

3. PETER KOOIJMANS: PROFESSOR OF PUBLIC INTERNATIONAL LAW

When Peter Kooijmans took up his position as judge in the International Court of Justice on 6 February 1997, a formal end came to a career of about 30 years of teaching public international law in the Netherlands. This is why the *Leiden Journal of International Law* has asked me to write a few words about the work and person of Peter Kooijmans as a teacher of public international law, a task which I accepted with great pleasure, also on behalf of other staff members who have worked with Peter Kooijmans for many years.

Peter Kooijmans defended his doctoral dissertation (with honours) in 1964 at the Free University of Amsterdam.¹ In 1965, he was already appointed Professor of Public International Law and European Law at the same university. In 1973, he left the Free University and interrupted his academic career for four years when he was State Secretary for Foreign Affairs in the Dutch Government. After the elections of 1977, he returned (in 1978) to his academic roots when he was reappointed Professor of Public International Law, this time at Leiden University, as successor of professor H.F. van Panhuys.

Since that time, the Faculty of Law at Leiden University has been his basis for a dedicated engagement in the teaching and practice of international law. Although combining numerous national and international functions in many organizations, this never seemed to interfere negatively with his position in Leiden. Only in 1993 did it become impossible to withstand the pressures put upon him to succeed Hans van den Broek as Minister for Foreign Affairs for the Netherlands. This meant that he had to give up his position in Leiden for two years. When the Christian Democratic Party lost the elections in 1994 and did not participate in the new government, a sigh of relief could be heard in the Law Faculty in Leiden. The possibility that Peter Kooijmans would again come under strong pressure, this time to remain in office as Minister for Foreign Affairs, was no longer there.

As promised, he returned to Leiden in 1995 to continue his work as professor in public international law. When he returned to Leiden, every-

1. P.H. Kooijmans, *The Doctrine of Legal Equality of States: An Inquiry into the Foundations of International Law* (1964).

one was convinced that he would stay until he reached retirement age at 65, unless he was elected to one particular office

These were the facts about Peter Kooijmans. Now about the figure, the person of Peter Kooijmans as a 'teacher of public international law'. This is, of course, much more difficult to describe. If, however, one element in his academic life characterizes Peter Kooijmans, it is in my opinion his dedication to teaching and to his students and staff. For him, being a professor of law means, in the first place, being a teacher of a new generation of lawyers and others who are interested in the subject, rather than being a manager of a research and teaching group, or being an academic researcher writing about the doctrine of public international law.

Sometimes one gets the impression that he is one of the few remaining old-fashioned professors who succeed in resisting the many pressures of modern academic life that so easily detract people from their fascination with a particular branch of studies, and turn them into academic managers. Whatever his other occupations, Peter Kooijmans never seemed to give these activities priority over his teaching (in a broad sense). He was always prepared (when time allowed) to contribute to all kinds of activities related to public international law, either as lecturer or as advisor, and without much regard to the formal status of the audience or the organizers. Although, for example, being the United Nations Rapporteur on Torture from 1986 until 1992 took up much of his time, this was not at the expense of his teaching and his interests in the large and small problems of his students and staff. Teaching obligations were not left to his staff, and his door remained always open for undergraduate and doctoral students. Moreover, not only his door remained open, but he also succeeded in keeping an open attitude for everyone who would knock on his door. Often he would not only answer their questions, but also ask their opinion about a question for which he had not (yet) found an answer. This is also apparent in his contacts with former students. On his many missions abroad, he always would meet with former students and appreciate remaining in contact, again without regard to their function or status.

In other words, he takes people seriously. This is also reflected in his ability to listen to people, to help them understand what is at the heart of the matter, and to stimulate them to formulate their own solutions, and believe in them. This attitude allows him to leave to everyone, staff, student or secretary, an enormous freedom in the performances of their tasks, without neglecting the importance of providing sufficient feedback and

support when required. This applies equally to his role as supervisor of doctoral work, as to the more practical (teaching) assignments of his staff and the many activities organized by the department and students in Leiden. When writing a doctoral thesis, for example, the freedom left to the doctoral candidate is very broad. Kooijmans concentrates on ensuring that the work fulfills all academic standards of correct description and logical and structured reasoning, but he hardly ever tries to directly influence the contents of the arguments. A challenging comment here and there, a question mark, a suggested source, and sometimes a lively debate about a particular matter, but generally that is all. This is a very rewarding approach for the candidate, though usually only to be realized once he or she has come in the final stages of preparing the dissertation, as it certainly stimulates his or her own intellectual capacities and creative thinking.

With regard to the content of his teaching, Kooijmans cannot be described as a progressive lawyer or an activist who tries to use international law to reach a particular goal. The basis for his approach is formed by a thorough knowledge of the principles, rules, and mechanisms of public international law and a sharp awareness of the political, cultural, and other contexts in which international law is interpreted, applied, and step-by-step further developed. This realistic approach to international law, however, certainly cannot be equated with a positivistic approach to international law. His realism is combined with a strong belief in certain ideals, in particular in the field of human rights and human dignity. These ideals are never made very explicit in his teaching, nor in most of his writings. They are much more present in his practical work; in his teaching it is mainly there for those who appreciate an understatement, and the dry, sometimes almost cynical sense of humour in the anecdotes about his experiences in practice. His teaching concentrates on the structure and functioning of international law. One of his most important contributions to the study of international law in the Netherlands is fully in line with this, i.e., his introductory textbook to public international law, which is now widely used in Dutch and Belgian universities.² Nevertheless, despite his realistic approach, his ideals are always present, and felt, albeit in an indirect manner. One can feel that his compassion with international law has a source outside the law.

2. *Internationaal Publiekrecht in Vogelvlucht*, 1st ed. (1988). In 1996, the sixth revised edition was published.

The influence of Peter Kooijmans as a teacher is also reflected in the many activities set up by staff members, by students, or by students and staff together. It is certainly not my intention to suggest that all the credit for these activities should go to Peter Kooijmans; other people, in- and outside the department have played an important role in this as well. Nevertheless, it is my opinion that Peter Kooijmans did have an important influence on the motivation of staff and students to engage in these activities, which are often undertaken outside the regular curriculum or teaching and research assignments. I will mention some of the most important activities.

First of all, the Telders International Law Moot Court Competition, which will be organized this year for the 20th time, with the participation of teams from more than 20 European countries. In all these years, the organization has been, and still is, almost completely dependent on the voluntary work of about 40 to 50 international law students, and every year there was no problem in finding sufficient students who were motivated to be engaged in this project. A particularly important role is played by the Telders International Law Students Debating Society. This year, the Society celebrates its 50th anniversary. Without the active participation of people like Peter Kooijmans and his (former) colleagues, such a society would not have existed for such a long period and would not have attracted many new students every year.

A completely new project was started in 1987, when some students and staff members decided to start the first student-edited international law journal in Europe. Kooijmans, to be honest, was never very actively engaged in the actual preparations of the journal. This was left to those who took the initiative. However, he was and has always been there to support this venture with his advise and practical support when needed. Students and (junior) staff were, and are, given all the freedom to make the *Leiden Journal of International Law* a success. Again it proved to be possible to find a completely new team of students every year, who were willing to spend endless hours in the preparation and administration of the *Journal*. In the Dutch context, this is an exceptional achievement, only possible as a result of the positive atmosphere within the department.

The most recent offshoot of the department is the LL.M. programme in Public International Law. An LL.M. programme was already offered in Leiden several years ago, but students and staff were not completely satisfied with it. A restructuring of the programme led to the establishment of

two masters programmes. The LL.M. programme for specialization in public international law, which started in 1995,³ came under the directorship of Peter Kooijmans. He also was engaged in teaching in the programme and supervising of student's individual masters theses. It seems that this new group of students, from all over the world and with an advanced knowledge of (international) law, became a new challenge in his teaching assignments at Leiden, and he has already indicated that he will continue, to our great pleasure, his participation as lecturer in the programme.

Although the Faculty, and in particular the Department of Public International Law, had to say goodbye to the teacher Peter Kooijmans in a formal sense, we are convinced that after having spent 30 years working with students, he will be unable to resist coming to Leiden now and then to present his ideas and discuss with students his compassion: public international law. We are also convinced that as a judge, he will use his diplomatic skills to combine this new role with his quality as teacher of public international law, although with a different audience and under different circumstances. We are looking forward to discuss with the next generation of students the first dissenting or separate opinion of Judge P.H. Kooijmans!

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3. In 1994 an LL.M. programme on European Community Law was established; other specialization programmes are currently being developed.

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