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Introduction to Keynote Address: A Tribute To Yoram Dinstein

*Colonel Dr. Eran Shamir-Borer**



Yoram Dinstein with René Cassin, in Uppsala, Sweden, 1972.

If one puts in *Control F* and *Search* “Dinstein” in the IDF International Law Department’s database of legal opinions, the word will appear almost as often as the word “law.” And when we hear that word “Dinstein” we think firstly not of the person, but of the fundamental texts which guide many of us in our work.

As such, Professor Yoram Dinstein has joined that small group of people for whom the mention of their names has connotations of a concept or a school more than the person themselves.

So for most of us, Professor Dinstein needs no introduction. In fact, for many of us, he and his many fundamental texts were the introduction to our field. Aside from being the founding father of international law studies in Israel, teaching countless students, to-be professors, and practitioners, Professor Dinstein has achieved an almost mythical status worldwide, with his name becoming a synonym for academic excellence, irrefutable expertise, and never-ending vigor.

* Colonel, Head of the International Law Department, Military Advocate General’s Corps, Israel Defense Forces. LLB (Tel-Aviv University), LLM (Tel-Aviv University), LLM (New York University), JSD (New York University). This speech has been lightly edited for publication.

Nevertheless, this conference is an excellent opportunity to acknowledge Professor Dinstein's truly wondrous contributions to the study and development of international law. His experience—as a leading member of many international institutions; an accomplished public servant; a consultant for the Government of Israel; and a successful teacher of the law—has left an indelible impact in the field in which we practice.

Professor Dinstein completed his Master of Jurisprudence at the Hebrew University, an LLM at New York University, and a Doctor of Laws at Hebrew University, and has since then been a teacher of the law and a promoter of the study of the law at different institutions. Professor Dinstein has been a Lecturer at the Hebrew University and the Dean of the Faculty of Law at Tel Aviv University. He was the first law professor to be appointed Rector of Tel Aviv University and later the President of Tel Aviv University—the only person to have held both offices as of this publication. Professor Dinstein has been a visiting professor at the University of Toronto, New York University, Humboldt Fellow at the Max Planck Institute, Lecturer at the Hague Academy of International Law, and more. Along the way, he has obtained honorary degrees from the University of Buenos Aires, the University of Chile, and the Hebrew Union College.

In the Introduction to this conference, which appears in this issue, the IDF Military Advocate General, Brigadier General Sharon Afek, writes about the changes in the law. While many of us are acquainted with these changes, Professor Dinstein has often had a hand in driving these changes and in shaping the development of the law, often being in positions of great influence. Professor Dinstein was elected in 1989 as a Member for life of the *Institut de Droit International*, comprised of the world's leading international lawyers. He has twice been the Stockton Professor of International Law at the U.S. Naval War College; he is a Council Member at the International Institute of Humanitarian Law in San Remo; and he has been a member of the Executive Council of the American Society of International Law.

His academic writings are illustrious and immense. In a collection of essays edited by Professor Michael Schmitt and ICRC Legal Adviser Jelena Pejic in honor of Professor Dinstein and published in 2007, over ten books and 130 articles are listed. If that book was republished today, it would need even more pages to list his subsequent publications.

We are all familiar with *War, Aggression and Self-Defense*, his books on international armed conflicts, non-international armed conflicts, and on belligerent occupation. In the IDF Military Advocate General's Corps, there is a waiting list for these books, and my own personal copies are kept in the same safe as my top-secret documents to stop my officers from trying to nick them. His other books have also been influential—from his first publication in 1965 on the *Defense of Obedience to Superior Orders in International Law*, which has become

a seminal work in the field, to his six green books in Hebrew published in the 1970s and early 1980s on different areas of international law, to his founding and editing of the Israel Yearbook of Human Rights, which has since seen 46 volumes published—including articles from many of those present at this conference.

Professor Dinstein led the drafting of the International Institute of Humanitarian Law Manual on the Law of Non-International Armed Conflict, and was the Project Director for the Manual on International Law Applicable to Air and Missile Warfare—both important and influential works. Currently, he is leading the work on a new Oslo Manual on Selected Problems of the Law of Armed Conflict.

Professor Dinstein's series of lectures at the Hague Academy of International Law, in 2006, titled *The Interaction between Customary International Law and Treaties*, have become an indispensable reference on the subject, as well as on customary international law as a whole. Professor Dinstein's writings have also become a reference for the highest courts of numerous states and international instances. Some of the seminal decisions by Israel's Supreme Court cite Professor Dinstein's work as decisive authorities.

In addition to his academic activities, Professor Dinstein has also contributed to Israel's national security and interests. He has represented Israel formally, as Israel's Consul to New York and as a delegate in charge of human rights at Israel's Mission to the UN in the 1960s. He has represented Israel in various international fora, ranging from the UN Commission on Human Rights, and the International Conferences of the Red Cross and Red Crescent, to INTERPOL.

Even after leaving Israel's public service, he continued to contribute significantly, and was often in high demand by Prime Ministers, governmental representatives and military generals alike. At the request of Chief Justice Meir Shamgar, then the Military Advocate General, Professor Dinstein lectured on the law of war prior to the Six-Day War in 1967. In 1973, during the Yom Kippur War, Professor Dinstein was consulted urgently and secretly by the IDF on the terms of the ceasefire agreement with Egypt. In the late 1980s, Professor Dinstein was on the Israeli team headed by the late Sir Elihu Lauterpacht for the international arbitration that resolved a dispute between Israel and Egypt regarding their shared borders.

Professor Dinstein served Israel's interests not just in representing or advising Israel, but also by contributing to the advancement of international law and human rights in Israeli society. In this regard, Professor Dinstein was the founder of the Israeli chapter of Amnesty International, and chaired the chapter for a number of years. He is currently the President of the Israel United Nations Association.

In each of these areas—as an academic, as a teacher, as a public servant, and as a practitioner—Professor Dinstein has accomplished more than most. And when looked at all together, his accomplishments and contributions are truly astounding. They make Professor Dinstein a most fitting person to share with us his insights as to the changes in the law over the decades that span his career, entitled *The Recent Evolution of the International Law of Armed Conflict: Confusions, Constraints, and Challenges*.

