

**SIR ELIHU LAUTERPAHT
1928-2017**

At the funeral of Eli's father in 1960, 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 great father's demanding expectations. He became an unsurpassed international legal advocate of the Twentieth Century. He was for decades a Cambridge lecturer of extraordinary flair and popularity. A Fellow of Trinity College Cambridge for some 65 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 which published many other books in the field. It ultimately was acquired by the 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 in honor of Hersch and Eli. 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 acting 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.

Eli not only deftly handled his elements of the negotiations; he enlivened the proceedings. A key element of Eli's extraordinary professional success was illustrated by the proceedings in Tehran: his charm. Eli was refreshing. He 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 some three years and played an influential part in the Law of the Sea Conferences. That Australian interlude interrupted his extended counseling of Chile in its major dispute with Argentina

over the border between them at the Beagle Channel. The cases in which he advised governments and companies were legion. Toward the end of his career as an international advocate, he was a lead counsel in *Qatar v. Bahrain*, an important boundary dispute whose oral proceedings in the International Court of Justice were broadcast live to thousands of viewers especially in the Arab world. He was a far sighted innovator in the field of investor/State arbitration. He played a key role in assisting Lord Shawcross in producing what came to be known as the Abs-Shawcross principles on promotion and protection of foreign investment. He was the inventor of what came to be known as the “umbrella clause” because it sheltered foreign investment with the cover of international law. He was chairman or member of many international arbitral tribunals. Among them was the border dispute tribunal 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 put his stamp on the enduring jurisprudence of that Tribunal when he and his great friend Prosper Weil were the principal authors of its first, fundamental judgment, *de Merode*. Over a period of some sixty-five years, Eli advised a host of governments and companies on questions of international law.

Eli represented the Government of Israel in the Taba arbitration with Egypt.

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 and articles and his monograph on *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, Reader and then Honorary Professor at Cambridge, by his knighthood and by his receipt of The Hudson Medal and The Hague Prize.

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. For his students and his colleagues, he was a source of unending stimulation and support. He was a source of happiness to his parents, his devoted wives Judy and Cathy, his four children – two daughters and two sons – and his eight grandchildren, and his multitude of friends and colleagues.

Those who were fortunate enough to know Eli, those who were fortunate enough to have his light shine upon them, cherish his memory.

Stephen M. Schwebel