

In Memoriam.
Concepción Escobar Hernández (1959–2025), Eminent
International Law Scholar and Practitioner

The community of international lawyers in Spain and beyond is in mourning, as their colleagues grieve the unexpected and premature loss of Professor Concepción Escobar Hernández (Concha for her many friends and colleagues), who passed away in August 2025 when she was at the height of her intellectual powers and of her many occupations and commitments in our field of work.

Professor Concepción Escobar had a long, distinguished and productive career as an academic scholar and also as a practitioner in the international legal field, both in Spain and elsewhere, in particular in multilateral settings, whether in European institutions or in universal bodies such as the UN, international tribunals or the Red Cross.

In those varied activities, Professor Escobar always carried with her not just a wide and deep knowledge of international law and institutions but also a profound sense of the rule of law and of the struggle for justice in international affairs. While she stood firm in her understanding of the law as a set of commonly accepted norms appropriate for regulating social relations, she never lost sight of the importance of the fundamental principles underlying those norms and their ethical aims, especially the essential dignity of human beings.

As a scholar, Professor Escobar started her career at the Complutense University of Madrid, where she worked with Professors Manuel Díez de Velasco and Gil Carlos Rodríguez Iglesias, and at the *Institut de Hautes Études Internationales* in Geneva. In 1987 she obtained the PhD in Law at the Complutense University of Madrid with a doctoral dissertation on the UN Commission of Human Rights and its special public procedures covering situations or matters of particular concern for the international community, a work that was published as a book the following year.

Pursuing her academic career, Escobar became full professor of international law at the University of Cantabria in Santander, where she worked from 1995 to 2001 and where she continued thereafter to organize and lead summer courses in international and European law. In 2001 Professor Escobar obtained the chair on the same discipline at the *Universidad Nacional de Educación a Distancia*, in Madrid (UNED – the Spanish Open University), where she worked continuously until her death. For several years, she was Dean of the UNED Law Faculty (2002–2004) and subsequently Director of its International Law Department (2013–2021). While at UNED she also taught at the *Instituto Universitario Gutiérrez Mellado* of studies on peace and security. From 2004 on, she also held a Jean Monnet Chair on European Law and Institutions at UNED.

During her long tenure at UNED, Professor Escobar was very active, *inter alia*, in directing or coordinating editions of major collective works of doctrinal and docent interest, such as *La Unión Europea ante el siglo XXI* (2003), *Instituciones de Derecho comunitario* and *Instituciones de la Unión Europea* (from 2006 onwards) or the 18th edition of her master Diez de Velasco's *Instituciones de Derecho internacional público* (2013).

Moreover, Professor Escobar's teaching on international law went further than in purely university settings, as her activity as a docent also extended to the Spanish Diplomatic School where she taught for almost three decades, also coordinating the area of international legal studies as well as to the School for the Judiciary. She also participated in research and publishing activities at the Center for Political and Constitutional Studies and at the *Elcano* Royal Institute for International and Strategic Studies. Her scholarship was recognized in 2007 by the Royal Academy of Legislation and Jurisprudence by electing her as an "académica correspondiente".

Professor Escobar's lecturing was not restricted to Spanish institutions. She also taught courses on the international protection of human rights at the American University's Washington College of Law and participated in the annual courses on international law convened by the Organization of American States' Legal Office each summer at Rio de Janeiro. Of particular importance was her magisterial course on "Immunities of foreign officials in international law" given at the prestigious Hague Academy of International Law in 2019.

With regard to her activities as a practitioner, they were varied and covered almost three decades. Professor Escobar was a member of the Spanish Delegation to the Rome Conference on the International Criminal Court (1998) as well as to the ICC Preparatory Commission and then to the ICC Assembly of States Parties. Following the signature of the Rome Statute and its ratification by Spain, she was also actively involved in the interdepartmental process of drafting legislation for its implementation in Spain, in both its substantive and procedural aspects.

From 2004 to 2012 Professor Escobar was Head of the International Legal Office at the Spanish Ministry of Foreign Affairs and Cooperation. This was a very intense period in which, besides providing advice to the main authorities in the Ministry, and the Government as a whole, on international legal matters, she represented Spain in many international legal bodies, including in particular the UN General Assembly's Sixth (Legal) Committee, the ICC Assembly of States Parties, the Council of Europe's CAHDI (Committee of legal advisers) and the EU's COJUR (Group of experts on international law).

In this context, Escobar was particularly active in the multilateral negotiations relating to the ICC and the crime of aggression, leading to the role she played as the co-head of the Spanish Delegation and the Chair of the Drafting Committee at the ICC Review Conference held at Kampala (Uganda) in 2010 which resulted in amendments to the Rome Statute on the crime of aggression as well as on certain war crimes.

Moreover, Professor Escobar represented Spain in international judicial proceedings, including before the International Court of Justice (consultative procedure on the *Unilateral Declaration of Independence of Kosovo*, 2008–2010) and the International Tribunal on the Law of the Sea (*M. V. Louisa, San Vicente and Grenadines v. Spain*, 2010

2013), cases in which she acted as both agent and leading counsel. She also took part in the Spanish teams acting in cases before European courts, advising on relevant issues of general international law as they related to the applicable European law.

From 2008 to 2014 and again in 2024–2025, Professor Escobar was a member of the Permanent Court of Arbitration and, as such, formed part of the restricted group of Spanish international lawyers entitled to put forward persons qualified to be considered for election to international courts, especially the International Court of Justice and the International Criminal Court. From 2011 onwards she was also on the list of arbitrators and conciliators of the UN Convention on the Law of the Sea.

From 2011 to 2022, Professor Escobar was a member of the International Law Commission, the main expert body advising the UN and its member States on the codification and progressive development of international law. On top of taking part in the ILC's work on many diverse issues, she became the special rapporteur on the topic "Immunity of State officials from foreign criminal jurisdiction", submitting eight reports and leading the drafting and first reading approval of a set of articles which continue to be the basis for the ILC's work on this matter; now on the second reading phase. During that period, she continued to attend meetings of the UN General Assembly's Legal Committee, in order to explain and defend the ILC's work on the topic assigned to her.

Professor Escobar's commitment to international humanitarian law led her to an intense activity linked to the Red Cross Movement. From 1999 onwards, she was a member of the Centre of Studies on International Humanitarian Law of the Spanish Red Cross, which she would later lead. She was instrumental in the creation of the Spanish National Commission on International Humanitarian Law, a mixed advisory body of the Spanish Foreign Ministry in which she was very active, both during her time at the head of the International Legal Office and later as a representative of the Spanish Red Cross. She also participated in several sessions of the International Conference of the Red Cross held in Geneva, either as a member of the Spanish government or of the Spanish Red Cross delegations.

During this later period, she also took part in a number of sessions of the Ibero-American Week on International Justice, held at The Hague each summer in connection with the ICC and the ICJ, in order to show her commitment to international justice in its various dimensions and to stress the role played by Ibero-American jurists in that endeavour.

As a culmination of her long and fruitful career as a scholar and practitioner in the field of international law, Professor Escobar had been designated in 2025 as a member of the section of Public Law of the Spanish National Codification Commission and, separately, put forward as a candidate for election to a post of judge of the International Criminal Court. Regrettably, her untimely death has suddenly and fatally truncated the prospects for the lasting legacy that she could have left in those institutions.

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Thus far I have striven to present a portrait, as complete and objective and possible, of Professor Escobar's brilliant academic career and many activities in the public service. Nevertheless, this portrait would be incomplete and would lack color and relief if I would

not reflect in it my own experiences and feelings after many years working besides her or in close contact with her.

As I remember, we first met sometime in 1997 when I had just been chosen by the Spanish Foreign Ministry to lead the Spanish Delegation in the negotiations being conducted at the UN in preparation for the Rome Conference on the creation of an international criminal court, as well as prospective Head of the Delegation to the Rome Conference itself. On that juncture, I had insisted within the Ministry that we should form a Delegation that would encompass legal experts from various ministerial departments (mainly Foreign Affairs, Justice and Defence) and also from several independent agencies (especially the Attorney General's Office and the General Council of the Judiciary), as well as the Spanish Red Cross. That suggestion was approved and the Delegation was taking shape satisfactorily. But I felt that we still needed the addition of an international law professor with good knowledge of the matters involved in the negotiation.

It was then that I heard Professor Escobar taking part in a roundtable discussion at a Spanish institution on matters relating to human rights and international humanitarian law. I was struck by the clarity and profundity of her presentation and by the way she answered questions or comments from the audience. After the session, I approached her; we talked for a while and I became convinced that she was the person that we needed for our Delegation, not only because of her knowledge of international law but also for her commitment to human rights and justice as well as to multilateral institutions and procedures.

Soon thereafter, I offered her to join our Delegation, she eagerly accepted and we had the satisfaction of having with us a first class colleague and a great member of the team for what proved to be a historic endeavour of developing a new quasi-universal independent institution entrusted with administering criminal justice for the most serious crimes of international concern. Very soon Professor Escobar had become simply dear Concha for all of us in the Delegation, which worked closely for several years in Madrid, New York, Rome, The Hague and other places during that complex and fruitful negotiation.

Following the success of the negotiation at the Rome Conference and the ensuing Preparatory Commission which developed many of the instruments derived from the founding Statute, we then worked on the draft legislation to ensure the future cooperation between Spain and the ICC, as well as the reform of material criminal law in Spain to take account of the Statute. In those endeavours Concha had a notable part, providing not only her deep knowledge of the matter at hand but also her fine drafting skills, her good sense and her tenacity until the correct solution was found to each problem we faced.

That long collaboration was just the beginning of a close friendship that was to last until the end of her days. Soon thereafter, when I ceased my functions as Head of the International Legal Office at the Foreign Ministry in order to return to New York as Permanent Representative of Spain, I had no doubt about who should replace me at that delicate function: I strongly recommended her to the Ministry's leadership and Professor Escobar became the new Head of the Office, which she was going to lead for eight intense and productive years.

During those years, we continued to be in contact and working together, especially during the UN General Assembly sessions and the ICC Assembly sessions held in New York. Then the opportunity arose to have a Spanish national as a member of the ILC and again I had no doubt that the right candidate should be Concha. Professor Escobar was duly elected by the ILC to fill an occasional vacancy and then elected by the General Assembly to a full mandate for which she would again be reelected five years later: more than a decade in which she was the first Spanish ILC member to serve as a special rapporteur on an important and delicate subject which had proven too hard to crack for other ILC members before.

Our contacts and exchanges of views continued from time to time during the following years. I remember in particular the high-level seminars she conducted at UNED on current issues of legal interest in international affairs and, on the other hand, our participation, together with other successive heads of the Foreign Ministry's International Legal Office, in an unprecedented roundtable held in late 2014 at the Jaume I University in Castellón which unfortunately has had no continuation since on the important issue of "Spain and the use of force, 1990–2015: a legal reappraisal", whose proceedings were published in the pages of this *Yearbook*, vol. 19, 2015.

More recently we had again the opportunity actively to collaborate on several diverse endeavours, including the Hague Ibero-American Week on International Justice, the National Commission on International Humanitarian Law, the Spanish national group of the Permanent Court of Arbitration and, last but not least, on my own doctoral program at UNED for which she readily and generously accepted to become the director of my draft dissertation. In all those activities, and particularly in the last, I had again the opportunity to enjoy Concha's company, her unfailing good sense and wise advice and her continuous support and encouragement.

We will all – and more than anyone his lifelong companion and supporter, Professor José María Contreras, himself a noted scholar and practitioner of the law on relations between the State and religious faiths – miss dearly Concha's presence and example, as a dedicated legal scholar, as a committed promoter of good causes at the national and international levels, as an informed and caring citizen and simply as an exceptionally fine human being. Her work and legacy, together with her shining example, remains permanently among us. Let us say with the poet: "To live in hearts we leave behind is not to die".

Juan Antonio YÁÑEZ-BARNUEVO
Ambassador of Spain

