problems of humanitarian international law; consequently he acquired the title “Doctor of the Hungarian Academy of Sciences” with an important dissertation dwelling on that particular topic in 1979. Besides he conducted research in the fields of decolonization, protection and promotion of human rights and minority rights, international lawmaking and history of international relations. As an appreciation of his commendable work, he was elected a corresponding member of the Hungarian Academy of Sciences in 1985, and gained full membership in 1990. His active participation in the life of the scholarly society is well illustrated by the fact that he also held the chairmanship of the Section of Economics and Law between 1991 and 1993.

Géza Herczegh utilized his unique intellect both for the benefit of science and practice. He regularly participated at various conferences on humanitarian international law in the 1970s, including those that led to the adoption of the first two optional protocols additional to the Geneva Conventions of 1949. He also took part as a member of the Hungarian delegation at the conference of the United Nations Educational, Scientific and Cultural Organization held in Sofia

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in 1977, served as a *rapporteur* at the conference of the Council of Europe on parliamentary democracy held in Strasbourg in 1991, and contributed to the drafting of the Convention on Conciliation and Arbitration within the framework of the former Conference for Security and Co-operation in Europe in 1992.

Géza Herczegh reached significant achievements in higher education, as well. He held lectures on diplomatic history at Marx Károly University of Economics between 1963 and 1967, and acted as an associate professor, later full professor, and head of the Department of International Law of Janus Pannonius University between 1967 and 1990. There he even assumed the position of dean between 1981 and 1987. He was invited to several institutions abroad to hold lectures on issues of international law, primarily on humanitarian international law. He was a co-author and editor of perhaps the most prevalent and recurrently reprinted textbook on international law ever published in the country. In recognition of his accomplishments in higher education both the University of Pécs and Philipps-Universität Marburg awarded him the title *doctor honoris causa*.

In consequence of his outstanding work, Géza Herczegh was elected a member of the Constitutional Court in 1990, where he too discharged the duties of vice-president until his resignation three years later. He resigned from his office at the Constitutional Court after having been elected a member of the International Court of Justice to fill the vacancy brought about by the death of Judge Manfred H. Lachs of Poland, which occurred a few months prior to the expiry of his term. Having been re-elected, Géza Herczegh remained a member of the Court until 2003, and participated in many important advisory proceedings and contentious cases, including the adjudication of the case concerning the Gabčíkovo-Nagymaros Project, to the judgment of which he appended a dissenting opinion.

In the light of his fruitful and wide-ranging professional life, it is fair to say that Géza Herczegh influenced not only domestic and international legal doctrine and the perception of international law of generations of graduate and postgraduate students, but also had an impact on the development of international law itself due to his positions and activities in the international sphere. In the world of states only a handful of individuals have had that privilege.

Finally, I wish to add that when I started my career as an international lawyer, Professor Géza Herczegh had already been working at the International Court of Justice for six years. Even though I only had a few opportunities to meet him in person after his return, he counts among the scholars, who have considerably inspired my professional development owing to his commitment to science and higher education, his lucid technique of argumentation and his consistency in maintaining his scholarly opinion through decades. I was truly honoured to have been able to recall his most important research findings at a conference celebrating the 60<sup>th</sup> anniversary of the establishment of the Institute for Legal Studies of the Hungarian Academy of Sciences.