

(b) Constitutional and Institutional Developments

1. IN MEMORIAM JUDGE ANDRÉS AGUILAR MAWDSLEY

Andrés Aguilar Mawdsley had a national and international career of the highest distinction. After his studies in Venezuela and at McGill University in Montreal - where more than the law he found the lovely wife who was at his side until the moment of his death - he began his career as a teacher of law, early attaining the rank of professor and dean of the law faculty in Caracas. By the age of thirty-four, he was appointed Minister of Justice. He subsequently served as the legal counsel of the Venezuelan national oil company and in many other positions of responsibility in Venezuela.

In 1963, Andrés Aguilar was appointed Ambassador in Geneva at the European Headquarters of the United Nations. He served with distinction as President of the International Labour Conference and in those years forged friendships in the world of international law which were to endure. He twice served as Permanent Representative of Venezuela to the United Nations in New York, and as Ambassador to the United States in Washington, DC. He played a major role in the effort to make human rights internationally meaningful, as a member of the United Nations Commission on Human Rights, the Inter-American Commission on Human Rights, and the Human Rights Committee established under the Covenant on Civil and Political Rights. He played an equally central part in the extended efforts to draft the Third United Nations Convention on the Law of the Sea.

When United States diplomats were taken hostage in Tehran, Andrés Aguilar was appointed by the Secretary-General of the United Nations as co-chairman of a delegation that, at some risk, journeyed to Tehran in an attempt to resolve the crisis; and his handling of it was an exemplar of his principled behavior.

His responsibilities and attainments in the United Nations are too many to mention. Suffice it to say that they were fittingly crowned by his election as a Judge of the International Court of Justice in 1991, where, as ever, he was to serve with distinction.

Andrés Aguilar was a man of great ability and of great heart. His practical judgment and warm companionship will be missed profoundly

by his colleagues. He died on the day of the fiftieth anniversary of the United Nations, and if any day could be said to be fitting for so painful a happening, 24 October 1995 was.

Judge Stephen M. Schwebel
Vice-President of the International Court of Justice

1.1. Note of the Editors

Andrés Aguilar Mawdsley was born on 10 July 1924 in Caracas, Venezuela. In 1940, when seventeen years of age, he began his university studies at the Central University of Venezuela. His course of studies was rewarded a doctorate in Political and Social Science *summa cum laude*. In 1946 he moved on to McGill University in Montreal, Canada. He had decided to go to Canada in order to study a legal system that, like Venezuela, had the Napoleonic Code as its base. In Montreal, he got acquainted with the common law system as well. Mastering both the common and Roman law system turned out to be a great asset in his further career.

Upon his return to Venezuela, Andrés Aguilar Mawdsley continued his academic career, first as Lecturer and Professor at both the Central University of Venezuela and the Andrés Bello Catholic University, later as Dean at the Central University of Venezuela, and subsequently as Vice-Rector of the Andrés Bello Catholic University. While building an academic career, Andrés Aguilar Mawdsley at the same time gained extensive experience as an advocate at the Caracas bar. It was not merely law that had his interest, he was also drawn to politics. As a politician he devoted himself to the Latin American form of social Christianity which sought to improve the condition of the poor and deprived.

In 1958, Andrés Aguilar Mawdsley joined President Rómulo Betancourt's government which replaced the Venezuelan dictatorial régime. As Minister of Justice, he was actively involved in all reform projects carried out by this administration, ranging from land reform and the industrialization of the country, through the improvement of the public health system, to the campaign against illiteracy.

The international career of Andrés Aguilar Mawdsley, which really began in 1963, involved many positions that cannot all be mentioned here. He served several times as Ambassador and Permanent Representative of Venezuela to the United Nations Organization. In this capacity, he held offices as President of the International Labour Conference in 1964, as Vice-President of the General Assembly and Chairman of the UN Commission on Human Rights in 1971, as President of the UN Security Council in 1987, and as President of the Economic and Social Council in 1988, to just name a few. From 1973 to 1982 Andrés Aguilar Mawdsley was also very actively involved in the drafting of the UN Convention on the Law of the Sea. His contribution, in his capacity as Chairman of one of the committees of the Conference, was substantial. Not only did his committee have a heavy agenda, together with the chairmen of other committees he had been made responsible for preparing all the Conference's discussion papers and for bringing the extensive negotiations to a good end.

During all his diplomatic activities, Andrés Aguilar Mawdsley managed to keep in touch with the academic world, published numerous articles and books, and was an active member of, among others, the Hispano-Luso-American Institute of International Law and the Institute of International Law.

It was the experience from the above-mentioned and many other international positions and occupations that Andrés Aguilar Mawdsley brought with him to the International Court of Justice in 1991. To cite the words of the President of the Court, Judge Bedjaoui, spoken in memory of Judge Andrés Aguilar Mawdsley on 13 November 1995:

[o]ver all too short a space of the past five years, he took an active part in the work of this Court, principally in the exercise of its judicial function. The confidentiality of the deliberations forbids me to say more about the part played by Andrés in the Court. I cannot, however, fail to record that the outstanding intellectual and moral qualities of Andrés Aguilar exerted an undeniable influence on all his colleagues.