
Judge C.G. Weeramantry; of memories, and memoirs yet unpublished

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Kalana Senaratne reflects on the life and work of a remarkable Sri Lanka and a truly global citizen. I had picked up a small book on 'The World Court' from a dusty shelf of a bookshop close to my home, in Nugegoda. I had flipped through it, realized the importance of its content, and decided to purchase it. I had heard much about the author and even read some of his previous publications. But I didn't know where he was or what he was doing, then. The small print in the book referenced to a 'Weeramantry International Centre for Peace Education and Research (WICPER)' established in Colombo - the existence about which I had not known until then. The author must have returned home from The Hague, I thought.

The author was none other than Judge Christopher Gregory Weeramantry, who celebrates his 82nd birthday on 17th November. Born in 1926, he has had a most dazzling legal career spanning 60 years; firstly, as a lawyer and law lecturer in Sri Lanka and then as the youngest Supreme Court judge in the country. Thereafter, as Sir Hayden Starke Professor of Law at Monash University, before becoming a judge and Vice President of the International Court of Justice (ICJ) at The Hague. He has then traversed the great mountain ranges and peaks of a vast legal landscape. He currently trots the globe delivering speeches and lectures to eminent international audiences. WICPER, which was founded by Judge Weeramantry in 2001, is a small but ambitious research centre, dedicated to the promotion of peace education, cross-cultural understanding and international law. I too, was once, a very small part of it. C.G. Weeramantry is a name that belongs to many generations. Past generations would know him well. The same cannot be said about the present one, unfortunately. This, I fear, is mostly due to his own humility; which has been the defining trait of this larger-than-life legal luminary. Some would know of his enormous contribution to legal literature, domestic as well as international, having read, studied and analysed his innumerable scholarly work. Some others have been more privileged to work with him, to have had the opportunity of interacting with him. Since I fall into this privileged second category, I will conveniently avoid trespassing on specialist territory belonging to the former. For me, Judge Weeramantry is more than what he is to legal scholarship and jurisprudence. Of a meeting which was promising it was on a Saturday morning in December 2003 that I first met Judge Weeramantry. I had joined WICPER the previous week. Judge W. had returned from Australia, after a short holiday with his children and grand-children, and was finalizing the draft of his (now published) 'Universalizing International Law'. He looked busy, perhaps a bit impatient as well. Yet, he smiled when he saw me, and through the volumes of texts stacked up on the table in front him and bits of paper scattered around, I caught a glimpse of this smiling face; a face that looked needlessly mellow for his age, as if time had conveniently forgotten him, by a decade or perhaps a bit more. I had many questions to ask. But my interest in the legal profession and its 'movers and shakers' of the past made me pose a question, which he wouldn't have expected from a 20-year old undergraduate. 'So, sir', I said, 'you must have worked with the likes of Mr. H.V. Perera, QC and Dr. Colvin R. de Silva'. He smiled, and said 'Oh yes, of course. Did you know any of them?' I think he was quite tired by then, for I thought he could have easily guessed that I couldn't have been born when Mr. H.V. Perera passed away in 1969, or that I was small (just 4 years old, in fact) when Dr. Colvin passed away in 1987! Or perhaps contrary to his, it may have been that my face resembled one which has been rudely overtaken by a few years! Yet, he wanted to continue with the discussion. It was a propitious beginning to an interaction which lasted continuously until September 2005, when I left for London to pursue postgraduate studies at his father's alma mater, University College London. Of lawyers, of destinies it was through this narration of stories that I came to understand him more. As he talked of his days as a lawyer and judge in Sri Lanka, I watched the twinkle in his eyes, its colour and rhythm, which defined a profession which he loved so much and in which he played a pivotal role; a profession which was startling in its performance, a profession which promised so much. He is so passionate about the law. This was amazing when I later realized that his initial intention was to become a historian, not a lawyer – until fate intervened in a mysterious way which made him study law, following in the footsteps of his brother, late Mr. Lucian Weeramantry. There were stories about the shining galaxy of lawyers: of H.V. Perera, QC and Dr. Colvin R. de Silva, as well as of others such as G.G. Ponnambalam QC, N.E. Weerasooriya QC, Sir Lalita Rajapaksa QC, et al. The stories were all the more fascinating for he had observed them from many angles. Not only as a young student of law rushing to the courts to watch them on their feet, but also as their colleague. Not only as their junior lawyer, but also as their opposing counsel. Not only as a passive observer, but now as a judge, as the arbiter, who would decide their clients' case (even fate!). And in his final analysis, he would conclude that H.V. Perera was undoubtedly the best. Yet, he is annoyed over the fact that 'HV' didn't contribute to legal literature and jurisprudence. A great pity, he says, for HV could have contributed so much in a way that he did to the development of the law through his arguments in the superior courts. This, I thought, was true. Many wouldn't know who HV Perera was, mostly for this reason alone. In that sense, he was perhaps like death - taking away everything with it when leaving - except for the little foot prints on the sands of memory of those who knew him. There were stories about his life in Australia and his days at the International Court. Fascinating. He is at times baffled by the many trivialities, the vicissitudes of life and professional destinies that crisscrossed, mingled and inter-mingled in ways unimaginable, the chain of events that helped realize goals and reach otherwise unreachable destinations. And he would state that there is some mysterious power overlooking our individual destinies, drawing up its agenda without one's prior consultation. For instance, his election to the International Court was one such incident. The story of how with the fall of Benazir Bhutto's government in 1990, the space was created for Sri Lanka to support its own candidate for election to the Court, and how our then Permanent Representative to the UN Mr. Daya Perera rushed to the UN Headquarters to hand over the necessary documentation at the last minute, left me spellbound. Of writing, of independence Unlike many others, when on the bench, he was a judge firmly convinced about the values and principles he held on to. They didn't change or fluctuate with time. He wasn't chained up in fetters – hence independent to the core. He was, and still is, assertive in his articulation, so elegant in his presentation,

yet simple and clear in a way that is not easy to comprehend or even imitate. For instance, the 1996 Advisory Opinion of the ICJ on the threat or use of nuclear weapons is a case in point. He begins his Dissenting Opinion in lucid and unambiguous terms: 'My considered opinion is that the use or threat of use of nuclear weapons is illegal in any circumstances whatsoever'. When the majority of the Court opined that the threat or use of nuclear weapons would 'generally' be contrary to international law, he strongly opposed the inclusion of the word 'generally', stating: 'I cannot assent to a proposition which, even by remotest implication, leaves open any possibility that the use of nuclear weapons would not be contrary to law in any circumstances whatsoever'. I figured writing is his overwhelmingly strong passion in life. And he writes faster than any of us could read; the reason why one cannot keep track of his innumerable publications. Once in Japan having completed a lecture tour which coincided with the 2004 Hiroshima-Nagasaki atomic bombing commemoration ceremonies (at which he was the guest speaker), we had arrived at the Narita Airport and were about to check-in when I realized that I had misplaced my passport. Having searched frantically and found it in the vehicle which provided transportation, I returned within 15 minutes to find Judge W. with paper and pen in hand, jotting down titles of the chapters of what would be his new book! He had envisaged the worst case scenario, i.e. the loss of my passport and more days in Japan – so he had to work on something new. Now that I had found it, work had to continue. Later, the seats on the flight gradually transmuted into office chairs, the trays in front into tables – and I found myself taking down a 40-minute dictation! I shouldn't even dream of losing my passport again', I thought to myself.

He expends a lot of energy on writing. At least this is what I feel, even though I cannot shirk myself to avoid viewing him as some human reservoir of thoughts and ideas which never runs dry. Almost every draft handed over to him at the close of business was read that night or early morning the following day. A scribble here and there, front wise and back, this way and that; Judge Weeramantry had gone through all of it with meticulous precision, made the necessary amendments, cut out old paragraphs and added new ones. Early morning, without a proper breakfast, all this looked a bit barmy to a young researcher's eye. Of love, all-pervading But sanity prevailed and it prevails in the form of Mrs. Weeramantry! Just as these random thoughts and memories of mine would be utterly incomplete without reference to her, so too would Judge Weeramantry's life. She is indeed the towering strength which helps him lead a monotonously happy (and sane!) life; a today just like yesterday, a tomorrow just like today. When life seemed to be tedious and droning, she would enter the office room, to offer a comforting word, to crack a joke, which would have all in office roaring with laughter – a pleasant and necessary distraction, I thought! She infuses a sense of balance to his life, ensuring that he doesn't exert himself too much, making sure that he ambles along the 'middle-path' even at an age when he ought to rest more. And I could always sense love in the air, the sheer confidence one has in the other, an understanding which is so strong. Soul mates.

Conclusion

I could go on and on, but neither space nor time allows me to do so, now. After all, these are stories best narrated, a memoir best written, by Judge Weeramantry alone. A birthday is often about colourful candles and a cake, about presents and gifts, about calls from loved ones far away, about celebration and reason to rejoice. But it's also a time to resolve, to finish off matters that have been gathering dust, to complete a project which plods along the pace of a snail. When would this story be written? When could it be read? Yes, it is time you completed your memoirs, sir. Happy birthday!

(The writer was once a researcher at the Weeramantry International Centre for Peace Education and Research. He is currently attached to the UNDP in Timor-Leste) (Courtesy: News.lk)