

IN MEMORIAM

Gerald F. FitzGerald

WITH THE DEATH OF Dr. Gerald F. FitzGerald in November 1987, the Canadian international law community has lost a most loyal and distinguished member. His service in the field of international law was long and fruitful. From 1940 he spent his life as a national or an international civil servant, working for the Canadian government (1940-46), the International Civil Aviation Organization (ICAO) (1946-74, where he was Principal Legal Officer in the Legal Bureau, and then again the Canadian government as Senior Counsel in the Department of Justice, Ottawa, until his retirement two years ago.

Notwithstanding the onerous duties of these offices, Dr. FitzGerald played a leading role in several professional and community organizations. In particular, in the field of international law, he was a founding member of the Canadian Branch of the International Law Association (ILA) in 1952 and, as honorary chairman of its executive committee, nurtured the Branch through its early years; he was also a prominent member of the Canadian Council on International Law since its founding in 1972, serving on its executive committee.

It is fitting, however, to emphasize here his special contribution to *The Canadian Yearbook of International Law / Annuaire canadien de droit international*. It was he who submitted a written proposal to the executive committee of the Canadian Branch, ILA, on October 31, 1960, that the Branch sponsor the publication of an annual yearbook. His proposal was not accepted for financial reasons. On June 14, 1961, however, he again brought the proposal to the committee and it was then accepted; by that time I had become president of the Branch and could assure the committee of the financial backing of Dr. N. A. M. MacKenzie, the president of the University of British Columbia and chairman of the Board of the Koerner Foundation (for an account of Dr. MacKenzie's role in this matter, see volume 23

of this *Yearbook* at page 328). Furthermore, at a meeting on February 12, 1962, Dr. FitzGerald was responsible for the committee's resolving that I should proceed with the planning of the *Yearbook / Annuaire*, and thereafter he was the dominant influence in the selection of the editor and the first members of the editorial board, which he himself was persuaded to join.

Dr. FitzGerald's involvement with the *Yearbook / Annuaire* did not cease with its creation. The list of his publications in it far exceeds that of any other contributor. Each of the first twelve volumes carried a substantial article or note by him and so do three subsequent volumes. His support continued undiminished until the end of his life, not only as a member of the board of editors but as a publicist; his article on "Aviation Terrorism and the International Civil Aviation Organization" appears in this volume at page 000.

In short, Dr. FitzGerald was a distinguished scholar and practitioner of international law. Throughout his life he ardently but always prudently promoted the development of the rule of law in international relations. His contribution to this end was outstanding. He has thus justly earned an honourable place in the pantheon of international lawyers.

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