

APPENDICES

BUSINESS MEETING

The Business Meeting was convened at 5:45 p.m., April 7, 1994, by the President of The American Society of International Law, Louis Henkin. After the adoption of the agenda, President Henkin recognized Harold Koh to memorialize Diana Vincent-Daviss.

REMEMBERING DIANA

By Harold Hongju Koh

Diana Vincent-Daviss, Law Librarian and Professor of Law at Yale University, died suddenly from a brain aneurysm last fall at the age of fifty. On the day she died, she was at the peak of her powers. For many years the Law Librarian and Professor of Law at New York University School of Law, Diana had come to Yale Law School in 1991 and taken the place by storm. In short order, she had won the hearts of everyone in the faculty and on her staff, transformed the building plans for our new library, and had been named Deputy Director of the Orville H. Schell, Jr., Center for International Human Rights at Yale Law School.

The appointment came as a capstone to a remarkable career in librarianship and international human rights law. In addition to being the first woman to head Yale's and NYU's law libraries, Diana was on the Editorial Board at Oceana, a trustee of the Procedural Aspects of International Law Institute, and a faithful member of The American Society of International Law. A contributing Editor to *International Legal Materials*, she was the author of many remarkable bibliographies on international and human rights law. Her ninety-page research guide to the Gulf war, written with Radu Popa, exhaustively covered all available research sources regarding every legal issue raised by Iraq's invasion of Kuwait, and her three-part research guide on international human rights law remains one of the best compendia of research on that subject. These remarkable bibliographies show all the qualities visible in Diana herself—she was thorough, inquiring, tremendously sensitive to the needs of researchers, and bluntly honest when necessary, but always with a touch of whimsy.

When Diana and I assumed the directorships of the Schell Center last summer, we spoke long and often of new ways to think about human rights research. Over the years, Diana had computerized her own international law bibliographies and had made them available to anyone who asked. Her vision was to expand that practice by establishing an international human rights computer network, combining new and existing databases from around the world, into which participating members could have direct access.

Diana had many passions, including the lovely garden of perennials that sprawled up the lawn of her country home in Connecticut. Now that she is gone, we at Yale Law School hope to remember her passions for human rights and the library by creating DIANA, an acronym for a Direct Information Access Network Association, dedicated to research in international human rights law. We have formed an advisory group and are seeking funding for a network that will permit

human rights researchers everywhere to access all available human rights databases simply by calling on "DIANA, for human rights, at Yale." DIANA will fulfill Diana's vision of an international human rights network. It will immortalize her passions for the library and human rights. It will help make the human rights network a true community. And, "Properly tended," you can almost hear her say, "it will bloom, like my garden, forever."

Henry J. Richardson III then gave a tribute to Goler T. Butcher.

TRIBUTE TO GOLER TEAL BUTCHER

By Henry J. Richardson III

Professor Butcher was a member of this Society for more than a generation, and held most of its important offices save that of President. The Society is in her debt for her commitment, work and judgment, and not least for her persistence in showing this organization that it is in its own best interests, not only to widen its membership to reflect the diversities of the twentieth century in heritage and doctrine, but also to widen its scope of concerns to reflect the true importance of human rights in both the United States and the international community.

James Baldwin has written of "those strong black women who emerge from the kitchen to hold the family and the community together." He did not get around to writing about Professor Butcher, who knew that if the world surrounding the family and the community threatened them by wrong values and bad law, they could not long be protected. And since she knew, Professor Butcher took on as personal challenge the wrong values and bad law of the world community as they threatened to deprive any people of their human rights.

The breadth of her career is in itself an education. Her work through the Southern Africa Project of the Lawyers Committee for Civil Rights under Law to mobilize the law against South African apartheid and in support of Namibian independence, along with her colleagues, was responsible as much as any single factor for confirming the doctrine that international law should promote and protect the liberation of black South Africa. Her work on the board of Amnesty International was tireless. Her service as Assistant AID Administrator for Africa under the Carter Administration and as the head of President Clinton's transition team for AID set new standards of excellence for that agency in meeting African development needs.

In serving as the Chair of the District of Columbia's Civilian Police Review Board for six years, she brought her usual rock-ribbed integrity and the most comprehensive perspective in the nation to such a position. Her 1987 Howard University Conference on the International Right to Food was the model of what an effective, multidisciplinary international conference should be. As Counsel to the House Foreign Affairs Subcommittee on Africa, she helped plan and try the groundbreaking litigation sponsored by Congressman Charles Diggs developing causes of action to challenge misapplied executive power in foreign affairs that undercut basic human rights. Her scholarship in many articles helped confirm the continuing illegality of apartheid and the continuing legal obligation of all states to crush it. I could go on, were there time.

And always, she was a teacher, with her students partaking of an expansive intellect informed by both the law and poetry, a discipline formed from life's practical lessons given to a lawyer, and a generosity of spirit, humor and commitment that is seldom seen. Nowhere was she more committed than to the nourish-

ment of young legal talent, which she backed by legendary loyalty. Thus, it can be said that among her many roles and contributions to human rights and the international law community, Professor Butcher was no less than the Mother of all international lawyers of color in the United States. And, with so many others, we do miss her.

Keith Highet presented a eulogy of Eduardo Jiménez de Aréchaga.

**A PERSONAL MEMOIR OF EDUARDO JIMÉNEZ DE ARÉCHAGA:
DOYEN OF THE INVISIBLE BAR OF THE INTERNATIONAL COURT¹**

By Keith Highet

My first acquaintance with Eduardo Jiménez de Aréchaga was during the *Tunisia/Libya Continental Shelf* case. He had already served as an elected Judge of the Court and as its President, but was then serving in 1981 as Judge ad hoc. From the distance of counsel-table to the bench, he was an imposing figure. Reserved, handsome, poised and thoughtful, he bore an uncanny resemblance to the actor Anthony Quinn. Although his demeanor was that of a wise and durable figure, it was also of someone whom, for some reason, it seemed impossible not to like. His expression on the bench never varied: he seemed to be absorbed in thought as he sat listening to what then seemed to be the interminable arguments of counsel. His face never betrayed a flicker of emotion. Tanned, athletic, masculine—one could not help think of what Menelaus or Agamemnon must have looked like.

Over the next few years I appeared before him in some three proceedings in which he served as Judge ad hoc. Ten years later (in the *El Salvador/Honduras* case) he had become counsel—marking perhaps the first time that a former Judge of the Court (let alone a former President) had become counsel and advocate, actively pleading a case *after* having served on the bench. Eduardo was sensitive to the anomalousness of his role, and even perhaps a bit anxious, although this could only be detected with the most exacting scrutiny. His lovely and quiet granddaughter Virginia had accompanied him to The Hague: the two of them were like December and June. She came to Court every day, to support her grandfather.

It fell to him make a long series of arguments in connection with the six segments of the land boundary dispute that comprised a large quarter, if not a third, of the case. It turned out that the effect he had on the Court (the Chamber, in that case) was dramatic. It was, perhaps even to himself, unexpected. *The judges loved to listen to him*. He was one of their own. He knew how to stand up, to make his points, and then stop talking and sit down—an art not mastered by every counsel to appear in the International Court.

From his vantage point on the bench as a sitting judge, and then again as ad hoc judge in many matters, Eduardo had experienced a score of years of sitting quietly, eyes hooded, gold Cross pen poised, staring fixedly at an invisible tripoint in the middle distance, listening to the good pleaders and the bad, to the concise and the prolix, to those who spoke to persuade and those who lectured or perorated. He knew at first hand, in a way in which few of us counsel could ever have known except by divination, the feelings of judges who must sit quietly and listen to interminable argument. As a result, when he spoke to the Court it was with

¹ With apologies and gratitude to Oscar Schachter: see Schachter, *The Invisible College of International Lawyers*, 72 Nw. U. L. Rev. 217 (1977).

startling conciseness, with elegant brevity; and, quite obviously by their demeanor, the judges appreciated it.

Thus, day after day he addressed the Chamber. Where other counsel would take two hours to make an argument, Eduardo would take thirty minutes. As a result, the judges listened with great care; they wanted to be sure to record all his points before he stopped speaking, and they knew that they did not have a long time to do so.

His manner of speaking was understated, yet firm. He *spoke* to the judges, rather than lecture or orate. As a result, of course, they *listened*.²

In meetings, his presence was much the same: it reflected his style and personality. He waited, leonine, thoughtful, for others to speak. He took sparse notes in small hermetic writing that tended to drift up to the right. Then, in a few words, in his characteristic soft voice, he put forward his view. He spoke accented, elegant English, with a smoky echo that was unmistakable. When he looked at you across the table, he seemed to be seeing through you. What was he looking at? He was looking at his own thoughts. Both in his oral pleading to judges and in his suggestions at meetings of counsel, there was never a word too many.

The senior member of a team of foreign lawyers who had recently been working intensely with Eduardo said in a letter, shortly after his death, that "all of us here had come very much under his spell." That was a most apt way of describing his presence. Yet, in social gatherings, when the focus was not on the work before us, his calm demeanor was punctuated with flashes of enormous humor. His ability to relate a funny story about a colleague or a situation was notably infectious and particularly charming.

Having been a distinguished judge of the Court, his authority was great and his touch impeccable. I can still hear him saying, softly but with firm certitude: "The Court will not like that. . . ." For counsel, this sense of the Court was of course irreplaceable. Never in many meetings did I ever hear him controverted, and I am sure that all his colleagues were fully confident that he was, always, quite correct.

In first working with Eduardo, I was struck by something else. We American lawyers always seem to pride ourselves on our ability to "get our drafts on top"—reflecting the U.S. law firm culture of producing paper promptly and plentifully. This pride sometimes deserves to be checked. It can often lead to a cultural bias in the American lawyer's prejudice that Continental or civilian colleagues tend to be more relaxed or less efficient. Eduardo's talents would destroy this type of view at the very outset. Despite his relaxed demeanor, he was an exceptional and speedy worker. Well do I remember handing him a draft of several contested pages after dinner, at eleven o'clock at night. When I arrived at the embassy the next morning to resume our meetings, I found that he had already been there since eight o'clock and already incorporated the pages into a fresh and improved draft—this, moreover, at an age when more lawyers are supposed to be slowing down (or in many cases have come to a complete stop).

He was one of the most preeminent members—the *doyen* if you will—of the international bar that continues to serve the Court. This is not the ethereal body that Oscar Schachter has described with his graceful phrase, "the invisible college of international lawyers"³—but is a smaller faculty of that college. It consists of

² One would only have wished (from the point of view of El Salvador) that in this case the judges had accepted more of his substantive reasoning.

³ *Supra* note 1.

those international lawyers who have practiced and who continue to practice as oral advocates before the Court, who represent a variety of foreign states other than their own governments, who are well-known to the Judges and Registrar of the Court, who know how things work out in practice, and who understand by experience the difficulties, pitfalls and tricks of the trade.

It is this invisible bar of the Court to which Eduardo Jiménez de Aréchaga, friend and mentor of so many of us, frequently referred. He counselled devoting energy to it, and paying it attention. He was proud of his membership in that bar and, being the kind of man that he was, he gave little thought to his own preeminence in it.

On a flight home from the Gulf that I happily shared with him, I remember us talking about how he had, as it were, found a fresh career at the age of seventy-four. We discussed change as a refreshing tonic. We talked about how much we enjoyed our work and what a wonderful and interesting field international law is. Eduardo genuinely loved his work.

Then we fell to talking about age, and its encroachment on all of us, and how little time there seemed to be remaining, even to young men of sixty. I mentioned a stanza of a song by Bonnie Raitt, *Nick of Time*, of which I was particularly fond:

When did the choices get so hard?
So much more at stake?
Life gets mighty precious
When there's less of it to waste.⁴

Eduardo was much taken with the last two lines.

I made a tape of the song and sent it to him in Montevideo; I like to think that he listened to that verse with that same, faraway, withdrawn, sympathetic look that those of us who loved him knew so well. Now, after his tragic accident, there is no more of his life to waste. And that itself is the cruellest waste of all.

Anthony D'Amato was recognized to say a few words on behalf of Robert Friedlander, of whom he had been a friend and colleague for many years.

Charlotte Ku gave a short tribute to John Johnson of the Mead Corporation, in recognition of his invaluable efforts and support for ASIL annual meetings.

REPORT OF THE EXECUTIVE DIRECTOR

Charlotte Ku

Outreach Project to Promote the Rule of Law in World Affairs. In July 1993, the Society received a grant of \$150,000 from the Ford Foundation for a program of outreach to promote the rule of law in world affairs. The grant supports the project until June 1995. The project's primary audience is the Washington, D.C. policy-making community, and grant funds are provided for development of the programs and dissemination of the products to this target group.

Each portion of this four-part project has an advisory committee charged with developing that portion of the project. The four parts with their advisory committee chairs are as follows:

ASIL Briefings: Lee Kimball, Washington, D.C., Chair

ASIL Insight: Frederic L. Kirgis, Jr., Washington and Lee University School of Law, Chair

⁴ © Bonnie Raitt and Capital Records, Inc., 1989.