

OBITUARY

David Hugh Nevil Johnson 1920-1999

Professor David Hugh Nevil Johnson passed away on 12 September 1999.

Professor Johnson was one of the world's leading international lawyers. He was dedicated above all to the proposition that international disputes can best be resolved according to the principles of international law, and not by resort to war.

The son of John and Gladys Johnson, he came into this world on the 4th January 1920 in Mandalay, in Burma, then part of British India. He was educated as a Scholar at Winchester School and then at Trinity College Cambridge. He studied later at Columbia University in New York. When it was time to take his bar examinations, the country was already at war with Germany. So his days were spent studying and his nights on duty on the cold and windy beaches of England.

He then answered the call for volunteers to serve in the Indian Army. One would have thought that his education would have led to his designation to an intelligence unit. However, such was the wisdom of the military authorities that he was sent to the Royal Corps of Signals, notwithstanding the fact (as he later admitted) that he had never previously even replaced a broken fuse. He saw service in some of the most inhospitable and malaria infested parts of India. A very tall man, he towered over his Punjabi troops who came to respect, admire and love this man from afar for his care, his consideration and his courtesy – in brief his humanity. In a short time not only did he know them, he also mastered their language. He was there with the 23rd Division of the Indian Army when they heroically withstood the Japanese advance at Imphal and Kohina, one of those important theatres of the Second World War that a thoughtless world has too easily forgotten.

Back home, David resumed his career. He was called to the Bar in 1950. In 1952 he married Evelyn Joan Fletcher.

His wartime experience led him to the conclusion that the terrible tragedy that is war could only be forestalled if the rule of law could prevail across the world and over the nation states. In brief, he dedicated himself to the furtherance of international law, the law of nations. He was engaged as a legal adviser to the Foreign Office. He was so expert that academic appointments in the University of London followed, culminating in his appointment to the Chair of International and Air Law in 1960. Professor Johnson, as he then was, accepted the Deanship of the Law School from 1968-1972, a duty – indeed a sacrifice – as it distracts a scholar from that which he loves most.

David Johnson was a remarkable international lawyer, one of a new post war generation steeled by their experiences in that terrible war, and vowing that the world would never again resolve global disputes by force.

David not only taught the law, he not only researched and wrote about the law, rare for law teachers, he also practised it. Governments sought his advice eagerly and he appeared on their behalf in several important cases before the International Court of Justice at The Hague. These included the *Anglo-Norwegian Fisheries case* in 1951, the *Anglo-Iranian case* 1951-1952, the *Ambatielos case* in 1952-1953, the *Northern Cameroon case* in 1963, and the *Icelandic Fisheries case* in 1973-1974.

While on leave from the University, he was seconded to the United Nations in 1956-1957 where he became involved in the preparations for the first Law of the Sea Conference. He was appointed International Law Adviser to the Holy See. He later served as Registrar to the Court of Arbitration over a frontier dispute between Argentina and Chile in 1965-1968. This was a key position, the veritable centre of communications between the arbitrators and the two countries. He was to draft the award that brought a long and bitter dispute to an end.

The name David Johnson, or the initial DHNJ, is sprinkled across the literature of international law of this period. He frequently contributed to the learned journals of the highest standing such as the *International and Comparative Law Quarterly*, the *British Yearbook of International Law*, the *Modern Law Review*, the *Cambridge Law Journal*, the *Netherlands Year Book of International Law*, and the *Sydney Law Review*. His articles ranged from specific disputes between states to issues of importance in the

development of international law. Some of the titles of these articles are testimony to his wide range of interests. They include superior orders; refugees, deportees and illegal immigrants; sovereign immunity; and the status of United Nations resolutions and recommendations.

David and Joan Johnson came to Sydney in 1975. He was to take up the Challis Chair of International Law, the only chair dedicated to that field of knowledge in Australia. He succeeded another of the great post-war international lawyers, Julius Stone. David's appointment was seen as a great "coup" for Sydney. Until his retirement in 1985, he did what he loved most – teaching, writing and encouraging. In those years, David's work moved into new areas, international economic law and international humanitarian law. As Vice-President of the Australian Branch of the International Law Association he promoted a vigorous program of seminars and publications. The Association will be forever indebted to him for his encouragement for and work in the founding of its journal, its occasional papers (he chose the name "Martin Place Papers") and in the first proposal for Australia to hold the world conference of the Association.

A kind man, he had a gentle and self-deprecating sense of humour. I recall him telling me of an early visit to Buenos Aires with a more canny law lord. Both were dressed casually and comfortably for the long flight. Just before landing, the law lord excused himself and reappeared, in a suit. The press was there to greet them. The front page of a Buenos Aires newspaper the next day had under a headline, "Eminent British Jurists arrive", a photograph of the law lord in a smart suit and tie on the gangway, with David Johnson in a very comfortable university cardigan.

Above all, David Johnson was a kind, caring and generous man who contributed significantly to what is being achieved today: the extension of the rule of law to all mankind. As our great poet wrote of another: "His life was gentle and the elements so mixed in him that Nature might stand up and say to all the world this was a man".

David Flint