

**IN MEMORIAM**

## JUDGE SHIGERU ODA (1924–2025)

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It is with deep respect and profound sadness that we mark the passing of Judge Shigeru Oda, former Member and Vice-President of the International Court of Justice, who died on 4 September 2025 at the age of one hundred. He was one of the most distinguished international lawyers of the postwar era, an eminent scholar of the law of the sea, and the longest-serving Member in the history of the Court. His life and career embodied the values of scholarship, intellectual distinction, and service to the international rule of law.

Born in Sapporo in 1924, Judge Oda graduated from the Faculty of Law of the Imperial University of Tokyo in 1947. His academic career began under Professor Kisaburo Yokota, one of Japan's leading international lawyers of the time. In 1950, he accepted an academic appointment at Tohoku University and published an article on State sovereignty. In the same year, with the support of the Rockefeller Foundation, he enrolled at Yale Law School as one of the first three Japanese students to undertake graduate legal studies in the United States after World War II. He obtained an LL.M. degree in 1951 and a J.S.D. in 1953. At the suggestion of his supervisor, Professor Myres S. McDougal, Judge Oda chose to devote his doctoral dissertation to the law of the sea. Departing from the traditional focus on the sea as a realm of navigation, he broke new ground by investigating the use and management of ocean resources. This proved to be a serendipitous choice, one that would subsequently evolve into a central field of the international law of the sea.

After obtaining his J.S.D., Judge Oda returned to Japan, where, at the age of twenty-nine, he was consulted by the Government of Japan regarding a fisheries dispute with Australia. Shortly thereafter, he was invited by Professor McDougal to serve as a senior research fellow at Yale, a role which he undertook from 1956 to 1958. Despite their close personal relationship, Judge Oda did not subscribe to the policy-oriented jurisprudence advanced by Professor McDougal and declined to coauthor a monograph on the law of the sea. Judge Oda remained intellectually devoted to positivism. He later wrote, "learning international law at a US law school as actual practice rather than abstract legal theories determined my subsequent life"; in lectures, he taught international law as legal techniques, and "never

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explained ‘theories’ expounded by scholars”.<sup>1</sup> In 1958, he left his academic position at Yale and participated as a member of the Japanese delegation in the First United Nations Conference on the Law of the Sea; he would later also take part in the Second and Third Conferences. During this period, he published his monograph *International Control of Sea Resources* (Sijthoff, 1963), which helped establish his international reputation.

What cemented his international standing was his distinguished advocacy before the International Court of Justice in the *North Sea Continental Shelf* cases in 1968. As counsel for the Federal Republic of Germany, he explained the inequity of applying the equidistance principle to the delimitation of the continental shelf and argued for a modified approach. He proposed that the lines of demarcation be drawn from a basis representing the coastal front or “façade” toward the central part of the North Sea. This “façade theory” garnered interest during the oral hearings and was no doubt influential in the Court’s adoption of equitable principles, as it was suggested in the Court’s Judgment as one method of achieving proportionality to balance distortions caused by irregular coastlines. In 1969, the ICJ rendered a judgment that was more favorable to Germany — it rejected the applicability of the equidistance principle and instead set out equitable principles for a negotiated solution — and Judge Oda’s contribution as a young scholar-practitioner was widely recognized.

During this period, Judge Oda was also actively involved in the teaching of international law. The Carnegie Endowment for International Peace had launched a project to compile a global manual of international law under the direction of Professor Max Sørensen of Denmark. The initiative brought together mid-career international lawyers from around the world, and Judge Oda was selected as one of the authors from Asia. He wrote the chapter on individuals in international law. The full volume, *Manual of Public International Law*, was published in 1968 and came to be regarded worldwide as a standard textbook on international law. The following year, at the age of forty-four, he became the first Japanese national to deliver a regular course at The Hague Academy of International Law, lecturing on the law of the sea. That same year, upon the recommendation of Professor Philip Jessup and Sir Gerald Fitzmaurice, he was elected an *associé* of the *Institut de droit international*. These remarkable achievements, all accomplished before the age of forty-five, attest to his exceptional scholarly standing in the international community.

In 1976, at the age of fifty-one, he was elected as a Member of the International Court of Justice, becoming its youngest judge. Midway through his first term, two

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<sup>1</sup> Shigeru Oda, “Kokusai Ho Jitsumuka ni Tesshita 60 Nen” [Sixty Years Devoted as a Practitioner of International Law], *Nihon Gakushūin Kiyō* [Transactions of the Japan Academy], Vol. 65, No. 1 (2010), pp. 34–37.

cases concerning the delimitation of the continental shelf (*Tunisia/Libya* and *Libya/Malta*) were brought before the Court. As these cases fell within his field of expertise, he approached them with great dedication and made significant contributions to the judgments. Judge Oda later recalled: “As a newcomer, I felt a sense of pride in being placed in a situation where all of my colleagues on the Court relied upon me”. He went on to serve three full terms, remaining on the bench for twenty-seven years until 2003, and becoming the longest-serving judge in the Court’s history. From 1991 to 1994, he served as Vice-President of the ICJ. During his tenure, he participated in some fifty contentious cases and ten advisory proceedings. In many of these, Judge Oda appended separate or dissenting opinions, earning a reputation as “the great dissenter”. These opinions — meticulous, rigorous, and grounded in positivist analysis — were collected in two volumes edited by Professor Edward McWhinney and published by Nijhoff.

Alongside his judicial work, Judge Oda remained deeply engaged in academic activity. Notably, upon his arrival in The Hague, the publisher Sijthoff entrusted him with editorial responsibility for a new project, the *Ocean Series*. He single-handedly reviewed and advised on the numerous manuscripts submitted, which led to the publication of more than thirty volumes on the law of the sea. Judge Oda himself also published three books in this series in quick succession shortly after taking up his judicial role. In 1992, Judge Oda began compiling a new series, *International Law in Japanese Perspective*, for which he remained the general series editor until the late Judge James Crawford and I succeeded him in 2003. He began the series with the visionary goal of raising the profile of Japanese scholarship outside of Japan. Judge Oda then returned once again to The Hague Academy of International Law in 1993, where he delivered a course entitled *The International Court of Justice Viewed from the Bench*, offering candid reflections on the Court’s procedures and jurisprudence.

In 2002, one year before his retirement from the ICJ, the commemorative publication *Liber Amicorum: Judge Shigeru Oda* was produced in his honor. Edited by Professors Nisuke Ando, Edward McWhinney, and Rüdiger Wolfrum, and published by Nijhoff in two volumes, this monumental work contains contributions from ninety-seven distinguished scholars from every continent. It stands as a fitting testament to the breadth of Judge Oda’s scholarly influence and the high esteem in which he was held internationally. Judge Oda’s standing in the academic community was further underscored by his service as President of the International Law Association of Japan from 2003 to 2009, after which he was named Honorary President. He was elected a member of the Japan Academy in 1994, and in 2012, he was awarded the Order of Culture (*bunka kunsho*) by the Japanese Government. To mark his centenary in 2024, Tohoku University hosted an international symposium in tribute to Judge Oda, celebrating his immense scholarly and judicial legacy with great distinction.

Beyond his scholarly and judicial achievements, Judge Oda is remembered for his warm hospitality and kindness. He welcomed Japanese scholars, lawyers, students, and members of the diplomatic community into his home with open arms. I had the privilege of experiencing his generosity firsthand when I attended The Hague Academy as a young researcher in 1983. Judge Oda and his wife graciously drove my wife and me to Delft, showing us the statue of Hugo Grotius and the church where he is buried. For a young couple from Japan, it was an unforgettable experience, emblematic of Judge Oda's attentiveness to the next generation.

Judge Oda was truly a titan of international law. He led a distinguished life with wisdom, dignity, and integrity. Devoted to international law as a practical discipline of real utility, he leaves behind a body of work of enduring significance. His insights have inspired generations of lawyers and scholars, and his contributions will continue to illuminate the path of international law for many years to come. On behalf of the ICJ and the international legal community, I extend my deepest sympathy to his family and friends. In honor of Judge Oda's legacy, we, his successors, pledge before his spirit to continue along the path he charted. With gratitude for his guidance, we humbly dedicate ourselves to advancing the study of international law in Japan and throughout the world.