

A Tribute to Alexander Yankov

10 September 2020

Obituary: Professor Alexander Yankov

Shinya Murase, 3 September 2020

We were all deeply saddened to learn of the death of Professor Alexander Yankov on 17 October 2019. Professor Yankov (22 June 1924 – 2019) was a prominent jurist, a successful diplomat and a brilliant scholar. He was a former member of the UN International Law Commission (1977-1996) and its Chair in 1984. He also served as Special Rapporteur for the topic “Diplomatic Courier and Diplomatic Bag”.¹

I went through all the records on the officers of the Commission, and I found that in 1977, the first year he was elected as Member, he was already the Second Vice Chair, and he also served as the General Rapporteur in 1980. In 1983, he served as the First Vice Chair, and the following year he was finally elected as Chair of the Commission. The record does not stop there. He was gracefully downgraded to the Second Vice Chair in 1986, a post he held for the second time. He served as Chair of the Drafting Committee twice, in 1992 and 1995. Thus, he held all the officers’ posts of the Commission, twice in some cases, which is really a remarkable record. Towards the end of his 20-year tenure, he was profoundly respected and admired as the Dean of the Commission.

Professor Yankov had a long and very distinguished career in international law, and he held a number of important positions, including as Professor of International Law at the University of Sofia (Bulgaria) since 1973, Member of the Bulgarian Academy of Sciences since 1981, Bulgaria’s Ambassador to the United Kingdom (1972-1976) and Permanent Representative to the United Nations in New York (1976-80).

He participated in the United Nations Committee on the Peaceful Uses of the Sea-Bed (1968-1973) as its Deputy Chairman. He chaired the Third Committee of the Third UN Conference on the Law of the Sea in all sessions from 1973 to 1982.

¹ See Draft Articles on the Status of the Diplomatic Courier and the Diplomatic Bag Not Accompanied by Diplomatic Courier and Draft Optional Protocols, United Nations, *The Work of the International Law Commission*, 9th ed., 2017, Vol. II, pp. 335-348.

Professor Yankov was also a Member of the Permanent Court of Arbitration (PCA, 1971-88), and Judge of the International Tribunal for the Law of the Sea (ITLOS, 1996-2011).

Professor Yankov was an active member of the Institut de droit international (IDI) for 40 years, participating in more than 8 commissions, including piracy, provisional measures, the principle of equity in maritime delimitation and evidence in international litigation. We were delighted to have him attend the Tokyo session of IDI in 2013.

Professor Yankov was also very active in the International Law Association (ILA). It was my profound personal joy to see him at the Executive Council meetings in London once a year for about 5 years before 2011. He was President of ILA in 2012, hosting the very successful biannual conference in Sofia, Bulgaria. I very much cherish the photo we took together on that occasion (see next page).

If I may be permitted, I would like to share with you my personal experience with Professor Yankov. When I was a staff member of the Codification Division and the Secretariat of the Commission in 1981, I was assigned to assist him. Professor Yankov was then Special Rapporteur for the topic “Diplomatic Bag and Diplomatic Courier”. I noticed at one point that he was writing his draft report using the backsides of the used UN documents. So, I brought him from the office of the Secretariat a bunch of blank sheets of paper. However, he declined to use them. He told me that his generation had had to go through great difficulty to find paper in their young days, and that he would not have been able to use a fresh sheet of paper just for writing drafts. I was so impressed, and from that time on, he became my lifetime teacher.

Professor Yankov was a man of great charm. I couldn't agree more with Mr. Eduardo Valencia-Ospina when he sent me a message saying: “We admired and respected him not only for his legal and diplomatic talent but above all by his humanity, which enabled us to relate to him in true friendship”. I am convinced that Professor Alexander Yankov will be remembered for a long time.



Professors Yankov and Murase, Sofia, Bulgaria, 2012

Alexander Yankov
Statement in the ILC by Michael Wood
(September 2020)

It is with feeling and admiration that I recall the memory of Alexander Yankov, a former member of the International Law Commission who contributed so much to the work of the Commission. It was a privilege to know him; he was a true and kind friend over many years.

Professor Murase has spoken eloquently about Professor Yankov's career and work in many fields of international law. I knew him best at the Third United Nations Conference on the Law of the Sea and later as a judge on the International Tribunal for the Law of the Sea. He was also Ambassador of Bulgaria to the United Kingdom between 1972 and 1976.

As with everything he did, Professor Yankov's contributions to the organization and procedures of the Law of the Sea Conference were constructive, and full of common sense and moderation. Professor Yankov also made a huge contribution to the substance of the modern international law of the sea. As Chair of the Conference's Third Committee, Professor Yankov was a member of a very small group which played a vital role at the Conference: the President of the Conference and the Chairs of the three Main Committees were vested by the Conference with an unprecedented degree of authority, including the preparation of the basic texts before the conference. The provisions of the Montego Bay Convention on the protection of the environment and on marine scientific research, for the preparation of which he was responsible, were among the most original and successful of the Convention. Even now, some 40 years after they were drafted, the provisions of Parts XII on the protection of the environment continue to provide the framework and the inspiration for many important developments that have followed in the law of the sea and in other areas of international law.

Given this background it was entirely fitting that Professor Yankov should be elected to the International Tribunal for the Law of the Sea in Hamburg at its first election in 1996. He served in that position until 2011. Announcing his passing last year in November, the ITLOS well captured his main achievements: 'Judge Yankov dedicated his life to the development of the law of the sea and the peaceful settlement of disputes'.

I also pay tribute to Professor Yankov's active support for the International Law Association, both within the Bulgarian Branch of the Association and on the Executive Committee. This long commitment culminated in his Presidency of the Association and the Biennial Conference in Sofia in 2012. No one who had the good fortune to participate in that Conference will forget the warmth of our welcome in Bulgaria's capital. Our hosts, under Yankov's able leadership, put on an excellent and most enjoyable conference.

For these and many other reasons, so ably summarised by Shinya Murase, I salute Professor Yankov for his outstanding contribution to international law.

Commemorating Alexander Yankov (1924-2019)

Statement by Nilufer Oral

(September 2020)

I thank Prof. Murase for his very thoughtful proposal to dedicate this meeting of the International Law Commission to the memory of Alexander Yankov and honor his legacy to international law.

Professor, Ambassador and Judge Alexander Yankov was an extraordinary person for many reasons. I feel extremely privileged to have known him and even more honoured to be a member of the Commission that he served for 22 years.

Prof. Murase and Sir Michael have eloquently eulogized his many contributions to international law, to the work of the Commission, as importantly to the development of the 1982 Law of the Sea Convention. I agree with Sir Michael that Part XII of the 1982 Convention, on the protection and preservation of the marine environment, developed under his leadership, is without doubt one of the crowning achievements of UNCLOS III and continues to inspire new developments. In my opinion, decades later, Part XII has no parallel.

As a diplomat and scholar, Judge Yankov attained many prestigious and elevated positions. However, today I would like to remember him as a person who possessed tremendous energy and zeal for life. He lived through some of the darkest times of the 20th Century, including as a war prisoner. He endured many hardships yet, he never lost faith in the ideals of international law and humanitarianism.

I have many wonderful personal memories of Judge Yankov, including visiting Bulgaria and the Black Sea coast. He was the consummate diplomat but also full of fun and, as Prof. Murase said, charm. We called each other “arkadas” which means “friend” in Turkish. Today, I wish to express my deepest gratitude for having known Judge Yankov and for his friendship.

TRIBUTE TO ALEXANDER YANKOV

Juan José Ruda Santolaria

(September 2020)

I have the honor to speak in this opportunity on behalf of my colleagues of the Latin American and Caribbean Group and for myself in order to render tribute to the memory of Alexander Yankov, a Bulgarian with a universal vocation who, as rightly noted by Professor Shinya Murase, Sir Michael Wood, and Professor Nilufer Oral, was distinguished for his human qualities, as well as for his valuable work as a jurist, diplomat, judge and university Professor.

Particularly outstanding was the role he played during the Third United Nations Conference on the Law of the Sea, which led to the consolidation of the Latin-American thesis of the two hundred nautical miles under the jurisdiction of the coastal States. Within that frame, he was Chair of the Third Committee, concerning the rules for the protection of the marine environment, the conduction of scientific research and the transfer of technology. Years later, in the field of the Law of the Sea, he also had a very important performance as Judge of the International Tribunal for the Law of the Sea in Hamburg.

Special mention should also be made to his work as a member of the International Law Commission during twenty years, where he became Special Rapporteur on the Status of the Diplomatic Courier and the Diplomatic Bag Not Accompanied by Diplomatic Courier, and Chair of the Commission in 1984.

At the same time, it is worth mentioning his untiring efforts for the analysis and dissemination of International Law, as well as for facilitating the interaction between specialists and people of his country and around world interested in international matters, within the frame of institutions such as the Bulgarian Association for International Law, the Bulgarian Association for International Relations, the American Society of International Law and the International Law Association, among others.

Finally, on the occasion to render tribute to Alexander Yankov, I should highlight his everlasting memory and legacy in favor of International Law, together with the inspiring character that it has for present and future generations.

HOMENAJE A ALEXANDER YANKOV

Juan José Ruda Santolaria

(septiembre de 2020)

Tengo el honor de hablar en esta ocasión a nombre de mis colegas del Grupo de América Latina y el Caribe y en el mío propio para rendir homenaje a la figura de Alexander Yankov, un búlgaro con vocación universal que, como bien han señalado el profesor Shinya Murase, Sir Michael Wood y la profesora Nilufer Oral, destacó por su calidad humana, al igual que por su valiosa labor como jurista, diplomático, juez y maestro universitario.

Particularmente notable fue su papel durante la III Conferencia de las Naciones Unidas sobre el Derecho del Mar, que consagró la tesis latinoamericana de las doscientas millas marinas bajo jurisdicción de los Estados ribereños, donde fue Presidente de la Tercera Comisión, que abordó las reglas para la protección del medio ambiente marino, la conducción de la investigación científica marina y la transferencia de tecnología. En el campo del Derecho del Mar, años después, tuvo igualmente un muy importante desempeño como Juez del Tribunal Internacional de Derecho del Mar de Hamburgo.

Mención aparte merece su tarea como miembro de la Comisión de Derecho Internacional durante veinte años, tiempo en el que llegó a ser Relator Especial sobre el Estatuto del correo diplomático y de la valija diplomática no acompañada por un correo diplomático y Presidente de la Comisión en 1984.

Al mismo tiempo, cabe poner de relieve sus incansables esfuerzos para el análisis y difusión del derecho internacional, además de favorecer la interacción entre especialistas y personas de su país y de todo el mundo interesadas en los asuntos internacionales, en instituciones como la Bulgarian Association for International Law, la Bulgarian Association for International Relations, la American Society of International Law y la International Law Association, entre otras.

Finalmente, al rendir homenaje a Alexander Yankov, debe resaltarse la permanente vigencia de su memoria y legado en favor del derecho internacional, así como el carácter inspirador de su ejemplo para las generaciones presentes y futuras.

Tribute to Alexander Yankov

By Pavel Šturma

Dear Colleagues,

Let me say also few words on behalf of the Eastern European Group, to which the late Judge and Professor Alexander Yankov belonged. He was born in the Bulgarian town Burgas at the Black Sea in 1924. Although he studied in Sofia, he became an international lawyer with the universal impact.

Other colleagues, in particular Professor Murase and Sir Michael Wood, have already mentioned his diplomatic and juristic skills, and especially the important role he had during the Third United Nations Conference on the Law of the Sea.

I would like to add that Alexander Yankov was for two decades (1997 – 1996) member of our Commission. He was one of the few Special Rapporteurs coming from our regional group, namely on the topic “Status of the Diplomatic Courier and the Diplomatic Bag Not Accompanied by Diplomatic Courier”. He also served as Chair of the Commission in 1984.

On a more personal note, I met first Prof. Yankov in 1989 when I participated in the International Law Seminar in Geneva. He was a very experienced but modest and kind person. In addition to his official legal, judicial and diplomatic functions, he was also involved in dissemination of international law and played an active role in many academic institutions, including the Bulgarian Branch of the International Law Association. And it was on the occasion of the ILA conference in Sofia in 2012 when I met Prof. Yankov for the last time.

In the end, I would like to stress the legacy of this important lawyer for our Commission and the development of international law.