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INTERNATIONAL LAWYER

A Dialogue with Judicial Wisdom



Professor Dr. Sompong Sucharitkul

INTRODUCTION

THE JOURNAL OF EAST ASIA AND INTERNATIONAL LAW is deeply honored to introduce professor Emeritus Sompong Sucharitkul from Thailand as the first figure for <International Lawyer> section which attempts in-depth coverage of the life and ideas of a highly renowned international lawyer of our time.

Professor Sompong Sucharitkul, member of *Institut de Droit International*, is currently Distinguished Professor Emeritus of International and Comparative Law" at Golden Gate University School of Law at San Francisco and actively Professor of International Law at Rangsit University, Bangkok. Until July 2007, he was directing the Golden Gate Center for Advanced International Legal Studies and the LL.M. and S.J.D. International Programs, as well as the summer law program in Bangkok, Thailand.

Professor Sucharitkul holds B.A. (Honours), B.C.L., MA, D.Phil and D.C.L., from Oxford University, United Kingdom; Docteur en Droit from the University of Paris, France; LL.M. from Harvard University. He also holds a Diploma from the Hague Academy of International Law; and is a member of the Middle Temple, Barrister-at-Law, United Kingdom.

He has served as Thailand's ambassador to Belgium, The Netherlands and Luxemburg (BENELUX), and the European Economic Community (EEC); Japan; France, Portugal, and UNESCO; Italy, Greece, Israel, and FAO. He served as Director-General of the Economic Department and of the Treaties and Legal Department, and Principal Legal Advisor to the Government of Thailand.

Professor Sucharitkul represented Thailand in the United Nations General Assembly for almost thirty years and served as Member and Special Rapporteur of the International Law Commission for ten years. In 2001, he was appointed by the President of the International Court of Justice to serve as one of three members on the first ASEAN Investment Dispute Arbitral Tribunal; and was subsequently

elected President of the Tribunal. Professor Sucharitkul also serves as Expert Consultant of UNESCO and UNCTAD. He serves more than fifteen years as Member of ICSID Panels of Arbitrators and of Conciliators; and seven years as United Nations Commissioner on Panel E3 of UNCC in connection with claims against Iraq for the invasion and occupation of Kuwait. He is also an active Member of the Institut de Droit International since 1973.

Before joining GGU Faculty in 1990, Professor Sucharitkul held the Cleveringa Endowed Chair in International Law and Relations at Leiden University, the Netherlands. He was previously also Robert Short Chair Professor in International Law and International Human Rights at Notre Dame Law School, Notre Dame; and the First Fulbright Professor of International Law and Relations at UNCC, North Carolina at Charlotte. He was also Visiting Professor of International Economic Law at National University of Singapore (N.U.S.); and Professor of International Law and Business Relations at Lewis and Clark College of Law, Portland. Professor Sucharitkul is also Editor and three times National Reporter of the American Society of Comparative Law. He is Regional Coordinator of the American Society of International Law for the Western Region and is Editor of the International Legal Materials (ASIL) for the Asian Pacific Region and has extensively published in various fields of international legal studies in national and international journals of all continents.

QUESTIONS & ANSWERS

1. When and where were you born and how about your family?

I was born on 4th December 1931 early in the morning, before dawn. I was the fifth child but the first son in a large family of fourteen, with several brothers and sisters to follow. My late father, Phra Phibul Aisawan, was a chief judge in the Supreme Dika Court of Thailand. His father, Chao Phraya Sudham Montri was

Chief Justice of the old Court of Foreign Causes and sometimes Senabodi (Minister) of Justice. All three generations were admitted to the English Bar at the Middle Temple. My grandfather was the first Thai Member, I was admitted in early 1954.

2. They say you were a prodigy. Would you tell us your childhood story?

I went to Saint Gabriel College, a Catholic Missionary School, where I completed my high school education at the age of twelve. I was too young to enter any university, and was obliged to return to a Thai Temple School of Wat Rajoros, where I also completed another round of high school. Still too young, I did a third round of high school at the Assumption College, this time in the French Section. By the age of fourteen, I was bi-lingual, in English and French in addition to Thai. I took two more years to complete pre-University studies at Thammasart, where I was awarded merit scholarship to study law. Completing my first year law, I was awarded a Government scholarship to study law in the United Kingdom, at the age of seventeen. I satisfied the requirement for Responson by taking the London Metrulation Exam in English, French and Latin, and was admitted to Oxford University after a competitive entrance examination at the age of eighteen.

3. How about your campus Life at highly esteemed universities all over the world? Why did you study international law and how to study it at Oxford? Why did you get the second Ph.d.at Paris? How about your time at Harvard?

I spent three years as a undergraduate at Oxford, reading Jurisprudence, or studying law, so to speak from 1950 to 1953. In my spare time, I studied for the Bar and pass my Part I and Part II of the Bar Final in 1953, well before my final Honours School of Jurisprudence, B.A. Hons. in June 1953. I also took time off during one long summer vacation to return to Bangkok to be married. My wife, Thaithow and my baby boy, Sontow, rejoined me at Oxford, when I resumed my international

legal studies as an advanced student, writing a doctoral dissertation for my D.Phil. in International Law under Professor Sir Humphrey Waldock. Before I was called to the Bar at the Middle Temple in early 1954, I crossed the British Channel to be enrolled at the University of Paris, in the Faculty of Law, and took my Diplome D'Etudes Superieures de Droit International Public in April 1954 and successfully defended my doctoral dissertation in June 1954, when I was first doctored in Paris. I completed my second law doctorate in the University of Oxford in June 1955, when I also obtained my M.A. by accumulation. In August 1955, I set sail with my family to Montreal and took a train to Boston to take up my research fellowship at the Harvard Law School. I only had until April 1956 to return to Bangkok, where I was committed to teaching law at Chulalongkorn University. With little time, I managed to complete my LL.M. and was awarded that degree in absentia in May 1956, after I began my teaching career in April 1956. I received my highest doctoral degree from Oxford, my D.C.L. and B.C.L. by accumulation in 1990.

4. Would you say about your life as a University Professor as well as International Lawyer?

In my academic career, I have taught at various universities in Thai, English, French and Spanish, and occasionally in Italian universities and one year at Leiden University in The Netherlands. At the universities, I could teach as well as practice international and comparative law before various international instances, judicial and arbitral or conciliation and mediation.

5. One of the most honorable careers in your life is supposed the membership of the Institut de Droit International. You were elected as the youngest member. Would you tell us your activities in the Institut?

I was proposed by the Bureau of the Institute and was elected in 1973, while I was Ambassador in the Benelux and the EEC. I was elected as the youngest associate

of the Institute, Jean Salmond was slightly older. My first session was the centenary session of the Institute in Rome. I attended most of the Institute sessions every other year since and was elected Membre titulaire in 1977, exactly over thirty years ago with associateship since 1973. I was the first Thai elected by privatists as well as publicists. The very first Thai was the founding member of the Institute, Gustav Rolin-Jacquemynes who was a Belgian Minister but became Chao Phraya Abhai Raja under King Rama V of Thailand. I was a member of at least two or three committees of the *Institut* at a time, and substantially contributed to all the progressive development of international law, public and private, in practically all of the twenty odd topics studied by the various committees of the Institute during my membership, especially from the perspectives of Asia. I was the lone member from Thailand, and there have been very few from Asia, Chinese, Japanese, Indian, Sri Lanka, and recently Korean, Park Choon-ho, who was teaching in Japan. As you know, I was special rapporteur of the UNILC on Jurisdictional Immunities and did help the Institute on a few topics related to Immunities in International Law, especially in regard to the practice of States, both judicial and legislative as well as governmental.

6. You served for the Thai government as a high-ranking diplomat. Why did you decide to be a diplomat? What did you do as the Ambassador?

Life is never dull as chief of a diplomatic mission, and I have served in four different multiple missions in my time. In diplomacy as well as in academia, I have been trained to be fully aware of sensitivity which prevails in any workplace. It is very delicate, as a head of mission is duty-bound to preserve and improve the friendly relations and mutually fruitful cooperation between the sending and the receiving States.

7. During your academic and practical career, you were deeply involved in the United Nations? You must have your own view for the future of the UN? Can you say it to us?

The UN is an organization to stay. It is the only mechanism that has weathered a great many storms with flying colors. It is growing from strength to strength and from year to year, and is still going strong.

8. How about your prospect on the global world in the 21st Century?

My prospect of the global world in the 21st century is fair. We are getting there, slowly but surely. Globalization is a gradual process, instinctive and almost unobserved, except from afar in terms of distance and time.

9. What do you want to say to young international lawyers and youngsters in East Asia? What should we do for shaping better future? Or do you have any other thing to advise?

To our succeeding generations of Asian international lawyers, I would like to encourage them to be patient and to persevere until concrete results could be achieved. It is my hope and expectation that the world should be a better place still for our successors in title to come.

10. I wonder if you experienced hardship even in this fantastic life. If so, please let us know how to overcome the hardship.

Hardship is truly a medication that could only ameliorate your stature and broaden your perspectives. You could not go through life without encountering hardship. All roads are rough, tough and uphill. Yet we should proceed forward, undeterred by obstacles and difficulties along the way to a durable peace and lasting prosperity.

That is all I need to say for now. You can see from the record, or the *Annaires de l'Institut*. For more than one hundred and twenty years, the Institute only deliberated in French, since then English was tolerated as more members have joined from Anglo-phone countries.

PUBLICATIONS

Books

State Immunities and Trading Activities in International Law (London: Stevens, 1959)

Articles

American Journal of International Law, and International Legal Materials, American Journal of Comparative Law, Asian Yearbook of International Law, Annuaire francais de Droit International, Leiden Journal of International Law, Singapore Journal of Legal Studies, Loyola of Los Angeles International Law Journal, Israel Yearbook of International Law, Notre Dame Law Journal, Syracuse Journal of International Law, Netherlands Yearbook of International Law, Annual Survey of International and Comparative Law, Golden Gate University School of Law UNCTAD Course on Dispute Settlement: 6.3 ASEAN, Hague Lectures, Lectures of the Centro-Euro-Mediterraneo Bankaja de derecho internacional, Chinese Journal of International Law, Chulalongkorn Law Journal, Council of World Affairs of Thailand, Bot Pandit, Saranrom Journal, etc.