

**Professor Shabtai Rosenne** (1917-2010)

Possessed of a powerful personality and a towering intellect, Shabtai Rosenne bestrode two worlds. As an Israeli diplomat, he helped shape the institutions of government from pre-state days and remained a person of consequence to his last days. As an international lawyer, his contributions were vast, influential and unmatched. He has been described as one of the foremost international lawyers of the second half of the twentieth century. He mixed encyclopaedic knowledge of the law with a profound understanding of practice. He was the preeminent well-rounded international lawyer. He died aged 92 on 21 September 2010.

Rosenne's inspiration, as his speech accepting the highly prestigious Hague Prize for International Law in 2004 underlined time and again, was the Biblical instruction demanding that "justice, justice shalt thou pursue". He, typically, devoted that speech to the place of international law in the daily life of the average human being. Proud of his Jewish heritage and extraordinarily knowledgeable about it, Rosenne became the supreme international law universalist. His quest for knowledge was insatiable and he formed, for example, a close friendship with Judge Nagendra Singh of the International Court of Justice, based not least upon a shared love of Hindu philosophy. His writings on that Court, including a four volume colossus, made him the foremost authority on its law and practice and it is well known that generations of judges consulted him quietly on difficult questions. He would undoubtedly have been elected a judge had it not been for the political constellation of those years. That, however, would only have made manifest what was already long apparent to observers: Rosenne was the accepted authority on the working of the Court.

Rosenne was born in London on 24 November 1917 as Sefton Rowson. He served in the Royal Air Force from 1940 to 1946, something of which he was very proud. He obtained an LLB from London University and qualified as a solicitor. After the war, he began working for the Jewish Agency and moved to mandatory Palestine in 1947. He served on the committee helping to establish the institutions of the Jewish state and in 1948 became the Legal Adviser to the Ministry of Foreign Affairs, a post he held until 1967. His contributions in that capacity were immense from formulating the armistice agreements of 1949 to dealing with the fallout from the Eichmann crisis in 1960 and from state succession issues in the light of sometimes problematic relations with the former mandatory power to inexorable and sensitive questions of war and peace, use of force and the freedom of the seas. All of this reflected the constant challenges faced by the new state. Thereafter, he served as Ambassador in the UN in New York and in Geneva and in various international organisations. He was a member of the Israeli delegations to innumerable international conferences. His work in the Sixth (Legal) Committee of the UN General Assembly and in the

UN International Law Commission, for example, were renowned. He worked ceaselessly and to the end. On 14 June 2010, he was appointed to the Turkel Commission, the independent public commission established to examine the Gaza Flotilla incident. Although aged 92 and not as physically robust as he once was, his intellect was as strong and as sharp as ever. His contribution to the Report, published after his death, was significant.

But it was not only, or primarily, as a highly distinguished Israeli lawyer and diplomat with unrivalled experience that Rosenne was known throughout the diplomatic and legal world. He was a truly formidable international lawyer and became an internationally acknowledged expert in, and great contributor to, for example, the law of treaties (which he termed the central element of all modern international law); the law of the sea (in which he participated in all the major UN conferences); and, pre-eminently, with regard to the International Court of Justice. His list of publications on these subjects was immense and would have made a full-time academic proud. He was the General Editor of a highly influential multi-volume commentary on the UN Convention on the Law of the Sea and authored books and articles on that subject, he wrote books on the law of treaties and produced a magisterial four volume work on the International Court which ran to four editions. For this alone, he will long be remembered. But for Rosenne, law and practice went together. For all his immense erudition, he was always conscious of the importance of practical problems – the reasons why the law was evolving in a particular direction and the need to tackle questions that needed effective resolution. He was nothing if not supremely realistic in providing advice. He acted for and advised a number of states as Counsel before the International and other Courts and Tribunals. These included the US in the *ELSI* and *LaGrand* cases, Serbia in the *Genocide* case and Japan in the *Southern Bluefin Tuna* case. He also advised in a number of international arbitrations.

Side by side with these achievements, Rosenne was a successful and thoughtful teacher. He gave lectures and was a Visiting Professor at numerous institutions around the world, including the Royal Naval College at Greenwich, and the universities of Cambridge, Utrecht, Amsterdam and Virginia. He gave the General Course on International Law at the Hague Academy of International Law and received many prestigious awards, including the Israel Prize, the Manley Hudson Medal, the Certificate of Merit of the American Society of International Law and the Hague Prize for International Law. He was an honorary member of the Institut de Droit International, the American Society of International Law and the Hellenic Society of International Law.

Rosenne was an intensely thoughtful man who was generous with his time and advice. Not a man for frivolous banter, he drove to the heart of any matter with his potent intellect and extensive knowledge. He was not diffident about putting forward his invariably illuminating insights. Generations of young and not so young international lawyers, fortunately including myself over a number of years, benefited immensely from conversing with him. His prodigious memory allowed him to remind both friends and colleagues of the details of meetings held and agreements made decades earlier and he was not slow at pointing to inconsistencies of opinions expressed, particularly by diplomats, over the long run. He became, in effect, the institutional memory of both the International Court and of the United Nations. These strengths remained with him throughout his long life.

Strengthened and sustained by a long and happy marriage with Esther, whom he married in 1940 and their two sons (Jonathan and Daniel) and grandchildren and great-grandchildren, Rosenne will go down in history, not only as a formative influence on Israel's development throughout its history to date, but also as a great and inspiring international lawyer.

Malcolm N. Shaw Q.C.