

Conversations with Sir Christopher Greenwood
Part 1: Early Life and Career
by
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This is an interview with the thirty-fourth entrant in the Eminent Scholars Archive. Sir Christopher was Assistant/Lecturer at Magdalene College from 1981-96, Professor of Law LSE from 1996-2009, and a judge at the ICJ from 2009-18. He is currently Master at Magdalene College. The interview was recorded in person at his home in Girton, Cambridge.

Questions in the interviews are sequentially numbered for use in a database of citations to personalities mentioned across the Eminent Scholars Archive.

Interviewer: Lesley Dingle. Her questions are in **bold type**.
Sir Christopher's answers are in normal type.
Comments added by LD, [*in italics*]. Footnotes added by LD.

1. Sir Christopher, it's a great honour to interview you for the Eminent Scholars Archive. Your journey began at Cambridge in the seventies where you laid the foundations for your illustrious academic career. This came to fruition in the nineties with your Chair in International Law at the London School of Economics. Your interests were broad but you were noted especially with a deep experience in laws relating to armed conflict and war. Significantly, this time coincided with the end of the Cold War and a short period of a new world order in international affairs when the UN Security Council was less split ideologically. Subsequently, of course, there has been the reassertion of Russian power and the rise of China. In recognition of your services to international law you were awarded the Order of St Michael and St George and you were knighted in 2009. After the London School of Economics you attained the high point of a juristic trajectory in 2009 with a seat on the International Court of Justice. For your services to international justice you were created GBE in 2018. In more recent years, you were appointed as Master of Magdalene College, your alma mater. This is a rich repertoire of experience and memories which I hope we can explore. So, could we start with your early life? You were born in Wellingborough, Northamptonshire, in 1955.

Yes, that's right. Wellingborough was where my mother's³ family had lived for several generations. My father⁴ was in the Merchant Navy so he was actually at sea when I was born. I didn't see him, though I don't remember the meeting, until I was about six months old.

2. Can you tell me anything about your parents?

Yes, certainly. As I say, my father started his career as a Merchant Navy officer and then took a series of shore jobs from the late 1950s and then, in 1961, moved to Singapore as a harbour pilot. I'll come back to that later but my parents settled in Singapore for the next 40 years. My mother was a school teacher; she taught PE, and then gave up work in order to

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³ Murray Guy Greenwood.

⁴ Diana Maureen (née Barron).



bring up the children for a few years, and went back to teaching in Singapore in the 1960s.

3. You went to the Raeburn Park School in Singapore. When would this have been?

That would be starting in October 1961. Before that I'd had a short time at a primary school in Wellingborough; not terribly successful because my younger sister was born very premature and in those days there was such a terror that I would bring home some illness from school that I was kept off school for about six months and was really rather behind when we moved to Singapore. Raeburn Park was a wonderful school. It was a small, I suppose you'd call it a private school, but it was run by the Port of Singapore Authority for the children of its expatriate employees because the parents were on fixed term contracts and children would be coming and going at odd times of the year; they wouldn't be starting or finishing necessarily with the beginning or end of a term. I was there for four years, thoroughly enjoyed it, one of the best places I've ever been to.

4. It sounds a wonderful place. Looking on the internet I saw that the headmistress during your time was quite well known, the Lady Muriel Mackay⁵.

Yes. She only died a few years ago, actually. She lived to a great old age. She was a wonderful headmistress. She had a very firm policy that everyone should be taught to a point where they were about a term ahead of what would be expected back in England or Australia and New Zealand because in those days, at the end of a tour of duty, you went home by sea so the likelihood is that any child would lose half a term of education, depending on when their father or mother took their long leave.

5. There were three houses at the school, Keppel, Raffles and Ridley, and I wondered which was yours.

I was in Raffles, named after the founder of modern Singapore – colour red, I can remember that much.

6. I'd also noticed that when Singapore gained independence in 1965 the lease wasn't renewed and in 1972 the school moved to Alexandra Park, but this was after you'd left.

Yes, that's right.

7. Do you still have any connections with Singapore?

No, alas. Well, yes in one sense; I'm on a panel of arbitrators nominated by the Government of Singapore and I go back there whenever I can, but the family link has gone, I'm afraid. Both my parents retired to England in the early 2000s and they're both dead now. I no longer have any relatives or close friends living out there.

8. A huge cultural change from England. What was it like living virtually on the Equator? In what was an important centre of the old Empire which was rapidly shrinking in its importance.

It was absolutely fascinating, the change. You have to understand that in those days in a town like Wellingborough there was no ethnic diversity whatsoever. I don't think I had ever met anybody who wasn't white until we moved to Singapore. Singapore is an extraordinarily vibrant and diverse community and so, in 1961, I can remember waking up in the Station Hotel there as a boy of six and going exploring – I think my mother was horrified – and, you know, the extraordinary smells and colours, the excitement of life there. It was a

⁵ Headmistress 1954-1971.



society... It was virtually independent by that stage; there was no longer a British governor. Lee Kuan Yew⁶, the Prime Minister of Singapore, ran the state. Independence in 1965 was really just the culmination of what had already happened. It was just a wonderfully exciting place to grow up.

9. Must have been wonderful. Did the family move back to Wellingborough again or was your attendance at Wellingborough School just a coincidence?

No, we had a family connection in Wellingborough and I was sent to school there because that was the obvious place to go. I didn't board. I've always been immensely grateful for that. My grandmother had just been widowed and my parents thought it would be good company for her and rather nicer for me if I lived with her, so I went as a day boy to the school.

10. That must have been very pleasant. Actually, it reminds me of one of our Scholars, Peter Stein⁷, who lived with his grandmother for a time as well when he was at school as a young boy. What subjects did you study or specialise in?

Well, I was only ten when I started at Wellingborough so we did everything at that stage. When I got to 'A' Level I did history, English and Latin. History was a natural choice; it's always been my passion, as an academic interest and I still... You know, half the books I own are history books of one kind or another. The English, well, again, natural subject. Latin, I feel, with hindsight, I enjoyed studying Latin but I think it was... I was persuaded into it on the grounds that it would be useful to me as a lawyer. I can't say it has been terribly useful, as a lawyer.

11. This brings us to your university days, to the time when you came up to Magdalene. That would have been 1973.

Yes, that's right.

12. You did a BA in Law, First Class. What made you decide to come to Cambridge?

Well, I'd always thought that I wanted to go to Cambridge if I could because it struck me as, first of all, this wonderful university with a tremendous global reputation, but also I very much liked the college system. I was inspired, I think, in choice of college by my headmaster, who was an old Magdalene man. The school itself didn't have a particularly strong Oxbridge connection at the time; I was the only candidate who applied to either Oxford or Cambridge in my year, but John Sugden⁸ managed to persuade me that Magdalene would be a great place to grow up and he was absolutely right.

13. So what were your impressions, when you first arrived, of the college?

I thought it was the most exciting place to be in. There was a lot going on. Very friendly people, very strong sense of community, which I think the college still has, and I was completely captivated by the political scene in Cambridge. You know, I'd enjoyed debating when I was at school, but the Cambridge Union was the most marvelous place to be.

14. That was something which you participated in very strongly.

Yes.

⁶ Lee Kuan Yew (1923-2015) Singaporean statesman and lawyer, Prime Minister of Singapore (1959-90).

⁷ Peter Gonville Stein (1926-2016), Regius Professor of Civil Law, University of Cambridge (1968-930), Professor of Jurisprudence, University of Aberdeen (1956-68).

⁸ John Sugden (1921-2014), Headmaster of Wellingborough School (1965-73).



15. That you were very good at as well. What were your impressions of Cambridge as a small town in the seventies, a very different place to now?

Like most of Britain in the early seventies, there was a slightly run-down and almost grubby air about a lot of the town. People don't realise how much it has been cleaned up physically in the centre in the space of the last three decades. London had that feeling as well. I'm afraid, like most students, I was more interested in life in the university and I didn't travel very much around the town. I can remember when I was a graduate student being invited to a dinner party in a house off Victoria Road and I had to get out a map and find out where this was and it's all of about ten minutes' walk from Magdalene.

16. When you arrived, professors that were in place would have included Professor Glanville Williams⁹. Did he come across your path?

Oh yes. He taught criminal law and taught some of the... There was a very good introductory week for lawyers in 1973, something I was rather sorry that we dropped, but I shall always remember his lecture in that. Also, Tony Weir¹⁰ talking about case law and how it evolved, talking in particular about negligent misstatement, I can remember him explaining that principle and how it had evolved. Tony Jolowicz¹¹ talking about the importance of not separating tort and contract too rigidly.

17. Fascinating. Someone else whom you might have come across would have been Professor Parry¹².

Now, I didn't come across Clive Parry as an undergraduate, but when I did the LLB in '76 to '77 he taught me and he was extremely kind to me at the personal level. You know, we used to meet and chat from time to time. I found him a really very inspiring teacher.

18. Right. I've actually asked you about him out of sequence here, I realise, I'm sorry. I might return to him later.

Of course.

19. Thank you. Toby Milsom¹³ at all?

Yes. Toby was teaching in legal history, which I studied in the second year, and I thoroughly enjoyed that. It was one of the subjects I enjoyed most in my undergraduate years. He made it very interesting, as did John Baker¹⁴ and Michael Prichard¹⁵.

20. Peter Stein?

Yes. Peter Stein teaching Roman law. Peter was Chairman of the Faculty Board at that time, which was an office that meant absolutely nothing to me as an undergraduate at all,

⁹ Glanville Llewelyn Williams (1911-1997). Quain Professor of Jurisprudence at University College London (1945-55), Rouse Ball Professor of English Law University of Cambridge (1968-78).

¹⁰ J. A (Tony) Weir (1936-2011), Reader in Law, Trinity College.

¹¹ J. Anthony (Tony) Jolowicz (1926- 2011), Professor of Comparative Law, University of Cambridge (1976-93), Trinity College.

¹² Clive Parry (1917-1982). Professor of International Law University of Cambridge (1969-82).

¹³ Stroud Francis Charles (Toby) Milsom (1923-2016). Professor of Law Cambridge (1976-90), Professor of Legal History, London School of Economics (1964-76).

¹⁴ Sir John Hamilton Baker (b.1944-), Professor of English Legal History University of Cambridge (1988-98), Downing Professor of the Laws of England (1998-2011).

¹⁵ Michael J Prichard (b.1927-), Lecturer in Law (1951-95), Life Fellow of Gonville & Caius (1950-), Editor Cambridge Law Journal (1996-2002).



but I can remember very early in our first term Peter lecturing in the East Room and stopping and saying at the beginning of the lecture that he'd just received the news of Stanley de Smith's¹⁶ death and asking us to give a moment's silence. Sadly, I never had the pleasure of meeting Stanley de Smith.

21. He didn't have a very long time here, unfortunately.

No.

22. Lecturers who would have been in place would have included Mr – as he then was – Allott, Philip Allott¹⁷.

Yes, yes.

23. Did he teach you?

Not as an undergraduate. He taught me, again, for the LLB. He taught European Union law, well, EEC law paper as it would have been, and also part of International Institutions.

24. Of course he'd had his time in the Foreign Office, a very interesting time when he'd been posted to Berlin. Professor, well, he was then Mr Tiley¹⁸.

I was never taught by John Tiley, no. I didn't meet him until I joined the Law Faculty as an assistant lecturer.

25. Bob Hepple¹⁹?

Yes. I remember Bob. You know, we were all rather in awe of Bob Hepple because of his reputation as a human rights lawyer and an ANC supporter in South Africa.

26. A very adventurous life.

Yes. He was arrested with Nelson Mandela²⁰, I think, at one point.

27. That's right, he was arrested. Yes. David Williams²¹?

David Williams I remember very well. He taught constitutional law. One of the things I particularly liked about his style of teaching was that he always managed to weave historical anecdote and references into his lectures on constitutional law. He had an encyclopaedic knowledge of American elections and I remember visiting him once when he was President at Wolfson, in the President's Lodge, and he'd got this vast collection of button badges from past presidential election campaigns.

28. John Collier²²?

Indeed. John Collier taught me for company law in my third year. That was when I first came across him but, of course, I later got to know him very well as a public

¹⁶ Stanley Alexander De Smith (1922-1974), Downing Professor of the Laws of England (1970-74).

¹⁷ Philip J Allott (b. 1937-), Emeritus Professor of International Public Law Cambridge (2000-04). Fellow of Trinity College (1973-present).

¹⁸ John Tiley (1941-2013), Professor of the Law of Taxation 1990-2008, Fellow Queens' College Cambridge.

¹⁹ Sir Bob Hepple (1934-2015), Professor of Law (1995-2001), Master of Clare College (1993-2003).

²⁰ Nelson Rolihlahla Mandela (1918-2013), President of South Africa (1994-99).

²¹ Sir David Glyndwr Tudor Williams (1930-2009), Rouse Ball Professor of English Law (1983-92), President of Wolfson College (1980-92), Vice-Chancellor, Cambridge University (1989-96).

²² John Collier (1933-2016), Fellow of Trinity Hall (1966-2001), Co-author with Vaughan Lowe of *The Settlement of Disputes in International Law*, 2000, OUP.



international lawyer. He had a very engaging style of supervising.

29. My limited experience is he was very entertaining as well.

Hugely. Company law is not an easy subject to make entertaining.

30. John Hopkins²³?

John Hopkins was one of the people I knew best as an undergraduate. He supervised me for constitutional law and then for equity. I've always enjoyed his supervisions though I have to confess we used to count how many matches he got through trying to light his pipe in the course of a supervision. I think the record was 17.

31. Colin Turpin²⁴ perhaps?

Yes. I remember Colin Turpin. He never supervised me but I certainly went to his lectures. I'm trying to think they would have been in constitutional law as well, I think.

32. Constitution, yes. Derek Bowett²⁵?

I only came across him very indirectly as an undergraduate, because I didn't take any of the subjects he was lecturing in and he didn't supervise Magdalene students, but I remember he was President of Queen's. He used to host the Middle Temple events in Cambridge.

33. Interesting. Len Sealy²⁶ at that point?

Yes. Len was a wonderful lecturer in contract as well as in company law, very clear, very easy to take good notes from.

34. Eli Lauterpacht²⁷?

No. Eli wasn't here at that stage; he was away in Australia as legal adviser, the first legal adviser to the Department of Foreign Affairs, so I didn't meet Eli until he came back from Australia, it would have been early 1978.

35. Right. Michael Prichard would have been here.

Yes. He was one of the great lecturers on legal history.

36. And, of course, Mickey Dias²⁸.

Well, he's probably the person I knew best, as an undergraduate, of the people teaching in the faculty. He was Director of Studies at Magdalene. He'd interviewed me. He'd taken a real gamble in taking me because I'd rather made a mess of my 'A' Levels and he was quite one of the best teachers I've ever come across. He gave me one of the best pieces of advice I've ever heard about writing lectures which is not to over prepare, which is not the reputation that he had because he was always very meticulous, and always to remember that if a student who was only borderline for a 2:1 could take good notes from your

²³ John A. Hopkins (1936-2018), Lecturer in Law (1968-2004).

²⁴ Colin C. Turpin (1928-2019), Reader in Public Law (1992-95).

²⁵ Sir Derek William Bowett (1927-2009), Whewell Professor of International Law (1981-91).

²⁶ Leonard Sedgwick Sealy (1930-2020), S J Berwin Professor of Corporate Law (1991-97).

²⁷ Sir Elihu Lauterpacht (1928-2017), Hon. Professor of International Law (1994-2017), Director Research Centre for International Law (1983-95).

²⁸ Reginald Walter Michael (Mickey) Dias (1921-2009), Lecturer in Law, University College of Wales, Aberystwyth (1944-51), Lecturer in Law University of Cambridge (Jurisprudence & Tort) (1951-82), Fellow of Magdalene College (1955-2009).



lectures that meant the lectures were well structured, you should aim at that. But as a supervisor he was inspiring.

37. Someone else who was praising him in that way was Philip Allott.

Interesting.

38. Yes. David Yale²⁹ was a Reader at that point. Did he ever teach you?

I went to some of his lectures on legal history, but I didn't know him particularly well, as a student. I got to know him quite well when I first became a lecturer, but as a student, no, I didn't come across him very much.

39. Did you have any mentors at this point?

Amongst the faculty? Well, certainly the person who had the biggest impact was Mickey Dias. Mickey could appear rather forbidding until you got to know him, but he was kindness itself once you did. I'll give you two instances of that. I was President of the Union in the Lent term of my third year which meant that there was then quite a considerable amount of cramming to be done for part two when I finished. Mickey was on leave that year, but I bumped into him at college and he asked me how things were going and I said I was having a bit of difficulty with some things. He took me over to his room and produced the proofs of his book on jurisprudence. He said, "I've just finished correcting these, if these would be of any help to you take them away and have a look at them," which I thought was wonderfully kind and turned out to be extremely helpful.

The second thing is that at the end of the Lent term that year I got engaged. Every Easter term, the Saturday before the Tripos started, Mickey Dias used to host a dinner for all the lawyers in college, with the Master and a couple of Fellows and a guest speaker, and his lovely wife, Norah, used to hold a private dinner party at their house for the wives of the guest speaker, the Master and Fellows who were attending. The Diases invited my fiancée, who was a second year undergraduate, to go out to the house for the ladies' dinner that evening. Magdalene was still, of course, an all male college. She had a wonderful time. Again, I thought it was an example of a degree of kindness, a closeness, of human warmth which it's very rare to find in a university.

40. Yes. I was fortunate enough to interview him for the archive. I'm very grateful to have had his reminiscences of that time. Could you say something about why you were attracted and when, at what point, to international law?

Well, I'd love to say that this was what I had always intended to do and, in a sense, I'd always been interested in international law because growing up in Singapore you came across international law quite a lot; there were the boundary disputes with Malaysia; the break-up of the Federation and things like that. The Vietnam War was going on. But for some reason I can never remember, I didn't study international law as an undergraduate; I took family law instead, which probably wasn't a very good decision on my part because I didn't do very well in it.

I decided I'd stay and do an LLB. I got the funding for that. So I looked around for which subjects were the most interesting and I picked a couple of international law papers until one day I got a phone call from my tutor at home who said, "If you do all international law we can get you a scholarship," so I did all international law papers.

²⁹ David Eryl Corbet Yale (1928-2021), Reader in English Legal History (1969-92), Fellow Christ's College (1950-2021), FBA 1980, President of the Selden Society (1994-97).



41. Interesting. The road taken.

It's perhaps not the best reason for becoming an international lawyer, but I certainly thoroughly enjoyed it.

42. Could you tell us something about the various scholarships that you were awarded?

Well, my school was very generous. When I left I got a War Memorial Scholarship, from a fund that now, sadly, has run dry which was set up to commemorate people who'd been killed in the First World War. It wasn't a lot of money, but it certainly helped at a time when I wasn't eligible for a grant because my parents lived overseas. Then, at the end of the first year, I got a First Class result and got a Squire Scholarship, and a College Scholarship. Let's see, when I went to do the LLB I would have been given an Arnold McNair³⁰ Scholarship which was to help fund you through your LLB/LLM year. McNair was still alive when I came up to Cambridge and it's one of my great regrets that I never met him. He died when I was quite early in my second year. Apparently, but until fairly soon before his death, he used to wander around the law library and students would go and ask him questions. He was a most interesting man, I think. Arguably one of the most fascinating characters of early 20th century Cambridge. Strong liberal. President of the Union, as was his brother, and a great campaigner for women's right at Cambridge, before then going on to the ICJ to be president.

43. You were President of the Cambridge Union Society in 1976, which implies that debating was one of your strengths and, obviously, good practice for your career. How did you actually come to be involved? Did you just decide that this was something you wanted to become involved with?

Yes. It was a very political time, the early seventies. You know, the Heath³¹ government had collapsed; there were two general elections in 1974. A very large turn-out at elections and the undergraduate political scene was very much divided between the three main parties. I'd been political active all through my teens and so this was a natural place to go and I enjoy debating. I found it was very exhilarating if it went well, very depressing if it went badly but that's quite good experience for later on. I always remember, when I applied for an assistant lectureship Peter Stein asked me, "I see you were President of the Union. Why didn't you go into politics, a much more natural course than becoming an academic?" I can't remember what I said but I do remember, as soon as I got home after the interview thinking, "Well, why didn't I say to him that McNair had followed that route?" I fluffed that answer, definitely.

44. Very interesting. During this period, this was 1974, you joined Middle Temple. Did you have go down regularly to dine?

I did go down and keep some terms but not very many. Most of the dining I did when I was a Bar student a couple of years later. I joined Middle Temple because my closest friend at Cambridge, David Bean³², who is now in the Court of Appeal, was at Middle Temple

³⁰ Lord, Professor Sir Arnold Duncan McNair (1885-1976), Whewell Professor of International Law (1935-37), Professor of Comparative Law (1945-46), Vice-Chancellor Liverpool University (1937-45), Member Permanent Court of Arbitration, the Hague (1945-65), Judge/President ICJ (1946-55), President of the ECHR (1959-65).

³¹ Sir Edward Richard George "Ted" Heath (1916-2005), British Prime Minister (1970-74), Took Britain into the European Communities (Common Market) in 1973.

³² Sir David Michael Bean (b. 1954-), judge of the Court of Appeal of England and Wales (2004-), Lord Justice of Appeal (2014-). Trinity Hall.



already and he said, you know, it's a nice inn, it's a friendly one, come and join us.

45. You graduated LLB in International Law, First Class, in 1977. Then in 1978 you were called to the Bar. What were the circumstances of this?

Well, I had intended to practice as a barrister - very clearly intended to practice, but a couple of things were beginning to appear on the horizon. First of all, I was getting married and therefore a stable income was suddenly very attractive. Secondly, I'd done some teaching during my LLB year and rather more teaching because I was a part-time college lecturer during the year I did my Bar exams and I very much enjoyed supervising so the possibility of coming back to Cambridge as a Fellow began to loom on the horizon. I thought it was still important to get the necessary professional qualification and I think one of the regrets I have about the way in which law has developed is that far fewer people going into university teaching now have taken a professional qualification, got any professional experience. I think both the practicing profession and the academic world have lost out rather as a result.

46. You also became a Fellow of Magdalene in 1978, where you remained until 1996. What were the circumstances of this?

Well, I think the circumstances were largely that Mickey Dias and Colin Colbert³³, who were the two Law Fellows that Magdalene had at the time, were extremely kind in seeing that I would quite like to stay. I had applied unsuccessfully for a job at Oxford a few months earlier and they persuaded the governing body to create a Fellowship, a CTO position as it would be called today, which was a fixed term one to give me a chance to get a university post.

47. In 1979, I notice that your name was included on the title page of International Law Reports, and in a preface where Eli mentioned your extensive summary of the fisheries jurisdiction, the case of *UK vs Iceland*³⁴. So, you must have been already at that point involved with International Law Reports.

Yes, I was. I don't think I would have been on the title page at that stage, but Eli had come back from Australia at the beginning of '78 and invited me to help him with editing the International Law Reports, which I very happily accepted. I think the first volume I worked on was volume 52. Yes, I then joined him as co-editor in the 1980s. Volume 82, I think, is the first one on which I'm on the spine, but perhaps on the title page a bit earlier, I can't remember.

48. I think so. Your assistant lectureship spanned 1981 to 1984. What were the circumstances of obtaining this lectureship?

Well, I'd applied unsuccessfully for a number of assistant lectureships. I think in those days if you were a CTO you applied for any assistant lectureship that came up. The Faculty appointed two new assistant lecturers in round about Easter of 1981 and I was lucky enough to be one of them. Barry Rider³⁵, I think, was the other.

49. So why did you decide to lecture rather than practice full-time?

³³ His Honour Dr Colin Colbert.

³⁴ <https://www.icj-cij.org/en/case/55>

³⁵ Professor Barry Rider (b.1952-), Professorial Fellow, Centre for Development Studies, University of Cambridge, Director of Institute of Advanced Legal Studies (1995-2004).



I think I was inclined to look for an academic career by a mixture of considerations. I very much enjoyed teaching. I wanted the opportunity to do some research and, as I say, the uncertainties of the Bar, I didn't have friends and family at the Bar so the uncertainties of the Bar rather put me off at the time. I think the Bar is much better now at looking after its younger practitioners.

50. In this period of assistant lecturer, and then lecturer as well, 15 years in all, you began to write journal articles. I counted 11 on your CV until 1996. Two of these were in the three years that you were assistant lecturer. They're all on international law and also what might loosely be called the law of war and conflict. I wonder what drew you to this topic so strongly and so early in your career?

Partly chance. When I was appointed as an assistant lecturer the Faculty wanted me to take up European Community law, which I was very happy to do, but part of the deal was that as I was being asked to get up a new subject from scratch, they would give me a subject that I had already studied and worked on and the laws of war was a particularly attractive option. John Hopkins³⁶, who had covered that part of the course was, I think, interested in moving on to something else.

What was particularly attractive from my point of view was that it gave me a course all of my own. It was part of a paper that is probably best described as the Oppenheim³⁷ volume two paper, with three courses of 16 lectures each. Eli gave the 16 lectures on dispute settlement. Derek Bowett did 16 on the law and the use of force, self defence, reprisals, intervention and so on, but the third unit was the law applicable during an armed conflict and I was given that and given it entirely to myself, which was a wonderful vote of confidence from the Faculty but also a great opportunity for me as a young assistant lecturer.

51. That's very interesting. This focus seems to have set the seal on your career. Other international lawyers during this time were... and I come back to Professor Parry, I think he was in his last years.

Yes. Clive died in 1982, if memory serves me right. It was a terrible loss to us, but he hadn't been well for quite some time. Yes, he was very much an inspiration when I was doing my LLB and was very kind to me as a young lecturer just starting out.

52. At that point Derek Bowett was in the Whewell Chair. Did you have any interactions with him?

Yes, very much so once I started teaching because as he gave the 'use of force' part and I was giving the section of the lectures dealing with once war had started, if you like, once conflict had broken out. We needed to talk about what each of us was covering. He was extremely helpful to me as a youngster and starting out. A very clear lecturer, very organised in his presentation, which was something I tried to emulate.

53. James Crawford³⁸ took over during your time. Perhaps you interacted with him.

Yes, indeed. Well, James and I were only colleagues here for a few years. He started in about 1990-91, when Derek retired from the Whewell Chair. Obviously, we talked a lot about teaching international law here. We both took part in teaching the undergraduate

³⁶ John A. Hopkins (1936-2018), Lecturer, (1965-2004), Downing College.

³⁷ Lassa Francis Lawrence Oppenheim (1858-1919), German jurist, Whewell Professor of Public International Law (1908-19).

³⁸ James Richard Crawford (1948-2021) Whewell Professor of International Law (1992-2015), Judge ICJ (2015-2021).



course. I've always enjoyed teaching undergraduates. I think one of the things that I didn't like about the way the LSE was moving, in particular, was the number of people who wanted to teach almost entirely postgraduate courses. I think it's good to teach both. If you don't teach undergraduates you don't really understand where the postgraduates are coming from. But yes, James and I worked together, that and had done some work together on the International Law Reports and various other projects.

54. Someone else who was here was Vaughan Lowe³⁹, first as a lecturer and then a Reader.

Yes, Vaughan would have come in about 1987 or '88 from Manchester. Well, he's become a very close friend and, you know, we've done cases together; we've done cases against each other at the Bar. He's appeared in front of me; I've appeared in front of him. It's the full carousel, if you like. No, he was a very pleasant colleague to have here. A very easy person to work with.

55. I remember him when I first came, he was in place before he moved to Oxford. He was very nice, a really nice person. Someone else, of course, who would have been a lecturer then, was Philip Allott. Did you interact with him at all during your time as a lecturer?

I did indeed. More on European Community law, or European Union law as it became, the non-international law, because we both taught the main undergraduate course on European Community law. He did more of the theoretical and constitutional construct. I used to do more of the nuts and bolts stuff on free movement of goods, free movement of people.

56. Of course Philip denigrates the concept of the law of war, as you know, and I wonder whether he ever discussed this with you.

Not really. Philip likes saying things like that to provoke. If you actually put to him the question, does he think there should be no law that prohibits slaughtering prisoners of war or murdering the civilians when you occupy territory, I don't think he would think that that was such a good idea. Philip takes the view that by having a law of war you make war acceptable. That's not a new idea, Tolstoy⁴⁰ discussed it in *War and Peace* and it reflects the views of Admiral Fisher⁴¹, the great Jackie Fisher, who told the Hague Peace Conference that the best thing to do was to threaten your enemy that you'll boil your prisoners in oil; you'll murder his children, and then he'll keep clear of you. I've never actually seen that in international society. Generally speaking, the absence of any restraints within war tends to make war more likely, not less.

57. Very interesting. So, during this time you changed from Derek Bowett's tenure to James Crawford. This was 1991-92. Did you sense any shift in emphasis?

No, not really. I think James came with a great reputation, particularly in relation to supervising doctorate students, and I think that the building up of the doctoral programme here, which was a very valuable step, that was something he was very keen on and he took a

³⁹ Alan Vaughan Lowe (b.1952-), Chichele Professor of International Law and Fellow of All Souls College, Oxford (1999-2012).

⁴⁰ Count Lev Nikolayevich Tolstoy (1828-1910), Russian writer, best known for the novels *War and Peace* (1869) and *Anna Karenina* (1878).

⁴¹ John Arbuthnot (Jackie) Fisher, 1st Baron Fisher (1841-1920), British Admiral of the Fleet, First Sea Lord (1904-10, 1914-15).



very strong leadership role in it, which I was very pleased to see. It wasn't that Derek wasn't interested in supervising doctoral students; he was an exceptionally good doctoral supervisor. I know that because I examined some of the candidates he'd supervised and there were occasions when we both supervised the same student. I think it was just that Cambridge as a whole and the law faculty as a whole was less interested in developing the doctoral programme in Derek's day and became more enthusiastic about it when James was here.

58. That's very interesting indeed. So this was the days before the Lauterpacht Centre became established. The Whewell Chair at that point had been the focus of international law. Do you feel that there was a shift in the centre of gravity as the Centre actually became more important?

I'm not sure I'd describe it as a change in the centre of gravity because James was both Whewell Professor and Director of the Centre for many years. I think the creation of the Centre by Eli Lauterpacht is one of the best things that ever happened to international law in Cambridge. It is an extraordinarily successful institution as a focus that brings together the existing team of scholars here in Cambridge; the students; the Visiting Fellows Programme. I think it's been a striking success. I don't think there's any sort of competition between the Centre and the Whewell Chair; I think they've worked very happily together. Eyal Benvenisti⁴², of course, now holds the Chair and the Directorship.

59. Yes. When the Lauterpacht Centre opened in 1985, with Eli as the Director, did you interact with this and do you feel that it affected the study of international law?

I think it was a very beneficial development. Yes, I was involved with it. I never held office of the Centre, partly because I had a very strong college focus. I'd become Director of Studies. I was Dean of the College for several years and then a tutor and I didn't really want to take on something that was going to make it impossible for me to do some of those college jobs. The Centre, of course, didn't have any premises in its early years, it was one of those Cambridge institutions that existed on paper, but it was still very active in the things that Eli organised. Then he bought the house in Chaucer [*Cranmer: LD*] Road later.

60. During this time of your assistant lectureship you wrote two papers, 'State Contracts in International Law'⁴³, and, 'The Relationship of *Ius ad Bellum* and *Ius in Bello*'⁴⁴. Could you say something about these papers, the circumstances rather than the actual content? Where, for example, the paper on state contracts, where did that spring from?

That sprang out of my work on the International Law Reports. I had edited, for the ILR, the cases of *BP v Libya*⁴⁵ and *Texaco v Libya*⁴⁶ and later a third case. I say later, it became public only much later, and that's *LIAMCO v Libya*⁴⁷. These were all cases involving, basically, the same concession contract granted by the old royal government of Libya to foreign oil companies and the different ways in which three different sole arbitrators treated the litigation about those concessions. It started off as going to be a rather short

⁴² Eyal Benvenisti (b.1959) Whewell Professor of International Law (2016-).

⁴³ 1982. 'State Contracts in International Law' - Libyan Oil arbitration. 58 *British Year Book of International Law* (1982) 27-81.

⁴⁴ 1983 'The Relationship of *Ius ad Bellum* and *Ius in Bello*' 9 *Review of International Studies* (1983) 221-234.

⁴⁵ *BP Exploration Company (Libya) Limited v. Government of the Libyan Arab Republic*. 1973, 1974, 53 *I.L.R.* 297, 375.

⁴⁶ *Texaco Overseas Petroleum et al. v. Libya*. 1975, 53 *I.L.R.* 389, 422.

⁴⁷ *Libyan American Oil Company (LIAMCO) v The Libyan Arab Republic*, 1977



article and ended up as one of the longest things I'd written, about 60 pages, I think.

Ius in Bello and *Ius ad Bellum*, that's a rather different matter. That was a thought I had when I was writing my first set of lectures on the laws of war course, most of which, I should add, were written on the kitchen table in the small hours of the morning because our first child was born in January 1982, which was the first year I was lecturing, and she didn't sleep terribly well. A lot of those lectures were written with a small child underfoot, as it were. Despite the rather grand title what it's about is really the point that Philip [Allott: LD] was writing about that you just put to me. If you have a body of law that says it is illegal to go to war, how can you reconcile that with having another body of rules that say, but if you do, this is how it has to be conducted. How can you have a law that distinguishes between the aggressor and the victim acting in self defence and yet says, but the rules about how you treat prisoners of war and so on must be applied equally to both? It was tackling some of those questions. It was a very early attempt at it. I've written the same subject up in a number of later papers.

61. Thank you. You became a lecturer in the Faculty of Law in 1984, a position you held until 1996. How did your duties change?

They didn't change very much actually. I was Secretary of the Faculty Board at the time and that was an all-consuming job. I always said it's the reverse of what Stanley Baldwin⁴⁸ said about power without responsibility; the Secretary of the Faculty Board is responsibility without power. No, I went on teaching in much the same way. The transition from assistant lecturer to lecturer in those days was much more akin to a probationary period than anything else.

62. Did you apply for the position?

Yes. I was fortunate, a vacancy came up. Normally you'd do five years as an assistant lecturer; I'd done two and a half when a vacancy came up. I applied for that and I got it so I ended up with three years as an assistant lecturer and then moved up the scale to lecturer.

63. From 1990 you were joint editor of the International Law Reports. Can you tell us anything about this activity?

This was the beginning of a very close relationship I had with Eli Lauterpacht who took me under his wing and was extremely helpful to me in all sorts of ways. We worked together on the series. Eli was very keen on the importance of primary materials in international law. The ILR is a tribute to that, created by his father⁴⁹ and Arnold McNair in the 1920s. It tries to pull together cases on international law from a wide variety of jurisdictions, so you would have an International Court of Justice case and then, next to that in the reports, might be a case from a First Instance Judge in Kenya or Malaysia or England. It's still something I do. I find it very rewarding to work on and, as I say, perhaps the biggest reward of the lot was some 35 years of working quite closely with Eli.

64. Wonderful. In the 12 years that you were a lecturer you wrote and edited two books, nine journal papers, four book chapters. This is a high output and I wanted to ask you how you managed this with a normal load of administration and teaching.

⁴⁸ Stanley Baldwin, 1st Earl Baldwin of Bewdley, (1867-1947), Prime Minister of UK (Conservative) (1923-24, 1924-29, 1935-1937).

⁴⁹ Sir Hersch Lauterpacht (1897-1960). ICJ Judge (1954-60), Whewell Professor of International Law (1938-55).



I think you do me more justice than I'm entitled to on that. I'm not a particularly prolific writer by comparison with many other academics. Derek Bowett, for example, had an extraordinary output, and James Crawford, considering all the things they did. Starting in 1982, when our first child was born, I got into the habit of getting up early and working before breakfast, which I've never really got rid of.

65. Again, war and conflict were your speciality. I wondered if you visited any war zones during this period.

Yes. I went to the Occupied Territories in the Middle East. The other conflict that I'd written about quite a lot in that period is the Falklands. Well, no, I didn't manage to get to the Falklands, for fairly obvious reasons. I took the subject up, as I say, because the university asked me to, though I was very enthusiastic about doing it. One of the reasons why it became my main research focus is that I found it so very interesting working in a subject where the people you worked with were a mixture of academics, government lawyers and the military, and they were an extraordinarily friendly group. I think that's something which people don't understand, because the subject is so confrontational, but the various conferences I went to you'd have people who'd held quite high military rank, some of whom had served in the Second World War, if you look at those early conferences, and they were very welcoming to those of us who were young academics. I wouldn't say that other areas of international law were always the same. Humanitarian law, which is the, if you like, the softer, friendlier term for the laws of war, is a cousin of human rights law. I never found human rights conferences quite as welcoming and friendly as the humanitarian law ones, nor were they as diverse.

66. That's very interesting. During this period you wrote more books than book chapters, so in other words personal contributions - your personal thoughts, as well as the two books. What was your main research during this period?

It was mainly on the laws of war. I'm not sure about the books.

67. The ones I have are the 1991, the *Kuwait Crisis*⁵⁰, co-edited with Eli, and then the 1993, *Command and the Laws of Armed Conflict*⁵¹.

I think to say either of those was a book is overdoing it. The 'Kuwait Conflict' volume, which four of us edited, is a collection of documents. It's a very useful collection of documents and I still use it quite often.

Command and the Laws of Armed Conflict is just a short brochure of about 80 or 90 pages that I wrote for the army, trying to distill ideas about the laws of war for a broader audience.

68. You appeared as counsel before the International Court of Justice during your time as lecturer in the faculty. How did that work?

Well, I'd been called to the Bar in 1978, as you mentioned, and I then did a pupillage part-time in the 1980s where I had the great good fortune to work with David Calcutt⁵² who went on to be Master of Magdalene shortly afterwards. I devilled for him in various

⁵⁰ 1991. *The Kuwait Crisis: Basic Documents*, Cambridge International Documents Series, Vol. 1. With E. Lauterpacht, Marc Weller, & Daniel Bethlehem, 330pp.

⁵¹ 1993 *Command and the Laws of Armed Conflict*". *Strategic & Combat Studies Institute, Occasional Papers*. No. 4, 1-43pp.

⁵² Sir David Charles Calcutt, QC (1930-2004), barrister, Master of Magdalene College (1985-94), created Press Complaints Commission (1990).



capacities, but I hadn't actually done any oratory, any advocacy of my own until I got asked to appear in, must have been in about 1990, in the *Tolstoy v Aldington*⁵³ libel action. I had a day on my feet in front of the libel judge, Mr Justice Michael Davies⁵⁴, on whether the Cossacks who surrendered at the end of the Second World War were prisoners of war or not. I'm afraid my advocacy wasn't very successful because Count Tolstoy, for whom I appeared, went down for the largest award of libel damages in British history. Inappropriate to say anything more about that. But that had given me a taste for it and then, in 1992, when Britain was sued by Libya over the Lockerbie bombing in dispute, the Foreign Office asked me if I'd like to be junior counsel to Rosalyn Higgins⁵⁵, which of course I accepted with alacrity. I learnt a great deal from the case and from her.

69. You represented the UK government in most of these cases. Did you have associations with the Foreign Office?

Yes. I never served in the Foreign Office; I've never been in the civil service, but the Foreign Office still has a practice that it hires barristers from independent practice to represent it in court; it doesn't use its own in-house lawyers, which is perhaps a bit surprising because the quality of those lawyers is excellent. I was a fortunate beneficiary of this practice because I did the Lockerbie case, as I say, and then they started briefing me on various other things.

70. You mentioned Dame Rosalyn. The last of the two cases that you were involved in during this time were on the use of nuclear weapons and she, of course, was on the ICJ at this time. She summed up her thoughts on the case in question 117 of her [ESA] interview. She said it was her second case and it stays very much in her mind. The critical item, 2(e) in the judgment, split the panel 7:7 and it was here that Dame Rosalyn added her dissenting opinion. I wonder whether you think, Sir Christopher, that the court would come up with similar decisions today on the main issue of the use of nuclear weapons, whether it might be a 7:7 split?

Well, interestingly there was an even split in a later nuclear weapons case between the Marshall Islands and the United Kingdom, although that split was on a procedural issue of international law rather than on the legality of using weapons as such. That 7:7 split in 1996 was, first of all, it was the product of the unfortunate death of Aguilar Mawdsley⁵⁶, one of the Latin American judges, a very respected judge, who died only a few weeks before the case was heard. It's a split the difference judgment, not least because if you compare that paragraph, paragraph (e) of the dispositif, with the relevant paragraph of the reasoning on which it rests, the two don't say quite the same thing, which is rather unfortunate. One talks about the state using nuclear weapons where its very existence had been put into jeopardy; the other paragraph talks about a state using nuclear weapons where the very existence of a state had been put into jeopardy. Well, of course, that makes an enormous difference when you're looking at the system of alliances that exist in international law. NATO in particular has always depended on the willingness of a nuclear member of NATO to resort in the last resort to nuclear weapons to protect other states within that alliance.

Would the Court decide it the same way today? I don't know. Probably you'd have the same sort of issues arising, in the sense that you have judges from states that are

⁵³ *Tolstoy Miloslavsky v Aldington* [1996] 1 W.L.R. 736 (13 December 1995).

⁵⁴ Sir Alfred William Michael Davies (1921-2006), High Court Judge (1973-91). He was one of the first judges appointed specifically to hear defamation cases.

⁵⁵ Dame Rosalyn Higgins (b. 1937-), Professor of International Law LSE (1981-1995), President ICJ (2006-09).

⁵⁶ Andrés Aguilar Mawdsley (1924-1995). Venezuela, UN representative (1972-1974), ICJ (1991-95).



dependent, one way or another, on nuclear weapons for their defence and I think that those judges would be reluctant to come to the conclusion that any use of nuclear weapons in any circumstances whatsoever was unlawful.

71. Thank you. During this time of your lectureship did you have any sabbaticals?

Yes. I was on sabbatical in 1987 to 1988 and then again in 1994 to 1995.

72. Any faculty or administrative duties or committees that you recall?

During my sabbatical? No, in those days you weren't allowed to sit on any committees. I was on the Faculty Board for a few years in the 1980s. It's slightly difficult for Magdalene Fellows to serve on the Faculty Board because they both meet on a Thursday afternoon and so there's always a risk of a conflict. My last meeting as Secretary of the Faculty Board I remember very clearly because my wife gave birth to our second child that morning. There was both a Governing Body and a Faculty Board and I managed to get out of going to either on the basis that I was going to the hospital to see my wife and newborn child and introduce newborn to the older daughter. Both institutions, by the way, were very forgiving about that.

73. Did you have much, if anything, to do with the Lauterpacht Centre during this time?

Yes, I was fairly active throughout this period. I used to contribute to the Friday lunchtime talks programme and the ILR were edited out of the Centre so I was down there fairly frequently.

74. So you would have obviously met John Dugard⁵⁷ who was Director for a short time.

Yes, John's an old friend. We knew each other from I think we first met, actually, at a conference on the laws of war in Jerusalem in early 1988.

75. Could you sum up you Cambridge years as groundwork for your illustrious later achievements?

Well, I'm not sure anyone should use the word illustrious about themselves, I certainly wouldn't. Yes, I was very happy at Cambridge throughout my time here. The decision to apply for the Chair of the LSE was not an easy one, but I was just a little bit nervous of ending up rather too comfortable in the tutorial college-based world of Cambridge in those days and I thought it would be important to try and move into a different field and LSE was very different from Cambridge and from Magdalene. Certainly the years here at Cambridge gave me a number of things, a deep love of teaching, both supervising and lecturing. I won't say it was accompanied by a deep love of examining or of marking essays; I would be dishonest if I suggested that, but teaching itself I very much enjoyed. I'm still in touch with a lot of the people I taught from those years.

Secondly, it gave me a very good grounding in international law. I was very conscious, for example, in some of my court work. If you appeared in the International Court you essentially were a lecturer, you read a speech, but if you appeared in the English courts it was like being a supervision student all over again, you get very active judges firing questions at you. It was an enormous help that I had been a supervisor of large numbers of students for nearly 20 years because I was used to being asked difficult questions by clever

⁵⁷ Christopher John Robert Dugard (b. 1936-), Professor of Public International Law, University of Leiden (1998-). Professor of Law, University of Witwatersrand (1975-1990), Goodhart Professor, Cambridge (1995-96), Professor of Law, Centre for Human Rights, University of Pretoria (2006-).



people; I was used to asking difficult questions myself and I was able to draw on that as a barrister. I don't think people realise the extent to which life as an advocate has moved on from the days of the grand Ciceronian speech to much more of a dialogue with the court, not in international courts but in the courts in this country or in America, Australia or the other big common law jurisdictions. The supervision system is extremely good training for that because it teaches you how to react quickly to a question that's put to you, to a difficulty of any kind.

76. Thank you. That leads us to the final section of this conversation which is your time at LSE which spanned 1996 to 2009. It's not often that academics are promoted from a lectureship to a Chair, so the London School of Economics must have thought very highly of your publications and the cases in which you'd been involved. Could you comment on the circumstances in which you were deemed by LSE to be ideal for this position?

Well, I think you'd have to ask somebody who was on the appointments committee why they chose me, but it was a very close battle. Christine Chinkin⁵⁸, who was then at Southampton, and I both put in for the job. In the end I think the committee was split between us and decided to create two Chairs as they had the funding to do that and we both joined the LSE as professors and became very close friends as a result. You know, we got on well, we'd known each other and been friendly before that, but we became very close friends working at the LSE.

77. You followed another of our eminent scholars, Dame Rosalyn Higgins. Was there a sense of her legacy?

Very much so. I think Rosalyn Higgins is – if she'll forgive me for saying so – one of the finest international lawyers of the generation. She'd established a magnificent reputation at LSE. She was very highly regarded, both by colleagues and by students, and it was a great privilege to follow on from her. I also inherited her excellent secretary, Susan Hunt⁵⁹, who sadly died earlier this year [20 April 2020: LD], but I've always said that the reason why Susan Hunt got on so well as secretary to both of us is that she could read our handwriting because my handwriting and Rosalyn's, neither of them is easy to fathom out.

78. Interestingly, she left the LSE for the International Court, which was a route followed by you, a fortunate coincidence. Your duties there, your teaching or administration?

Teaching, well, one of the things that was an attraction about the LSE is I was able to concentrate on international law when I went there. For years at Cambridge I'd taught other subjects; I taught criminal law, which I very much enjoyed, for a decade. In fact my first published work is on criminal law, just a case note or two. I'd supervised in conflict of laws, in constitutional law and in European Union law, but by the mid 1990s the pace of development in both international and European law had reached the stage where it was getting more and more difficult to keep up with everything and so I was quite grateful to be able to concentrate on international law. I taught the international law undergraduate course at LSE, which was very similar to the one that I'd taught here, except that the students weren't all lawyers, many of them were doing International Relations.

Under the LSE system anyone reading any subject could take international law so you

⁵⁸ Christine Mary Chinkin (b. ?1949-), Emeritus Professor of International Law LSE.

⁵⁹ Susan Hunt, MBE (1946-2020), LSE, LLB Course Administrator (1973-2011).

<https://www.lse.ac.uk/law/news/2020/susan-hunt>



had to remember that you had to pitch the lecture in a different way from Cambridge, where you were pitching it at people who had already done a year of legal study. Only half the class would have done that. I taught the law of war and armed conflict, teaching both, if you like, the Derek Bowett part and the part I taught myself here in Cambridge. I taught the law of the United Nations and a bit of international criminal law, which was quite good fun to do, especially since the ICC was being set up at the time.

79. I know that James Crawford was involved with the ICC. Did you have any involvement with it?

No, not really. I was rather a sceptic to start with, not especially about the ICC, I was very sceptical about the International Criminal Tribunal for the Former Yugoslavia because I thought that it was set up by the Security Council in order to be seen to be doing something when the Council and its member states weren't prepared to do anything more on the ground in Bosnia in particular. I thought if it failed, and I expected it to do so, then it would set back the idea of having a permanent International Criminal Court. In fact I was completely wrong about that. The ICTY, after a bumpy start, turned out to be immensely successful and I don't think we would have the International Criminal Court if it hadn't been for that.

80. What do you deem your most significant achievements at London School of Economics?

Well, I hope that the biggest achievement would be teaching and inspiring people to go into careers in international law. You know, I didn't do very much small group teaching. There isn't an equivalent of the supervision at LSE, but I very much enjoyed the lectures and seminars that I took part in. I published more articles during my time there though I'm afraid I never finished the monograph I should have worked on.

81. You wrote a further five journal papers and nine book chapters and during this period more book chapters than papers. Do you think that it was your higher status that elicited more requests to join joint projects, more international ventures?

I don't really know, to be honest. I'd never thought about it that way. The better known you are, the more likely you are to be asked to contribute a chapter to a collection of essays and there's a long running argument about whether book chapters are more or less valuable than articles in peer reviewed journals. I don't think it matters, frankly; I think what matters is the quality of what you write rather than where you publish it.

82. Also I sensed a greater emphasis on your research interest in human rights and state responsibilities, jurisdiction, sovereignty, etc, rather than straightforward law of war subjects. Do you think this is a fair comment?

Yes. I tried to branch out a bit more when I was at the LSE. I was afraid that, particularly by the late eighties, early nineties, I'd been concentrating too much on laws of war scholarship. I didn't lose my interest in the law of armed conflict at all but I did try to delve into other areas of international law in my publications, particularly I became very interested in jurisdictional immunities because that was a large part of my practice and I found that the practice and academic work here interacted very effectively.

83. During this time you published your book, *Essays on War in International Law*⁶⁰.

⁶⁰ 2006 *Essays on War in International Law*. Cameron May, London 701pp.



Was that a teaching guide?

No, that was a suggestion from a publisher to produce a collection of essays drawn from what I'd written before, which I was happy to do.

84. Still while you were at LSE. You were involved in various bodies and panels and I wonder if you could tell us something about these appointments and honours. In 1998 you were a member of the Panel of Arbitrators at the Law of the Sea Convention.

As far as I'm aware that never made any impact whatsoever. I did do a couple of cases as counsel on Law of the Sea matters; the *Barbados v Trinidad and Tobago*⁶¹ case and the *Guyana v Suriname*⁶² case, but that has nothing to do with my participation on the panel. I never got asked to arbitrate a case during that period. The only maritime case I did as an arbitrator later was the Chagos Islands case between Mauritius and the UK⁶³ where I was appointed by the United Kingdom, but I think I was no longer on the Arbitrators Panel by then.

85. In 1999 you became Queen's Counsel.

Yes. I was very fortunate in my timing there. I had just put in an application, which was probably rather premature, for an appointment as a QC under the old system and I then got asked to argue the Pinochet⁶⁴ case in the House of Lords, effectively for the Government of Spain. I was paid by the Crown Prosecution Service, but the CPS acts for the requesting government in an extradition case.

The Pinochet case, obviously, attracted an enormous amount of attention. It was an extremely challenging case to do. It's, incidentally, the case that brought home to me most how much I owed to years of supervising here because it really was advocacy in the form of being cross-examined by five – and then the second time, seven – very distinguished Law Lords, so it was very helpful that I had that supervision training to fall back on. The other thing I can remember thinking when I got up to speak in the Pinochet case was that, to put it crudely, you once followed Harold Macmillan⁶⁵ speaking in the Cambridge Union, you can do this. So it was very helpful to have that self confidence to fall back on. But, yes, I think doing the Pinochet case in 1998 to '99 was certainly a boost to my chances of being made a QC. I was made a QC in April of that year.

86. In 2001 you were Governor of the Ditchley Foundation.

Yes. The Ditchley Foundation is a wonderful institution. Ditchley is a country house in Oxfordshire which, during the war, was owned by a Conservative MP called Ronald Tree⁶⁶ and his wife Nancy Lancaster. Nancy Lancaster had modernised it in a way which was really very attractive, for example the hot water actually flowed when you turned the tap on. They lent the house to Churchill at the weekends, which he used as an alternative to Chequers

⁶¹ Counsel for Trinidad & Tobago <https://web.archive.org/web/20110716162708/http://www.pca-cpa.org/upload/files/Final%20Award.pdf>

⁶² <https://pca-cpa.org/en/cases/9/> Counsel for respondents.

⁶³ <http://www.pcacases.com/pcadocs/MU-UK%2020150318%20Award.pdf>

On arbitral tribunal with Professor Ivan Shearer (President), Judge Albert Hoffmann, Judge James Kateka, & Judge Rüdiger Wolfrum.

⁶⁴ <https://publications.parliament.uk/pa/ld199899/ldjudgmt/jd990115/pino01.htm>

<https://web.archive.org/web/20110727175408/http://www.pinochet-a-biography.org/19.html>

(see fn. 72).

⁶⁵ Maurice Harold Macmillan, 1st Earl of Stockton (1894-1986), Prime Minister UK, Conservative, (1957-63).

⁶⁶ Arthur Ronald Lambert Field Tree (1897-1976), British Conservative Party politician, journalist and investor, MP for the Harborough, Leicestershire (1933-45).



because Chequers was more vulnerable to bombing if there was a full moon.

It was at Ditchley that he sat up through the night with Harry Hopkins⁶⁷, Roosevelt's⁶⁸ assistant, discussing the idea of the lend-lease scheme. It was enormously influential in bringing America closer to Britain in that very difficult period of 1940, early 1941. After the war, the house was bought by a trust set up by David Wills⁶⁹ to be used as a centre for primarily, in its early years, Anglo-American discussions about international affairs. Then it broadened out, it became much more global. I'd been to a number of conferences in the 1990s and in 2001 they very kindly asked me to become a Governor, which I did for the next 20 years. I've been to numerous conferences there, these weekend meetings, and they are a very enjoyable way of mixing work with pleasure.

87. In 2002 you were made Companion, Order of St Michael and St George, what was this for?

You never know quite what it's for. It's services to international law but I think it may have had something to do with the fact that the previous year I'd been the lead counsel for Britain in a case in the European Court of Human Rights, called *Bankovic* and the *Bankovic v Belgium and others*⁷⁰. We had had quite a considerable success in it, so I put it down to that.

88. 2003, a Bencher, Middle Temple.

That was a great joy, I have to say. The Benchers of the Inn are a little bit like the Fellows of a Cambridge college except that there are many more of them. It gave me a wonderful social and academic focus in London which I always thoroughly enjoy.

89. Then, in 2004 you became a member of ICSID.

A member of the panel of arbitrators for ICSID, yes. I'm still on that panel. That's proved very much an important part of my life. I was still mainly doing work as counsel in the mid-noughties, but since I became a judge I've given up counsel work completely but I do a lot of arbitration through ICSID.

90. Thank you. I think this would be a good place to break.

All that remains is for me to thank you most sincerely for a truly fascinating account. I'm greatly looking forward to our next conversation next week. Thank you very much indeed.

Lesley, that's very kind of you. It's been a great pleasure for me to take part in this conversation with you.

⁶⁷ Harry Lloyd Hopkins (1890-1946) 8th US Secretary of Commerce. Roosevelt's diplomatic troubleshooter and liaison with Winston Churchill and Joseph Stalin.

⁶⁸ Franklin Delano Roosevelt (1882-1945), 32nd US President (1933-45).

⁶⁹ Sir David Wills, (1917- 1999) philanthropist established the Ditchley Foundation in 1958. Created to promote Anglo-American dialogue.

⁷⁰ ECHR, *Bankovic and Others v. Belgium and 16 Other States*. European Court of Human Rights, Grand Chamber Decision as to the admissibility of Application no. 52207/99, 12 December 2001, available on <http://hudoc.echr.coe.int>

<https://casebook.icrc.org/case-study/echr-bankovic-and-others-v-belgium-and-16-other-states>

