

## Note from the General Editor

### *Georges R. Delaume (1921–2016): A Life of Service to Intellectual Integrity and Scholarship*

The present issue of the *BCDR International Arbitration Review* on Investment Arbitration in the Middle East is dedicated to the memory of Georges R. Delaume, a pioneer in the development of international investment arbitration.

Georges Delaume passed away on December 19, 2016 in Arizona at the age of 95. He was born in Paris in 1921 and it was there, in 1944, that he completed his doctoral thesis under the supervision of the eminent scholar of private international law Jean-Paulin Niboyet. He continued his legal studies at Cambridge University in England and then, in 1949, moved to the United States. He was to become permanently resident there, pursuing a long and distinguished career in the Legal Department of the International Monetary Fund, the Legal Department of the World Bank, the International Centre for Settlement of Investment Disputes (“ICSID” or the “Centre”), and the law firm Curtis, Mallet-Prevost, Colt & Mosle. He also taught at George Washington University for over twenty years.

Georges Delaume became the Senior Legal Adviser of ICSID and took charge of its day-to-day management at a time when the Centre had very few cases and investment arbitration did not enjoy the fame and prominence it has today. He brought great distinction and power of intellect to the position. His personal efforts, together with those of Ibrahim F.I. Shihata, to promote ICSID in arbitration circles and conferences and through the publication of articles in leading law periodicals increased awareness of the Centre and paved the way for the success it has since achieved and from which ICSID presently derives much benefit.

In addition to being a full-time international civil servant and senior legal consultant, Georges Delaume devoted himself to another lifelong pursuit. He was a prolific writer on law and his publications, in both English and French, have survived the test of time. His first book, published in 1947, which was his doctoral thesis on the topic of conflicts of law on the eve of the Civil Code (*Les conflits de lois à la veille du code civil*), was a major contribution to the history of French private international law. His seminal treatise *Legal Aspects of International Lending*

and *Economic Development Financing* was the first scholarly exposition of theory and practice in the field of international financial transactions.

In his other published works, including his comparative study of private international law *Transnational Contracts: Applicable Law and Settlement of Disputes*, Georges Delaume explored a wealth of subjects relating to international law, including: the principle of party autonomy; applicable law, conflict of laws and choice-of-forum clauses; change of circumstances and force majeure; international commercial arbitration; ICSID arbitration; litigation and arbitration of state contract disputes; rules of adjudicatory jurisdiction in the common law system and in European civil law countries; recognition and enforcement of foreign judgments and foreign arbitral awards in England, the United States and Continental Europe; and immunity from suit and execution of states and international organizations.

He was a traditionalist in his approach to private international law and loyal to the conflictualist method. He did not subscribe to novel academic theories of private international law that seemed remote from practical realities. He showed skepticism towards *lex mercatoria*, which he described in one of his articles as “remain[ing], both in scope and in practical significance, an elusive system and a mythical view of a transnational law of State contracts whose sources are elsewhere.”

Georges Delaume was a man of many talents and his cultural interests were wide-ranging. He expressed himself in English as elegantly as in his native French. He enjoyed classical French literature, especially Boileau’s *L’Art poétique* and Montesquieu’s *De l’esprit des lois*, and was a student of history. An avid traveler and a watercolor painter, he used to combine these two activities by capturing on canvas the beauty of the many places he visited. With his characteristic generosity, he gave many of his paintings to his friends. I had the good fortune to receive more than one, which still adorn my office and my home.

Georges Delaume understood the value and meaning of true friendship, and he in turn won the loyalty and respect of friends of all ages. They included contemporaries, such as Berthold Goldman, Pierre Lalive and F.A. Mann, as well as former students and colleagues, whom he mentored and to whom his attachment remained unwavering. Individuals of his kind are becoming extremely rare. Scholarship, encyclopedic knowledge, vision, great integrity, basic decency, common sense and loyalty to friends were but some of his attributes.

We owe it to him not to forget his exceptional personal and professional qualities. Georges Delaume’s legacy will live on and continue to inspire publications such as the present issue.

Nassib G. ZIADÉ