Ignaz Seidl-Hohenveldern (1918-2001)

On 25 July 2001, Professor Ignaz Seidl-Hohenveldern passed away and the international lawyers’ community lost one of its most eminent personalities. Professor Seidl-Hohenveldern was an outstanding academic and practitioner, but most of all, he gave inspiration to colleagues and students alike and supported, in particular, the efforts of young international lawyers to elaborate their ideas about international law problems. His broad and almost encyclopaedic knowledge of international law, as well as his wide practical experience, was an enormous source of information. He always found time to discuss issues of international law and to lend support to the work of international lawyers by giving advice from his stupendous memory and inexhaustible private library.

Professor Seidl-Hohenveldern was born on 15 June 1918 in Mährisch-Schönberg, in what is now the Czech Republic. He studied law at the Universities of Vienna, Geneva and Innsbruck. In 1946 he started his career with the Liaison Services to the Allied Council for Austria in the Austrian Federal Chancellery and became Assistant Legal Advisor in the Constitutional Services of the Austrian Federal Chancellery in 1947. From 1949 to 1950, he served as Assistant Legal Advisor at the Organisation for European Economic Co-operation in Paris. From 1950 to 1954, he was Deputy Legal Advisor in the Foreign Affairs Department of the Austrian Federal Chancellery. In 1951 he became Privatdozent at the University of Vienna. This was the starting point of a most distinguished career in public international law. From 1954 to 1964, he was Professor of Public Law and Public International Law at the University of the Saar. In 1964 he moved to the University of Cologne. In 1981 he became Professor of Public International Law of the University of Vienna, from where he retired in 1988.

The œuvre of Professor Seidl-Hohenveldern is very large and includes all areas of international law. His impressive list of publications encompasses books and articles on general international law, international organizations, international economic law and international environmental law, as well as European Community Law. It would be too onerous a task to discuss his work in detail, but it has been at the forefront of thinking about both theory and practice.

Indeed, it would be difficult to find a topic to which he did not make a valuable contribution. His intensive work on international law problems has been acknowledged by the Hague Academy of International Law inviting him to lecture several times—in 1968 on “The Impact of Public International Law on Conflict of Law Rules on Corporations”, in 1986 on “International Economic Soft Law” and, again in 1986, in the general course on international law which he devoted to “International Economic Law”. His outstanding academic reputation has also been acknowledged by two Festschriften produced in his honour.¹

Professor Seidl-Hohenveldern's commitment to international law has been acknowledged by a number of international and academic institutions. He had been a member of the Institut de Droit International since 1969 and Rapporteur of the International Law Association’s Committee on Foreign Property and Nationalisation from 1956 to 1960. From 1956 to 1974, he was Visiting Professor at the College of Europe, Bruges. Since 1974, he had been Visiting Professor at the Europa Institut of the University of Amsterdam. Furthermore, he had been a Corresponding Member of the Real Academia de Ciencias Morales y Políticas since 1960, a Member of the Austrian Academy of Sciences since 1985 and a Member of the Commission Médico-Juridique de Monaco since 1965. In 1978 he was awarded the honour of Docteur honoris causa de l'Université Paris V.

He had also been a practitioner of international law. He served, inter alia, as an arbitrator of the International Centre for Settlement of Investment Disputes, as a member of the Special Panel of Adjudicators of the United Nations Relief and Work Agency and in several ad hoc arbitrations. In 1983 he was President of the United Nations Conference on State Succession in Respect of State Property, Archives and Debts.

Professor Seidl-Hohenveldern had a particularly close connection with the area of international economic and, in particular, investment law. His post-graduate thesis (habilitation) was an in-depth examination of the nationalizations that occurred after World Wars I and II within the context of the emergence of new States from the Austrian Empire, tensions between ethnic minorities that became majorities and, after World War II, Soviet occupation and the introduction of Communism. This magisterial work on that tumultuous period of European history also reflects his own and his family's exposure to political risk, and we may find here, perhaps, some personal explanation of the great respect he had for private property and the link he always made between protection of property and personal liberties.

Many of his subsequent works—a comment on the Libyan oil nationalizations, his criticism of the assertion of unfettered nationalization rights under the “NIEO” concept, a review of a book on the valuation of compensation claims, and a comment on the investment protection regime of the Energy Charter Treaty—reflect his continuing involvement in the debate on the legitimate scope of State intervention into private property rights. One of the co-authors of this note had, up until just before his death, an extended debate with Professor Seidl-Hohenveldern about whether or not mandatory third-party access (introduced under modern EU energy directives and national

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3 Rv/Wg 1977, 522.
5 Archiv der Völkerrechts 32, June 1994, 283.