

**Conversations with Professor Sir Elihu Lauterpacht
Sixth Interview: Personalities**

Date: 2nd April 2008

Between January and May 2008, Sir Elihu was interviewed seven times at his home in Herschel Road Cambridge to record his reminiscences of seventy years of his own, and his father's associations with the Faculty. The interviews were recorded, and the audio version is available on this website with this transcript of those recordings. The questions and topics are sequentially numbered in the six interviews for use in a database of citations made across the Eminent Scholars Archive to personalities mentioned therein.

Interviewer: Lesley Dingle (**questions and topics are in bold type**)

Sir Elihu's answers are in normal type.

Comments added by LD, *in italics*.

All footnotes added by LD.

134. Sir Eli, we come to the sixth interview in our series. We have been through the list of important events and achievements, decade by decade, and we come today to some more general points. First of all, can we talk about the category that you have called "People who I particularly remember" and then follow this up with the intriguing category that you have called "My regrets", and perhaps to that we can also add a category in which you could assess your own achievements against the aspirations you may have had as a young man. I have found this last category to be quite enlightening when I put it to previous eminent scholars. So starting then with the first person on your list and that would be Professor Richard Baxter¹, perhaps?

No, I think the best way in which I can approach the people I particularly remember, is to divide them up into continents, because otherwise the list would be rather higgledy piggledy. Let me start, perhaps, first with the British international lawyers whom I have known. I am going to speak principally of those who are no longer living. I have some very nice things to say about people who are living, and maybe we might touch on them later but for the moment, let us talk about the ones who, alas, have passed on.

I think the ones that particularly warrant mention are the following. First of all, Sir Gerald Fitzmaurice². He was a remarkable person. He had a very fine mind; he was a first-class

¹ See item 170, this interview.

² I901-82. Also see item 21, interview 2.



international lawyer, immensely knowledgeable. He served in the Foreign Office³. He was there, oh, from the early 30s, right up until the time he went to the International Court following on the passing of my father (that was in 1960). Whilst he was in the Foreign Office the whole time, I think during the war he may have served in the Ministry of Economic Warfare, because he became exceedingly interested in contraband and blockade and such like topics.

He was a short man, a handsome man, with a fine head of grey hair, who took pride in his appearance. One also had to be slightly careful because, being a short man, it was important never to tower over him. I recall once going to the Foreign Office for some meeting with him and he directed me to sit on the sofa, which I did. He then sat in a chair nearby. Unfortunately, the chair was somewhat lower than the sofa, so the result was that he was beneath me and the interview did not go well, but he was a very nice man. For a while, indeed, we shared a flat in the Temple in the period from about 1960 to 1963 or thereabouts. His hobby was drawing and he was a very fine draftsman in the sense that he used a lot of lines to reflect the topics or the subjects of his drawings. He was also something of a philosopher and, as one can see from his writings, there is a good deal of philosophical allusion there. He was a good friend of my father's, they saw each other regularly and he was very distressed when my father passed away and then, as I say, Gerald Fitzmaurice succeeded him at the court.

135. Sir Eli, during the war, whilst Sir Hersch was in the States advising the State Department on behalf of the British Government, Fitzmaurice was in the Foreign Office, was there any personal contact that you can recall with your father or family at that time?

Oh, I think they were in touch with each other. It is not quite right to say that my father was advising the State Department, no. My father was in the United States at the wish and with the approval of the Foreign Office, but for the purpose of giving lectures and maintaining contact with American academics in an attempt to counteract a certain amount of isolationism that had grown up amongst some American academics, notably Edwin Borchard⁴. But the work my father did in the United States during the war in terms of official contact was with the US Attorney General⁵ in relation to the development of the American doctrine of all aid to the allies short of war. That was in the period, of course, prior to the United States' entry into the war in December 1941.

I don't know how much contact there was between my father and Fitzmaurice at that

³ Legal advisor, 1932-60

⁴ 1884-1951. Professor of law at Yale, and sometime law librarian at Law Library of Congress.

⁵ 1940-41 Robert Houghwart Jackson. See item 16, interview 2. Followed by (1941-1945) Francis Beverley Biddle.



time, but there was no official contact, one couldn't say that. But, as I say, they were good friends and Fitzmaurice was a very close analyst of the jurisprudence of the International Court and wrote a series of fine articles about them in the British Yearbook of International Law, which was subsequently carried on by Hugh Thirlway⁶, who was at one time one of the principal legal assistants of the court and was able to bring to the analysis the same kind of knowledge that Fitzmaurice had of the internal thinking of the court.

136. I notice that he was elected President of the Beagle Channel Arbitration in 1971?

Yes, Fitz was president of that, together with Sture Petré⁷ the Swede, and I have forgotten who the third arbitrator was, perhaps you can remind me, although don't worry. But no, Fitzmaurice did do a certain amount of arbitration of the Beagle Channel and then quite an important arbitration, the so-called Aminoil Arbitration⁸, which was an arbitration relating to concession arrangements between Kuwait and a foreign company, but as I say, Fitzmaurice was a very good person, very devoted.

137. And then one can pass to a man who was, in a way, very similar to Fitzmaurice, namely Humphrey Waldock.

Humphrey Waldock⁹ actually did not begin life as an international lawyer, he was the author of a book on mortgages. But during the war he went into government service and after the war he was appointed, because the appointment was in the hands of the Foreign Office, I think at that time, to the Chair of International Law at Oxford - the Chichele Chair¹⁰.

Again, Waldock had a very precise legal mind, not a philosopher, not given to jurisprudential considerations, but a very hard worker. I was able to work with him on a couple of cases and I was always struck by the amount of time he gave to the cases and the closeness of

⁶ During 1989-94. He became Principal Legal Secretary of ICJ, 1994-2000; Professor of International Law at Graduate Institute of International Studies Geneva, 2001; Professor of International Law, Vrije Universiteit Amsterdam, Visiting Professor of International Law, University of Bristol.

⁷ See item 62, interview 3

⁸ *Aminoil v Kuwait* 21 ILM (1982) 976

⁹ 1904-81. ICJ: Judge 1973-81, President 1979-81, Member UN International Law Commission 1961-72. See: <http://freepages.genealogy.rootsweb.ancestry.com/~waldock/waldock,g/pafn197.htm> See also item 44, interview 3.

¹⁰ 1947-72



his consideration of the facts. He had a charming habit of writing in pencil with an eraser in his hand. So he did not write, for example as I do, boldly in ink and then striking out later. He would write in pencil and when alterations needed to be made, he would use an eraser to rub out what he had done. Like Fitzmaurice, he served on the International Law Commission and he was a popular, highly regarded person given to collecting watercolours, had a fine collection in his house in Oxford. I am sure that I am forgetting details that would add further to the lustre of both of them, but they were top-notch international lawyers.

138. He was more or less a contemporary of Sir Hersch's, because he was born in 1904, which was sort of the same timeframe as Sir Hersch?

Yes, oh certainly Waldock and my father and Fitzmaurice knew each other well and Waldock succeeded Brierley as the professor at Oxford. Oh, there was contact between them particularly in relation to the British Yearbook of International Law. When my father ceased to be editor of the British Yearbook, Humphrey Waldock took it over and again and did a first-class job.

139. I noticed as well, Sir Eli, that he was born in Ceylon.

Yes, well I don't really know the circumstances of his early life, but I think possibly his parents or his father may have had some colonial connection, I just don't know. Many of these people at that time had some kind of overseas connection. One that immediately comes to mind is Ivor Jennings¹¹. I have not got him on my list because Ivor Jennings was not primarily an international lawyer, but a British constitutional lawyer. But Ivor Jennings, during the war, was in Ceylon, as Sri Lanka was then called. He was in Ceylon as a Vice Chancellor of the university there; he was a very capable administrator¹². But anyway, let us go on with these people, so Fitzmaurice first then Waldock, both very fine international lawyers.

140. Then we come to a third who warrants a mention and that is Gerald Draper¹³.

Now, Draper was a completely different sort of person from both Fitzmaurice and Waldock. They were, what I might call, traditional international lawyers with a wide range of knowledge. Gerald Draper's approach to international law was somewhat different. First of all, he was primarily interested in the law of war and this stemmed from the fact that before the war he had been a solicitor. He went into the war as an officer in the Guards. He was one of those who were first into Belsen upon the liberation of that camp and it made a deep impression on him. He was absolutely appalled by what he saw there. He was by then serving in the intelligence and it fell to him to interrogate quite a number of Germans who were subsequently

¹¹ 1903-65, Sir William Ivor, born Bristol.

¹² Inaugural Principal University College of Ceylon, Vice-Chancellor 1942-55.

¹³ 1914-89, Professor Colonel Gerald Irving A. Dare Draper OBE.



charged with war crimes¹⁴. He wrote about the law of war¹⁵. He wrote a book on the Red Cross conventions¹⁶.

But he was a man who was concerned with sometimes minute and, it appeared to some, trifling detail. He was a man to whom people turned when they wanted a really esoteric examination of a subject. He appeared in a number of cases in the English courts, which required a great deal of scholarly research into history and Gerald was just the man to do that. He was a remarkable conversationalist. He could talk the hind legs off a donkey. He was a great man to listen to, a very friendly and well disposed person. He gradually drifted out of the Army legal services, where he had ended up at the end of the war, into academia and became a professor at Kings College London¹⁷. Again, a friendly and well disposed person¹⁸.

141. I think he also had a Chair at the University of Sussex?

That is right, he went on to Sussex after he had been at London and this was when Sussex had just been created as a university [LD: 1976-79].

142. I also noticed that he had fought in the war in North Africa and Europe¹⁹.

Yes, very likely so. I am not acquainted with the details of his military service. You have obviously done more research on him, and these people, than I have. I am really speaking from my personal recollection of their character.

143. But let me pass onto another interesting character, namely, Clive Parry²⁰.

¹⁴ He was Senior Military War Crimes Prosecutor in the British Occupied Zone of Germany, 1947-49. In 1945 he interviewed Rudolf Hoess, Commandant of Auschwitz.

¹⁵ See: *Reflections on Law and Armed Conflicts: the selected works on the Laws of War by the late Professor Colonel G.I.A.D. Draper OBE* by Meyer, M. A. & McCoubrey, H, 1998, Kluwer 288pp. This lists 64 works by Draper on war.
<http://books.google.co.uk/books?id=ETjo7FKSsVkC&pg=PR28&lpg=PR28&dq=gerald+draper+colonel+professor++%22red+cross+conventions%22&source=web&ots=L3DyF42LpN&sig=Ef5gwqtRIMVfQg2dxP3EOUJzqwg&hl=en#PPR11,M1>

¹⁶ See e.g. *The Historical Background and General Principles of the Geneva Convention of 1949*, British Red Cross Society, 1957. Also *The Red Cross*, 1959 Stevens & Sons Ltd, London

¹⁷ Lecturer and Reader in Public International Law, Kings College London 1956-67.

¹⁸ See also item 53, interview 3.

¹⁹ Irish Guards 1941-45, North Africa and Europe.



Now, Clive Parry was born, I suppose, around about 1917 or thereabouts and I forget where he went to university. But by the time I knew him, that is to say when I was an undergraduate in Cambridge, Clive was already teaching in Cambridge. He had become a Fellow of Downing College and again, he was slightly a bizarre man. He didn't think like other people thought. That is not to say that his thinking wasn't good; it was simply different and he had an almost maverick approach to some aspects of international law. His major literary contribution was a major commentary on the British Nationality Act, but he also had some interesting ideas in terms of the development of the sources of international law.

In 1955, I can't remember whether I mentioned this earlier, I had been responsible for the establishment of a trust called the International Law Fund and this raised money to try and promote the development of international law and, in particular, research in it and the production of its sources. Well, Clive and I were thinking along similar lines at that time and Clive formulated the idea of a digest of British practice in international law - not a contemporary digest - that was something that I had begun to think about and to implement in 1955 - but a historical digest. Unfortunately, the idea was never completed, but with the assistance of two very capable people, John Collier²¹ and John Hopkins²², both of whom became Cambridge academics after that, he produced four volumes or five volumes of the British Digest of International Law. Unfortunately, they are not consecutive in their coverage. Nor do they cover the whole subject, because it was an incomplete exercise. However, his researchers examined the archives of the Foreign Office very closely and extracted a great deal of interesting material. It is a pity that the project never reached its conclusion, principally because unfortunately Clive died in 1982, whilst the project was still underway.

He had one other major idea, namely the production of a consolidated treaty series, to reproduce all the treaties that had been concluded from any country and these, I think, now constitute an impressive collection of some 150 volumes which were published by his friend, Phil Cohen, the person who created Oceana Publications and they worked very closely together on that. As a teacher, Clive was somewhat unexpected. He used to, how can I put it, he used in his lectures to appear as if he was thinking a topic through for the first time and so this would lead to the introduction of some un-thought out ideas, but at the same time he was highly imaginative and provocative and stimulating to his audience. I went to his lectures when I was doing the LLB back in 1950. His lectures then on international organisation were not very solid but they were interesting. He formed a very close relationship with his students. They liked him very much and his early death in 1982 was a great loss to the Cambridge faculty.

144. Sir Eli, I find it interesting that in 1944 to 1945 he was teaching public law in Ankara,

²⁰ 1917-1982. See item 20, interview 2.

²¹ Lecturer in Law and Fellow, Trinity Hall, Cambridge. See also item 40, interview 2.

²² 1936-. Emeritus Fellow of Downing College. Whewell Scholar 1961.

of all places²³. I sort of wondered how he got there in the first place, because it seems a bit strange?

Well, I am sorry, I can't hold myself out as an authority on the details of the lives of these people whom I knew. I was aware that during the war, Clive had been in Turkey, teaching, but the circumstances are unknown to me.

145. It just seems a bit strange, Turkey being neutral.

I really don't know. You may speculate about that but I can't either support or deny some possible speculations. He was a very nice man.

146. In the same breath as one thinks about Clive, one also thinks about Robbie Jennings, who was almost his contemporary here in Cambridge.

It was Robbie Jennings²⁴ who succeeded to the Whewell Chair of International Law after my father went to the Court in 1955. Robbie Jennings was a very fine man, again, an excellent lawyer in the common law mode. At first, I would say in the early stages of his career, there was nothing in it that made one think this man is going to reach the eminence that he did. And as Whewell Professor, he made no striking impact on international law, except the authorship of one relatively slender volume on title to territory, very beautifully written, no words wasted and a book much cited by people involved in subsequent boundary and territorial disputes.

But then it so happened that when Robbie reached the end of his tenure as Whewell Professor and had to retire at the age of 67, it just coincided at that moment with the sudden death of Humphrey Waldock, who was then President of the International Court. So Robbie was nominated to succeed Humphrey Waldock. And as a judge, he was a very great success, very sound and no failures in his approach, and he obviously made a good impression on his colleagues. In due course he became President of the Court and as President, was excellent. I had the opportunity when I was *ad hoc* judge in the Bosnian case to sit when he was President and I was greatly struck by his control of the situation and the fact that he never wavered, he never for a moment fell asleep or anything like that. I thought he was first-class. And he was a beautiful writer and he had a very good, long life. I think he lived to 94 and his mind was sound to the end and it was just an unfortunate accident that led to him breaking his hip and he then succumbed to illness in hospital. But in the years following his retirement from the Court, he wrote a number of outstanding articles about the way in which the Court operates. So he enjoys a prominent place in my recollections.

147. Sir Eli, he seemed to follow in Sir Hersch's wake. I mean, he was an assistant lecturer at LSE, contemporary of Sir Hersch. In 1939 he returned to Cambridge, at more or less

²³ See item 51, interview 3 of Professor Lipstein. See Eminent Scholars website: <http://www.squire.law.cam.ac.uk/Media/Eminent%20Scholars%20Archive%20Transcripts/Lipstein%203%2010%20May%202005.pdf>

²⁴ 1913-2004. See item 20, interview 2.

the same time as Sir Hersch. He then became the Whewell professor; he went back to LSE at more or less the same time as Sir Hersch did, the same way becoming a judge and then the President. Would you say that is true, per se?

Oh well, the facts, as you recite them, are virtually all correct, except for the fact that during the war he was on military service, he was in the Army and he returned to Cambridge, I think, in 1944, where again, he was regarded as a very sound lecturer. You could go to his lectures and if you could write down every word, you would almost have a textbook at the end. But no, he was fortunate to be here at that time, which brings me to another person, who at one time was thought of as a possible successor to my father here, namely, Wilfred Jenks.

148. Jenks.

Wilfred Jenks²⁵ was an extraordinary man. He had got the Whewell scholarship here back in 1931 or '32. My father met him when they were both, I think, I don't quite know how they did meet but they became good friends and exchanged many letters over time. And Jenks went straight from Cambridge into the International Labour Office in Geneva, into their legal department. And there he remained for virtually the whole of his life, except for the last three years, when he achieved the pinnacle of the ILO and became its Director General.

Jenks was an extraordinary man because he led this very full life. As a legal adviser, he was an excellent craftsman, and was responsible for the drafting of many of the international labour conventions that, when put together, form a two volume accumulation of texts, very precise texts. But at the same time he had a major academic interest in international law and was a prolific author of articles and books. He had an extraordinary memory so that he was able, when he was so often away at international meetings, to spend his evenings in his room writing without the need to actually have books by him and when he got back to Geneva he would amplify them and fill in the details. He wrote books on all sorts of topics and at times he was so far advanced in his thinking that my father who, as I say, was a good friend to him, wondered whether Jenks wasn't a bit too imaginative because Jenks was writing about legal problems relating to the moon and outer space at times before there was almost no prospect of man ever getting into outer space or reaching the moon. His works are incredibly detailed and I think he was really an outstanding in lawyer. Indeed, the interesting thing about all these people whom I have spoken of so far, Fitzmaurice, Waldock, Parry, Jennings and Jenks, is that they were all approximately contemporary with each other, and they formed a core of international lawyers that I think has not really been matched elsewhere in the world in quite the same way.

149. Was he also interested in labour law in South America?

He was a man who had a wide interest in legal systems because of the necessary connection between them and the work of the International Labour Organisation. He did write a book called "The Common Law of Mankind" or something like that which touched on various

²⁵ 1909-1973. Clarence Wilfred. Gonville & Caius, Geneva School of International Studies. Director General International Labour Office 1970-73.

legal systems.

150. He died quite young, Sir Eli, he was only 64 years when he died.

Yes, well that is correct. He was a member of the Institut de Droit International, which in the year he died was having its biennial meeting in Rome and he had a heart attack and passed away very suddenly. It was a great shame because there was a lot left in him to produce. As I say, he was a fine writer and an inventive, forward thinking international lawyer.

151. Now, I have omitted to mention so far the person who really, he wasn't the father of them all, but was the teacher of them all, namely, Arnold McNair²⁶.

Arnold McNair was of Scots origin. He was teaching at the London School of Economics when my father arrived there from abroad as a young research student and he and my father got on very well together. Again, McNair was a solid, down to earth international lawyer. His Cambridge LLD thesis became the first edition of the *Legal Effects of War*, which subsequently emerged in four editions and contained some wonderful common law chapters. Particularly, the chapter on the effect of war on contracts. His discussion there, for example, of the law of frustration is one of the clearest and most outstanding contributions to that subject.

Arnold moved from LSE to Cambridge as Whewell Professor following Pearce Higgins²⁷, whom I never knew, and then after two years in Cambridge, accepted appointment as Vice Chancellor of Liverpool University. There he remained from 1937, or thereabouts, until the end of the war in 1945, at a very difficult time for the University of Liverpool because Liverpool was very heavily bombed during the war by the Germans and it was not a pleasant place to be. But Arnold, as I say, worked on the legal affects of war. He also produced an extremely interesting volume on the law of treaties based upon opinions of the Law Officers, which he had studied and gathered together and to which he had given some systematic form. He came back to Cambridge in 1945 as Professor of Comparative Law.

There was a real feeling in Cambridge that they wanted to have him back here, so this Chair was found for him, but he left it within a year to go to the International Court as the first British judge there following its establishment. There he remained and became, in due course, President of the Court and noted for, again, the depth and soundness of his judgments; very much liked and respected. He remained as President for, I cannot remember the years exactly, but I remember him as a small man, physically small, and it interesting how many of these people were physically small people. Fitzmaurice was a physically short man, Humphrey Waldock rather the same, McNair the same and this has nothing to do with their quality as lawyers, but I do remember when I was a child and I couldn't have been more than three or four, and we were

²⁶ See item 1, interview 1.

²⁷ 1865-1935 Alexander Pearce Higgins, born Worcestershire. Taught International Law at LSE and Royal Naval War and Staff college. Whewell Professor 1920-35. See also item 1, interview 1.

living in London, as was McNair at that time, he came to tea at our house in Walm Lane, Cricklewood and there was a very fine looking cake on the table which nobody seemed to be eating. So I eventually piped up and said, “Wouldn’t you like a piece of cake?” and McNair, who of course immediately perceived what my objective was, said “*Honi soit qui mal y pense*” – shamed be he who evil thinks. I was always very fond of Arnold and he was a great friend to my father and indeed, in a sense, the guiding light in support of my father’s career in England.

152. Sir Eli, was he the President of the European Court of Human Rights, the first President in 1959?

Yes, he could well have been, I have rather forgotten the details. Not only McNair went to the European Court of Human Rights, but also Fitzmaurice and Waldock, each in their turn went there after they finished their term. I was just about to say after they finished their term on the ICJ, but that wasn’t true of Waldock. Waldock had been, I think, on the Court or the commission before he went to the ICJ, because it was whilst he was president of the ICJ that he died. But no, as I say, this diversity of judicial experience of McNair, of Fitzmaurice and Waldock was an important contribution to the development in the European Court of a fine legalistic without being pedantic, approach to international law.

153. Still on the British international lawyers.

I have already spoken of my father at various points so I will not repeat that. There is a lawyer who could be said to be British because this is where he ended his life, who certainly deserves a mention and that is Dan O’Connell.

O’Connell²⁸ was of New Zealand birth and then taught international law at Adelaide and there he began writing his major treaties on international law. He was then appointed from Adelaide to Oxford as successor (I suppose it must have been) to Sir Humphrey Waldock. And Dan was a very able, very committed, hardworking person with interests outside international law. For example, he wrote a biography, I think it was, of Richelieu in his spare time²⁹. He was an inveterate traveller because he was much sought after in practice. He just travelled too much and exhausted himself and died relatively early whilst still professor at Oxford. But he was a major contributor to the literature of international law in his time.

154. He was more or less a contemporary of yours, Sir Eli. Did you get to know him when you were studying at Cambridge?

Yes, he did his PhD at Cambridge on state succession and produced two substantial volumes, one on state succession in international law and the other on state succession within the domestic legal systems of states that had undergone successions. I knew him when he was here. I cannot say I knew him very well; we gradually got to know each other better as time went by. I

²⁸ See item 52, interview 3.

²⁹ *Richelieu*, 1968. See 1969 review by Time Magazine:
<http://www.time.com/time/magazine/article/0,9171,901497,00.html>

was very fond of him and he was a nice man.

155. There are other British international lawyers who ought to be mentioned.

I would not want to leave the subject of Englishmen who had contributed to international, without a word about three people who were on the professional side, who were solicitors or barristers.

My own career owed a great deal to two people from Linklaters & Paines³⁰. One was a man called Joe Addison³¹, who had been a partner in Linklaters. Linklaters were the solicitors to the Anglo-Iranian Oil Company, so I came into close contact with him in the early 50s and he was very supportive of my development as a professional international lawyer. I accompanied him and other lawyers out to Tehran in 1954 for the purpose of negotiating and drafting the so called Consortium Agreement, which was the agreement between the major oil companies and Iran for the re-opening of the oilfields there.

Joe Addison was a good friend to me, as was his colleague, John Gauntlett³², who was also a partner in Linklaters. Neither of them held themselves out as international lawyers, but the nature of their work was such that they were brought into international law in a litigious context. And there was a third man, who was also a very important part of my life and that was Sir Valentine Holmes³³. Val Holmes, as he was called, was a barrister QC and a pre-eminent advocate with a special style of his own, extremely modest in court, most unassuming and he would get up before the court and say “Well, you know I do not really know very much about this topic, but...” and he would then expound it in terms which seemed always to persuade the judges. And these are all people worth mentioning.

156. Continental international lawyers.

There were several of these that deserve mention. I am sure there are more, but I remember, in particular, two Swiss international lawyers, namely Guggenheim and Sauser-Hall.

Guggenheim³⁴ was professor at Geneva, and Sauser-Hall³⁵, professor – it has just gone

³⁰ Founded 1838 as Dods & Linklaters. See: <http://www.iberianlawyer.com/content/view/986/51/>

³¹ In 1982 Addison gave an interview in the *End of Empire* series about Iran and BP, which is stored in the British Film Institute’s Film & TV database archive. See: <http://ftvdb.bfi.org.uk/sift/title/436577#>

³² See item 23, interview 2.

³³ See item 24, interview 2.

³⁴ See item 28, interview 2.

from my mind. They were both very distinguished international lawyers, but in a way quite different from the English way of thinking, more theoretical. As advocates, they could not be regarded as particularly outstanding. When they got up in front of the International Court, they would read from their text in a rather dull way, it has to be said, but very solid. I first had dealings with Guggenheim in the context of the *Nottebohm* case, as I had also with Sauser-Hall.

Both of them were very disappointed by the decision of the International Court of Justice in the *Nottebohm* case, which followed a tack that was quite unexpected at the time, so much so that Sauser-Hall could never bring himself to rely on the *Nottebohm* case. When I was brought into the *Barcelona Traction* case to assist Sauser-Hall in the presentation of his part of the case relating to nationality of claims, it fell to me to exploit the value of the *Nottebohm* case because Sauser-Hall just didn't want to approach it in that way. They were both very kindly men. Guggenheim, particularly, was a friend of my father, they were quite close. Their connection with my father and of course with international lawyers, was primarily through the Institut de Droit International. The Institute that had been established in 1885, I think it was, and which brought together biennially, a group of distinguished international lawyers, not more than 120 in all, from various countries, but of course, in the circumstances of those days, most heavily weighted with European and Common Law international lawyers.

157. And then another continental international lawyer that I remember well was Rolin.

Henri Rolin³⁶, a Belgian international lawyer. My contact with him, again, was via the *Barcelona Traction* case because there he was the leader of a very large team that was presenting the Belgian case. He was, again, a shortish man, very bright blue eyes, a first-class mind, an inveterate worker and a very strong personality and not a man easily to be trifled with.

I remember, my French not being very good. When the group of international lawyers and other lawyers working on the *Barcelona Traction* case met in Brussels on one occasion whilst we were preparing the case for the court, he went round the table to gather the views of those present, and he came to me. So I began responding in French and after about one minute he said, "Lauterpacht, I think it would be better if you spoke in English". I liked him very much and, as I say, he did a great job of leading that case. It was most unfortunate that the Belgian case failed, but there it was.

158. Then another very notable continental international lawyer was Roberto Ago from Italy.

Roberto Ago³⁷ was small in stature but again, a very strong personality, very proud, very

³⁵ 1884-1966. Professor Georges Sauser-Hall, Universities of Geneva and Neuchâtel.

³⁶ 1891-1973 Professor at Université Libre de Bruxelles (retired 1964), Auditeur au Conseil supérieur du Congo belge

³⁷ 1907-95. Judge of ICJ 1979-95

able, full of knowledge and I remember I met him because he was on the other side in the *Barcelona Traction* case. He did not like to be contradicted and in the course of the *Barcelona Traction* case, as I remember it, and I hope that it is not an invention of mine, we had been discussing the *Delagoa Bay Railway* case and he had presented a picture of the *Delagoa Bay Railway* case, which I thought was wholly at a variance with the true content of the case.

So standing before the Court, I held the volume containing the report of the case in my hand and I went through it, passage by passage to indicate where Ago was at fault. He did not like that at all. When he got up to reply, he said, “When my young friend has read the *Delagoa Bay Railway* case as carefully as I have, he will know not to contradict me”, which was an assertion that produced a number of smiles on the faces of the Court and never appeared in the Court’s record. It had been deleted before the day’s verbatim record was prepared. It was a silly thing for him to say. But although that was silly, he was a famous international lawyer, a member of the International Law Commission. He was the author of the report on state responsibility and it was a very long and very detailed report³⁸.

When I was legal advisor to the Australian Department of Foreign Affairs and was sitting as the Australian representative in the Sixth Committee of the General Assembly of the United Nations, I had occasion to comment upon the extraordinary length of these reports. It was not that they were not scholarly, but it was that they were overly scholarly and therefore, their utility was reduced by the fact that they were, in a sense, so cumbersome. And I made comments along these lines in the course of my observations in the Sixth Committee, which greatly angered him, so much so that he got the Italian government to protest to the Australian government about what I had said, but it was something that I could live with. But as he grew older, he grew more mellow and we got on well together.

159. Finally, amongst the continental international lawyers, not that there are not many more who deserve mention, I should speak of Manfred Lachs³⁹.

Manfred Lachs was a Polish international lawyer during the war. When he was a younger man, he had been legal adviser to the Polish government in exile in England and then after the war, he was elected to the International Court of Justice, where he served, I think, for three terms. He became president. Again, he was a very shrewd lawyer, but very politically inclined. He tended to find political solutions to the cases. In other words, he was to be contrasted with somebody like, say, McNair or Fitzmaurice, who would approach a case in strictly legal terms. Lachs would do that, but would introduce, if you will, a diplomatic or political element.

³⁸ 1970. See, e.g. http://untreaty.un.org/ilc/documentation/english/a_cn4_233.pdf

³⁹ 1914-93. Born in Galicia when it was part of Austria (as was Sir Hersch Lauterpacht), but it soon became part of Poland. Worked at LSE before WWII. Advised Polish Govt in exile during the War. Professor of International Law at University of Warsaw 1952-93, Member of Polish Delegation to UN, judge of ICJ 1967-93.

For example, it was he who was President of the Court in the *Nuclear Test* case in 1973, and produced the solution that involved the Court saying that the case had become moot by virtue of the various statements made by the highest authorities in France that this would be the last of their atmospheric nuclear tests. This was not a point that had been raised by the Australians at all, but Lachs seized on it and he and persuaded the Court to go along with him, to produce a solution that avoided the necessity for the Court to pass upon the legality or illegality of nuclear testing.

That issue, I believe, he felt would have divided the Court in an unacceptable way. So the court escaped from the situation by this approach that the case had become moot: there was no need to go into the merits on account of the statements made by the French authorities.

160. Sir Eli, his career does have some similarities with Sir Hersch. He came from Krakow and he studied in Vienna and then he moved to London.

Well, he only moved to London in the context of the war.

161. A long time after Sir Hersch did, but..

Oh yes, he was not in any way, in that sense, comparable to Sir Hersch. Sir Hersch had come to England in 1923, expressly for the purposes of research and developing his life in England, and that is what he did. Lachs, although he came from Poland and had been to Vienna, spent his life in Poland. He was an active Pole and he was legal advisor of the Polish Ministry of Foreign Affairs and from there, he went to the International Court.

162. So, clearly a very trusted member of the post-war Polish government ⁴⁰?

Yes.

163. I also saw that he was very interested in the theoretical niceties of the Law of Outer Space⁴¹.

Yes, he was that and at that time, quite a lot of lawyers were. Not that they are not today, but it was a much more fashionable subject then. We have gone past that phase in the development of international law now that we have got into outer space and there have been treaties relating to its use. It no longer has the allure that it had in those days. Today, international lawyers are much more concerned with, let us say, the environment and climate change and so on.

164. Well now, passing on from the continental international lawyers whom I recall, I should mention some of the Americans.

America is prolific in its production of distinguished international lawyers. The earliest

⁴⁰ i.e. the communist regime

⁴¹ In 1972 Lachs wrote *The Law of Outer Space: An Experience in Contemporary Law Making*

one that I remember was Charles Cheney Hyde⁴², the author of the three volume treatise on International Law as applied by the United States⁴³.

Hyde had been solicitor of the State Department in his earlier career and then became Professor of International Law at Columbia University - a very respected figure. His literary style was a wee bit complex but the substance was very sound and he was greatly admired. He was professor at Columbia in the 1940s and the only occasion on which I actually met him was when, as a young man, I went along with my father to the meeting of the *Institut de Droit International* that was being held in Bath, I think it was, in 1950, and he was a very friendly outgoing person.

His daughter, Betsy, married another international lawyer called Oliver Lissitzyn⁴⁴, who had come to the United States as, I think, a refugee before the war and Lissitzyn also became a professor at Columbia and Charlie Hyde's own son, James Hyde, was himself a distinguished practising international lawyer.

165. The next one that warrants mention is Manley Hudson⁴⁵.

He was professor of international law at Harvard. It was under his guidance that some major volumes were produced, for example, on international legislation and the collection of decisions of the permanent Court of International Justice. These were major editorial tasks in which Hudson was greatly aided by a young refugee lawyer from Europe, also from Poland, Louis Sohn. Sohn went to Harvard from Europe before the war and Hudson had taken him up and he used him to very good effect, and Sohn was an imaginative international lawyer. Again, somewhat theoretically inclined, but he had great ideas for the improvement of the United Nations, which unfortunately were unrealistic but he was always thinking forward.

Coming back to Hudson. Hudson was a very active international lawyer, active in the profession. He was also a member of the International Law Commission, which was where my father met him, principally and I met him on occasions, but I did not really know him.

⁴² 1873-1952. Taught law at Northwestern University Chicago 1907-25, Hamilton Fish Professor of International Law at Columbia University 1925-45, Solicitor of US Department of State.. See also item 169, this interview.

⁴³ *International Law, chiefly as Interpreted and Applied by the United States* (1922, revised 1945)

⁴⁴ 1912-94. Born Moscow. Captain in US Air Force in WWII, Hamilton Fish Professor of International Law & Diplomacy. Air Law expert. See: http://www.columbia.edu/cu/record/archives/vol20/vol20_iss4/record2004.24.html

⁴⁵ 1894-1960. Director of Harvard Law School Research in International Law Project (1930s).

166. He was very much involved with the League of Nations in the 1920s, which was when Sir Hersch was developing some of his ideas.

Well, that could be. As I said earlier, I am not in a position to present the details of their lives. I think, obviously Hudson would have been active at that time and will have had ideas in that sphere, but there was no direct connection between Hudson and my father at that time. I do not think they really came to know each other until my father and he served together on the International Law Commission in the 50s.

167. Because he was 42 years old when you were born, so by the time you would have met him, perhaps, as an adult, he would have been, well perhaps, retired?

Oh yes, I see he lived to a good age.

168. But then there are others that I would like to mention. Perhaps the most prominent academically, in a way, certainly the one who will be very well known to all international lawyers was Myres McDougal⁴⁶, who was Professor of International Law at Yale.

Myres, again, was a prolific author, a man of great imagination, also imbued with a sense of what was politically feasible. He and Laswell⁴⁷ developed a language of their own for writing. I mean, of course, they were writing in English, but it was very complex language with some quite significant ideas often embedded in phrases that you had to understand before you could really follow the import of the whole volume.

McDougal wrote widely on the law of the sea and the law of treaties; a man of immense charm and charismatic quality, who induced in his students great loyalty. One of his most eminent students and closest followers is presently professor of international law at Yale, Michael Reisman⁴⁸. Michael Reisman's style is no longer as complex as McDougal's style was, but McDougal's style, as I say, had a special quality about it which led people to call it "McDougalese" and unfortunately, I think that that quality diminished the influence that he might otherwise have had in the wider international law sphere. But he was a great man, McDougal, and lived to a good age.

169. Another American international lawyer of prominence in the same period was Philip Jessup⁴⁹.

⁴⁶ 1906-1998. Myres Smith McDougal, Sterling Professor of International Law, Yale 1958-75. See obituary: http://findarticles.com/p/articles/mi_qn4158/is_19980509/ai_n14155414

⁴⁷ 1902-1978. Harold Dwight Laswell, political scientist and communications theorist. Student at Yale, President of World Academy of Art and Science.

⁴⁸ See item 119, interview 5.

⁴⁹ See item 81, interview 4.

Philip Jessup was a wonderful person, a most gentlemanly and courteous and considerate individual. He was professor at Columbia University following Hyde⁵⁰. He was also very well regarded in the diplomatic sphere and was for a while the US permanent representative to the United Nations and sat in the Security Council. Then he went on to become the American judge at the International Court, where, again, he was very highly regarded; he and my father got on very closely together.

170. Before I leave the Americans, there are three others I would like to mention.

Two of them are Harvard people. One is Abe Chayes⁵¹, of whom I have spoken previously in connection with the *Kasikili* case between Botswana and Namibia. Chayes was, again, a very politically conscious international lawyer. He was, for a while, legal advisor to the State Department during the Kennedy presidency and was, in fact, the legal advisor at the time of the Cuban missile crisis. A very, very fast speaker, very fast thinker and not a major author in the field, though he and his wife wrote an interesting book about sovereignty. But he was a powerful figure at Harvard.

Now, at the same time at Harvard, there was another international lawyer with whom I was particularly friendly, namely Richard Baxter⁵². Dick Baxter was a splendid person, a great sense of humour, a tremendously overt person, a very hard worker, always ready to give of his time. I know that he helped my father a great deal with the editing of the American cases for the *International Law Reports*. Dick and I used to see each other quite regularly. Dick came to Cambridge on a sabbatical and we saw each other constantly. Dick was co-author, of the Harvard draft on the State Responsibility. He was also an expert on the Law of War and was one of the persons responsible for the revision of the US Manual of Military Law, at the same time as the same exercise was being conducted in the UK, with my father on the instructions of the War Office, being responsible for the editing of Chapter 14 of the British Manual of Military Law, which is the law of war on land. It was in that respect that my father worked very closely with Gerald Draper⁵³. So, as I say, Dick Baxter was a close friend and he was eventually elected a judge of the International Court of Justice and most sadly, he died of leukaemia whilst in office. But I was very fond of him.

171. So, that really concludes my coverage of American international lawyers, not that

⁵⁰ See item 164, this interview.

⁵¹ See item 103, interview 5.

⁵² 1921-80. Born New York. Richard R Baxter. Professor of International Law, Harvard (1959-79) Judge of ICJ 1979-80, Member Department of US State Advisory Committee on Law of the Sea, 1973-80. See ICJ Obituary <http://www.icj-cij.org/presscom/files/7/11807.pdf>. Also see item 134, this interview.

⁵³ See item 140, this interview.

there were not others.

I mean, perhaps I cannot conclude without mentioning Herbert Briggs⁵⁴, who was Professor of International Law at Cornell University. A very, very jolly fellow who prepared what was, I think, in its time, the best student's casebook on international law under the title, "*The Law of Nations Cases: Notes and Documents*"⁵⁵, and it really gave one such an insight into the subject. Briggs was appropriately commended. Interestingly enough, never a qualified lawyer, but a very good international lawyer.

I do remember that on one occasion I was invited by Dick Baxter when he was the administrator of the course on international law at the United States Naval War College at Newport in Rhode Island. They had an annual international law session of about ten days at which various international lawyers were invited to teach. I was invited and so was Briggs.

We would meet each day to discuss the problems that we would be going over with the students. On my first night, when I got there, as you can imagine entering a naval war college, a big institution, as a complete stranger from abroad is a little bit intimidating and I went up to my room quite early. But soon Briggs was knocking on the door "Lauterpacht", he called, "Lauterpacht, come on down and have a drink". So with Briggs I had a very agreeable relationship. Talking about the Naval War College reminds me of an episode with McDougal.

We were discussing some problem on the Law of the Sea. McDougal went on at some length in what I might call, "McDougaleese", and when he had finished, I said, "Mac, is this what you are saying, that if it is reasonable, it is right?" And Mac said to me, "Eli" he said, "You know, that is the first time that anybody has ever asked my permission to translate what I have said into English". So, as I say, I have happy recollections of many American international lawyers.

172. And so I should just, I think, go on to say a little bit about Asian international lawyers whom I knew.

There have been several, of course, of considerable eminence. But the two I knew best really, apart from the president incumbent at the ICJ, the two I knew best were Yuen-li Liang⁵⁶,

⁵⁴ 1901-1990. International Law commission 1962-66, US Delegation to Vienna Conference of Law of Treaties, 1968. Involved in English Channel Arbitration 1975, See New York Times Obituary <http://query.nytimes.com/gst/fullpage.html?res=9C0CE1D71130F93BA35752C0A966958260> See also the Herbert Briggs Papers archive at Cornell, which has material on the Barcelona Traction and Beagle Channel cases <http://rmc.library.cornell.edu/EAD/htmldocs/RMA02371.html>

⁵⁵ First Edition 1938

⁵⁶ 1903-? Studied at Comparative Law School of China, Shanghai, George Washington,

who was the first director of the Codification Division of the UN. It was he who had instructed my father back in 1948 to prepare the survey of international law that was to be the basis for the work of the International Law Commission, then just coming into existence, to determine the topics on which it was going to work.

Liang was a very interesting and very nice man, not a great scholar and certainly not the hardest worker in the world, but he was very shrewd. He and Parry got on very well together because Parry, I remember, went to the UN for a period around about that time and there emerged from their relationship the so-called Parry-Liang law, which is that all international lawyers, go mad, are prone to sudden disasters or die suddenly, which fortunately is not quite true. But Parry and Liang got on very well together because both of them liked to sit around and chat about the subject. And then, apart from Liang, the one I knew best was.....

173. Sir Eli, can I just ask you something, before you move to the next scholar, concerning Liang? From 1932 to 33 he was in the Chinese delegation to the Extraordinary Assembly of the Society of Nations on the question of Manchuria, and I wondered if that was the first point of contact that he had, perhaps, with Sir Hersch, who was using the question of Manchuria, himself, to point out deficiencies in the international community preventing wars of aggression.

No, I couldn't suggest that that was the first point of contact between them because Liang's involvement was on the spot in the League of Nations. My father's connection with the Manchurian subject was as an academic writing about it from London, so they did not really know each other then. But I think they got to know each other, again, through the Institut. That was really the way in which they got to know each other and then, as I say, Liang created this occasion from a closer relationship and invited my father to go to New York in 1948 to work on the *Survey*.

174. Would his involvement, Liang's involvement in Chinese government affairs, have stopped in 1949⁵⁷?

Oh yes, it would have been over, his relationship with the Chinese government was over by then and he lived in America. And it was only much later, I remember seeing him after his retirement from the United Nations, and I asked him what he was doing and he said he was going

Harvard and University of Geneva. 1926 Editor of *China Law Review*, 1927 Secretary to Chinese Ministry of Foreign Affairs, 1928 Secretary to Minister of Justice. 1932-33 Memb. Chinese delegation to Extraordinary Assembly at the League of Nations on the Manchurian issue. Consul to Chinese Embassy, London 1939-46. Represented China at UN on the Japanese Commission of War Crimes. Attended Dumbarton Oaks (1944) and San Francisco (1945) conferences. Memb. Chinese delegation at establishment of UN. Lecturer at New York School of Law 1947-48. There is a record of a talk by Joseph Needham with Yuen-li Liang at Gonville & Caius in the best texts for the study of Chinese Law (1948). See Janus Database: Needham/NRI2/SCC2/48/2

⁵⁷ At the time of the Communist victory in the civil war.

to go back and live in Taiwan⁵⁸. He said, “I want to die amongst my own people”. He was a very nice man.

175. The other prominent Asian whom I would like to mention is Nagendra Singh⁵⁹ from India.

Nagendra Singh was the second son of a Maharaja, so he was technically Maharaja Nagendra Singh but he did not become the Maharaja of the small state from which they came, which was called Dungarpur.

Nagendra Singh, most unusually for the son of a noble family, went into the Indian civil service before the War. He had been up at Cambridge as an undergraduate and then took the Indian civil service exams and passed out very high, which was very unusual in those days.

By the time I first came to know him in 1950, he was already the deputy secretary of the Indian Ministry of Defence. He came to my father and said that he, Nagendra Singh, wanted to learn some international law and could my father suggest anybody who could assist him. Well that coincided with just the time when I was finishing my studies in Cambridge and going down to London to the Bar.

My father suggested that Nagendra Singh and I might work together and we had a very useful relationship for a year which consisted of our meeting for dinner weekly. He would give me dinner and I would discuss international law with him. Then he went back to India and he immersed himself more deeply in international law and eventually took the unusual course of returning to Cambridge as an external examinee. This was permissible in those days for the LLB and he took the specialist international law section of the LLB and got a good result. All the time he maintained his position in the Indian civil service, but moving up until he became, eventually, the Secretary of the Ministry of Transport, I think.

In that connection, of course, he became involved in the conferences on international maritime matters and so he then began moving in international circles. He was an ambitious man, very capable at arranging things. So in due course, he became a member of the International Law Commission and then he graduated from the International Commission to the International Court of Justice where, again, he was very successful and eventually ended up as President of the Court. He too, very sadly, died suddenly whilst in that position. So, as you can see, I have had some connection with a lot of very, very impressive international lawyers in their time.

176. Now, I think you wanted me to say something about my connection with living international lawyers.

⁵⁸ i.e. he was a Nationalist Chinese.

⁵⁹ See item 22, interview 2.

Well, I am hesitant to do that because I am friendly with so many, but there are two that I suppose I can quite properly mention. One is Stephen Schwebel⁶⁰, an American international lawyer whom I have known since 1950, when he came to Cambridge to study international law for a year. Even by then, having just graduated from Harvard, not the law school but from Harvard College, he had written and published a book on the Secretary General of the United Nations, a very interesting book in which he had relied on interviews with Trygve Lie⁶¹, the first Secretary General of the United Nations.

Well, Steve Schwebel and I have maintained a very close, friendly relationship over all these years and I have seen him progress through the ranks of American international lawyers. He has taught at Harvard. He then became Executive Secretary of the American Society of International Law. Then he became one of the legal advisors of the State Department and eventually he was nominated as a candidate for election to the International Court of Justice and fortunately was successful. And there he had a very long and productive time.

I know what I have left out. Dick Baxter had been the American judge and as I had told you, Dick Baxter had died early. So Steve Schwebel was elected as his successor and he, Steve, had a very long career on the court, I think something like 19 years, in the course of which he became President. He wrote many judgments, some of them of great importance and he dissented from the court in the case between Nicaragua and the United States; a very powerful dissent, in which he was very critical of evidence that had been given on the part of Nicaragua, which he believed to be untrue. This was subsequently shown to be the case in publically revealed items some years later. But Steve Schwebel, I have known for years and we are very close friends and he is a very considerable international lawyer, most eminent.

177. And the other living international lawyer whom I would like to sing about is Prosper Weil⁶².

He was professor of international law at Paris University. A couple of years older than I am, but a great mind, a very, very fine international lawyer, a beautiful thinker, constructive, forward looking, a deep analyst and he has written a great deal. Notable amongst his books is the one on maritime delimitation, which emerged from his participation in the case between Libya and Malta, in which we worked together on that very subject.

So there you are. I mean, I could go on for hours talking about these people, but I think

⁶⁰ See item 22, interview 2.

⁶¹ 1896-1968, Norway. Secretary General 1946-52.
See UN site: <http://www.un.org/sg/lie.shtml>

⁶² b. 1926. Some time professor at Grenoble, Aix le Province, Nice and Paris. President of World Bank 1993.

we have to have a stop to it.

178. Yes, well, Sir Eli, you have worked on a number of cases with him including the Barcelona Traction case, the Beagle Channel case, you mentioned Libya and Malta, Bahrain and then, of course, in the Laguna del Desierto case?

Yes, I think that is right. I am not sure that he... Laguna...He was in that with me, was he? I had forgotten that.

179. He was on Chile's side with you.

I see, yes, good. Well, I remembered I was on Chile's side but I cannot always remember with whom I worked. But I go back to the very beginning of my friendship with Prosper Weil, which was when we were both on the Barcelona Traction case, but on opposite sides, he was for Spain and I was for Belgium.

We were each allotted the same section of the case relating to damages and reparation. That was how I came to know him, because there is no better way of judging, or being able to judge, the quality of a lawyer than to have him dealing with the same part of a case as you are dealing with, because you can then see his strengths and sometimes, his weaknesses.

180. Well, having gone through all of the personalities, perhaps we can step back and survey your career, Sir Eli, through what you have called "Your Regrets"?

I suppose, at this stage in my career, it is appropriate to identify a few points of regrets. I think that one regret I have is that I did not develop my knowledge of languages. When I first became involved with Chile in the Palena case, back in the early 60s, I should have learned Spanish. I did not then and that has always been a great disadvantage to me ever since. I can only say to others who follow in my kind of activity, that you really need to know French and Spanish at the very least.

More substantively, my regret is that I did not convert many of my oral contributions and even professional contributions into academic articles. There are people who have the gift of being able to advise on a matter or appear in a case and then write about it in objective academic terms. I was never able to do this, I think largely because I laboured under the restraint, common at that time at the English Bar, that you never did write about the cases in which you were involved.

I am also sorry that, on the academic side, I didn't write up into a book some of the courses of lectures that I gave but principally, my lectures on international organisation. I was lecturing on international organisation, I think, for 25 years and I had an approach that had a certain novelty. There was no significant textbook or study of the law of international organisation until Schermers produced his book⁶³. But I could have and should have written up a

⁶³ Henricus Gerhard Schermers 1928-2006. Universities of Amsterdam and Leiden.

work on that.

I very much regret that I didn't do it. I also regret the fact that I didn't follow my father's advice. When he went to the International Court, he did say to me that I really ought to take over from him the re-editing of *Oppenheim's International Law*. I was a rather foolish and arrogant young man and I said, "No, I am not going to edit Oppenheim, I am going to write my own book". Well, of course, I didn't write my own book and after my father died, the editing of Oppenheim languished for quite a number of years until it was taken up by Robbie Jennings and Arthur Watts who, between them, did an outstanding job. But I am sorry I didn't follow my father's advice.

There are other things. I mean, I am always sorry about being forgotten. I worked for the Australians for three years in what I believe was deemed to be a very successful tenure of office as the Legal Adviser of their Department of Foreign Affairs, but when I left Australia I just simply passed out of their ken. Before I left, there was a lot of talk about, "Oh yes, well, we will keep up and send you questions for opinion", but they never came. And one also regrets the fact that sometimes one has begun a case, or done cases for a country, and then when further cases came along, for some reason they had forgotten me. Maybe they just thought I was getting too old and gaga to continue, but I am always sorry when those sorts of relationships terminate.

I think the last thing that I might mention as being sorry about is that I didn't really keep up sufficiently with my old pupils. I have, from time to time, had pupils with whom I had a very friendly relationship, but they withered away. I don't think it is their fault entirely. It was largely my fault, because I was preoccupied with academic and professional work. But now I look back, I can see how many I would have liked to have known better.

181. Well, Sir Eli, what would you say have been your main achievements in the light of the aspirations you would have had as a young lawyer, setting out on your career half a century ago?

Well, I suppose I have been a good practitioner. I think that I have a certain type of mind which is capable of dealing in a constructive and imaginative way with the legal issues that confront me in relation to any particular case. I have not written a great deal. I have done some things. I have taken certain initiatives in the field of international law. I promoted the British Practice in International Law, I took on the editing of the *International Law Reports* in 1960. In that activity, I was initially greatly helped by Gillian White⁶⁴, who then went off to be professor at Manchester and in recent years, well the last 20 years, have been vastly aided by Christopher

International Institutional Law (4th Ed with Blokker, N. M.) 2004. See review: http://www.helsinki.fi/eci/Publications/Klabbers_IntlInst.pdf

⁶⁴ See item 65, interview 3.

Greenwood⁶⁵, but I suppose my contribution has been in helping to keep these important publications going.

I think that the most exciting period of my activity were the three years that I spent as legal adviser to the Australian Department of Foreign Affairs in the period 1975, 76 and 77. There, I was at the very cutting edge of International Law. Although I was mostly sitting in an office in Canberra, thousands of miles away from Europe, the cable system was such that I would know instantly what was going on in the world, particularly, for example, in international organisations like the United Nations. If I wanted a document, I could ask for it by cable and it would be on my desk within a couple of days. Of course, today, all of these things happen even faster. But those three years, when I was for Australia or working in Australia, they really were a wonderful three years.

I spent, of course, half of those three years outside Australia because I was the deputy leader of the Australian delegation at the Law of the Sea Conference and at the United Nations General Assembly. But I got to know people and I was able to make an impression. My ability to speak clearly and sometimes forcibly was valued. All in all, I think that was probably one of the best periods of my life.

I really have not had anything to complain about. I have had other exciting moments, I mean the period when I was *ad hoc* judge in the Bosnian case was also immensely instructive and again, the ability to mix with other international lawyers on the Court and to seek to influence them in certain directions, was important to me.

182. Well, I must thank you so much for these fascinating accounts, Sir Eli, really extremely interesting, thank you.

I am glad to have been, I hope, of some help to you and I hope that the things that we have recorded over the last few sessions do not contain too many errors or omissions or that I have not said too many things to upset my colleagues. But we got through that all right, didn't we?

We did.

⁶⁵ See item 33, interview 2.