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Sir Ian Sinclair, KCMG, QC (1926-2013)

Ian McTaggart Sinclair was born on 14 January 1926 in Glasgow, and passed away on 8 July 2013, at the age of 87. He served for 34 years in the Diplomatic Service, from 1950 to 1984, both in London in the Foreign Office, later Foreign and Commonwealth Office (FCO), and at diplomatic posts abroad, service which culminated in his holding the position of Legal Adviser to the FCO for over eight years, between 1 January 1976 and 1 April 1984. He was appointed CMG in 1972, and KCMG in 1977. He was awarded Silk in 1979, and became a Bencher of the Middle Temple in 1980. Between 1985 and 2001, he was a Member of the Permanent Court of Arbitration.

As will appear below, the course of Ian Sinclair's professional life meant that he had no spell of Chambers practice at the Bar before joining Government service. During his official career, though, he developed a taste for advocacy, fuelled by his experience representing the UK in international bodies and in international negotiations, and stimulated also by his having the opportunity to combine the roles of UK Agent with that of counsel in inter-State arbitration. Opting for early retirement from the FCO gave him the chance to pursue a successful career at the Bar for twenty years, concentrating on international disputes both before the ICJ and in *ad hoc* tribunals. This professional activity was combined with a spell as Visiting Professor of International Law at King's College, London (1987-1992) and with membership of the International Law Commission and of the *Institut de droit international*, as well as the publication of important works on central aspects of international law (including private international law). Indeed, he is perhaps best known today for his writings,[1] which have an attractive clarity of style, and which, though never voluminous, are of a consistently high quality in the fine tradition of the lawyer-diplomats who were his distinguished predecessors at the Foreign Office.[2]

[1] See below for principal publications.

[2] WE Beckett, 'Sir Cecil Hurst's Services to International Law', (1949) 26 BYIL 1-5; GG Fitzmaurice and FA Vallat, 'Sir (William) Eric Beckett, KCMG, QC (1896-1966) An appreciation', (1968) 17 ICLQ 267-326; RY Jennings, 'Gerald Gray Fitzmaurice', (1984) 55 BYIL 1-64; F Berman, 'Sir Vincent Evans (1915-2008)', (2007) 78 BYIL 1-6; M Mendelson, 'Sir Francis Vallat GBE, KCMG, QC (1912-2008)', (2008) 79 BYIL 3-6. For a distinguished successor, see E Lauterpacht, 'Sir Arthur Watts (1931-2007)', (2007) 78 BYIL 7-16.

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Ian Sinclair was educated at Glasgow Academy and at Merchiston Castle School, Edinburgh. In 1942, at the early age of 16, he went up to King's College, Cambridge, to read Law. Interrupting his studies in 1944 to volunteer for the Intelligence Corps, he was due to be dropped behind enemy lines in Burma when the war came to an end.

After military service in Malaya, he returned to Cambridge, where he graduated in 1948 with a Double First in Law, and then in 1949 took the LL.B (now the LL.M), specializing in international law. He began study for a doctorate in international law, but, when his father died in 1950, he abandoned his research and joined the Foreign Office as an assistant legal adviser.

Ian Sinclair's long career in the Diplomatic Service was marked by two great issues: the Cold War, and the United Kingdom's relationship with Europe. The first was the backcloth to his work at the United Nations. The second was reflected in his contribution to the United Kingdom's successive attempts – ultimately achieved – to join what were then the three European Communities (with effect from 1 January 1973) and later to the 'renegotiation' of United Kingdom membership prior to the 1975 referendum.

Sinclair's career in the FO and later FCO followed a then familiar pattern. Much of his time was spent in the Legal Advisers in London, though there was a good deal of overseas travel (for example, attending the 1954 Geneva Conference on Korea and Indo-China). Between 1957 and 1960, he was posted to the British Embassy in Bonn.[3] Between 1964 and 1967, he was Legal Counsellor at the United Kingdom Mission to the United Nations in New York (UKMis New York), and simultaneously at the British Embassy in Washington.

Sinclair was a generalist international lawyer, of balanced views backed by firm principles. Areas of particular interest included United Nations law, what is now termed European Union law, the law of treaties, and State immunity.

Sinclair amassed great knowledge and experience of the United Nations, particularly of its legal bodies. He played an important role in the negotiation of the seminal *Friendly Relations Declaration* of 1970,[4] attending all but one (1969) of the sessions of the Special Committee (that is, those in 1964, 1966, 1967, 1968 and 1970). The Declaration served as a model for how core principles of international law and of

[3] Until shortly after German unification in 1990 there was a legal adviser at the Embassy in Bonn and another at the British Military Government (BMG) in Berlin, each dealing mainly with the retained rights and responsibilities of the Four Powers in relation to Berlin and Germany as a whole. M Wood, 'The United Kingdom and the divided Germany: the role of British lawyers', in JA Frowein et al (eds), *Verhandeln für den Frieden – Negotiating for Peace. Liber Amicorum Tono Eitel* (2003), 847-857.

[4] GA Res. 2625 (XXV) of 24 October 1970: Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

the UN Charter, established before the wave of decolonization broke, could be reaffirmed and restated by patient negotiation involving the full participation of representatives of newly independent States. He wrote perceptively of this in the *Essays in Honour of Krishna Rao*[5] and, some 20 years later, in the *Essays in Memory of Michael Akehurst*,[6] the latter setting out in considerable detail his balanced and moderate views on the contentious subject of the legal effects of General Assembly resolutions. He described how the exercise grew out of the Communist propaganda items on 'peaceful coexistence', noting that it was -

> an attempt to distil, from the practice of States and of the United Nations and other international organisations, whether universal or regional, the legal content of these seven principles built into the Charter.[7]

Sinclair was one of the United Kingdom's earliest experts in what was then the law of the European Communities. During 1961 to 1963 he served as legal adviser to the UK Delegation to the (unsuccessful) negotiations for British entry to the European Communities. From 1970 to 1972 he was the principal legal adviser to the (now successful) negotiations in Brussels leading to the signature of the Treaty of Accession to the European Communities by Edward Heath on 22 January 1972, in the minutiae of which he was deeply involved. Back in London he was much taken up some two years later with the 'renegotiation' to fulfil the manifesto commitment of the new Labour Administration under Harold Wilson,[8] culminating in the decisive referendum of 5 June 1975.[9]

Sinclair's longstanding interest in the law of treaties was crowned by his role at the Vienna Conference of 1968/69. While nominally Deputy Head of the UK delegation under Sir Francis Vallat, the latter's absence for much of the time meant that Sinclair was effectively in charge. Once again, this was a notable exercise in restating and reaffirming (with some progressive development) cardinal rules underpinning the international legal system, but through a process which made them the common property of all groups of States. As he later put it, citing Ago –

> one of the factors which most influenced the [International Law] Commission in deciding in favour of formulating draft articles for a convention rather than a

[5] IM Sinclair, 'Principles of International Law concerning Friendly Relations and Co-operation among States', in M K Nawaz (ed.), *Essays on International Law: In Honour of Krishna Rao* (1976), 107-140.

[6] IM Sinclair, 'The Significance of the Friendly Relations Declaration', in V Lowe and C Warbrick (eds), *The United Nations and the Principles of International Law: Essays in Memory of Michael Akehurst* (1994), 1-32.

[7] Sinclair, Principles of International Law concerning Friendly Relations and Co-operation among States, 110.

[8] Prime Minister Wilson declared 'I believe that our renegotiation objectives have been substantially though not completely achieved', and said that the Government would recommend a vote in favour of continued membership: *Parliamentary Debates (Hansard) (House of Commons)*, col. 1456–1480. 18 March 1975.

[9] With a 65% turnout, 67% of voters were in favour of remaining in the Common Market.

code was the need to satisfy the aspiration of the newly independent States and to permit them to participate in the elaboration of the principles by which they would be bound.[10]

But the Cold War also intruded, reflected in the ideological struggles that were characteristic of that period in the formation of international law and practice. With the US delegation and others, Sinclair fought a monumental battle with the Soviet Union over *jus cogens*, ultimately resolved by requiring Soviet acceptance of an element of compulsory jurisdiction for the ICJ.[11] It was this precedent of a universal law-making treaty incorporating proper dispute settlement, however limited, that with other arguments helped to win the day at the Third United Nations Conference on the Law of the Sea a decade later, with Part XV of the 1982 Convention as the outcome. Sinclair also headed the United Kingdom delegation to the 1977/78 Vienna Conference on the Succession of States in respect of Treaties.

The second edition of Sinclair's book on the Vienna Convention on the Law of Treaties, dating from 1984, is a classic combination of the insider's knowledge with a scholarly approach.[12] Despite its age, the book is regularly cited before international courts and tribunals. For example, Sinclair's views on the subject of subsequent practice in the interpretation of treaties were debated at the International Court of Justice in the *Peru v Chile* case in December 2012.[13] Sinclair could not however be persuaded to write, or even to authorize, a third edition of the book. Probably he was right: the work is very much of a piece, speaking Sinclair's own personal thoughts, and composed at a period at which this notably successful enterprise in codification and progressive development, which plays so central a role in modern international law, was just beginning to bed down. A later edition would inevitably had lost that very immediacy, and possibly the personal voice as well, that lend the book its particular value and bring it firmly within the scope of Article 38(1)(d) of the Statute of the International Court.

Along with the law of treaties, State immunity was another of Sinclair's particular interests. Hazel Fox has recently summed up his contribution as follows:

> Ian Sinclair played a significant role in the recognition of the restrictive doctrine in international law which enabled the courts of western European countries, of the UK, and ultimately world-wide, to assume jurisdiction over proceedings relating to the commercial transactions of foreign States.[14]

[10] IM Sinclair, *The Vienna Convention on the Law of Treaties* (2nd edn, 1984), 4.
[11] Ibid, Chapter VII.
[12] Sinclair, *The Vienna Convention on the Law of Treaties*.
[13] *Maritime Dispute (Peru v Chile)*, *CR 2012/33*, p. 35, para. 15 (Wood); *CR 2012/36*, p. 14, para. 10 (Wordsworth).
[14] In an email sent following Ian Sinclair's death.

He was much involved in the development of the European Convention on State Immunity 1972, and particularly in the enactment of the UK State Immunity Act 1978 to give effect to it. These groundbreaking instruments had a significant influence on the domestic legislation of a number of Common Law jurisdictions. They also served to influence much of the International Law Commission's work on the subject, in which Sinclair was an active participant between 1982 and 1986. His chief academic work in this field was his lectures on '*The Law of Sovereign Immunity: Recent Developments*', delivered at the Hague Academy in 1981.[15]

During his time as the FCO Legal Adviser, Sinclair was caught up in numerous post-colonial issues, including Southern Rhodesia, which returned to legality under British rule in December 1979 prior to gaining independence as Zimbabwe the following year, and the future of Hong Kong (the Sino/British Joint Declaration was signed in 1984). It may however be the 1982 conflict in the South Atlantic, following the Argentine invasion of the Falkland Islands, which ranks as the defining event of his eight years as Legal Adviser to the FCO. He was a member of the inner group in Whitehall, ensuring that international law and the UN Charter were fully respected in all the Government's actions. Sinclair helped to draft Security Council resolution 502 (1982), adopted the day after Argentina invaded, the political effect of which was considerable, and the sparse and concentrated wording of which, every phrase heavy with legal meaning, stands in stark contrast to Security Council resolutions of today. He played an instrumental part in crystallizing the British Government's intention to avoid the language of 'declaring war,' but confining the British response within the limits of an exercise of the inherent right of self-defence recognized in Article 51 of the UN Charter. It seems that this was so well understood that Mrs Thatcher at one point took some convincing that she could properly refer to captured Argentine military personnel as 'prisoners of war'![16]

Sinclair's interest in international adjudication was a constant theme in his work, from his early writings on the exhaustion of local remedies to his work at the Bar. It was on his advice that the Government of the day agreed to put the maritime boundary with France to international arbitration through the *United Kingdom-France Continental Shelf Arbitration*,[17] held in Geneva in 1977/1978 (which opened, appropriately or inappropriately enough, in the Alabama Room of the Geneva *Hôtel-de-Ville*). Sinclair negotiated the Arbitration Agreement, and was United

[15] (1980) 167 Recueil des Cours de l'Académie de Droit International 113-284.

[16] It is understood that Mrs Thatcher did eventually concede that 'it is not wrong to call them prisoners of war even though we are not at war'.

[17] *Case concerning the delimitation of the Continental Shelf between the United Kingdom of Great Britain and Northern Ireland, and the French Republic*, XVIII *RIAA*, pp. 3-413.

Kingdom Agent in the case, combining the role with that of Counsel.[18] The pleadings on reservations to multilateral treaties were almost entirely his work, and represented a notably acute analysis of this thorny and intractable question as it then stood in the immediate aftermath of the 1969 Vienna Convention.

After leaving the FCO in 1984, Sinclair practised at the Bar, from 2 Hare Court, later Blackstone Chambers until 2004. During that time, he gave advice to many Governments and appeared as Counsel on behalf of several among them. He acted for his own Government in the *Heathrow User Charges Arbitration*[19] and was engaged in a series of inter-State cases, many of which concerned maritime delimitation or title to territory, acting, among others, for Egypt,[20] Finland,[21] Libya,[22] Qatar,[23] and Cameroon.[24] He also ventured into the relatively new field of investment arbitration, serving as arbitrator in *Salini v Jordan*[25] and giving expert opinions in the *Methanex*,[26] *Loewen*,[27] and *Occidental v Ecuador*[28] cases. Between 1988 and 1994 he was on the panel of arbitrators under the Washington (ICSID) Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

Sinclair's speeches at the International Court were closely reasoned and learned (though he was not above the customary references to Alice and Sherlock Holmes, or even an obscure rhyme, after Martial[29]: 'I do not like thee, Doctor Fell, The reason why I cannot tell'). His speeches contain extensive references to jurisprudence and writings (Fitzmaurice seems to have been a particular favourite), and draw on his own long experience of the workings of government and international negotiation. He tended to plead the more legal aspects of the case (such as questions of the law of treaties, on which of course he spoke with great authority).

[18] Alongside Professors (as they then were) Robbie Jennings and Derek Bowett, and the Deputy Bailiff of Guernsey and Attorney General of Jersey.

[19] *United States-United Kingdom Arbitration concerning Heathrow Airport User Charges (United States-United Kingdom): Award on the First Question (revised 18 June 1993) 30 November 1992*, XXIV RIAA, pp. 3-334.

[20] *Case concerning the location of boundary markers in Taba between Egypt and Israel*, XX RIAA, pp. 1-118.

[21] *Passage through the Great Belt (Finland v Denmark), Provisional Measures, Order of 29 July 1991* [1991] ICJ Rep 12.

[22] *Territorial Dispute (Libyan Arab Jamahiriya/Chad), Judgment* [1994] ICJ Rep 6.

[23] *Maritime Delimitation and Territorial Questions between Qatar and Bahrain, Merits, Judgment* [2001] ICJ Rep 40.

[24] *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria: Equatorial Guinea intervening), Judgment* [2002] ICJ Rep 303.

[25] *Salini Costruttori SpA and Italstrade SpA v Jordan,* ICSID Case No ARB/02/13, Award, 31 January 2006.

[26] *Methanex Corporation v United States of America,* UNCITRAL, Joint Comments of Professor Sir Robert Jennings and Sir Ian Sinclair (filed as part of Methanex Corporation's Post-Hearing submission dated 20 July 2001).

[27] *Loewen Group, Inc. and Raymond L. Loewen v United States of America*, ICSID Case No. ARB(AF)/98/3, Opinion of Sir Ian Sinclair, 9 May 2001.

[28] *Occidental Exploration and Production Company v The Republic of Ecuador*, LCIA Case No. UN3467, Expert Opinion of Sir Ian Sinclair, 27 October 2003.

[29] Martial, *Epigrams*, I. xxxiii.

But he also showed himself adept at explaining facts, as in *Qatar v Bahrain (Merits)*.

The first time Sinclair addressed the International Court, on 1 July 1991, as Counsel for Finland in the *Passage through the Great Belt* case, he presented the legal basis of the Finnish request for provisional measures. The next day he had to absent himself as he was appearing (also in the Peace Palace) as Counsel for the United Kingdom in the *Heathrow User Charges Arbitration*, an indication of his busy practice.[30] In the event, the Court declined to award the provisional measures sought by Finland, finding that there was no urgency, because of assurances given by Denmark during the hearing. As Judge ad hoc Broms pointed out in his Separate Opinion, the assurances, together with the Court's decision to reach judgment on the merits speedily, meant that 'the prerequisites for the adoption of the Application diminished without any fault of the claimant'.[31] Negotiations between the Parties led to a result satisfactory for Finland, and the proceedings were discontinued, thus demonstrating that the value of international litigation is not confined to the final judgment.

Sinclair was back in the Great Hall of Justice in 1993, this time on behalf of the Libya in its dispute with Chad over the 'Aouzou strip'. His main task was to examine the 1955 Treaty between France and Libya in some detail (which, in those rather more leisurely days, he did for a whole morning), arguing in particular that the Parties only 'recognized' frontiers that were already fixed, but did not create frontiers. The Court rejected that view, holding that the 1955 Treaty 'completely determined the boundary between Libya and Chad'. In the event, Libya accepted the judgment and the dispute was resolved.

A year later, at the jurisdictional phase of *Qatar v Bahrain*, acting for Qatar, Sinclair examined whether the 1990 Doha Minutes were a binding international agreement, and in so doing drew upon writers, and the work of the International Law Commission and the *Institut de droit international*. Among other things, he addressed what he termed 'the constant reliance by Bahrain on what is alleged to have been the intention of its Foreign Minister at Doha' which, he argued, 'does not accord with the general rule of interpretation of treaties codified in Article 31'. The status of the Minutes was of course crucial, and in finding that it had jurisdiction the Court essentially accepted Sinclair's arguments. At the merits stage he dealt with the geography of the Hawar Islands, the principle of proximity in relation thereto, and the impact of certain British decisions from 1936 and 1939 which he described as 'sordid and indeed shameful'. Speaking for his client, he did not mince his descriptions of the actions of British officials in the Gulf and in London ('spineless', 'bias', 'indefensible', 'prejudgment', 'calmly welcoming a

[30] Which seems to have grown to such an extent that he was not able to appear in the final stages of the arbitration.

[31] Separate Opinion of Judge ad hoc Broms [1991] ICJ Rep 38.

possible assassination attempt on the heir apparent [to the Ruler of Qatar]', 'a flagrant miscarriage of justice committed by the British Government of the time on the basis of a slanted and flawed assessment', etc.). The case was one which clearly left its mark, not only because of the unhappy incident of the Qatari documents which Bahrain alleged were forgeries and Qatar eventually withdrew (the full background to which Sinclair explains in patient detail in a published article), but equally because he felt strongly that the Court was wrong in the reliance it placed on the British decision of 1939 in respect of sovereignty over the Hawar Islands.[32]

Sinclair made an important contribution to the work of the International Law Commission throughout the quinquennium 1982-1986, the period of his membership. In addition to the work on State immunity, during that period the Commission completed (in 1982) the second reading of the draft articles on the law of treaties between States and international organizations or between international organizations. It also worked on the status of the diplomatic courier and the diplomatic bag not accompanied by a diplomatic courier; on the draft code of offences against the peace and security of mankind; and the law of non-navigational uses of international watercourses. The fact that in November 1986 the UN General Assembly did not re-elect Sinclair for a second term was the result of extraneous political factors, not in the Commission but in the UN General Assembly.[33] This poor and mean-spirited return for the quality of his work as a Member of the Commission was a blow, but one which he bore philosophically, and with his usual restraint.

Sinclair's book on the International Law Commission[34] is based on his Hersch Lauterpacht Memorial Lectures, delivered in November 1985 when he was still a member of the Commission. It is a personal account of the Commission in the first half of the 1980s. In the book, Sinclair is quite critical of the Commission, and especially its working methods, in terms that are not entirely unfamiliar today. But what shines through, and shines through all his writings and his career, is his attachment to

[32] 'Special Features of the *Qatar* v *Bahrain* case before the ICJ' (with J Salmon), in *Studi di diritto internazionale in onore di Gaetano Arangio-Ruiz* (2004), Vol. 2, 1167-1242. Part II of this analysis, dealing with territorial issues, is by Sinclair, and serves as a striking demonstration of the strength of his feelings.

[33] Such factors may have included the United Kingdom's policy over sanctions against South Africa, and its abstention on a draft Security Council resolution that would have called for 'full and immediate compliance' with the *Nicaragua* judgment of the International Court of Justice (S/PV.2718, 28 October 1986). The Nicaragua vote took place 17 days before the ILC election on 14 November 1986.

[34] IM Sinclair, *The International Law Commission* (1987). For a similar assessment, published some 13 years later, see 'The International Lawyer and the Codification of International Law', in C Wickremasinghe (ed.), *The International Lawyer as Practitioner* (2000), 41 at 52-53 ('My conclusion accordingly is that we still do need a body such as the International Law Commission, whose central function is to formulate proposals for the codification and progressive development of international law. But that body [...] should be very careful in the selection of topics for the Commission to work upon [...].')

public international law and to the International Law Commission. He says in the introduction that he –

> retains his faith in the long-term process of the progressive development and codification of international law and continues to believe that the Commission is capable of reasserting its pre-eminent role in this process . . . (p. vii).[35]

Sinclair was an active participant in the work of the *Institut de droit international* (Associate Member 1983, Member 1987, and - a signal honour - Emeritus Member from 2007). Between 1987 and 1995 he was Rapporteur of the First Commission for the topic '*Problems arising from a succession of codification conventions on a particular subject*', which had been proposed by Ago at Helsinki in 1985. The topic covered both the law relating to the application of successive codification treaties, and the relationship between codification conventions and customary law. He produced a series of reports, including a particularly fine 'Preliminary *Exposé*' in 1989.[36] The outcome was a resolution at the Lisbon Session of the *Institut* in 1995.[37] On that occasion, when it was suggested that his Commission was being too modest in presenting its final product, Sinclair suggested characteristically 'that this was the fault of the Rapporteur who tends to be very prudent and cautious.'[38]

Sinclair was a strong and active supporter of the British Institute of International and Comparative Law (BIICL) and was a member of its Council of Management for some 25 years and chair of the Public International Law Section of its Advisory Board for ten, in which roles he supported wholeheartedly the Institute's expansion into specialist fields of both international and European law and took part in many of the Institute's lectures and study groups, including notably its influential 1997 study of the ICJ's procedure and the conference that followed in its wake. He is particularly remembered for his forceful chairmanship of a two-day conference in 1984 on the development of mineral resources in Antarctica. Much of BIICL's increased activity and expansion to its present standing can be traced to his initiatives and the encouragement he lent to its successive Directors.

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At the risk of introspection, it could be said that a person's own approach may often be deduced from what he or she writes of others. In this

[35] The Commission dedicated its meeting of 17 July 2013 to Sir Ian Sinclair, at which statements were made by the Chairman, Bernd Niehaus, as well as by Michael Wood, Kriangsak Kittichaisaree, Eduardo Valencia-Ospina, Ernest Petrič, Abdulrazeg El-Murtadi and Enrique Candioti (A/CN.4/SR.3181).

[36] Annuaire de l'Institut de droit international, Session de Lisbonne, Vol. 66-I (1995), 39-119.

[37] Annuaire de l'Institut de droit international, Session de Lisbonne, Vol. 66-II (1996), 434-443.

[38] Ibid, 157.

perspective, Sinclair's Josephine Onoh Memorial Lecture at the University of Hull on 'The Practitioner's View of International Law' merits careful reading. He begins by describing, with great perception, two 'scholars as practitioners' (Hersch Lauterpacht, Humphrey Waldock) and two 'practitioners as scholars' (Eric Beckett, Gerald Fitzmaurice). And he then continues by offering some thoughts on the role of the practitioner, including the following –

> There are some who cynically believe that the task of the legal adviser to a Foreign Ministry is simply to provide the best legal arguments he can in support of a line of policy decided upon by the Government concerned on extra-legal grounds. That is not a point of view which would be shared by those who have been charged with this responsibility, at least in this country.

And concludes by saying that –

> the practitioner has as much to learn from the scholar as the scholar from the practitioner. The teaching and practice of international law is so closely interwoven that [...] it is sometimes difficult to distinguish between scholar and practitioner.[39]

Ian Sinclair was highly regarded in both of these roles, as practitioner and as scholar.[40] He was deeply attached to the FCO Legal Advisers both as an institution and as a body of highly motivated legal specialists with a strong ethical commitment to international legality, about which he wrote with affection and deep insight.[41] One of his most striking characteristics was the confidence he placed in more junior colleagues, and his interest in their development, from which both of the present authors personally benefited. He led more by example than by precept, notably in his consummate display of negotiating skill. His approachability and kindness led to his being liked every bit as much as he was respected.

Ian Sinclair married, in 1954, Barbara Lenton, who died just six weeks before him. They are survived by their daughter, Jane, and two sons, Andrew and Philip.

Sir Franklin Berman, KCMG, QC
Sir Michael Wood, KCMG

[39] D Freestone, S Subedi and S Davidson (eds), *Contemporary Issues of International Law* (2002), 57-76. For Sinclair's further reflections on British ICJ judges, see 'International Law: the Court, Commission and Judges', in E Jensen and T Fisher (eds) *The United Kingdom - The United Nations* (1990), 120-146.

[40] In a piece published in 1990 he 'modestly disclaimed' the appellation 'distinguished international legal scholar': *ibid*, at 139.

[41] For his view of the role of international legal argument in international affairs, see *ibid*, at 121, 143-144.

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