

Dame Rosalyn with Rebecca Wright

Rebecca Wright: My name is Rebecca Wright. I am a barrister and member of Inner Temple. I am here today on the twenty-eighth of October 2016 to interview Dame Rosalyn, bencher of Inner Temple. We are conducting this interview at Inner Temple in the Committee Room. As one of the most highly acclaimed lawyers working in the international arena, Dame Rosalyn has been interviewed multiple times and her opinions, particularly those handed down whilst she was judge at the International Court of Justice, have been analysed and debated at length. This interview will have a slightly different focus, as I am hoping to hear about Master Higgins's recollections of and interactions with Inner Temple. However, we will also touch on some of the highlights of her remarkable career, though regrettably I will have just to skim over Master Higgins's accomplishments in the international legal field. Master Higgins, you read law at Girton College, Cambridge and you received a B.A. in law in 1959. What made you choose to read law?

Dame Rosalyn: Unlike most people today, who seem to know exactly what they want to do and where they want to do it, I fell into all of this by chance. I had no one in the family with any background whatever in the law. I was fairly good at history and my history teacher – we all have a special teacher, haven't we? – said "I think you could be good at law," and she said "I think you might even get into Oxford or Cambridge," and so I let it all roll on from there.

RW: And what was the legal training like at Cambridge, when you were there?

DR: Well, I missed the first year, in the sense that I read economics in the first year. There was a widespread agreement that my Latin probably wasn't up to a good result in Roman Law, so I did economics for the first year and then switched over in Part Two to law, where I did suddenly feel I had found my thing in life, so my history teacher had got it right.

RW: What made you feel you had found –

DR: Well, it was something I both enjoyed very very much and it seemed I was quite good at it, for everything except real property, which was a struggle throughout.

RW: And obviously you did develop an interest in International Law. That I presume was at Cambridge.

DR: Indeed. That was the part of my studies that I found I was really spending my spare time pursuing in the library – it was the library, in those days. We had not arrived at computers.

RW: In 1958 you completed an internship at the U.N. Office of Legal Affairs. How did that come about?

DR: I am trying to remember who pointed me in that directions but it really was a life-changing thing. I was told that I might have a chance if I put in for this. There were national nominations that could be put forward for these internships, which varied in length and I know the British nominations were whittled down to John Birch, who has had a very distinguished career in the Diplomatic Service and held various ambassadorial posts and myself and by great good fortune I was the lucky one for that. Our paths continue to cross from time to time and we both had happy careers, so it came about that way. Then one goes into the department of the U.N. for which one's studies to date have best suited one, so it

could be anything. It could be economics, management but mine obviously was in the Law Department and there I came under the guidance of the late and truly great Oscar Schachter.

[5:00]

One thing led to another afterwards.

RW: We will continue onto your career path. What was the United Nations like at that point? It was so new, really.

DR: It was new. As you rightly say, we are talking about 1958. It had only started little more than a decade before, so everything it had done was manageable and visible and the number of members, of course, was smaller at that time. It was before the great swell of independence in the 'sixties. It was tremendously exciting and I've stayed close to United Nations work in particular ever since.

RW: Was there a great hope for what the United Nations could achieve at that point?

DR: I think so. There were always those who were just interested in it and there were those who were true believers and thinking it was the path to world government. I was never in that category but there was a lot intellectually to be excited about.

RW: You went to study law at Yale University after Cambridge. That was in 1959. What made you choose to study in the States and at Yale in particular?

DR: I had come back to do a master's degree. I was called the LL.B. – I believe that has now been changed – but it was a one-year master's degree at Cambridge. Of course, so much was going on in the States and in the world of International Law and I was advised to go and get a doctorate in the States and, of course, that sounded indeed something I would love to do. I particularly went to visit both Harvard and Yale to get a feel of the places and I had been lucky enough to win what was then called a Commonwealth Fund Fellowship and I could take it up wherever I wanted, you see. Of course, Harvard is wonderful but it felt to me not so different from Cambridge and Yale felt something entirely different, very much focussed, in the Law School there, under the leadership of Myres McDougal, who was the great protagonist, on what is law for? Not what are the rules but what is it all for and how, as lawyers, can we achieve that?

RW: Was there not a similar focus in Cambridge or Harvard?

DR: No, absolutely not. I learnt a lot of black-letter law at Cambridge and, of course, it stood me in wonderful stead but I had no idea of thinking about what the purpose of it all was and how different answers, according to circumstances, might be possible. It was Yale and Myres McDougal who opened my eyes to that.

RW: And you had the terrifying Socratic teaching method there of teaching yourself.

DR: Yes, terrifying if one is on the receiving end, very good when one is teaching later. We were trying to keep our heads down, hoping we would not meet the eye of the fearsome but wonderful Myres McDougal

RW: You were then called to the Bar in 1965. Is that correct? This is the date that I found. What made you choose a career at the Bar?

DR: I think I was called much, much later.

RW: Right.

DR: I believe I was called in the mid-seventies and that was because I went off into an unusual sort of academia. I did not go into a university but I went as the in-house lawyer to the Royal Institute of International Affairs at Chatham House. That was marvellous because it gave me an entitlement to get on with writing. Also part of the job was to answer queries that members might have on

[10:00]

international law issues, members being companies, individuals, broadcasters and give some lectures and to write for their two journals, *World Today* and *International Affairs*, so they were great years. It was really only as those years rolled by that I started to be asked for opinions and advice on this and that and I thought I had better catch up with myself and be called.

RW: You were all set to do the London School of Economics. Was that before Chatham House?

DR: No, that was after. I left Chatham House when it shifted to a very E.U. focus. One should read nothing more into that except that it was not my special field and I could see that that was where it was going to focus, understandably, over the next period and an international lawyer, not an E.U. lawyer especially, would not have such a major future there. So, I left there and I taught for a year, curiously out of the International Relations Department at the L.S.E. and then I my first chair at the University of Kent at Canterbury and I have just been done there very recently, having been patron for their new Law School building, which is just so wonderful. Then, after three years, I was asked to come back to the chair, a London University chair, tenable at L.S.E.

RW: How was International Law developing at that time? Were students interested in International Law?

DR: Oh, yes. They were interested. The first thing I did was to stop what I called the Noddy course in International Law that the International Relations students did. If they wanted to do International Law, which many, many, many of them did, then it had to be the proper course. They would do an out-of-department course and I believe it may even have been compulsory for International Relations students, if my memory serves me correctly but it became a much tougher course. Then, of course, new subjects were developing. I introduced a course that was new in the University – in fact, it was not being taught anywhere in the U.K. except for Dundee – on the International Law of natural resources. I was already advising on North Sea oil matters and doing a great deal of that, so we had one term on the general stuff and one North Sea oil term. Human Rights had started to become of great interest and then the other exciting thing was that, after years in the doldrums when relations between the former Soviet Union and the West improved suddenly, the United Nations got a new lease of life. It had

been a very small master's course I was teaching there, with probably about twelve and it suddenly exploded.

RW: How did you come to focus on petroleum law or natural resources?

DR: Quite simply, I was asked by Mobil North Sea to advise on a range of issues relating to their participation in the new North Sea oil arrangements and that's a very exciting period. It was very convenient, because their buildings backed onto the L.S.E., so one could nip out for the odd hour without its being noticed. Really we were all making that law up together. There was very little that was statutory. We were all working it out from principle and

[15:00]

trying to do the best for our clients and I met some great people and some of them have remained close friends to this day.

RW: When you say "we", as a group of international lawyers, were they mainly academics?

DR: No. I meant we, the petroleum people.

RW: Who were some of the people with whom you did make friends at that point?

DR: Well, I would particularly mention someone called Daniel Vock, who was the legal counsel of Mobil North Sea, a very imaginative and hard-working person of French origin, who had had some interesting history during the war years as one of the hidden Jewish children in France in the War and then finished up in America and reached this very high position. He and his wife were to become great personal friends of ours and we're in touch to this day.

RW: Moving to the Bar, your career has had these amazing layers, about which it is almost difficult to do a chronological discussion, because there are so many inter-locking parts. Obviously, you chose Inner Temple over the three other Inns. What made you choose to be called at the Inner Temple?

DR: I was advised that, if one was not going into chancery work, which I was quite clear I was not going to do, this was an extremely friendly and open Inn. Again, it is one of the things into which I happily slid and have never regretted for half a second.

RW: Did you have to complete the qualifying sessions?

DR: Yes! I did. I found, while I was teaching my first stint at L.S.E., that is to say the one year at L.S.E. between Chatham House and the University of Kent at Canterbury, that I had better be called and I learnt that there would be all sorts of things that I would be required to do, most of which I had long since forgotten because I had nothing else but International Law since I had left university and some of which I had never done at all, like taxation, so it was a quite difficult year, not least because one was sitting there in classes with some of the students one was teaching at the L.S.E. I do not know who was more surprised.

RW: So, you actually took all your Bar exams at the same time as you were teaching at L.S.E.?

DR: Yes.

RW: I can ask you multiple times how you find the energy to do what you have done. Did you have to go to dining sessions at Inner Temple? Do you remember?

DR: Yes. I remember those well. I remember I enjoyed them. I know they have become much more informal now but I did enjoy them and I will share with you the secret that I am actually one session short and my husband always says “Now they’re going to un-frock you!”

RW: I doubt it. Do you have any memories of your Call to the Bar, the ceremony?

DR: I have some rather hazy memories. I know the Master Treasurer was Lord Justice Stevenson, who had a rather fierce reputation and that I was the junior on the list in the sense of time between – this has to be wrong. I am eliding that with taking silk, because I was the person who

[20:00]

had started so long ago I suppose, going to the Bar without more recently following through. I was the person, for whatever reason, designated to make the speech afterwards and I cannot remember one word that I said but I remember it as a rather daunting occasion.

RW: Did you celebrate much your Call to the Bar, when you were already a professional lawyer?

DR: The answer is no.

RW: I doubt you had time. At this point, somewhat early in your career, did you have specific aspirations as to what you wanted to achieve long term?

DR: I think the height of my aspirations was one day to be lucky enough to be a professor of International Law. That really seemed then the absolute pinnacle.

RW: You certainly have surpassed that pinnacle. Did you complete pupillage?

DR: Yes. I did my pupillage at what was then 4 Essex Court, in its old form, before that set of chambers essentially moved to Lincoln’s Inn Fields, there now, Essex Court Chambers at 24 Lincoln’s Inn Fields. I went there because Francis Mann, then a leading solicitor at the absolute intersection of public and private international law and a great figure in the land. He said to me “Don’t try to get into 3 Essex Court,” which was the home of many wonderful international lawyers. He said “You need to go where they don’t quite know yet that they need International Law,” and that was marvellous advice and so I applied next door at Number 4. I was the first international lawyer there and again that has been a very, very happy relationship for me.

RW: Why was that marvellous advice?

DR: Because one was not adding one’s name to luminaries already there but making a new path with all the opportunities that would turn out to give.

RW: Were the clerks able to find you work? Were you bringing your own work?

DR: Quite honestly, because by the time I went to the Bar my career was already well underway, the work came to me and not through the Senior Clerk. We did a certain moment there get a new Senior Clerk, David Grieff, who is commonly regarded as one of the very best in chambers and he took a wonderful interest in International Law. I was invited with him to help to identify others we should try to bring there. He would come along to listen not only when I was appearing in court, which was very supportive but one would look out at a university lecturer and find him sitting there. He came across to the International Court of Justice when I was counsel there, so they have been marvellously supportive chambers and to the international lawyers who followed me.

RW: Gosh. How did he come across that interest of International Law?

DR: He was just an outstanding clerk and he could see where the future lay.

RW: Was it easy for you to get pupillage?

DR: Times have changed and I have to say it was. Francis Mann wrote a letter for me. I suppose one or two others did. When, I think now, of people I try to mentor and

[25:00]

help along to pupillage, it really is so much tougher for them now.

RW: And were there, in your view, any particular challenges for women to get pupillages at that time?

DR: Again, I never found so. I know some women lawyers talk about this difficult path and the hurdles they have had to overcome. I found almost on the contrary that selectors, whatever they may be, at chambers or universities or elsewhere, have really been very pleased to have a woman, if that woman looked comparable to other candidates.

RW: Did you actually complete traditional pupillage? Were you trained? You were really on your own doing International Law.

DR: No, I did complete that and it with Anthony Coleman, Sir Anthony Coleman as he became. He went to the High Court and has now left the High Court and is doing arbitration out of my old chambers. Again, that is a person who has become a great friend. The only incompatibility was that in winter he wanted the window wide open and I was cold the entire winter but he was a great pupil-master and of course those chambers were mostly doing commercial work and the international aspects of commercial work, so, though I had to deal with demurrage and laydays and all of those things, I never actually had to sit and do tax or property or any of the things that would have been rather daunting to me.

RW: Did you go to courts at that time, at all?

DR: Intermittently, I would say is the answer. As you became more senior, then some big, very big, cases came along and involved a lot of court time, so for example the great Kuwait

Airways case and other major cases of that sort, the Tin Council cases, where I was the international lawyer for the Tin Council. The felt I was spending my entire life in court. So it is hard to give a general answer but I would say that, as my practice became heavier, there was more and more time in the courts than in the English courts and then including occasional appearances in unfamiliar courts, so I was with Lord Saville, as he was later to become, in the Saskatchewan Indians case, which was about whether the Treaty of Rights of those Indian Tribes could be respected when full sovereignty was sent back by the U.K. Parliament to the federal government of Canada. Those were interesting times too.

RW: They are very interesting cases. Was there much difference between working in this area of law as an academic and doing advocacy at the Bar?

DR: I think if one had any sense one knew as an academic that you had to fit in with what was expected at the Bar, which was not an academic lecture but to focus on the way the points were developing, which ones were live and should be run with, which ones could only be dealt with in passing and never, never lecturing, so

[30:00]

there was a bit of a difference and one had to be sensitive to it.

RW: You were appointed Queen's Counsel in 1986 – I've got that correct – Can you remember much about the ceremony when you were taking silk?

DR: Yes, I remember that as being a very, very exciting day. I was in New York, doing some work at the United Nations for the mission there, when David Grieff, my clerk, 'phoned and told me the glad news. I think I remember it, like most other people, as a day when one is floating on a sea of Champagne and has the pleasure of going from court to court and seeing the judges and other counsel. It is a very special day. I took silk on the same day at Mary Arden and that is something we both remember with pleasure.

RW: Around this time, 1984 to 1985, you served on the U.N. Human Rights Committee. That is the body that monitors the implementation of the International Covenant on Civil and Political Rights. This is obviously a time of enormous political change. How was the experience at the United Nations?

DR: First of all, I do want to mention how generous the L.S.E. was in allowing me time out for this, because this really involved three months of the year. They were nominally three weeks of the year but if one was involved in particular projects, whether on the case law or examination of the states concerned, one really needed that extra week to work with colleagues in advance and I am so grateful for that. I never missed a class, I never failed to look after my students. They did have to put up with double-teaching before and after but nothing was missed. When I started doing it, to come to your question, there there really was a difference between the academic and being involved and you read page after page about human misery of the most vile sort and I could not imagine how I could stay involved in this work. I found it from the beginning very, very depressing but gradually you stop feeling sorry for yourself and start taking an interest in the legal and constitutional issues and in the people concerned and then I found it very, very rewarding and I thoroughly enjoyed those sessions and the colleagues with whom I worked.

RW: So, a lot of the work would involve torture and the state of prisons in the I.C.P.R. Did you do many country visits?

DR: No. The people who did the country visits were the special raconteurs under the Commission on Human Rights, a somewhat more politicized and different body. The way it worked on the Committee on Human Rights, which was generally regarded as non-political and we have thanks to those who started out on that track and it kept on that track, so all of us were regarded as experts, not spokesmen for any particular countries or points of view and there countries were called in alphabetically in rota, so you might have Luxemburg one day and Libya the next and everyone would come simply because it was not the bad guys being called in. It was just one's turn to come and answer all the points that were being put by the Committee. Most of us prepared rather carefully. I must say, Amnesty International in particular

[35:00]

were very helpful about pre-session briefings, so very specific laws in countries with which one was not familiar they dug out for one and one could talk with them about how does this clause actually work there, so one always felt reasonably on top of things.

RW: It sounds a remarkable amount of work. Did you feel you were making, as a body, a positive difference with the work?

DR: Very hard to say. I think the fact that countries had to come to us focussed the mind there on particular issues but not always and the United Kingdom, whose human rights record in comparison with many, many in the world is of course exceptionally good, nonetheless I think has often thought these types of things are for others, how we can improve others. I know through the years we were concerned about the position of minors in prison and the intolerable suicide rate and that really has not improved through those long years.

RW: I was going to ask you then, do you still think the United Kingdom sees human rights as something for others to be concerned with?

DR: Mostly.

RW: In 1991, you gave the very prestigious Hague lectures, which I understand is a great deal of work. Was it a great deal of work for you to prepare for those?

DR: Yes. There are two sorts of lectures at the Hague Academy. One, the week-long specialist topic lectures and I was first invited to lecture on property in International Law and, of course, Petroleum was one of the aspects but not the only aspect of that. The European Convention property rights, protocol one, other things could be brought into that. Yes, it was a lot of work and then the most prestigious lecture one can be asked to do is what is called the General Course, where one is there through the three weeks, while other people are doing one-week tranches, as it were. That was really, really difficult, because this is an institution that has been going for so many years and one felt, What would I have to say that has not already been said? But somehow I took on the theme that International Law is not just a neutral application of rules but it is applying norms and they are often competing norms in particular circumstances and I took some of the most difficult choices that decision-makers have to make in different areas of the law and that seemed to go down quite well.

RW: In 1995, you were then made a Dame Commander of the British Empire. Was that for your services at the U.N. Human Rights Committee?

DR: No. I think it was because by then it was known I was going to the Court.

RW: Yes, of course. Were other members of the wider Bar aware of the sort of incredible work you were doing in the international community or was the Bar as a whole quite domestic-focussed?

DR: I cannot give a general answer. When I came to the Inn clearly some people had a clue as to my work and they were very interested indeed. Others, of course, their own life story had led them into more specifically domestic focus.

RW: Obviously International Law at that time was still quite a new field, still quite specialized. Was there a community at Inner Temple of like-minded lawyers?

DR: I do not think there was a community of international lawyers. What there was was certainly

[40:00]

Benchers here who seemed to have an idea what my work had entailed and to be incredibly welcoming. I was thrilled to be asked to be a Bencher and apprehensive at the same time, because I mostly knew only the Commercial Court and the International Law questions that came up there and I had not had years of knocking around every conceivable court here and I could have felt left out on a limb but I received the warmest of welcomes and really I am just so grateful for that. Master Chadwick,¹ who was the Treasurer, really in a way took me under his wing. He would always watch out for me and make sure I was well seated and perhaps by him. Robert Gough was also incredibly kind to me. Of course, he came to have an interest himself in the international side of things. Baroness Butler-Sloss, we have become great friends over the years. Bernard Rix, David Keane, they really all helped me very much.

RW: I understand you became a Bencher in 1989 and what type of responsibilities have you undertaken as a Bencher of the Inn?

DR: I have to admit that they have been, compared with many whom I so much appreciate and admire, because I was spending three months of every work part of the year abroad, in that period when I first came and so I could never be a very reliable committee member but I did sit on the committees that selected students for scholarships.² I was involved in the Library Committee. It was things of that sort that I did.

RW: How often would you come to Inner Temple?

DR: Whenever I was in England, I came and even later, when I went over to the International Court, that pattern has continued. I hate to let too long go by without coming here, earlier, of

¹ Addendum: And Peter Taylor.

² Addendum: 'I have, however, tried to be helpful in other ways – so I have done teaching weekends away, accepted invitations to deliver lectures to Benchers and Bar, will be speaking this weekend at I.B.A.-Inner Temple students' conference, assisted with last year's tour of the Netherlands for Inner Temple Choir, etc. etc.'

course, to be on these committees, even if I was showing my face intermittently and more recently just to enjoy the social side and see friends.

RW: When you say “enjoy the social side”, did you attend specific events at Inner Temple, or do you just meet for drinks or coffee?

DR: I do particularly like the various dinners, both the dinners where Benchers may invite their own spouses or partners once or twice a year, so we have come to know the spouses and partners of others and everyone’s given my husband a wonderful welcome too. There were of course Grand Days, a lovely occasion and then Guest Night, where you have the chance to entertain and there are always such incredibly interesting people to meet. I can truly say that I have never been to a Benchers’

[45:00]

dinner of whatever sort and not had a thoroughly good evening, not on one occasion.

RW: Why? Because of the company?

DR: Because of the company. I have to say I enjoy the wines too and one of the things I always thought must be marvellous would be on the Wine Committee. That is not something that ever came my way.

RW: Not too late is it? Have you met any staff members at Inner Temple?

DR: Yes. Many of them, of course, I know by sight. One cannot help but also know by name William. William was here when I arrived and continues, I hope, for ever and he obviously is a fantastic servant of the Inn.

RW: To move, then, to the International Court of Justice, you were a judge at the I.C.J. from 1995 to 2009. Obviously, the International Court of Justice, for those who are not as familiar with the international arena, is the principal judicial organ of the United Nations. You were the first woman to be appointed a judge of the I.C.J. Did you regard yourself as a role model? I have to say, you were a role model for me, when I was studying in the United States and studying International Law at that point. Did you regard yourself as a role model for other women or not?

DR: Not, is the honest answer. I know some people, like Brenda Hale for example, that role as a leading woman in the field has been extremely important to her. I have just found myself in the very fortunate position of having extraordinarily interesting work assigned to me and, if as the first woman that gave encouragement to others, I am very happy about that but it was never a focus and I believe, apart from one or two occasions where I felt it would be snooty to decline, I have never accepted invitations to go and talk on women and on the substantive subject, whatever in International Law, I know nothing else assigned to me, in that I should be very happy to go but if I was asked to talk about women and International Law, women and the judiciary, it has never really been my thing.

RW: Is there a particular reason why?

DR: I think it is because I have thought of myself more as a lawyer than a woman. I am of course both.

RW: Of course. How did you manage to negotiate the politics of the United Nations? This has been something with which you were very familiar. You worked at the United Nations for years but have you found it a difficult political dynamic at times?

DR: I learnt way back, when I went for my internship, that once one is there are different perspectives one is seeing that one has not seen before and one understands, for me it was then the first time, how things look from somebody else's point of view and when I was teaching at L.S.E. I would say to students "Say or write in your papers anything you want but I don't want to hear your government's opinion. You always have to think how does it look to my country but how does it also look to the other country in the Office of Human Rights, to the other individual? And I think that is very important for the young lawyers to be instructed in early. So that certainly helped at the U.N. and then of course one gets to know the personalities and that

[50:00]

helps as well in dealing with these idiosyncratic views.

RW: Some students must have found it quite difficult not to take the government line necessarily or did you find they were able to?

DR: Several of them had told me after that they were a bit stunned by that announcement in the first class of the year but by the end of the year they saw what I meant.

RW: Did you use the Socratic method?

DR: Yes.

RW: In your role at President of the I.C.J., how did you approach that position and the interactions with the other judges? What was your leadership style, if there was one?

DR: I remember saying to them, after they did me the honour of electing me, "Where is no point being a President just for the honour of it, though that is very great. One has to be President in order to achieve something and what I, with your help, will want to do is to keep up the quality of our work, which has never been in any doubt, I think. Individual cases or opinions can be argued about but the quality of the work of the International Court has been appreciated through the years. I want to improve relations with the other new courts and tribunals coming through and the third thing I want us to achieve together is really to make the workings of the Court more efficient. At the end of the Cold War and with all the new states that have come on stream, who initially were hesitant about International Law and now realize that it serves their world too, there had been a huge increase in reference to the Court and we have to move into modern times, change our ways of work, in order to cope with that through-put." And so those were the three tasks I set myself.

RW: I also read somewhere that you were focussed on re-building relationships with the Netherlands. Is that correct?

DR: It is, in a way. We had been through a slightly tricky period, where a sensitive President and maybe at that time an insensitive –

[At this point – 53:05 – the microphone was dropped, creating a blip of inaudibility, followed by very quiet words. Full audibility is resumed at 53:39, when RW repeated her question.]

RW: I also read somewhere that you were focussed on re-building relationships with the Netherlands. Is that correct?

DR: It is correct. We had been through a tricky period, where a sensitive President and perhaps not sufficiently sensitive Protocol Department, maybe Foreign Affairs, in the Netherlands who had quite managed to rub each other up the wrong way and there had been some extraordinary incidents and regrettable incidents that had occurred. To understand, I think, how it felt to core members, particularly from a particular diplomatic background, one has to understand that for historic reasons the President of the International Court is the senior person in the diplomatic community in the Hague, so, after a new ambassador has been to see in the my time it was Queen Beatrix

[55:00]

– that was a huge honour to get to know her so well, I admire her enormously – then he would come on to the President of the Court and so one was constantly reading up on countries with which one was not very familiar and I gradually came to understand that actually this was not an intrusion upon one’s work. It was adding things to one’s knowledge. As President, one would show one’s face on the annual diplomatic days. Even if one went in one door quickly and out the other door, at least the Court had been there. So, what felt like slights – for example, an African member of the Court had been stopped coming in through the airport and essentially incarcerated for the better part of the day without anyone able to reach him and no very good apology being given – things like that did for a period cause difficulties but I really wanted to turn a new page on that and I told colleagues “Please accept every invitation from the government, from the Mayor, let us try to re-build these relations,” and I think they are pretty good now.

RW: Did you enjoy living in the Hague?

DR: Oh, loved it and I still keep a home there and my husband and I were there throughout the summer. Yes, I love it there, yes.

RW: Whilst you were President of the I.C.J., did you have any cases back in England?

DR: No, no, no. Once one has left the Bar, one has left the Bar, so the answer is no.

RW: You have also worked as an international arbiter. How does that work?

DR: Well, that again was before I went as a judge to the Court and there is the possibility, upon what has been the accepted reading of the Court statutes, to continue with some arbitral work – not as counsel, of course but with some arbitral work – even when a judge. Some judges who come from particular backgrounds find that really strange and others do not. The important thing is for the President to keep control of that. At first, I decided I would not do this, while I was at the Court and I made just one exception, two exceptions – not when I was

present, I would not have done it when I was present – which fell into my required category of inter-state cases on International Law issues, which were never going to come to the court, for one reason and another. I could, of course, have gone back to arbitration when I left the Court and some judges, who had had a past life in arbitration, have done that but I did not want to turn the page backwards, so I let it be known that I was not going back to practise in any form.

RW: Instead, since your retirement in 2009, you have been heavily involved with the American Society of International Law, the British Institute of International Comparative Law and the Institut de Droit Internationale. What role do you see these bodies playing in the development of International Law?

DR: I think they all have different but very important roles. I mean, the American Society of Comparative International Law is a real powerhouse. It has many international members. It gets about twelve hundred people plus at a time

[60:00]

to its meetings and I have had an association with them really ever since I was a student at Yale and that has been an important and rewarding part of my life. The British Institute of International Comparative Law, since I was an academic, I have been a member there and then took on increasingly senior roles on different committees there and I was asked, when I left the Court, to become their President. They had Robert Gough of this Inn and then Tom Bingham, who sadly died too soon and then I was asked if I would take over as President. I did that, I think, for longer than I expected, five, six years maybe and last Christmas I said “Time to move on from there.” It is very different from the American Society. It is smaller but we have a terrific Director there and it is in good hands, yes.

RW: So, you retired in 2009, as we have said and you have been busy but what takes up your time currently now?

DR: Three things since retirement. First, as I have mentioned, being President of the British Institute of International Comparative Law, which I did enjoy and I very much appreciated the people with whom I worked and Robert McCorquodale, who has the executive leadership of that body and Frank Burnham, who is chairman of the trustees. They have done a great job and the three of us, I think, enjoyed working together. The second thing was one of those things to which one cannot say “No,” which was that I was asked to be legal advisor to the Chilcot Committee and that was, in the first years, very, very time-consuming but extremely interesting and, as you know, it was an enquiry that did not have its own standing counsel, which would have meant everyone arriving in front of it would have arrived with his counsel and the atmosphere would have been hostile, which many people wanted to be the case. They wanted everyone grilled mercilessly, rather than truth arrived at through other ways but instead I was advising the committee and trying to help them to appreciate what were the real International Law issues, which were not always the ones that seemed to be at the front of people’s attention but I think I may safely say their thirty-volume report has been very well received and that has been very time-consuming but rewarding for me and worthwhile. The third thing is I was asked, before I went to the Court, by Sir Robert Jennings, the previous British judge at the Court and Sir Arthur Watts, the last-but-one legal advisor at the Foreign and Commonwealth Office, to prepare a brand new Oppenheim. For those who do not know what Oppenheim is, Oppenheim is maybe the leading English-language practitioner book in

International Law, where there are a few lines of text and then nine tenths of the page are footnotes that lead one elsewhere.

[65:00]

Sir Robert and Sir Arthur pointed out to me that in the 1958 preface it was talking about how young the U.N. was then. It was there written “We have this new body and one of these days there will have to be an Oppenheim on this.” And they asked me, back in, I suppose, about 1953 [*sic*], if I would take that on. Of course, I was tremendously honoured and agreed. I was an academic then and spent many weeks and weeks preparing outlines and then I got the tap to go to the Court and so I was not able to do anything for those fourteen-and-a-half years I was at Court but when I left the Court, Sir Robert had died, Sir Arthur lived very shortly thereafter but I felt it a moral obligation to try to try to do the undertaking that I had undertaken to them I would do and I am glad to tell you the end is in sight. I have some young colleagues, who have been working together with me on this. They have grown older and older over the years, because it has taken all the time since I have left the Court till now but we hope that is going to be with Oxford University Press in January and at the moment it is standing at about 1500 pages.

RW: Are you surprised as to how International Law has changed so much since you were first asked to write it?

DR: Yes, yes, yes. When I was first asked to write it, we all thought, back in the early nineteen-nineties, that it could be a book on international organisations as a whole but two things happened. The first was there turned out to be one or more very, very good books dealing things at a rather general level, across everything. So, “membership”: Two lines on the E.C.O., two lines on the F.A.O. and so on. That is clearly not Oppenheim. The other thing is these organisations have grown and grown and grown, so I did say to Sir Arthur Watts very shortly before he died “If I’m to do this, I can only do it with the U.N., if it is to be an Oppenheim, as opposed to another sort of book and he agreed with that.

RW: Can you see more rules emerging now in International Law?

DR: I am not a rule-based person, you know. Rules, to me, are things about which one cannot argue. How many members of the Security Council? There is an answer. That is a rule. One may not use force against another state but one may use force in self-defence. One has territorial jurisdiction but one may also have jurisdiction under other principles. International Law is full of norms and they are often competing and one had to make selections between them according to particular circumstances and for what International Law is, what is one trying to achieve.

RW: And what advice would you give to young aspiring lawyers, who want to enter the international arena and become an international lawyer?

DR: Of course, I would try to be encouraging and, of course, there now are good career paths there. I think, in the last fifteen, twenty years, we have seen a high percentage of young aspiring international lawyers either wanting to be in human rights, that is fine or wanting to be in International Criminal Law.

[70:00]

Both are fine, both are important but they are only part of International Law. First, one cannot do either of those very well unless one understands the larger picture and secondly what is not included in those subjects is still very, very important and it is important the new generation do not ignore those. We are going to need lawyers who are competent in those areas too, so you go for it.

RW: The broader public International Law?

DR: Yes.

RW: Just to return finally to the Inner Temple, obviously the Bar and the legal world are changing quite a bit but what role do you see for Inner Temple into the future for young barristers?

DR: I have been tremendously impressed over the years with how forward-looking the Inner Temple is. It is not a rigid body. It is willing to consider doing things differently. It is so friendly to the student body and welcoming and to the younger members of the Bar. So many of the things that, when I became a Bencher, were Bencher-only things are now open again, sometimes even to students and certainly to members of the Bar. They are very inclusive. Then, of course, they have the various committees, some of which I used to attend, on how to deal with particular problems, the problems are more coming through to qualify than for whom we are able to find places in pupillages but there is a tremendous support here and I think any young person who joins Inner Temple will not go far wrong.

RW: Thank you for your time, Master Higgins.