

Roger Errera, conseiller d'Etat honoraire

It is a great honour for me to have been invited to attend this ceremony and to be one of the speakers. This day for me is tinged both with sadness and with hope. Sadness at the passing of Lord Bingham, a great judge who was well known in my country as a person of the highest intellectual standards the utmost integrity and a deep curiosity about practice in countries other than his own.

Last Spring I felt privileged to be asked to contribute to the Festschrift in his honour and to attend its launch, where I recall his characteristic modesty and also the warm welcome he extended to me.

The hope I mentioned is in respect of the setting up of the Centre for the Rule of Law in his name, which is a timely initiative. Its inaugural Director, Professor Jeffrey Jowell, has already been honoured in my country and will command authority everywhere. The British Institute, in which the Centre will be housed, is greatly admired for its work, and is a most appropriate home for the new Centre.

We have been witnessing, in our time, both the worst atrocities perpetrated against human beings and whole populations and, on the other hand, a two-fold legal revolution: the rise of constitutionalism and the affirmation of the international protection of human rights under international humanitarian law, international refugee law, international human rights law and international criminal law.

Lord Bingham was deeply aware of these new trends, and of their consequences for courts, as shown by his judgments and writings and his emphasis on the international and comparative dimension of rights based on the rule of law and affirmed by international courts, as in the case in Europe to-day.

The aim of the Centre is to promote the rule of law in all its international and comparative aspects. It will make it a unique institution: a place for the meeting of different legal and judicial cultures and for a high-level exchange of ideas and practical experiences – far from what Lord Bingham called, critically, “insular and introspective” views.

Our times, as Lord Scarman said in his Hamlyn Lectures are abnormally alive with “fear and prejudice”, increasing the temptations of unfettered discretion, excessive deference, hasty legislation and the danger of abuse of power that usually goes with them – abuse that has led, in some countries, to “extraordinary renditions” and even the qualified acceptance of torture.

In such a context, the new Centre will provide a most welcome opportunity to explore in depth the various qualities of the rule of law set out in Lord Bingham’s masterly book by this title: clear legal principles, effective remedies, strict judicial review, judicial independence, the avoidance of what Lord Steyn aptly called ‘legal black holes’ and, overall, accountability.

I applaud the foundation of the Bingham Centre for the Rule of Law and wish it every success. Nothing could more appropriately do justice to the memory of Lord Bingham, and nothing could be more needed, world wide.