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IN MEMORIAM

Sir Elihu Lauterpacht (1928–2017)

*By Stephen M. Schwebel**

Judge Sir Hersch Lauterpacht died on May 8, 1960. His death at the age of sixty-two was unexpected and bitterly premature. At his funeral, one of his greatest contemporaries, Wilfred Jenks, gave a magnificent address, in which he recognized the joy that a son of high promise and early attainment in their mutual field brought to a father.

Eli more than lived up to his father's demanding expectations. He became an unsurpassed international legal advocate of the twentieth century. For decades he was a Cambridge lecturer of extraordinary flair and popularity. A Fellow of Trinity College Cambridge for some sixty-five years, he supervised law students of Trinity and mentored students of international law throughout Cambridge University. Some of the leading international lawyers of our time were his students. Four of them became president of the International Court of Justice.

Eli had entrepreneurial flair as well. He founded Grotius Publications, which took over the publication of *International Law Reports* and published many other books in the field. It ultimately was acquired by Cambridge University Press. In that enterprise, as in much else, he was mightily helped by his wife Cathy, who ran the administration of Grotius Publications. Eli founded the Cambridge Research Center in International Law, which the then Whewell Professor James Crawford renamed the Lauterpacht Center of International Law. It remains central to international legal studies at Cambridge.

Eli's career as a practicing international lawyer par excellence was launched when he was in his twenties. The Imperial Government of Iran expropriated the assets of the Anglo-Iranian Oil Company in 1951. Iranian oil exports were largely suspended and oil that was shipped was pursued as "hot oil." Eli acted as counsel for the renamed British Petroleum (BP). Iranian oil returned to international markets after prolonged negotiations between the Shah's government, BP, and the other major international oil companies. Eli, at the ripe age of twenty-five, joined the chief legal counsel of BP and "the majors" in Tehran to work out those terms.

Some ten years later, the general counsel of Exxon recounted that he and his colleagues were suffering through interminable negotiations in Tehran when Eli was parachuted in from London into their midst to deal with the international law elements of the nascent Consortium Agreement. "Eli," he said, "was a breath of fresh air." He not only deftly handled his elements of the negotiations, he enlivened the proceedings. Mr. Monaghan put his finger on a key element of Eli's extraordinary professional success: his charm. Eli was refreshing. He

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was vivacious, audacious, endlessly curious, and endlessly entertaining. Eli was sought after not only because of his legal talents, but because of his exceptionally engaging personality.

From 1960, when he first argued before the International Court of Justice, and for some five decades thereafter, Eli was unsurpassed as an advocate before the Court. His early major case was *Barcelona Traction*. In mid-career, he so impressed the prime minister of Australia with his advocacy in the *Nuclear Tests* cases that he was appointed chief legal adviser in the Australian Department of Foreign Affairs, where he served for three years and played an influential part in the Law of the Sea Conferences. Toward the end of his career as an international advocate, he was a lead counsel in *Qatar v. Bahrain*.

Eli was a far-sighted innovator in the field of investor/state arbitration. He was chairman or member of many international arbitral tribunals, including his service as President of the Boundary Commission in the border dispute between Eritrea and Ethiopia. He served as a judge ad hoc of the International Court of Justice in the case brought by Bosnia-Herzegovina against Serbia. Earlier he was a founding member and president of the World Bank Administrative Tribunal in its formative years. He advised many governments and companies on questions of international law.

International Law Reports, founded by his father and Arnold McNair, was faithfully edited by Eli for some fifty-five years, with the critical collaboration of Chris Greenwood. Eli prepared five annotated volumes of his father's writings and wrote a fine biography of him. Eli's many speeches, articles, and his monograph, *Aspects of the Administration of International Justice*, were perceptive contributions to the progressive development of international law.

Eli's attainments were recognized as Queen's Counsel, Bencher of Gray's Inn, Honorary Professor at Cambridge, by his knighthood, and by his receipt of The Hague Prize and ASIL's Hudson Medal.

These were the highlights of Eli's extraordinary professional career. His life was much fuller still. Above all, he enjoyed life. He surmounted its setbacks with sangfroid. He radiated animation. His capacity for love and friendship, his vivacity and generosity, were unbounded. He was a source of happiness to his parents, his devoted wives Judy and Cathy, his four children and eight grandchildren, and his multitude of friends and colleagues.