Sir Elihu Lauterpacht

Legal colossus who argued cases at the International Court of Justice for more than half a century

For all the big international courts in which he appeared, Elihu Lauterpacht was notaverse to a little local action. In 1996 he appeared with Philippe Sands — a former student of his — on behalf of the Irish government before a planning inquiry held in a temporary hut in the village of Cleator Moor in Cumbria, to oppose an application by Nirex to explore the creation of an underground nuclear waste repository at Sellafield.

Lauterpacht led the arguments for Ireland to the effect that the burden of proof lay on Nirex “to show that no danger can or will arise” from accidental discharges, a burden that they had failed to meet. He succeeded and John Gummer, the secretary of state for the environment, rejected the application.

The episode showed Lauterpacht at his best, rolling up his sleeves, mastering complex facts, attending the least glamorous of venues, making persuasive arguments and winning — always with his feet on the ground. In the world of international law his career was unrivalled — except by his father, Sir Hersch. He was one of those rare sons of famous fathers who went on to have an equally stellar career in the same field, as an academic and scholar, but also as a practising barrister.

During more than 60 years he combined teaching and practice, with extensive appearances before the International Court of Justice (ICJ) and in other international jurisdictions. He was an arbitrator and, successively, lecturer, reader and honorary professor at the University of Cambridge, where he was a fellow at Trinity College, and wrote and edited numerous works.

He was born in 1928 in Cricklewood, north London, the only child of Hersch Lauterpacht and Rachel Steinberg, a gifted pianist from a small community near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been a gifted pianist from a small community near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem. His father had been born in what is now part of Ukraine and near Jerusalem.

He attended Harrow School for a year and then entered Trinity College in 1945 to read history, before switching to law. He took a first in 1949 then a first in the LLB in 1950 and followed his father into international law. He was counsel and later adviser in more than a dozen cases at the ICJ between 1951 and 2014. He was confident and relaxed in his pleadings. Knowledgeable in case law and astute in tactics, he gave the impression of having a friendly chat with the bench and did not hesitate to tell a joke or two, often against himself.

He had a huge practice as an arbitrator, with clients from Belgium, Malta, Pakistan, Australia, El Salvador, Bahrain, Malaysia, Namibia, New Zealand, the United States and Timor-Leste. He represented the last in a dispute with the Australian government in 2014 when he was in his mid-eighties.

He had spent several years in the mid-1970s working for Australia and he told the court how disappointed he was to be acting against a country of which he was so fond. The Australian government had seized Timorese legal documents in Canberra and had, he said, “fallen so far short of the standards” expected of a law-abiding nation that “it defies understanding.”

He had been invited in 1975 to serve for three years as the legal adviser of Australia’s department of foreign affairs and served as deputy leader of the Australian delegation to the United Nations, playing an important role in the Law of the Sea negotiations and Antarctic treaty negotiations. This was, he recalled, the most exciting period of his career, “when my ability to speak clearly and sometimes forcibly was valued.” For several years from 1990 he was a judge ad hoc — one appointed by one of the sides in a dispute — at the ICJ in the case arising out of the break-up of Yugoslavia and the consequent troubles and allegations of genocide in Bosnia. His thoughts on the proper role of the judge ad hoc — to approach each case like any other judge while making sure that his side’s case is properly represented — became a widely cited classic.

From 2001 to 2008 he gave his time to seek to resolve the Eritrea-Ethiopia boundary problems. He secured a large measure of consensus, but the problems of implementation proved intractable.

In 2010 he published The Life of Hersch Lauterpacht. In 1997 the Research Centre for International Law that he had founded in Cambridge in 1983 was renamed the Lauterpacht Research Centre for International Law in honour of them both. The next year he was knighted.

During a series of interviews for the Cambridge University archives he was asked how he had achieved so much. “I think I’m a dull boy, the product of all work,” he said. “I mean, international law was both work and a hobby.”

He loved a good meal and to be surrounded by friends, of whom he had many. The evenings he hosted for friends (and sometimes localaction) were legendary. He was a great raconteur of jokes, from the everyday to the highly sophisticated. From a file from which he would often find something to start a toast or a speech.

In 1955 he married Judith Hettinger, with whom he had three children, Deborah, Gabriel and Michael. Judith died in 1970, and in 1973 he married Catherine Daly; they had one son, Conan.

Judge Stephen Schwab, a former president of the ICJ, studied under both Lauterpachts at Cambridge. “Hersch very shrewdly perceived that I needed close and good mentoring and he selected Eli to be my tutor,” Schwab recalled. “Those were very enjoyable sessions — I mean we mainly talked about girls and things like that, but occasionally some law crept in.”

Sir Elihu Lauterpacht, QC, was born on July 13, 1928. He died on February 8, 2017, aged 88.