

Karl Joseph Partsch (1914-1996)

On 30 December 1996, Karl Josef Partsch, Professor Emeritus at the University of Bonn, died at the age of 82. One of the most prominent German international lawyers, Professor Partsch devoted a major part of his life's work to the cause of human rights, both in his writing and in his practical activities. He was particularly well versed in this area, having learnt the hard way what racial discrimination meant. Indeed, a career as a lawyer in the public service or even as an attorney was closed to him in Germany until 1945, for racial reasons. His practical work as an international lawyer began in the 1950s when he was appointed assistant to the first legal adviser of the newly established German Foreign Office, Erich Kaufmann. Previously, in 1946, he had embarked on a prolific literary production, with strong emphasis on human rights issues. From 1957 he taught public law and international law at the universities of Kiel, Mainz and Bonn. Professor Emeritus since 1979, he continued to hold seminars, the circle of his former and current doctoral students remaining a challenging intellectual focal point until a short time before his death. Two highlights of his activity in support of human rights are his 20 years (1970-1990) of uninterrupted membership of the Committee on the Elimination of Racial Discrimination, an unparalleled record of re-election which reflected the high esteem his work had won among the international community, and his membership of the Human Rights Committee of the UNESCO Executive Board, a position he held until quite recently.

His first political encounter with international humanitarian law *stricto sensu* was as a delegate at the International Conference on Human Rights held in Teheran in 1968. That Conference adopted the famous Resolution XXIII, "Human rights in armed conflict", which triggered the process leading to the Geneva Diplomatic Conference of 1974-1977 and ultimately to the adoption of the two Protocols additional to the Geneva Conventions. Professor Partsch was a member of the German delegation to the Geneva Conference. He dealt with issues on the borderline between human rights and international humanitarian law, such as Article 75 of Protocol I and

the human rights provisions of Protocol II, and was also the author of an early, unofficial attempt (a "non-paper") to bridge the dividing line between the Western States and the Third World on the issue of liberation movements. This initiative was characteristic of his independent and creative mind; his ideas were not necessarily to everyone's liking, but they were refreshingly reasonable.

After the Conference he published, together with Waldemar Solf and the author of these lines, the first Commentary on the two Additional Protocols.¹ He remained a great disseminator of international humanitarian law until very recently.

In 1973, the German Red Cross set up an Advisory Committee on International Humanitarian Law, of which Karl Josef Partsch was a member right from the start, and in which he faithfully participated until the last meeting shortly before his death, on 4 November 1996. This was the last time the author of these lines was to meet him.

While his academic work was influenced by his practical experience, his practical work was inspired by his academic background. His wisdom stemmed from a profound knowledge of history.

Karl Josef Partsch made a deep impression on all those who had the privilege to work or to engage in intellectual dialogue with him. Conversations with him were frank and inspiring. He was a man whom we will not forget.

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¹ M. Bothe, K.J.Partsch, W.A. Solf, *New rules for victims of armed conflicts, Commentary on the two 1977 Protocols additional to the Geneva Conventions of 1949*, Martinus Nijhoff Publishers, The Hague/Boston/London, 1982, 746 pp.