



DEREK BOWETT

## Derek William Bowett 1927–2009

DEREK WILLIAM BOWETT was born on 20 April 1927. He died on 23 May 2009. After a period of active service with the Royal Navy, he graduated from Downing College, Cambridge, with Firsts in the Law Tripos and the LLB and with the Whewell Scholarship for Public International Law. He then embarked on a career which specialised in public international law. That career began at the University of Manchester but he moved back to Cambridge in 1960, becoming a Fellow of Queens' College in that year and succeeding Sir Arthur Armitage as President in 1970. From 1973 to 1977 he served on the Royal Commission on Environmental Pollution. He resigned the Presidency of Queens' in 1982, having just been elected as Whewell Professor of International Law. He continued at Queens' as a Professorial Fellow from 1982 until 1991 when he retired from the Whewell Chair. From 1991 to 1996 he served as British member of the International Law Commission. He had been made a CBE in 1983; in 1997 he was knighted for services to international law. He also received honours from Denmark (1993), Honduras (1993) and Slovakia (2005).

His first appointment in Cambridge was as university lecturer; he was promoted to reader in 1976. He had joined the Middle Temple in 1953, becoming an Honorary Bencher in 1975 and a QC in 1978. He was elected to the British Academy in 1983. Over the last twenty years or so he continued to work despite the great pain he had to endure as the direct result of a neurological condition eventually diagnosed as spinocerebellar ataxia, a degenerative disorder which affected the central nervous system and the cerebellum. This resulted in much pain, which was endured with great dignity. Happily, the condition was not totally incapacitating. He

could still stand and so could address the court from time to time but did so only rarely and so this may have been a factor in preventing him from achieving his ambition to be a judge of the International Court itself. Miraculously, he was still able to drive a car and would frequently drive up to Yorkshire. He died at home in Cambridge after a short illness.

His contribution to public international law was diverse and influential. It included not only books and articles but also working for commissions, producing proposals marked by their practicality and, perhaps as much as anything, working for the United Nations. He was committed to the importance of that and other institutions because he believed passionately that if nations did not cooperate, disaster would follow. He had seen the effects of war not only in 1945 but also when serving for the United Nations Relief and Works Agency (UNRWA) in the Middle East from 1966 to 1968, hence his support for the Palestinian refugees. His time at UNRWA is an enduring part of his career and is still remembered with awe.

He had a wide public international law practice and worked for a broad range of states. He was involved in some of the great international law cases of his time not simply as one with expert knowledge but also as one with an immense forensic skill. This made him one of the very greatest advocates of his time before the International Court in The Hague and at other international tribunals.

His general approach to public international law issues was marked by practicality rather than high theory; in his approach to jurisprudence he preferred Aristotle to Critical Legal Studies. For him international law was essentially a practical subject, a profession as much as a discipline, and an extension of ordinary legal technique (of which he was a master) into a domain of human activity that needed it. His work is also manifested, and this would have pleased him as much as anything, in the success of his pupils, whether as undergraduates, graduate students doing the LLB—later the LLM—or research students.

In the 2000s he made some valuable—and incisive—recordings about his career and the people he had encountered; these were transcribed and form part of the Eminent Scholars Archive of the Cambridge Law Faculty. He also wrote a series of memoirs for the *Queens' College Record*. I have used these and the obituaries published in *The Times* and *The Guardian* by James Crawford, Whewell Professor at Cambridge, and Vaughan Lowe, James' counterpart in Oxford and Derek's one-time colleague in Cambridge.

I have also looked, as I have for the last thirty years, at Andrew Festing's portrait of Derek in the Queens' Combination Room. Festing

has caught that slightly impatient—even irascible—look of someone who wonders why a particular fellow is taking quite so long to make a point at a Governing Body meeting—the hands are down, holding the glasses, and one can sense the glasses about to twitch. While the portrait also conveys Derek’s twinkling eyes and capacity for humour it cannot, of necessity, convey his wonderful laugh.

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People remember when they met Derek Bowett. It began with the eyes, which looked at one kindly but directly. It continued with the rest of the face and the bow tie and that hair which, even at a relatively early age, had a very distinguished look to it. After that one saw the personality—strong but quizzical, kindly disposed but not to be taken for granted and all without an ounce of self-importance.

For Marc Weller, later professor at Cambridge, it was finding himself seated in a group of new students next to Derek at the matriculation dinner in Queens’ and wondering whatever he would find to talk about with a great professor, a particular problem for him as he came from a country where such a social encounter was unthinkable. He need not have worried. With great ease Derek led Marc and his fellow students through ‘a wonderful evening of conversation and reminiscence and which none of them would ever forget. He had an easy charm and wit, matched by a steely glance that could be applied to see whether or not that person was worthy of serious discussion.’

For Esa Paasivirta, who in 1983 was a 27-year-old Ph.D. student arriving from Finland, it was deciding which of two alternatives to take as further study. ‘One concerned the legal status of refugees, but this was a non-starter for Bowett, who was not known as a human rights lawyer. “We are all refugees! Forget it”,’ was his reaction, which left few uncertainties. They ended up selecting the area of international arbitration relating to State contracts with private enterprises.

For Sena Wijewardane, one of Derek’s successors as General Counsel to UNRWA and, later still, President of the United Nations Administrative Tribunal, it was meeting Derek in Queens’ when he was a Humanitarian Research Scholar at Trinity and rapidly discovering that they shared a loathing of pompous people. Later, when a vacancy was about to occur at UNRWA, Derek ensured that the right people wrote to Wijewardane in Sri Lanka. Derek thought that Wijewardane’s Sri Lankan nationality was seen as an advantage for the Palestine Refugee cause. Wijewardane was

about to leave for Adelaide to take up a Senior Lectureship there; Derek's intervention changed his life.

For me, it was altogether more prosaic. It was June 1965 and I was waiting at a lay-by on the A38 Bristol Road in Selly Oak, Birmingham. Derek was half-way through his career as a law fellow at Queens' before he became President. I was teaching at the University of Birmingham and was preparing to go into the faculty for the annual examiners' meetings. As a non-Cambridge graduate who had not had to study international law, I knew little about Derek. However, one of my Birmingham colleagues was Donald (Don) Westlake Greig. Don, who had been taught by Derek just a few years earlier when doing the Tripos and then the LLB at Cambridge, was very much of the Bowett School, and later had a distinguished career, mostly as an international lawyer and mostly in Australia. Don collected me from the appointed lay-by sweeping up in his large Ford car. The car also contained Derek who was one of our distinguished external examiners—and neat piles of scripts. So we passed on to the meeting, where I became quietly impressed with Don's friend.

In those days the external examiners had to look after a number of subjects. Derek probably had to look at contract and tort and one other subject as well as international. Our externals were either professors or Oxbridge dons and their visits were both important and an understood—and readily accepted—method of quality control. The externals were required to look at a whole range of scripts and not just at firsts and fails and adjudicate on any borderlines.

Being an external examiner was one of the things that came naturally to Derek. It was part of his duty as, already, a leading member of the community of legal scholars within the UK. As a duty, it was to be undertaken but, no less, it was to be enjoyed. The duty involved clarity of judgement, clarity of mind and a nice turn of phrase. He could talk concisely and, when required, with deadly elegance. In today's overused terminology the role of external examiner involved 'respect', meaning both respect for the individual student and respect for the subject. This respect was conditional, as Marc Weller hinted above; it could be lost if it was shown to be unmerited. Respect for his colleagues was no less conditional; Fellows of Queens' could find themselves recategorised if they fell short in some way—but not usually for long. As Derek's reminiscences on the Law Faculty website were to show, he did not always hold all of his Cambridge faculty colleagues in the very highest esteem, especially if he thought them lazy.

Derek had another reason for external examining and this was to find good young students at other universities who might come to Cambridge and do the LLB/LLM—preferably in international law and preferably at Queens'. David Pearl, one of the first to move on from a distinguished academic career to a no less distinguished career among the judiciary, came to Queens' by that route.

Derek was born in April 1927 and was—and remained—a Lancashire man. Sadly, his mother died when he was 12. His father remarried but father and son were not close. As a boy Derek was blessed with a very good voice and became a treble in the Manchester Cathedral Choir, under its legendary organist, Dr A. W. Wilson, and his assistant, Mr Norman Cocker. His career as Head Foundationer was cut short, first by evacuation of the Choir School after war broke out and, then, after the School's return to base, by the bombing of the Cathedral in December 1940. He then went to William Hulme's Grammar School, paying his fees out of his head chorister's earnings as his father was not willing to meet them. Although personally very generous, whether with his time or his means, Derek developed an understandable distaste for conspicuous consumption at public expense.

Anticipating his eighteenth birthday in 1945 and while still at school, he had volunteered for the armed services, choosing the Royal Navy as the only branch in which—given the imminent defeat of Germany—he was likely to see any action. The war would be naval and so he volunteered for the Fleet Air Arm. As Japan had been bombed into submission, he did not actually go to the Far East and the Navy found other things for him to do. It was three years before he came out. He spent some of that time in mine clearance work, at first in the North Sea and then the Mediterranean. In October 1946 the destroyers *Saumarez* and *Volage* were severely damaged by mines while transiting the North Corfu Channel. By prophetic chance Derek was on board one of the ships charged with towing them to Malta for repairs; during the passage the *Saumarez* had to be sunk. The mining led to the first case before the new International Court of Justice, bringing together two areas of law—use of force and law of the sea—on which he was to become a leading authority. It is worth stressing that he was among the last generation of international lawyers to have experienced the impact of, and seen active service in, a general war. Such people were rightly regarded with respect and even awe by those who came after. This naval service was also important to him in developing skills of organisation and man management which he carried into his civilian life; it also left him with a capacity to tie knots.

Demobilised in December 1947, he went up to Downing College the following October to read law under the accelerated post-war system. Derek got a first, claiming in his recollections of the 2000s that this was only because no one had told him just how much he needed to do to get a safe second. His first brought him to the attention of Hersch Lauterpacht, the seventh Whewell Professor of International Law. It was Lauterpacht who suggested that he should stay on for a further year's graduate study in what was then the LLB. In 1951 Derek won the Whewell Scholarship awarded on a separate examination, this time—unlike his first—by deliberate design and edging out Stephen Schwebel, later to be a judge of the International Court. In 1950 the scholarship had been awarded to Elihu Lauterpacht, later to be one of Derek's colleagues at Cambridge and at the Bar. The scholarship prize was then worth £150. Derek was active in sporting activities and to good effect—he represented the university against Oxford at lacrosse.

While at Downing Derek was taught by Clive Parry, who features in Derek's Faculty memoirs. Clive was, in Derek's view, 'a good lawyer but not a good teacher ... Very funny man but you could not take notes, just funny stories. I sat for the LLB. The examination bore no relation to the lectures. I met Clive Parry on King's Parade and he said "How did you like the paper". I said it had had nothing to do with your lectures, he said "No, I know. I set it like that." He was a strange man.' In due course Clive's son, Anthony, arrived at Queens' to read law, with Derek as his Director of Studies.

Derek had intended to have a career at the bar and had joined the Middle Temple. However, his path was diverted into a university lectureship in law at Manchester University, at a salary of £450 p.a. He was duly called to the Bar in 1953 and was able to combine his academic duties with a little practice; he is remembered as having taken many opportunities to appear in the county court, so gaining priceless experience.

While at Manchester, Derek shared a house with three young women, one of whom had a sharp sense of humour matching his. Derek and Betty Northall were married in 1953. They were blessed with three children, Richard, Adam and Louise. Memories of Derek are inseparable from those of Betty, happily still very much with us. Over the years they provided loyal and loving support to each other and to their children. All three children married and produced grandchildren. Betty was also important to Derek's research students. These were regularly invited for dinners at the Bowett home. As Paasivirta remembers, 'Betty wholeheartedly supported her husband's interest in his research students and always made us feel welcome at their home.'

Derek's lectureship involved carrying out the normal and heavy duties attached to such a post, such as lecturing or doing other teaching on a variety of subjects. He almost certainly taught tort—as he was to write an article in that area—and jurisprudence. In those pre *Hart's Concept of Law* days, jurisprudence courses often included elements of a tour of great jurists. In my years with him, Derek often professed an enthusiasm for Aristotle and said that many of the problems addressed by jurisprudence could be resolved by reading the *Nichomachean Ethics*; he was also keen on Aristotle's *Rhetoric*. Quite how Derek was introduced to these works I do not know but I like to think it was at the William Hulme's Grammar School in Oldham.

It is time to return to Derek as an international lawyer. While at Manchester Derek had not only combined his university teaching duties with bringing up his emerging young family but also set about writing a thesis for his Ph.D. The thesis *Self-Defence in International Law* was published by Manchester University Press in 1958. It was almost wholly unsupervised. He says he saw his supervisor once, and gaining nothing from their interchange saw no need for further meetings. The book is still cited on the vexed subject of self-defence, anticipatory and other: he saw self-defence as a broad inherent right of states, a right having strong continuity with pre-Charter international law. That view was opposed in 1963 by a young Oxford don, Ian Brownlie, who saw the Charter much more as a new beginning to this old problem. These differences are explained and analysed in the Memoir written for the Academy by James Crawford about Ian Brownlie and I shall not presume to give a different verdict from that reached by the current Whewell Professor.<sup>1</sup> Bowett and Brownlie, having started by sharing opposed theses, would come to work opposite each other as international law professors of their universities, both as major contributors to their subject itself and to the standing of that subject in the United Kingdom. They became co-editors of the *British Yearbook of International Law* with Brownlie being the Senior Editor; stories about those times and relationships with other international lawyers belong to that group alone. But in 1958 that was some time away.

Derek's career now underwent another change of direction, taking him ever deeper into international law. In 1957 he went to New York to spend two years in the United Nations Codification Division, working as a staff lawyer for the International Law Commission, of which he would thirty-two years later become a member. The commission is a body of

<sup>1</sup>See James Crawford, 'Ian Brownlie 1932–2010', *Biographical Memoirs of Fellows of the British Academy XI* (Oxford, 2012), pp. 55–80.

international lawyers elected by the UN General Assembly and charged with the codification and general development of international law. The wheels of international codification grind if not fine then at best exceeding slow: several of the topics on the commission's agenda in 1958 were still there when he was elected a member in 1991. He and Betty both came to like New York and its people. However the arrival of their second son while they were there and the demanding climate meant that they were pleased to come home.

Derek returned having an enhanced reputation among international lawyers. One of his successes was his capacity to size a situation up and deal with it in a way which did not give offence. Sena Wijewardane has one such story:

When he was a young Legal Officer working for the Secretariat he acted as secretary to some Committee in the Law of the Sea Conference which was Chaired by a Sri Lankan lawyer (I too knew him) who has the reputation for being a lover of books which he did not read and could not digest and of being a great talker and left wing intellectual well known for irrelevancies. When in the Committee, there were points of order raised on the rules of procedure (at the time the Americans and the Russians were constantly at each other through the rules of procedure) this gentleman did not hesitate to give a long, long speech spiced with such phrases as '... from a Marxist Leninist point of view... etc' which has little to do with any issue under discussion. Bowett having sized up the man simply slipped a little piece of paper to him on which Bowett had written the ruling which should be given and which started with the words '... and, therefore I hold that according to the pertinent and applicable rules as follows ...' The Chair faithfully read out Bowett's note each time. Everyone was satisfied and this particular Committee completed its work ahead of all the others. The delegations congratulated the Chair. The lawyer concerned was very happy and pleased at his performance.

Apart from the Ph.D. Derek's writings began in a manner typical of a legal academic in the 1950s. What was probably his first article was not on international law but on the law of tort (*Modern Law Review*, 19 (1956): 172–84). Whether this was informed by his practice in the county court is unknown. Derek's piece was a selective critique of the report of the Law Reform Committee on Occupiers Liability, concentrating on things which the committee might have addressed but had failed to do so. Had they done so, the subsequent legislation would have been broader and less productive of anomalies. About the same time, his major article on Collective Self Defence, the gist of which was also included in his book, appeared in the *British Yearbook for International Law* for 1955–6, published in 1957. After this Derek's writing concentrated on international law. His next, in

the *Journal—Society of Public Teachers of Law* (4 (1957–8): 36–40), was a review of Lord McNair's selection of International Law Opinions from 1782 to 1902 and with some earlier ones. His main regret was that he would like to have seen Lord McNair's opinions side by side with those of the Law Officers, adding that Lord McNair's opinions 'would in some cases have been of greater interest and as an Ex-president of the Court of Justice possibly of greater authority'. He ends—and one can just hear him saying it and then, after a moment, give the audience a little wink—'The answer to this expression of regret is that some people are never satisfied.' This was followed by his very substantial article in the *British Yearbook on International Law* for 1957 but published in 1958 on estoppel in international law. As Judge Christopher Greenwood says, 'It is a superb piece, still regularly cited in the literature and the jurisprudence and a remarkable work by someone at such an early stage in their career.'

On his return from New York Derek was not given the promotion at Manchester which he had hoped for and which he might reasonably have expected and this became Manchester's loss. He was delighted to be encouraged by Hersch Lauterpacht to apply for a university lectureship at Cambridge. He was duly appointed and became a Fellow of Queens' College in 1960. At that time there were two other Queens' lawyers, Arthur Armitage, who had become President, and Geoffrey Wilson. Armitage had made Queens' into a law college. He had graduated with a BA in 1936, adding the LLB in 1937 and then going to Yale for two years as a Commonwealth Fund scholar. Returning from the Army in 1945 he was the only law fellow and turned out a series of remarkable law graduates, some of who became colleagues in the law faculty, notably David Yale, FBA, and Michael Prichard, before becoming President in 1958. Geoffrey Wilson had an impossibly stellar record taking top places in every law exam including the LLM (with star)—and university prizes for Roman law and Jurisprudence. He was immediately elected a research fellow (1953) which was converted into an official fellowship in 1955 when he had done the bar exam and pupillage. He had become university assistant lecturer in 1955 and lecturer in 1960 whereupon he left for a year in the United States, enjoying time at Yale and Berkeley backed by a Harkness Fellowship. He returned from the United States more than ever wanting to lecture on jurisprudence—and to modernise the jurisprudence course. However, his yearnings for jurisprudence could not be satisfied in Cambridge and he left to be the founding professor at Warwick in 1967. Geoffrey, though slightly younger than Derek, was the senior in Fellowship terms and was already the Director of Studies in Law. Derek became a

tutor fairly soon. Geoffrey warmly welcomed Derek as a law fellow. Together they were very successful in maintaining Queens' as a law college in terms of Tripos and LLB results. They also made a great impact on their pupils. Derek is remembered by his pupils as an enthusiastic teacher; they remember his habit of emphasising points by making karate-like chops of the hand. As was customary at the time, he had a pipe which required endless—and slightly histrionic—attempts to keep it alight. He also took his turn at the various college offices which had to be borne by fellows in those days. As a tutor in the Cambridge sense he is remembered as carrying out his duties with a light touch and, drawing on his naval experience, sometimes accompanying his admonishments with a wry smile.

Derek and Geoffrey made a contrasting pair in many ways, but they were both deeply committed to the welfare of their students and had respect for each other. Their undergraduates came to appreciate them both and must have had an exciting time reconciling the approaches of their two mentors. One of their pupils was Gareth Williams, later the Lord Williams of Mostyn, who worked so hard on the Human Rights Act of 1998. Gareth went to Derek seeking extra help with jurisprudence. Derek is reported to have lent him a nutshell and to have told him to read Hart's *Concept of Law*, which had only just appeared. It worked. On the very strong recommendation of the external examiner Peter Stein, then at Aberdeen, Gareth was awarded the George Long Prize for Jurisprudence. As Gareth got a II.2 overall, because he had so many interests apart from law, Peter may well have had some difficulty in persuading the Board of Examiners that the prize should be awarded in this way, but at least the law fellows of Queens' were pleased.

At Queens' Derek maintained an active interest in sport, playing for the college second rugby team on occasion. He was also a rather good cricketer and in his early Cambridge days played for a quite good High Table side for one of the other colleges. Derek was many years involved with—and took a leading part in—the long vacation cricket match involving the fellows and staff against the undergraduates, of whom quite a number were in residence during such months in those days. In between matches he might be found taking a walk down to the sports ground. He took particular pride in the pavilion and associated buildings which he had helped to plan and get built. Today, it seems less than grandiose but the design contains features of great cleverness and, both as a pavilion and as a clubhouse, it has worked extremely well. Today, it is also much used by fellows of the college and others seeking a venue for school age children's parties.

I have fond memories of the two of us going to the college sports ground in Barton Road in the summer and practising in the nets—usually, but not always, out of term. He proved to be a canny bowler and a resolute batsman; somehow, one could not imagine him being anything else. He was also to be found on the touchline or towpath at important college sporting events. One memorable year I went with him to watch an inter-college rugby match. He talked about the great C. M. H. (Mike) Gibson, captain of Ireland and five times tourist with the British Lions, who had read law at Queens' but before my time. That afternoon Queens' had both John Spencer, already a British Lion and later captain of England, and Mike Biggar, later captain of Scotland, in its team. Wales was also represented on the field as Queens' was playing Emmanuel and its college team included Gerald Davies, already a British Lion. Queens' won; Derek was pleased. Academic life had a different balance in those days.

However it would be a mistake to treat this phase of life in Cambridge as a simple idyll. The university like most universities concentrated on teaching and on teaching undergraduates at that. As a college tutor in the Cambridge sense, Derek's hours spent teaching undergraduates in groups of three or four would have been limited to eight hours a week in a fortnightly cycle. One who did not have such a tutorship would be limited to twelve hours a week. Queens' belonged to a group of colleges which shared supervision arrangements which meant that Derek could do many, though not all, of his hours in international law. In those days the undergraduate was expected to produce written work each time and, preferably, in advance so that it would be read and assessed by Derek beforehand. Essays handed in at the supervision also had to be marked. All required close attention and writing in the margins or at the end. Derek was of course one of a group of significant Cambridge public international law teachers—including at that time Robert Jennings, Clive Parry, and Elihu Lauterpacht. Others followed later but he was always distinctive, marked by his humour characterised by one student as being reflected in a permanently mischievous twinkle of the eye.

In 1964 Derek had his first international law brief. He was asked by the newly independent Government of Somalia to advise it on its territorial disputes with Ethiopia and Kenya. On arriving in Mogadishu he was immediately asked to draft a diplomatic note closing the British Embassy: this was on the basis that Her Majesty's Government were refusing to give effect to a plebiscite in the Northern Frontier District of Kenya, which had voted by a large majority to reunite with Somalia. Lacking experience in rupturing diplomatic relations, he asked to see the standard work,

*Satow's Guide to Diplomatic Practice*. As the Somali Foreign Ministry had no books of any kind, he was told to borrow it from the British Embassy. The book was duly returned, with a note of thanks and another, more formal, note giving the ambassador four days to leave. One wit well versed in legal Latin described it as a case of *persona non grata sed liber gratias*.

As at Manchester so at Cambridge, his career was punctuated by a further period of international public service and one that was to shape his life. From 1966 to 1968 he spent two years in Beirut as Legal Adviser to the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA). He had been asked to go to New York but opted for the then more European/French ambience of Beirut.

The need for a legal adviser for UNRWA had been realised—and acted upon—by Leslie Carver who was Acting Director of UNRWA (1952–9) and father of Jeremy Carver of Clifford Chance, who had an extensive international law practice later in Derek's time, even though usually on the other side. The first adviser was Jean-Flavien Lalive who founded the firm in Geneva which still bears his name. Of the general situation facing UNRWA Jeremy writes, 'Some of my most formative memories are of my father wrestling with the combination of deliberate neglect as all the States of the region wanted as little to do with the refugees as they conceivably could and, at the same time, the endless, escalating cycle of retribution between Palestinian and Israeli partisans that caused appalling collateral damage to the refugees.' Derek's role as legal adviser extended to political advice as well but as usual the title was less important than the role. It should all have been both intellectually rewarding and personally idyllic. However, he there experienced, from a distance, the Six Day War and, much more directly, its effects in terms of the great increase in the number of refugees falling under UNRWA's remit. The family had to return to the UK for a while. Derek is still regarded as a hero by the staff at UNRWA, and for having made UNRWA effective in the Middle East. He is also respected for the clarity of his legal advice. He was affectionately known in the area of UNRWA's operations as the Advisor with one hand; this was because his advice never left room for '... on the other hand ...'

There is one particular achievement which those writing to me have mentioned. This was the *Comay–Michelmores Exchange of Letters*. These were drafted—by Derek—under enormous pressure in the immediate aftermath of the 1967 war. The terms were, as was normal with Derek, extremely practical. After nearly half a century they remain the indispensable plank on which essential humanitarian services are made possible to

the Refugees in the Occupied Territory. His political astuteness was recognised in the title General Counsel of UNRWA which Wijewardane inherited later and which had a much larger ambit than 'The Legal Advisor' or 'Legal Counsel' especially in the context of the longest Occupation yet. Inevitably, the years in Beirut coloured his attitude to the Middle East conflict. Thereafter, his rooms in Queens' always had on the walls photos of some of those refugees. In later years he successfully represented Egypt against Israel in the *Taba* arbitration, a significant territorial dispute, the only time Israel has appeared before an international tribunal. This was a long-running dispute with Israel over the border. The Israelis had moved the British mandate border markers south to include a beach and a hotel in Israel. Fortunately some Mandate-era photographs were found and Israel's claim was thrown out.

Derek's return to this country from Beirut in 1968 coincided with a surge in Cambridge property prices and so he and Betty decided to buy a house in Cambridge rather than continue to rent from the college. They selected a large house on Hills Road near the Perse School for Boys and made it comfortable. This remained their home until Derek's death.

The timing of his return coincided with the student upheavals of the late 1960s. In one respect Derek thought the students were quite right; this was in their complaints about bad lecturing or worse, but not usually in Cambridge, a lecturer who did not turn up. Of course, the political radicalism that had been brewing for some time went far wider than and was far beyond what Derek regarded as their legitimate interests in how they were taught—and Derek was not instinctively sympathetic to it. He believed, as his own career triumphantly showed, in self-reliance and self-improvement and not in appropriating the resources of the state for personal ends. But what really determined his attitude was the behaviour of some of the undergraduates towards some of the fellows. Political beliefs, however radical, could not be used as excuses for bad personal behaviour. As his college memoirs show,<sup>2</sup> he had little but contempt for those who had made the college so unpleasant a place to be in and who had behaved so badly towards people who had given their lives to the undying benefit of generations of Queensmen. For Derek courtesy and consideration were important values in any society that was going to call itself civilised. The 'sheer mindless cruelty' shown towards some fellows had to be condemned—as with any other form of bullying, and there were things in his make-up which made him stand up to bullies.

<sup>2</sup>These were published in various years in the *Queens' College Record*.

Within what now seems like a short period, the sit-ins were ended; the ‘moderate’ students organised a ticket which successfully ousted the radical element on the Junior Common Room. Derek’s leadership and participation in these matters as well as his all-round role in the Fellowship meant that when Arthur Armitage announced that he was to become Vice-Chancellor at Manchester, Derek received many requests from fellows to consider standing for election. Eventually he was persuaded to do this and so he was elected, at the age of 43, to become President of Queens’—an office in those days tenable until the retiring age.

The timing was not good. He would have preferred to have done this later in his career and he had another candidate in mind. Moreover, the family had only just settled into their renovated Hills Road house. However, Derek’s sense of obligations and duty were deeply ingrained. He proved a very popular, effective and successful choice. He and Betty enjoyed living in the Lodge though their still young family may have found life in the college a little constraining to begin with. Betty was particularly interested in the furnishings and decoration of the Lodge and made many small but marked improvements. Derek made his mark on the president’s study by continuing to write at the wonderful cedar desk which he brought back from Beirut in 1968; apparently this was made for him in a bazaar by a craftsman who did not know what a pedestal desk was until Derek explained this to him. Together, they did much entertaining of fellows, students and visitors. Of course they were capable of being quite shockingly progressive: after one ‘Ladies Night’ Dinner they invited everyone back to the Lodge for dancing, the kitchen proving an excellent floor. A dedicated fisherman, he could sometimes be found in the early morning casting his line into the Cam from the river steps of the Lodge or, even more conveniently, from the kitchen window. In the manner of the *Compleat Angler* he claims to have caught roach, pike, perch and bream. However, while these species of fish were indeed in the Cam at that time, Betty does not recall that he caught anything.

The Presidency came to him perhaps too soon for his own convenience; he was immediately involved in the time-consuming problems of, amongst other things, a new building (the Cripps’ Building) and the accompanying college appeal. The appeal was a success, the building was built, and it incorporates in its later stages in the 1980s, appropriately, the Bowett Room, with one of the best views out over Queens’ Green and so designed as to be open to lots of sunlight. Looking back after all these years enables us to see how important Derek was as President in steering the college through major changes. Derek—and the Cripps Foundation—

transformed the physical size of the college. The great Cripps Court project worked its way, if sometimes tortuously. In the early 1970s Queens' had been one of the sites selected by the trade unions for secondary picketing—an unhappy memory of time past—and so work stopped for a while. The Cripps Foundation ensured that the work was resumed and I spent a happy year as Acting Senior Bursar working with Derek as the first phase came to its conclusion in 1978. Derek—and the students—made the new Council of the Union structure work after all the upheavals of student unrest of the 1960s. Women were admitted to Queens'. In countless ways the life of the college was improved—not least on the catering side. And yet all this was done despite these being times of great financial stringency and in a college which required close financial control.

However, nothing was quite perfect; when Derek bought a Jaguar he found that it was too long to get round the curves of the slope down into the underground car park of the new building. More seriously, there was a much earlier occasion when Derek, one resident fellow, a single porter and one guest were the only people in college during a severe early January gale. Between them they had to secure every window in Queens' (one Fisher Building window blew out in its entirety). Derek, at considerable personal risk, got out some old car tow-ropes to tie down the glasshouse on the top of AA staircase which was being built and was not properly secured—no doubt, as one fellow observed, Derek's knowledge of naval knots stood him in good stead.

There were also irritations. As Derek lived in the Lodge—and so 'over the shop'—he might be called out to resolve even a trivial dispute. In one summer vacation the few graduate students in residence were directed to the Bar for dinner as the main dining hall was in use for an outside function. The Chaplain, Dr Jonathan Holmes, happened to be in college looking for an evening meal and the half-dozen or so of them were confronted by three elderly pies on sale and little else. The pies had gone green. As a veterinary surgeon, the Chaplain had some qualification in public health and refused to permit the sale of these pies on health grounds. An enormous fuss ensued and for some reason Derek was summoned from the Lodge to adjudicate. He was (as one might imagine) not happy to be so disturbed and was in irascible mood. He took one look at the pies and said 'The Chaplain is quite right,' and stormed out, returning briskly to the Lodge. One can see why he eventually passed on from the Presidency to other things. Some escape from the Lodge was vital and the Bowett family, following the precedent of many Cambridge families, acquired a bolthole in Norfolk. In their case it first took the form of a caravan at

Kelling Heath where another Queens' fellow already had a caravan. Later, it was a house in the village of Houghton a few miles west of Cambridge and, finally, in Yorkshire.

As a Head of House, Derek attended the university's Colleges Committee, the forum at which major college matters could be discussed and which usually met on Saturday mornings. Each college would be represented by its Head of House. Sometimes Derek would take a colleague along such as the Senior Bursar, especially if Bursarial matters were coming up. Derek used to report with amusement on those colleges which did not like the idea of the Head going along unescorted and which would make sure that their bursars attended anyway.

During these years he was concerned with two major matters on that committee. The first was to widen and develop the arrangements under which wealthy colleges contributed to a fund to provide capital which could then be redistributed to the poorer colleges. In those days Queens' along with several other colleges of renown and distinction which had hoped to benefit from the fund found instead that they just failed to be poor enough to qualify. Derek noted that much of the funds had gone to help new colleges—which had not been the original intention. He campaigned hard for change and had some success. Eventually, however, Queens' finances improved and the college found itself contributing to the fund.

The other issue was the admission of women or, more accurately, widening the opportunity for women. At that stage there were just four colleges for women and they took no men—Newnham, Girton, New Hall (now Murray Edwards College) and Lucy Cavendish (the last being a very small new institution which had a particular role for mature women and was not a drain on the Colleges' Fund). In Cambridge, as in Oxford, many dons thought this inequitable and even undesirable—some had daughters as well as sons—and so planned to change their college statutes so that they could go mixed. In Derek's own college, as in so many others, opinion was divided. The Colleges Committee was a natural forum for this and Derek was much involved. His own view was, probably, that there should be more places for women at Cambridge but that there should be a range of colleges, some single-sex and some mixed. He might well have been content for Queens' to remain single-sex; however, he knew also that that might be hard to sustain. He was also—and this was the public argument which he made—much concerned about the impact on the existing all-women's colleges. These, he feared, might find it hard to attract and retain women undergraduates or, even more seriously, fellows. He seems

to have been on a committee of the Colleges Committee which thought these things through and proposed that the men's colleges would form an orderly queue and change at agreed time intervals. As is well known, that quickly broke down and the great majority of men's colleges changed their statutes and admitted their first women by the end of the decade. Of the all-women's colleges only Girton went mixed.

In 1981, the eighth Whewell Professor, Robert Jennings, retired and was elected to the International Court. The electors to the Whewell Chair chose Derek to succeed him and he became the ninth Whewell Professor, a post which among other things gave him certain dining rights in Trinity, Whewell's college. In turn, the chair led to ever more academic and professional activities and therefore made it hard for him to continue as President of Queens'. In 1982 he stepped down after twelve years as President with the deep gratitude of his colleagues. He held the Whewell Chair until taking early retirement from that too, in 1991. Also in 1982 Derek and Betty moved back to their house in Hills Road. The move was well planned and they were able to make a lot of changes to the house in advance of their return. The changes included an upstairs flat with its own access which could be used by visitors. The visitors were to include Professor Albrecht Randelzhofer of the Free University of Berlin, his wife and their daughter, Constantia, who all became firm friends. Constantia still lives in Cambridge as a successful lawyer; she married an Englishman.

From 1982 to 1991 Derek held a professorial fellowship at Queens' rather than the normal life fellowship and was, appropriately, given a wonderful first floor set of rooms on Essex staircase from where he could carry out his professorial duties. His research students recall not only a generous log-fire contributing to a sense of easy discussion, but also a separate corridor-like room, with a whole shelf filled with international law books sent to the *British Yearbook* for review. When Derek was in a good mood, which was invariably the case, he would invite students to pick one for review in the *Yearbook*. When in 1991 Derek finally stepped down from the Whewell chair he had to vacate these rooms. This was the cue for the next—and last—remodelling of their house in Hills Road. He created a great library and study area where he could continue work and entertain visitors from Queens' and other places. In the new millennium they decided to buy a place in Yorkshire. This was in the village of Cowling which was near Middleham, the castle from which Richard Duke of York, later Richard III, and one of Queens' greatest benefactors, had administered the north of England. The property was an interesting project and it was Derek's great delight to drive up there with Betty and enjoy

the house and the countryside. Eventually he succumbed to his illness and was taken into hospital. However, he wished to die at home and did so after a brief return.

As we have seen in connection with the student troubles Derek thought that teaching and lecturing were important. As the Whewell Professor, Derek was able, following Robbie Jennings's precedent, to get his hands on the major course on International Law given to undergraduates in their second year of law. He did so with characteristic skill and aplomb and is well remembered for it. Cambridge still had many international lawyers and, while the generation of Jennings and Parry had passed on, Elihu Lauterpacht was still there and they were joined by Philip Allott, Christopher Greenwood, Vaughan Lowe, John Collier, John and Cherry Hopkins and Geoffrey Marston. However, even in that company Derek was rated at the very top for his lecturing and he continued to regard this skill as important.

Over his thirty-year period in the Law Faculty in Cambridge, Derek served three terms on the Faculty Board. However, he was never either its secretary or the chairman. He probably escaped being chairman because of his many duties as Whewell Professor. He may have escaped being secretary by reason of being away at times when he was vulnerable. However, he also regarded the job as time consuming and thankless—and saved me from being asked later to do the job myself by telling the Faculty Board, without consulting me, that I was far too busy. He did, however, remind me with some emphasis and more frequently as time went by that he had never been on the Faculty Appointments Committee which appointed to lectureships and, in those far off days, assistant lectureships. This meant that one or two appointments in the international law area caused him some surprise both as to the person selected and those passed over. This habit of expressing disagreement in trenchant terms was not confined to the international law area. He had not been pleased when, before he became a professor, the university made two appointments to chairs of people who were extremely eminent but were not—and were known not to be—all that good in the lecture room. I also remember one afternoon of broadsides about one appointment to a lectureship which actually turned out to be extremely successful—as Derek eventually admitted. With regard to persons selected in international law, he expressed his delight one day that the university had instituted a process of appraisal. He volunteered for the relevant training and looked forward to the process. When we, his colleagues, pointed out to him that the purpose was to be non-confrontational and to find ways of helping the person do better,

Derek threw up his hands in disbelief and lost all interest; I don't think he did the training either. His judgemental faculties were also exercised in matters of dress. Always very well turned out himself, he is remembered for having described one of our colleagues as 'looking like a window cleaner'. To our shame, we knew who he meant—at that time only one person wore denims.

It is time to return to Derek's work as an international lawyer, starting with his books. First place goes to the doctoral thesis on *Self-Defence in International Law*; it was published in 1958 but it deserves first place in this section as it was and remains, despite the difference with Brownlie, so obviously a seminal work. 1963 saw the publication of the first edition of his *Law of International Institutions* (London) which, in the words of my colleagues, set the gold standard. Further editions followed in 1970, 1975 and 1982. After a considerable gap two editions appeared in the new millennium—2001 and 2009. It was the first general book in English in the field and made this subject a distinct field of international law. The new editions show that the subject has expanded beyond any range that he could have imagined in 1963. While the coverage has been enlarged, in these later editions one can still see the structure and descriptive and analytical focus of the original book. The editors of these later editions were Philippe Sands and Pierre Klein. Derek provided a preface for the 2001 edition in which he wrote 'The driving force behind the growth of these many institutions . . . was the actual need for states to co-operate through permanent organised structures, it is not idealism. It is the practical need for cooperation in an age when communications, trade, the environment and security demand continuing close cooperation between states.' Derek's life is well summarised in his dedication to that cause and to the institutions which he served.

While Derek was working on *International Institutions* he was also conducting a pioneering piece of research for the David Davis Memorial Institute. The research led to the publication of a volume entitled *United Nations Forces* in 1964 (London). He argued that these should be developed without waiting for general disarmament and produced a scheme over 560 pages for doing so. Lord McNair in his preface praised the scheme for being 'moderate, gradual and practical' and the argument as being 'well documented' and 'made by clear and practical thinking'.

*The Law of the Sea* (Manchester, 1967), a short book being the Melland Schill Lectures given at Manchester in that year, gave him an opportunity to publish on the 1958 UN Conference in which he had participated and to praise the outcome. This was followed in 1972 by *The*

*Search for Peace* (London)—a book for young people as part of a summer course. However in 1979 he published *The Legal Regime of Islands in International Law* (New York), resulting from his having worked in a series of cases on maritime delimitation. He published it after being made a reader and, possibly, to strengthen his case for further promotion, which duly came. The text is authoritative in an area of great—and ever increasing—practical importance; in May 2012 it was cited in a case before the International Court—by both parties. The book also makes fascinating reading for those with a passion for islands even if they are not international lawyers. Derek had been on the losing side in the *Ruling on the Channel Islands* (see pp. 202–9 of the book). He makes his reservations very telling but also explains that this is not meant as reflecting in any way adversely on the tribunal but rather as a commentary on the difficulties inherent in these issues with which the law had to deal. He could be a consummate diplomat.

Throughout this period Derek's portfolio of articles simply grew. In 1993, after Derek's retirement from the Whewell chair, two of his former research students, Esa Paasivirta, whom we met earlier, and Professor James Hickey, whom we shall meet shortly, gathered together twenty-five of the main articles and essays and had them beautifully bound in a dark red volume, which they presented to Derek and which is now in the Squire Law Library in Cambridge. Asked to indicate which particular pieces of Derek's work were the most significant, Professor Marc Weller, his former student, selected first an early piece on forcible reprisals/extended claims to self-defence in response to continuous insurrectionist or terrorist attacks. This was published in 1972 in the *Virginia Journal of International Law* (13: 1–12), was highly influential, and became the standard point of reference on what became known as the 'chain of events' theory. He also selected an article published in Uruguay in 1994 and so too late for the bound volume—'Collective security and collective self-defence: the errors and risks in identification' on the risks of misidentifying the character of the use of force against Iraq in 1991. This appeared in Rama-Montaldo (ed.), *Liber Amicorum de homenaje al Professor Eduardo Jiminéz de Aréchaga* (Montevideo, 1994). As Marc says, 'Its clear logic and argument was easily matched by the importance of the subject.' Professor Randelzhofer picked out those on the law of the sea, the problem of the use of force, the law of treaties and the problem of state responsibility: 'His literary work is impressive as well as the amount is concerned as its high quality. Many of his works will survive him for many many years as they have become so

called “classic”. They will instruct and influence future generations.’ Others whom I have asked for their assessment of Derek’s writing say the same—but usually at greater length.

His last new publication was the opening chapter on ‘International litigation’ in *The International Court Process Practice and Procedure* published in 1997 (London). This was the report of a Study Group led by Derek and organised by the British Institute of International and Comparative Law as part of its Centenary celebration—the Institute also published the work. The group had a clear view of the shortcomings of the prevailing arrangements. Selecting the right changes and implementing them required further reflection; harmonious and successful changes were eventually carried out over a number of years. The project serves as a model of how to get such things done.

Another part of Derek’s contribution is to be found in the human books and articles which were his research students, to whom he devoted much time. For those he became close to, he inspired a lifelong loyalty. We first met Esa Paasivirta, from Finland, selecting his Ph.D. topic, the area of international arbitration relating to state contracts with private enterprises. This had turned out to be the right topic. He went on:

Bowett was interested and had a large practice as legal counsel for governments such as the Islamic Republic of Iran in international arbitrations. One of his first questions to me was whether I knew French; there was plenty of French legal doctrine in the area. I remember that I was happily surprised that the English professor considered it important to know French. I thought that this proves that the Channel is not so wide after all. Bowett apparently felt that he needed to be a bit more precise with his Finnish student. He came close to me and looked straight into my eyes and said: ‘You know, there are some good lawyers in France.’

Then there was the method.

In the way Bowett handled research students, the marching order was clear and simple. Once the outline was settled, deadlines for submitting the draft chapters followed one by one. There was no escape from that. In the beginning it was quite an ordeal, because I was not used to writing in English. It required a considerable effort to put together the first draft chapter before handing it over for discussion with him. I remember vividly that first discussion. In closing the session he seemed a bit thoughtful and was clearly going to say something. He then turned to me and stated very politely: ‘Your English is very good, but I just couldn’t always quite follow it.’

Then there was Professor James Hickey who ended up teaching law at Hofstra. Derek persuaded James to do a Ph.D. (which he supervised), got

him work doing supervisions in international law at four colleges to help with his income, and treated him as much as a colleague as a research student: ‘Right after my dissertation was finished, Derek gave me a little “paid” project on the Iranian Claims Tribunal work which he was doing for Iran, to welcome me to the real world I suspect (although he never said so) . . . I was so lucky to have had him in my professional and personal life. The Cambridge experience for me was a life changing one to be sure and he was a big part of it. I owe him so much.’

And so to Derek’s forensic skills. Technical mastery of the subject is what one takes for granted at this level but Derek, as they say, had ‘more’. Put simply, his skills were those of a great common lawyer. These came from total concentration. It did not matter whether it was drafting the pleadings in a case or advice to a government or, at a more domestic level, preparing a college document or speaking at an Open Meeting organised by undergraduates. These skills made him a forceful, utterly lucid advocate in international law cases, both in arbitrations and before the International Court, where he appeared on numerous occasions. Equally, they made him a charming or, when necessary, a terrifying interlocutor. As Professor James Crawford has written in his preface to the *British Yearbook* for 2010

He had the great advocate’s ability to simplify and distil without distorting, reducing the case to carefully chosen essentials. But he also had a strong strategic sense—and a capacity to improvise, as when he fought a series of major expropriation cases, basing himself entirely on documents produced by the expropriated claimants; his own client, the Islamic Republic of Iran, could produce no documents whatever. He belonged to the generation of international lawyers—not a large group—who saw an often speculative, peripheral subject transformed and greatly enlarged, and made to apply to new problems—a subject to an increasing extent influenced by case law and precedent. By contrast, when Henry Maine, the second Whewell Professor, published his *Tripes* lectures on international law in 1888, he cited only two cases—both, in his view, wrongly decided! Unwittingly perhaps, Bowett played a leading role among the generation that brought international law to a wider audience.

Awn Al Khasawneh, then also a fellow member of the International Law Commission and, later, Vice President of the International Court of Justice, recalls Derek’s interventions where he could ‘demolish a carefully constructed argument, made in the traditions of civil law lawyers, by a simple observation in which he would point out facts and arguments that were too central and obvious to be seen’.

James Crawford also has a story involving Derek crossing swords with a civil lawyer at the Commission:

His interventions [at the Commission] combined wit, brevity and experience to a degree unknown in that august and often verbose body. After two *very* lengthy speeches in French expounding and praising the problematic notion of international crimes of States, Bowett is reported, in the third person of the Commission's Yearbook, as follows: 'The problem of international crimes fell into three parts ... He was apprehensive that the [Commission] might be proposing to go straight to the third of these parts without dealing with the first or second. He had little enthusiasm for dealing with the consequences of a concept that could be neither defined nor applied.' It took less than two minutes but negated all that had gone before.

Perhaps the last word on Derek's skills and importance should fall to someone close to Derek's cases, Rod Bundy of Eversheds. Rod worked with Derek on several cases before the ICJ and the Iran–US Claims Tribunal, particularly during the 1980s. During the second half of the 1970s, the Court had few cases before it. That began to change with the submission of the *Tunisia–Libya*, *Libya–Malta* and *Gulf of Maine* cases in the early 1980s. Rod says,

At the time, I was a young, private sector, lawyer just embarking on a career in international law. I worked alongside Derek, who acted as senior counsel, in both of the Libyan cases and later on the oil expropriation cases before the Iran–US Claims Tribunal. I recall Derek's unfailing courtesy, his willingness to treat a very inexperienced junior virtually as an equal, and his uncanny ability to teach international law to the uninitiated in the midst of preparing a case.

He adds, 'His sense of humour sometimes spilled into his advocacy as, for example, when he opened his cross-examination of an expert witness, who was a Nobel Prize winner in economics called upon to expound on valuation methodologies for expropriation, by saying: "So let me be clear: you are essentially a bookkeeper, are you not?".'

Rod likes to see Derek as very much a 'winner' when it came to his cases. One such was the *Tunisia–Libya* case, in which he represented Libya, and was an important success for Libya. The Libyan Agent went on to become Foreign Minister and President of OPEC. Jeremy Carver adds:

As the case advanced, I saw much of Derek, who, while evidently enjoying himself, complained bitterly that none of the more eminent members of the Libyan 'Rugby' side did any work at all! He formed a very solid bond with the excellent Libyan agent, the two of them doing virtually all the pleading. The result of the case was that the ICJ largely ignored everything that the parties had laid before them (except Malintoppi's argument to Ago), and carved out a draw, favouring Libya more than Tunisia, but such that neither could claim victory, nor complain of defeat.

It is also true to add that while Derek always gave everything to the cause of his client there were some situations which not even he could save. One such was the Dubai–Sharjah Boundary Arbitration 1976–81 where Derek was for Dubai. The case involved boundaries and it was only late in the day that the Dubai team realised that their arguments derived from land law principles and ignored altogether the maritime boundaries; Derek was brought in at a late stage as a specialist to deal with these. He was appalled!

Derek achieved real success in the *Libya–Malta* decision and in the *Taba* arbitration where he had represented Egypt. This success in involving these and other third world countries with the International Court was a feature of his practice and so, also, a significant part of his legacy. With his professional involvement, several states were brought in from the cold. He also played a leading role in the *Gulf of Maine* arbitration where two first world countries, Canada and the United States, settled their boundaries. A list of his cases before the Court is given in the appendix.

To his regret, Derek was not nominated to succeed Sir Robert Jennings as British judge on the International Court. Any chance Derek might have had was ended when Sir Robert, at the end of his first nine-year term, became President of the Court. Derek knew that he was unlikely to manage a full nine-year term when Sir Robert eventually stepped down. So he resigned the Whewell Chair two years early and switched to an appointment as United Kingdom Member of the International Law Commission—which he had left thirty-two years earlier—but this time mostly in Geneva. Sir Robert was still only 77, clearly enjoyed being on the court, and was a great success. Sir Robert’s task was made all the more comfortable by the daily flight, at a height not exceeding 9,000 feet and so not involving much pressurisation, from Marshall’s Airport in Cambridge to Schiphol, topped and tailed by a taxi ride from and to his home in Grantchester just outside Cambridge. One hopes that Derek consoled himself by thinking of the real influence that he had on the Court, not only through his advocacy but also through his teaching and writing. At the time of his death, despite the much greater diffusion of international law teaching around the world, six of the fifteen judges of the Court had studied in Cambridge, and three of them attended his memorial service in Queens’ Chapel: Judge Awn Shawkat Al Khasawneh, Sir Christopher Greenwood and Judge Bernardo Sepúlveda Amor—both Al Kasawneh and Sepulveda studied at Queens’.

James Crawford ended his funeral address thus:

We should remember him in his pomp—though ‘pomp’ is hardly the word for such a down-to-earth, practical and unaffected man. I remember him, white

hair flowing, in pursuit of a point of law or fact, crisp sentences making his case and at the same time destroying one's own. Above all, there was his laugh, opening up his face, shedding light on the subject under discussion but also putting it into some perspective. It was a wonderful laugh.

JOHN TILEY

*Fellow of the Academy*

*Note.* I am grateful to the many people who are quoted in this memoir and who often supplied me with the names of others to contact. For giving me so many leads I am also grateful to Betty Bowett herself and to Dr Martin Dixon, Fellow of Queens' College and Reader in the Law of Property, Department of Land Economy, University of Cambridge. Professor Tiley died in 2013 before this memoir was published.

### Appendix: Cases in which Derek Bowett appeared before the International Court of Justice

(I am most grateful to Judge Rosalyn Higgins for preparing this list.)

Counsel for Libya in Libya–Tunisia, 1982

Counsel for Canada in Gulf of Maine case, 1984

Counsel for Libya in Libya–Malta case, 1985

Counsel for Honduras in Honduras–El Salvador, 1988–91

Counsel for Denmark in Great Belt case, Finland v. Denmark, 1991

Counsel for Denmark in Jan Mayan case, 1993

Counsel for Australia in East Timor case, 1994

Counsel for United Kingdom on the Nuclear Weapons cases in 1996. (Derek was the leading adviser to the UK Government although the then Attorney General, Nick Lyell, decided to make the speech before the Court)

Counsel for Slovakia in Gabcikove–Nagymaros case, 1997

Senior Counsel for Equatorial Guinea in Cameroon v. Nigeria, Equatorial Guinea intervening 2002

