

IN MEMORIAM**Paul Peters 1924-2003: An Appreciation**

Paul Peters died peacefully on 8 May 2003, at the age of 79, after a lifelong career in international business and commitment to the practice and study of international law. For 30 years he served as an economist and corporate lawyer with companies of the Royal Dutch/Shell Group. His contribution to international law was recognised when he was made an honorary member of the Netherlands Society of International Law in 1996.

Paul Peters was born in Balikpapan, Borneo, Netherlands East Indies, on 26 February 1924. His father was Dr Z.P. Polak, a chemist who worked with Shell. Hence, his name at birth was Paul Polak. Soon after his birth, the family moved back to Holland where Paul grew up and took lessons in music and foreign languages from a young age. The German invasion of the Netherlands on 10 May 1940 cut his youth short abruptly. His father, of Jewish origin, was repeatedly arrested and put into prison. An initial attempt of the young Paul to escape to England by bicycle as early as 1940 was thwarted by flat tires. Subsequently, a German order in 1941 expelling Jewish pupils from schools spurred Peters into his first main act of resistance by co-organizing the distribution of a letter of protest. Nevertheless, he managed to finish his preparations for the final exams of the grammar school and was able to start, clandestinely, a study in chemistry at the Free University of Amsterdam in 1942. He soon became involved in the resistance movement, assisting people going underground, producing false papers and organising escapes. In 1943, Peters had to escape his home country himself and fled through Belgium, France, Spain, Gibraltar and Ireland to England, as one of the so-called '*Engelandvaarders*'. Meanwhile, he had assumed the undercover name of Paul Petit. While in England, he received special training for the Dutch Special Operations Executive, including training as a wireless operator and parachutist, and worked under the new name of Paul Peters assigned to him by the military authorities. On 21 September 1944, Peters was one of the undercover agents to be dropped off close to Rotterdam to prevent the German destruction of the harbour of Rotterdam. Subsequently, he became involved in the organisation of transmissions through clandestine telephone lines from Amsterdam and the dropping of arms in occupied Holland. At the end of the war in May 1945, his mother returned home from Dachau but Peters found that his father had died in Auschwitz.

During August-November 1945 Peters was one of the members of a small group sent on a special mission to the Netherlands East Indies. He was one of the first allied soldiers to land in Batavia and to witness the capitulation of the Japanese. In the immediate post-war years he received further military and security training, also in the secret service, but also resumed his study in chemistry, though he later

changed to law. Meanwhile, his name change from Polak to Peters was officially approved and registered in 1948.

When he finished his law degree in 1953, Paul Peters took up an appointment with Shell. Subsequently, he served for nearly 20 years as an economist and legal adviser in The Hague, London, Maracaibo and Caracas (Venezuela). In 1973, Peters was appointed to the international law desk and charged with a wide variety of legal issues, including the law of the sea, nationalizations and foreign investment regulation. Apart from concrete cases involving the interests of Shell, he often represented Dutch industry in multilateral consultations on the law of the sea, transfer of technology and foreign investment regulation in the context of the Organisation for Economic Co-operation and Development, the United Nations and the International Chamber of Commerce. From that time, he also developed a keen academic interest in international law. He retired in 1983 as one of Shell's main international law advisers.

Four main areas of interest, on which Peters has also published frequently in this *Review* and elsewhere, have established his academic reputation:

- the law of the sea, especially the ocean regime for deep sea-bed mining and its protection of pioneer investors and provisions for transfer of technology to developing countries. Here Peters advocated a pragmatic and business-like regime, not based on a 'first come, first served' principle but on the acceptance of the principle of the common heritage of humankind. Discussions focused on the mining of manganese nodules. Furthermore, he published on legal aspects of the removal of oil installations.

- regulation of foreign investment. His main concern was how international law could be instrumental in reducing risk and promoting trust in the arrangements with developing countries, especially through bilateral investment promotion and protection treaties (BITs). He took a particular interest in the dispute settlement arrangements. For decades Peters collected BITs, published annual lists in *International Legal Materials* and reviewed and analyzed them in publications. For a long time his collection of the fast expanding network of BITs was the most complete collection in the world, even larger than that of the World Bank-based International Centre for the Settlement of Investment Disputes.

- extra-territorial jurisdiction. The issue of the extraterritorial application of laws and responses thereto often arose in Peters' work as a practitioner. Examples include sanctions legislation of various European countries with respect to new investments in South Africa under the *apartheid* regime and the application of the US Export Administration Regulations with respect to Europe-based companies involved in the gas pipeline project in the former Soviet Union. In 1984, Peters presented an excellent 100-page Report on Extraterritorial Legislation from the perspective of public international law for the annual meeting of the Netherlands Society of International Law.

- international law and sustainable development. Under the influence of reports such as *the Limits to Growth* (Club of Rome, 1972) and *Our Common Future* (Brundtland Commission, 1987), Peters developed a keen interest in natural resource management and environmental conservation. During the last phase of his life he

had come to the conclusion that the worldwide pursuit of economic growth should be limited and that industrialized countries in particular would have to drastically change their patterns of production and consumption. In various publications he advocated an economy of care and he regularly quoted Herman Daly's work on a 'steady-state economy'. Peters also published on innovative new instruments in international environmental law, such as joint implementation and tradable emission rights, to combat climate change.

After his retirement Peters served on a wide variety of both governmental and non-governmental commissions as well as on boards in the field of international law. In the mid-1980s he undertook on behalf of the Netherlands Development Assistance Research Council and the Free University Amsterdam missions to Bangladesh, India, Indonesia and Pakistan to explore avenues of scientific co-operation in the field of international law and development. In 1991-1992 he served as the Dutch co-chair of the second Hague Joint Conference of the American and Netherlands Societies of International Law and in 1993-1994 he assumed some of the academic duties of Professor Kooijmans at Leiden University during the latter's term as Minister of Foreign Affairs. He also wrote a highly interesting case for the Telders International Law Moot Court Competition, *The Case of the Expropriation of Toxin Business (Beleriand v. Hithlum)* in 1992. Furthermore, he played an active role in various committees of the International Law Association, especially in committees related to a New International Economic Order, the law of the sea, extra-territorial jurisdiction and sustainable development.

Peters was a soft-spoken gentle man who nonetheless held resolute and occasionally strong opinions, a war veteran of great courage, unassuming yet impatient with bigheads, the father of eight children and a passionate musician. He took a profound interest in the role of international law in regulating international business, reducing the North-South divide, promoting respect for human rights and achieving sustainable development. Paul Peters was instrumental in bridging the gap between academia and business, a rather unique role, which was widely appreciated both nationally and internationally. The international law community will miss him greatly, but is much indebted to him for his scientific contributions of lasting value.

Nico Schrijver
Professor of International Law
Free University
Amsterdam