

In Memoriam
Shabtai Rosenne
(24 November 1917–21 September 2010)



Shabtai Rosenne with the then Vice-President Stephen M. Schwebel (subsequently ICJ President from 1997–2000) on the steps to the entrance of the Peace Palace, The Hague during the ICJ 50th Anniversary, April 1996.

It is with the deepest sadness that the Editors have heard of the passing on 21 September 2010 from cardiac arrest at the age of 93, of Professor and Ambassador Shabtai Rosenne of Israel, the leading scholar of the World Court (PCIJ-ICJ), the 1999 American Society of International Law Manley O. Hudson medallist, the 2004 Hague Prize winner and a longstanding member of this *Journal's* Editorial Board.

Rosenne was one of the established “royalty” of international law and his passing represents, in the words of ICJ Registrar Philippe Couvreur, “a great loss for international law and justice, and in particular for international dispute settlement, to which he devoted his life and which he served with exemplary talent and authority”.¹ Shabtai’s excellence and authority stem from the combination of his outstanding diplomatic and academic experience. From 1948–1967 he served as Legal Adviser to Israel’s Foreign Ministry and thereafter as Deputy Ambassador to the UN in New York and Ambassador to the UN in Geneva. And he also served in parallel as a member of the UN International Law Commission (ILC) and of the *Institut de Droit International* (IDI). In 1974, Rosenne was appointed Ambassador-at-Large, and acted as Head of the Israeli Delegation and as a member of the Drafting Committee of UNCLOS III from 1973–1982. Prior to this, he had lectured at the Royal Naval College in Greenwich, London from 1946–1947. These experiences, reinforced by his great passion for the World Court and the ILC, have meant that he has played a leading role in the development of both traditional and modern law of the sea.

In 1997, the first edition of Shabtai Rosenne’s great treatise (still unmatched) on *The Law and Practice of the International Court* was published. To mark the publication, ceremonies were held in the Peace Palace in The Hague by the International Court of Justice (ICJ) President Stephen M. Schwebel, in Hamburg by the President of the International Tribunal on the Law of the Sea (ITLOS) Thomas A. Mensah, and at UN Headquarters in New York by UN Legal Counsel Hans Corell. Nine years later, in April 2006, on the eve of the 60th Anniversary of the founding of the ICJ, Rosenne presented a copy of the second edition of this major treatise to the then ICJ President, Rosalyn Higgins, in a ceremony in the Great Hall of Justice of the Peace Palace. It was later praised by subsequent President Hisashi Owada on 11 October 2010 as “an indispensable guide to the role and functioning of the Court”. This volume, as well as the nearly 200 other notable works that constitute Shabtai’s oeuvre, are distinguished by his meticulous scholarship as well as his visionary and stimulating views. The works—which cover a wide range of issues including various specific World Court procedures, the law of treaties, state

¹ All references to the views of other persons are based on e-mail exchanges of this author with those persons. For Rosenne’s biography, see: http://en.wikipedia.org/wiki/Shabtai_Rosenne. On his passing, see “Turler Committee Member Shabtai Rosenne Dies at 93” of 22 September 2010 at: <http://www.ynetnews.com/articles/0,7340,L-3958449,00.html>; <http://www.haaretz.com/news/national/israel-s-gaza-flotilla-probe-nears-end-1.315143>; <http://www.haaretz.com/print-edition/news/turkel-committee-member-shabtai-rosenne-dies-at-93-1.315062>; reprinted by ASIL at: <http://www.asil.org/>; and the Max Planck Encyclopedia at: <http://www.mpepil.com/>.

responsibility, self-defence and the law of the sea—have been relied upon in the pleadings in virtually every recent case before the ICJ as the principal judicial organ of the United Nations, as well as in some cases before Arbitral Tribunals, the ITLOS and the ICC. As ICJ President Owada stated in his solemn tribute in memory of Professor Rosenne: “His keen interest in, and enthusiasm about, the work of the Court, which continued unabated throughout his life, was greatly appreciated by all members of the Court, past and present”.² We join former ICJ President Higgins in her gracious remarks that: “We have lost the intellectual giant of our age,” who was always inseparable from the highest-class diplomat in Shabtai and who “was also a truly exceptional human being.” And we also join the newly elected ICJ Judge Hanqin Xue in her hope that the “Rosenne legacy will continue to inspire all of us for Peace and Justice in the decades to come”.

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² *Nicaragua v. Colombia Territorial and Maritime Dispute (Costa Rica's Intervention)* Oral Hearings, CR 2010/12, at 10 [ICJ President Owada's Tribute to S. Rosenne, 11 October 2010] at <http://www.icj-cij.org>. See also UN 6th Committee Paid Respect and Held a Moment of Silence for the Israeli Jurist Shabtai Rosenne of 6 October 2010 at <http://www.mfa.gov.il/LegalAdvocacy/News/UN-pays-respect-to-Israeli-jurist-Shabtai-Rosenne-14-Oct-2010>; Shabtai Rosenne Obituary: Eminent International Lawyer, Teacher and Israeli Diplomat by Malcolm Shaw of 12 October 2010 at <http://www.guardian.co.uk/world/2010/oct/12/shabtai-rosenne-obituary/print> and Tribute to Professor Shabtai Rosenne (1917–2010) by Former ICJ President Stephen M. Schwebel, 105 AJIL 2011 (forthcoming).

