

Towards a Sustainable World

Academic Insights and Perspectives



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The Annual Joakim Dungel Lectures

A Continuing Reflection on International Law and Justice

By Emilia Dungel and Sari Kouvo

Introduction

The first edition of the Joakim Dungel Lectures in International Justice was organized in 2012 and focused on international criminal law. This was just a year after Joakim was killed in an attack on a United Nations (UN) compound in northern Afghanistan, where he was working as a human rights officer. Since then, the Association in the Memory of Joakim Dungel and the Law School at the School of Business, Economics and Law (SBEL) at Gothenburg university have organized twelve annual lectures. The target audience has been students of International Law at the SBEL, but the lectures equally welcomes other students and the public. In order to commemorate Joakim's legacy, each lecture has sought to bring international justice practitioners together to debate timely and difficult questions of international law. We have discussed, inter alia, polarization, sexual violence, combating terrorism, chemical weapons, and environmental crises. The 2023 Joakim Dungel Lecture focused on nuclear warfare, contextualizing the topic through a legal, political, and technical lens—partly to better understand the role of these weapons in ongoing conflicts, especially given Russia's war on Ukraine.

The aim of this chapter is to provide an account of these lectures, as they constitute one of the key annual international law events at the School of Business, Economics and Law.

On April 1, 2011, demonstrations erupted after Friday prayers in Mazar-i-Sharif in northern Afghanistan. The demonstrations turned violent, as the crowd moved towards, and eventually entered, the UN compound. The demonstrators killed seven people: three international staff members and four international security guards. Among the seven killed was Joakim Dungel, Human Rights Officer at the UN Assistance Mission in Afghanistan (UNAMA), and an alumnus of the Department of Law at SBEL at Gothenburg University. He was 33 years old.

In his brief existence, Joakim had established a successful career in international justice, working for the International Criminal Tribunal for former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone, and the Temporary International Presence in Hebron, before his final assignment with UNAMA. He also published scholarly works on a wide range of issues, including command responsibility, the protection of national security interests, the right to humanitarian assistance during internal armed conflicts, and crimes against humanity.

To honor Joakim's life and work as well as to continue that which he could not, his friends and family, together with the Department of Law at the SBEL, instituted the Association in Memory of Joakim Dungel, which hosts the annual Joakim Dungel Lectures in International Justice. These, in turn, aim to share the expertise of leading scholars and practitioners in the field of international human rights, international humanitarian law, international criminal law, and beyond.

Finding the right path for commemorating and building on Joakim's legacy has been a compelling and rewarding experience, and one that continues to evolve over the years. During the early years, before Covid and the new reality of online seminars, the lectures were important, as they brought international lawyers and policymakers to Gothenburg. Students had the opportunity to meet judges from international courts, UN officials, and senior academics working on topics that may one day be their own field of work and expertise. Throughout, the lectures have maintained a focus on approaching international law as a tool for navigating and tackling complex geopolitical and global challenges. Today, in

an increasingly turbulent world, the lectures demonstrate, in concrete ways, that there are individuals—sometimes lawyers—behind every change. This is important, as it encourages participants—especially students interested in international politics and law—to reflect on how they themselves can contribute.

What follows is an overview of and discussion about the institutional, substantive, and communicative aspects of the first decade of the Joakim Dungal lectures. This chapter also peers into the future, sharing some ideas as to how the annual lectures can progress and be improved over time. It is important to note that the authors of this chapter are convinced that continuing to tackle complex international law issues by inviting experienced practitioners to lecture will remain important, as this helps demystify geopolitics, conflicts, and global crises; all of which we need to understand in order to be able to promote change. Thus, providing spaces for students and experts to detangle complex issues together is vital both inside and outside of academia. Times may be challenging, but we continue to work.

Establishing the Association

Intertwined with the permeating grief and trauma of losing a family member and friend, the loss of Joakim also carried with it a sense of unfinished business. Joakim was young when he died, and his mission—to contribute to a better world with the help of law through a lens of justice—was cut short. Thus, not long after his passing, a group of his friends, former colleagues, and family members got together to discuss the possible structures and activities that could be held in Joakim’s memory, so as to continue his work.

Ideas included scholarships and traineeships for students from places where he had lived, academic journal contributions, a book, a large seminar or lecture, or possibly a lecture series. The considerations they wanted to keep in mind were plentiful. First, it would be important to ensure that the final product or project placed international law, or the substantive topic, in focus, not Joakim himself as a person—just as he would have wanted. Second, the idea of sustaining a project would be key. Given that this was to be done in his spirit, it could not be a half-baked aspiration that only lasted a few iterations before closing up shop. If it was to be done, it was to be done right, and for a sustained period of time. Third, as

a necessary follow-up from the second point, the financial aspect needed to be considered carefully. Whichever plan was chosen was to be a non-profit endeavor, and thus needed to run on relatively minimal funds in order to, as noted above, remain viable for a long time.

With this in mind, it was decided that an annual lecture series would be the most appropriate and sustainable way to move forward. Scholarships and traineeships would require strong and almost full-time engagement to be done appropriately, whereas a lecture series could likely be kept running with a once a year commitment from organizers. Similarly, if the series were organized with his alma mater in Sweden, the lectures could also maintain an educational tone and credibility. Placing the lectures at Joakim's alma mater would also contribute towards sparking a stronger interest in international law in Gothenburg—something that students were calling for, and that, at that time, was seen as lacking at SBEL. In their early years, the annual lectures were a breath of fresh—or global—air at the School, as they brought international law practitioners and experts to Gothenburg. Today the Law Department has a stronger focus on international law, and the Business school is internationalizing. However, the lectures still stick out on the Business school's annual agenda, as the speakers are mostly practitioners, and the topics focus on the nexus between law, conflict, and justice. That is, they are not traditional business school topics.

The group that established the lectures took steps to establish a legal entity that others could join as members, and which would have the organization of the annual lectures as its main activity. It was decided that the association would be named, simply, the Association in Memory of Joakim Dungel, and the lecture series would be called The Joakim Dungel Lectures in International Justice, based on the recommendation of Joakim's good friend Steve Kostas. The name for the lecture series was chosen so as to not focus too narrowly on any aspect of law and to keep options open for broader foci in the future. In parallel, friends of Joakim's who were themselves experts in international, criminal, or human rights law set out to create a book in his memory. *The Protection of Non-Combatants During Armed Conflict and Safeguarding the Rights of Victims in Post-Conflict Society: Essays in Honor of the Life and Work of Joakim Dungel*, edited by Philipp Ambach, Frédéric Bostedt, Grant Dawson, and Steve Kostas, was published in 2015.

The Association was founded in Sweden. From a purely practical and administrative perspective, it was deemed easier to have the board of the association be composed of persons with a connection to SBEL and Gothenburg University. In addition, two friends and two family members of Joakim's without a previous connection to the university were made board members. The chair of the board from 2012 to 2016, when he vacated his position, which was then taken over by Emilia Dungal, Joakim's sister (who is also the co-author of this chapter). As of 2022, the other board members are: Jens Andreasson, Sari Kouvo (also co-author), Andreas Moberg, and Erik Ullberg. Membership in the association is open to everyone and includes a one-time fee for a lifetime membership. The continued engagement of the core members of the association remains important for the annual lectures. However, equally important is that the lectures are now institutionalized at the Business school and that efforts are made to identify 'hot' topics and relevant lecturers. This will be discussed in the next chapter.

A Decade of Perspectives

Institutionalization

Even when the lecture series was first being established, efforts were made to ensure that the lectures were institutionalized as an annual feature for the law students and the general public. In part, this involved ensuring that formal requirements to maintain an association were met. In part, it involved establishing a connection between the annual lectures and the course curricula of the Masters of Law program in Gothenburg. During its first years, the lectures were organized together with the law department, but were not part of the curriculum. This was not a sustainable solution. The lectures needed a home in the Masters of Law program. The introductory course in international law—more specifically its human rights module—became that home. This made sense from a subject matter perspective, but it also had an additional advantage: the introductory course takes place towards the end of the law studies, when students have begun to reflect on their career options. Via the lectures, students would be introduced to a clear link between the theory and practice of international law, and would gain an understanding of international law as an actual career option. The Masters of Law program in Gothenburg, like most Swedish legal education, is largely a profession-

al education in an academic setting. Law students study law to become lawyers, prosecutors, or judges within the national legal system, and they get less exposure to what an international legal career might look like. For students interested in such international careers, the lectures are an important source of information. Over the years, the authors have witnessed a number of discussions where students have asked organizers or speakers of the Joakim Dungal lecturers about how to get internships, work for the United Nations, or what experience would be most important if one wanted to work for an international tribunal.

To ensure the connection between the annual lecture and the international law course, staff at the Law Department served as focal points for the lectures. Staff involved in the series have included Andreas Moberg, Mikael Baaz, and Sari Kouvo. Sari Kouvo originally joined the lectures in a speaker role on sexual violence in conflict—see more below—but soon became the contact person for the School. Eventually, she and Emilia Dungal have become the main organizers, and Sari now sits on the board of the association. After Sari Kouvo became a permanent fixture in the Association, she also took on an assignment with the EU External Action Service, at which point temporary support was offered by Niels Krabbe, Karin Åberg, and Joachim Åhman. In addition to the connection to the courses, certain support functions proved invaluable. Jeffrey Johns gave IT and website backing, Marie Örninge from the Business School's central administration leads communication efforts, and additional assistance has been given by students at various times, including by Johan Lindberg. The link to central administration at the Business School is important. This link ensures that the lectures are not just a feature on the international law course, but are promoted as events available to all in the Business school's annual calendar.

A challenge to institutionalizing the lectures merits mentioning, as it is a fundamental challenge for current-day academia. The Joakim Dungal Association gives the lectures to the Law Department, but there is no budgetary allocation for staff time for the lectures. Those who have worked with the lectures over the years have done so because they have felt an affinity with the lectures and have wanted them to continue. This is easier for staff with permanent contracts than it is for doctoral students, who often feel that they cannot do any activities beyond those that they are allocated time for, as any additional activities limit the time they can

spend doing research. The lectures are institutionalized, but only as long as those who want the lectures to continue make sure that they happen. This is certainly not only a challenge for annual lectures. Especially for young academics, doing everything that seems to be demanded for an academic career may feel daunting, and motivation may be scarce to perform additional tasks that do not necessarily bring anything to one's academic CV.

Substance

2012: International Criminal Courts: Great Expectations, Successes, Limitations, and Room for Improvement
2013: Lessons in Humility: Working in Conflict and Post-Conflict Settings
2014: The Changing Nature of Warfare— Current Challenges to International Humanitarian Law
2015: Combating Sexual Violence in Conflicts— What Role is there for International Law?
2016: International Humanitarian Law and the Individual— Contemporary Challenges: understanding and limiting non-state actors' recruitment of voluntary fighters
2017: How is International Law Used to Combat Terrorism? Mapping challenges and outlining strategies
2018: Banned? Legal conundrums on biological, chemical, and nuclear weapons
2019: Environmental Justice in the Air, on the Land, and in the Sea
2020: Contextualizing the Arms Trade Treaty: Law, Politics, and the Everyday Reality of Conflict

2021: Polarizing Times? The Role of Human Rights and International Law
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2022: Afghanistan and Beyond: What's Next for International Interventions?
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2023: Nuclear Weapons: Legality and Diplomacy

Box: An overview of the annual Joakim Dungal lectures 2012–2023

To date, twelve annual lectures have been organized. Each year the lecture topics are decided upon during a collaborative discussion, weighing the foci of the Association and the Department of Law and then relayed to the Association members and the professor or lecturer responsible for the international law course, especially its human rights module. A few principles guide the identification of the lecture topic. The Association and the lecture “...aim to foster involvement, education and the spreading of information within Humanitarian Law; Human Rights; International Law; and on democracy issues in accordance with the values expressed in the United Nations Conventions”. The topics are chosen because they are timely, relevant for understanding ongoing developments in international law and politics, because they merit attention from and a dialogue between academics and practitioners—and because they have no easy answers or solutions.

In order to fulfil the mission of educating, informing, and fostering involvement, each year, efforts are devised to bring together speakers who can shed light on the chosen topic from different vantage points. The lectures tend to include three speakers, including researchers with the ability to contextualize the subject of the lecture, practitioners with experience from multilateral organizations, and persons with ‘field’ or ‘grassroots’ experience. We have increasingly chosen to have at least one of the speakers to be Swedish, often a Swedish diplomat.

Looking back at the twelve lectures, three areas of international law seem to have dominated the annual reflections. One set of lectures have focused on how to engage in international law and politics and changes in the global arena. A second set of lectures have focused on efforts to use international law to prohibit certain weapons and the international arms’ trade. The third set of lectures has focused

on the role of international law in regulating how laws are fought and ensuring accountability for war crimes. Below is a brief overview of the three themes.

The lectures that have focused on how to engage with international law and changes on the global arena include: *Lessons in Humility: Working in Conflict and Post-Conflict Settings* (2013), *Polarizing Times? The Role of Human Rights and International Law* (2021), and *Afghanistan and Beyond: What's Next for International Interventions?* (2022). Although there may not be anything that formally connects the three topics, they all provided an opportunity to discuss the increasingly deep ideological and political divides both in specific conflict theatres like Afghanistan and globally.

For example, in the lecture on Afghanistan, the three speakers, Richard Bennett, the UN Special Rapporteur on Human Rights in Afghanistan; Ehsan Qaane, a well-established political and legal analyst from Afghanistan; and Najiba Sanjar, former regional director for the Swedish Afghanistan Committee, shed light on the failure of the international intervention in Afghanistan and the plight of the Afghan people before and after the Taliban takeover. However, the lecture also dug into complex, legal and practical questions, like what happens to the embassies of the Islamic Republic of Afghanistan when the Islamic Republic has fallen and the Taliban government remains unrecognized. Similarly, the lecture on polarization shed light on the deepening political divides in Europe and globally and the challenges of legal responses in situations where the idea of the rule of law itself is under threat. However, this lecture also dug into very concrete, legal issues around how the EU is dealing with so-called 'illiberal democracies' within its fold, and how the legal safeguards for press freedom were being dismantled in Poland and Hungary.

The lectures that have focused on prohibiting certain weapons and the international arms trade have included *Banned? Legal conundrums on biological, chemical, and nuclear weapons* (2018), *Contextualizing the Arms Trade Treaty: Law, Politics and the Everyday Reality of Conflict* (2020) and *Nuclear weapons: legality and diplomacy* (2023). What these lectures have brought to bear are the tensions between states wanting to regulate certain weapons and restrict trade for international security reasons, while at the same time wanting to ensure that they themselves have the necessary defense systems to ensure national security

and their wish to benefit from the financial profits that stand to be gained in the arms trade.

For example, during this anniversary year of SBEL, the lecture discussed the legal and political conundrums surrounding nuclear weapons. The topic was chosen partly because of Russian president Vladimir Putin's threat that he may use nuclear weapons in the war Russia is waging in Ukraine. Regardless of whether this threat is real or not, it has propelled nuclear weapons, the role they play in global politics, and the ways they are regulated, onto center stage in international politics and law. For those dealing specifically with international security politics and the complex regulations around the non-proliferation of nuclear weapons, these topics of course never left the stage. Ever since atomic bombs were used on the Japanese cities of Nagasaki and Hiroshima in the Second World War, effectively ending the war, but doing so with devastating effects, efforts have been made to limit what countries have nuclear weapons and to ensure that their use is a clear red line that should not and cannot be crossed. The approach of the annual lecture was to shed light on this complexity: it provided insights into nuclear weapons in the current geopolitical setting, it focused on the technical specificities of nuclear weapons or why they are a very special kind of weapon, and it offered an understanding into how they are regulated under international law and international humanitarian law.

The lectures that have focused on the role of international law in regulating how laws are fought and ensuring accountability for war crimes include *International Criminal Courts: Great Expectations, Successes, Limitations, and Room for Improvement* (2012), *The Changing Nature of Warfare—Current Challenges to International Humanitarian Law* (2014), *Combating Sexual Violence in Conflicts—What Role for International Law* (2015), *International Humanitarian Law and the Individual—Contemporary Challenges: understanding and limiting non-state actors' recruitment of voluntary fighters* (2016), and *How is International Law Used to Combat Terrorism? Mapping challenges and outlining strategies* (2017). These lectures have dug into the changing nature of conflict and the different ways in which wars devastate lives. The focus has of course been on the possibility to use law to regulate behaviour in conflict.

For example, the lecture focusing on sexual violence in conflict, shed light on the egregious gender-based and sexual violence that seem to be part of every

conflict independent of type, scale, or length. However, the lecturer also helped show how the approach to sexual violence has shifted over the past few decades, from having been seen as an unavoidable reality of conflict to becoming viewed as a war crime. One of the speakers, Diane Brown of the Women's Initiative for Gender Justice, traced the history of sexual violence as a war crime through the UN ad hoc tribunals to its inclusions in the definitions of atrocity crimes included in the Statute of the International Criminal Court. The two other speakers, Milica Kostic of the Humanitarian Law Centre, and Sari Kouvo, one of the authors of this chapter, talked about sexual violence in the context of the wars in the Balkans and in Afghanistan. While the case studies underlined the importance of accountability, they also problematized some legal distinctions. Both case studies showed that the distinction between sexual violence as a crime and as a war crime often does not correspond to the lived experience of sexual violence during conflict. They also discussed the complexities of living with the trauma and stigma of sexual violence.

Despite their different foci, the lectures have focused on exactly the issues that Joakim Dungel used his too-short life to defend: international justice, human rights, and the protection of civilians, as well as the need to tread carefully and with humility in international affairs.

It can be noted that one lecture did not clearly fit any of the three categories identified above. In 2019, the annual lecture focused on environmental justice "In the Air, on the Land, and in the Sea". However, the authors have no doubt that future lectures will address more of the interlinked issues of international law and environmental concerns, as this is obviously one of the most challenging areas of international politics and law, as well as for our collective survival. Most of the lectures are available to watch online, on the webpage for the association on SBEL's website.

Connections

Beyond the knowledge shared and the meetings that take place during the lectures, the lectures have served to build networks, between students and lecturers, Gothenburg University and other institutions, and among the speakers themselves. All lectures were in-person events from 2012 onwards, until the COVID-19

pandemic forced a digital delivery in 2021. The in-person events were held in Malmstenssalen, the main lecture hall of the Business school, and were followed by a dinner. This gave the in-person event an allure of academic prestige and enabled discussions with broader faculty. The online event allowed for less networking, but these events allowed more people to connect. As digital events remained popular even after pandemic-related restrictions were lifted in many places, the 2022 and 2023 events were also delivered in a fully digital manner when some of the speakers could not join in person. This said, as organizers, we are hoping to get back to in-person or a hybrid event for 2024.

In-person events allow students to take the opportunity to ask questions during the lectures but also to approach speakers afterwards. The one benefit of smaller audiences during the initial years of the series was that they offered space—both physical and conversational—for discussions to continue after the lectures had wrapped. Students sometimes asked for career pointers, for deeper insight into certain questions, and similarly offered their feedback to organizers. The switch to digital lectures in 2021–2023 has hampered this opportunity for students. Getting back to in-person events would also mean getting back to the ‘student mentoring’ aspect of the lectures; i.e., enabling students to dig deeper and seek advice on professional development in certain areas of international law.

Future Avenues

Institutionalization

To conclude this chapter about the annual Joakim Dungal lectures, the authors peer towards the future. We do so with a focus on the institutionalization of the lectures, their substance, and the connections they create. The Association is keen to ensure that the lectures continue in the future, and ensure that they remain an integral part of the annual calendar and the fabric of SBEL. The lectures enjoy support from the central administration of the Business School and are now an obligatory part of the International Law course. However, it is likely that the planning and organization of the lectures will remain the responsibility of those who feel an affinity with the lectures, but these persons, of course, will vary over time. Institutional support from the Business School and the Law Department is therefore invaluable.

Substance

A pattern has emerged both in regard to the topics and the choice of experts for the lectures. The topics have come to center around how international law regulates conflict and the complex balance between law and politics in our increasingly polarized world. Regarding experts, the lectures tend to include an international law practitioner—often one working for the UN or for other multilateral organizations—a representative from civil society, or sometimes an academic or a Swedish diplomat.

From the point of view of the Association and its counterparts in the Law Department, the overall aim of the lecture remains highly relevant. The lectures should continue to shed light on challenging areas of international law for which there is no one evident or right answer, but that merit continued attention. However, it is possible that the connection between the challenging debate that the lectures provide an opportunity for and the practice of change can be accentuated going forward. Given the increasing number of global crises and conflicts, it is important to provide students with a sense that change is possible and show them how international law and its institutions can be used.

Connections

The first lectures largely relied on Joakim Dungel's network of friends and colleagues. Some of Joakim's friends continue to be active in the association, comment on topics, and provide ideas for speakers. However, the annual lectures have also moved beyond this initial network. Over the years, the lectures have themselves have become networking opportunities for academics, international civil servants, and activists. The connections that are created also inspire students, and provide them an opportunity to reflect on other career pathways. Since the Association was established, its members have reflected on what more could be done with the association; both with the lectures themselves and the connections they create.

We are pondering the possibility of establishing a network of former speakers. This could, at a minimum, involve ensuring that all the former speakers are invited to the annual lectures and receive the link to the recorded lecture after the event. However, this could also go further by creating institutional links between

either the Association or the Law Department and some of the institutions with whom we have worked closely over the years. For example, Professor Susan Perry at the American University in Paris has expressed a keen interest in hosting one of the lectures at her department, and Richard Bennett, the UN Special Rapporteur on the Human Rights Situation in Afghanistan, and Ehsan Qaane who spoke at the lecture focusing on Afghanistan, are both now based at the Raoul Wallenberg Institute for Human Rights in Lund and are keen to identify ways to cooperate. These are just two of many examples of personal and institutional affiliations that could be fostered and built upon.

Whatever form the institutional, substantive, and network-related aspects may take, the authors' principal aspiration is that the lectures remain relevant and continue in the same spirit: honoring those who dedicate their lives to justice by understanding the topics they tackle. In essence; learning from our past to build a better future.

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