# Speech to commemorate Judge C. G. Weeramantry

Judge Christopher Gregory Weeramantry was one of the foremost international legal thinkers of our time. Over the course of more than six decades, he had an outstanding career, in which he not only practised law but pondered more broadly over philosophical, cultural and religious issues in the search for justice and the true meaning of law. Indeed, he devoted considerable time and energy to investigating the concept of legal order, an order which he considered should aim at achieving peace and harmony in international and national communities in a truly global world. He was a strong advocate, and vocal proponent, of peace and harmony, not only between human beings, but also between humankind and the environment.

A judicial pioneer of sorts, Dr. Christopher Weeramantry was the first and, to the present time, the only Member of the International Court of Justice to originate from Sri Lanka. He was not a typical candidate for election to the Court. He was neither a lawyer diplomat with substantive involvement in the United Nations’ legal activities, such as in the International Law Commission and the Sixth (Legal) Committee of the General Assembly, nor was he an academic specialising in international law with practical experience in arguing before the World Court. Rather, he combined his experience as a former Judge of Sri Lanka’s Supreme Court, and some eighteen years of academic activities and teaching at Monash University Law School in Melbourne. He was a well-respected authority on contract law, Roman Dutch law, human rights, the impact of technology on law, and jurisprudence. He may not have fitted the “usual” profile for a Judge of the International Court of Justice, but he undoubtedly fulfilled the requirements for candidates for election to the Court. Those requirements are spelled out in Article 2 of the Court’s Statute, which refers to “persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.” Indeed, after six years serving the Court as Judge, his colleagues elected Judge Weeramantry as Vice President of the Court. Moreover, he was called upon to assume the role of Acting President of the Court in 14 cases in which the then President of the Court, Judge Schwebel, was prevented by the Rules of Court from presiding in such cases, since the US was a party to 4 of them and the other 10 cases, involving different Respondents, were very similar, if not identical and were heard by the Court concurrently with the two cases involving the US..

During his nine years on the Bench of the International Court of Justice, Judge Weeramantry sat in over 30 cases. He made many significant contributions to the Court’s work. In particular, he was prolific in writing separate and dissenting opinions which dealt comprehensively with some of the important issues raised by the cases before the Court. Indeed, he wrote well over 20 opinions during his time, many of which were ground-breaking and have become widely recognised as required reading for international lawyers interested in a range of topics.

For instance, in the Jan Mayen case between Denmark and Norway, Judge Weeramantry addressed the concept of equity in international law and its role in maritime delimitation. He undertook what he called a “search of global traditions of equity”, remarking on the relevance of the concept for what he acknowledged to be “the increasingly important area of planetary resources such as the sea”. His lengthy dissenting opinion to the Court’s advisory opinion on the Legality of the Threat or Use of Nuclear Weapons is also well-known, dealing in impressive detail with a variety of areas of international law supporting his view that the use of nuclear weapons, and I quote, “contradicts the fundamental principle of the dignity and worth of the human person on which all law depends. It endangers the human environment in a manner which threatens the entirety of life on the planet.” Finally, in the Gabčíkovo Nagymaros Project case between Hungary and Slovakia, he wrote what can only be considered to be a pioneering study on the law of sustainable development, of which he said that it is, and I quote,

“not merely a principle of modern international law. It is one of the most ancient of ideas in the human heritage. Fortified by the rich insights that can be gained from millennia of human experience, it has an important part to play in the service of international law.”

Indeed, drawing on Article 9 of the Court’s Statute, which anticipates that “the main forms of civilization and of the principal legal systems of the world” will be represented in the Judges elected to the Court, he considered that the Court had a “duty to draw upon the wisdom of the world’s several civilizations, where such a course can enrich its insights into the matter before it.”

Also deserving of mention are his opinions attached to the Court’s orders on provisional measures in the Lockerbie and Legality of Use of Force cases, the East Timor judgment, the Court’s decision on New Zealand’s request for an examination of the situation in accordance with Paragraph 63 of the Court’s Judgment in the Nuclear Tests case (*New* *Zealand* v. *France*), the decision on preliminary objections in the Bosnian Genocide case, and the advisory opinion on Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights.

After his time on the Court, Judge Weeramantry continued to undertake a wide range of activities. In the context of his constant quest for enhancing intercultural understanding, he focused on several important issues, such as judicial ethics, legal and ethical aspects of xenotransplantation, the elimination of nuclear weapons, and in particular, peace education. He was instrumental in establishing in 2001 the International Centre for Peace Education and Research in Sri Lanka, which bears his name. In 2006, Judge Weeramantry’s great contribution to peace was recognized by UNESCO when that organization awarded him its Prize for Peace Education.

On the day of his departure from the Court, Judge Weeramantry unveiled a beautiful bronze plaque created by the Sri Lankan sculptor, Tissa Ranasinghe. It depicts two fighting chieftains who, in front of The Buddha, are breaking their swords in order to resolve their conflict peacefully. It is a sculpture that fittingly encapsulates the vision of Judge Weeramantry, a man of great heart, unwavering spirit and immense wisdom who fought throughout his life for disputes to be settled peacefully and with the interests of humanity as one united world firmly in mind.

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