

Christof in Oxford

*Nazila Ghanea, * Andrew Shacknove** and Kate O'Regan****

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Professor Christof Heyns was an extraordinary colleague. It is astounding that he was able to give so much of himself to the International human rights law (IHRL) programmes in Oxford over so many years, considering the many other demands on his time, but he did so with unflinching loyalty and good humour.

He guided UN processes, advanced regional compliance, innovated academic partnerships, carried many responsibilities and yet was always ready to encourage and exchange with others. He effortlessly inspired our students with his passion for human rights. Whether in his seminars, talks or dissertation supervisions, his curiosity and dedication to human rights law was infectious.

As soon as we heard of the untimely passing of our dear colleague, mentor and friend, there was an outpouring of profound sadness and grief from the Oxford IHRL community around the world. There was also a profound sense of a greater loss to the international human rights community as a whole. 'Staggering loss' summarises the sentiments that were shared with us from the IHRL community in India, the UK, Canada, Kenya, Australia, and the US.

Many from around the world shared of their admiration of Christof as a great legal scholar, human rights champion, activist, dean, educator, and a deeply empathetic and warm character. For us in Oxford, he had been part of our IHRL programmes for over 13 years, as supervisor, assessor, course tutor and key enabler of our Commonwealth Scholarships. Those scholarships are now in their tenth year and have greatly enriched our cohorts with outstanding scholars. The partnership with the University of Pretoria, which Christof arranged, helped us reach many of those excellent applicants.

He'd been a little less present in Oxford in recent years due to his UN Human Rights Committee responsibilities, but we were looking forward to him teaching a full course for the Masters again in July 2021. Indeed, Nazila's predecessor Dr Andrew Shacknove had agreed with him to only

'let him go' to the UN on condition of his return as soon as possible to our Oxford summer masters residentials.

Prior to his appointment to the UN Human Rights Committee, he had been appointed as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in 2010. His accounts to us on how he found himself carrying forward that mandate was shared with characteristic self-effacing humour. His contributions to that mandate were undoubtedly impressive. His convening power and marvellous ability to create a learning environment meant that his work benefitted from the latest expertise and insights of a wide range of actors.

At Oxford he would often present the germ of the ideas for his subsequent reports with such openness. He would present the challenge, raise the key legal questions and dilemmas, the range of views on the matter and then open the floor and allow everyone in the room to feel that their contributions would help shape that report. One of the seminars was on lethal autonomous robotics and emerging autonomous weapons systems – later his reports A/HRC/23/47¹ and A/HRC/26/36² to the Human Rights Council. He carried over his work as a Special Rapporteur on appointment to the UN Human Rights Committee in 2017 and advanced the Human Rights Committee general comment 36 on the right to life and another on the right to peaceful assembly in general comment 37. This not only showed his art as a seasoned educator and his confidence but also inspired students and colleagues to take forward research in related fields.

He was not just academically inspirational. He was incredibly personable too. He managed to enjoy great respect alongside his calm informality. He would jump at the opportunity to share his musical talents at our events, whether performing alongside professional musicians at formal dinners or jamming and singing Beatles music in a reception in a back garden. We had the pleasure of Fearika and Christof being in Oxford on their 30th wedding anniversary where everyone enjoyed brownies for the occasion, which they accepted with such warmth. On another occasion, he arrived out of breath at a garden party having cycled up a steep hill and quipped 'I didn't take the word 'hill' in the address seriously enough!'

He would also take every opportunity to reach out on a personal level to ask how people are and support them. He would never forget the last conversation and would follow up. He would keep up with graduates around the world, meet them on his trips, and update us about them. As one student captured, Christof was not only an incredibly knowledgeable person but 'equally kind'. Or as a fellow faculty member stated in a way that resonated with so many of us: he had 'a big intellect, and a big heart'; he was 'a perfect example of the fact that one can be kind and gentle, and yet very strong'. That one

need not be in a constant 'crusading mindset ... every once in a while being fun-loving is a perfect complement to seriousness'.

In processing the required 'Global Talent Visa' for him as a person of 'exceptional global talent', and in his characteristic good humour, he quipped just in the month before his passing that it was flattering to be certified by Oxford as a global talent and that he was looking forward to showing that to his mother. It is worth repeating what we put in the letter of support, as a token of the immense appreciation we had for him at Oxford:

The main benefit to Oxford of Professor Heyns presence is that students will be learning from one of the leading figures in the field and, in particular, a figure who has helped to shape the field as it currently is. By drawing on the best expertise, the appointment helps maintain and build on the University's reputation as one of the leading universities in the world, thereby attracting the best students. We are fortunate to be able to attract such an outstanding scholar to Oxford and we support his application for the Global Talent visa in the strongest possible terms.

Of course, Christof's involvement with the University of Oxford went beyond the IHRL programmes. Christof Heyns was one of the first people the Bonavero Institute approached to join its Advisory Council when it was established in 2018. He was a wonderful member of the Advisory Council: engaged, thoughtful and constructive, and he is much missed. But in addition to his work on the Council, he made a substantial contribution in the few short years of the existence of the Bonavero to its work.

First, we worked with Christof and his colleagues, Stuart Casey-Maslen and Thomas Probert, in establishing a series of non-credit research training programmes on human rights for Oxford students. The first series was on the lawful use of force and the second series on the right of peaceful assembly. The courses were convened over the years at the Bonavero by Dr Annelen Micus, the Bonavero head of programmes, and by the Bonavero research and programmes manager, Dr Christos Kypraios. Students undertook research to review the law in a range of jurisdictions governing either the use of force by law enforcement officials or the law practice relating to the right of peaceful assembly. The work of the students is now available on the two websites established by the Centre for Human Rights at the University of Pretoria to capture the research undertaken.³ Second, Christof spoke at several events at the Bonavero on his work as a member of UN Human Rights Committee, and, in particular on the Committee's work drafting General Comment 36 on the right to life and General Comment 37 on the right of peaceful assembly. Indeed, shortly before he died so tragically in April, he had been engaged in a lively discussion with Marko Milanovic from the University of Nottingham,⁴ a discussion which is still available

on the Bonavero YouTube site. Third, Christof also acted as an examiner of graduate research degrees of Oxford students.

Christof was an inspiring figure. Above all, his commitment to the project of human rights was unwavering. In addition, he was a kind and insightful mentor and teacher, a lively presenter, who did not shy away from disagreement or debate, but always engaged in it constructively, and an informed and wise guide on institutional strategy.

And we'll end our piece with the address of Dr Andrew Shacknove, Founding Director of the International Human Rights Programmes, University of Oxford. He shared these remarks at the University of Pretoria's symposium held in Christof's memory on 28 April 2021:

Andrew Shacknove

Fearika and Family, Rector, Frans and colleagues, Good morning. It is an honour to honour Christof. It is also easy to imagine him listening in now, though his modesty would cause him to struggle. Given his informality, and the informality of our friendship, he might well ask: 'Andy, what on earth are you doing in a gown?'

There are two answers, the narrow one and the broader one. The narrow answer is that Professor Richardson, our Vice-Chancellor, has asked that I express on her behalf and on behalf of this University her sympathies to Fearika and her family, to the University of Pretoria and to all of you who called this committed, talented and loving man your friend. You, generously and with sacrifice, shared your treasure with us and our students over many happy summers. So, the narrow answer is that, if you speak on behalf of the boss and the team, you wear the uniform. The broader answer you already know: each cultural group has its symbols of respect and shared membership. Every one of the dozens of tutors and hundreds of students Christof taught here would wear their gowns now too if they could. For all of us, Christof made learning a joy. His students prided themselves on their impersonations of his animated lectures. They went on to use his ideas in their own work in 100 countries.

Oxford can claim almost no role in the development of Christof's intellectual life or career. Following a well-established colonial practice, we were among the many free-riding beneficiaries in the North. For our students, tutors and for me, Christof offered us something unique: a combination of a commitment, generous spirit, sense of possibilities and legal skills coming from his life in South Africa with the capacity he developed in the United States to engagingly apply social science analysis to human rights problems. Christof often expressed his

gratitude and affection for Professor Reisman of the Yale Law School. Some people are good at first principles, or constructing a thematic and schematic structure, or quantitative analysis, or the strategies and tactics for implementation. Christof was good at it all, and in ever-expanding fields of expertise.

He no doubt contributed to your organizations and to you personally in similar ways. He moved fluidly between so many institutional settings, helping all of us. He had ambitious objectives and he achieved them often. He did so in part because he had the imagination and moral compass to see what was desirable and a shrewd ability to recognize the limits of what was possible. He has a clear conception of social change, his role in it and was a master innovator.

This gathering is a testament to how many types of institutions Christof understood and changed. Alongside each of us stand a great many students, colleagues and victims of human rights abuses his actions helped in life-changing ways. But, for a person who understood institutions so well, and was part of so many, he looked on them with a charming irreverence. For example, because of various requirements of our universities and donors, we agreed it was necessary each summer to hold an AGM of a respectable length. Christof thought two hours sounded about right also happens to be enough time to comfortably canoe up and back to Christ Church Meadows. He further suggested my Labrador retriever take the minutes, as confidentiality could be assured. This was the same stretch of river where Lewis Carroll rowed Alice and her sisters. Under any other business, which was most of the meeting, we compared the meanings of authority in international law and *Wonderland*. I may be the only one here whose fondest memories of Christof are at AGMs.

Fearika and family, Rector and colleagues, it was a privilege to be included in your lake-side service for Christof and for a moment to join your community. What you said helped, thank you. The service raised a question that I leave you with: why, apparently, is there no thoughtful, thematic book on the role of Afrikaners in the anti-apartheid and human rights movements? Kate O'Regan thinks it may have something to do with modesty. You will know the answer better than I. Perhaps one of your graduate students will write such a book and consider mentioning Christof in the dedication.

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- 1 https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf (accessed 17 December 2021).
- 2 https://ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-36_en.doc (accessed 17 December 2021).
- 3 See www.rightofassembly.info and www.policinglaw.info (accessed 17 December 2021).
- 4 Their conversation is recorded and is available on YouTube here: https://www.youtube.com/watch?v=N5ZGGpCHpnc&list=PLwj4-Geqxth_ww5LTXXKFgsc0Vj0VK-CeK&index=23 (accessed 17 December 2021).