

## Introduction

I am honoured to be here today and to have been asked to give this lecture. Many distinguished persons have delivered the Grotius lecture in past years, and as a result, these are large shoes to fill. My task is even more daunting when considered in light of the legacy of Hugo Grotius, who is the inspiration for these lectures.

In approaching these remarks, I researched the life of Grotius. You will not be surprised to learn that while very interesting, the life of Grotius yielded few clues on investor-State arbitration! Apparently Grotius was a child prodigy, having entered university at the age of 11 and receiving his law degree by age 15. He began his professional career by opening a legal practice in The Hague. He was soon commissioned to write an opinion defending the seizure by the Dutch East India Company of a Portuguese cargo ship in Singaporean waters. The Dutch captain who ordered the seizure did not have permission to use force from his employers or his government, and he acted without instructions and of his own volition. The cargo seized by this captain was sold for more than 3 million guilders, which was then equivalent to twice the annual revenue of the British government. Not surprisingly, the seizure of the cargo and the right to the proceeds from its sale became the subject of highly contentious legal proceedings. Ultimately the case was settled, but the work Grotius did in this case became an inspiration for his book called *Mare Librum*, or *The Free Sea*, and informed his theories concerning the right of all nations to conduct international commerce by sea.

Grotius moved to public service in 1607, apparently because he found that legal clients were difficult and the practice of law was tedious! His career in the public sector, first as Attorney General of Holland, and later as Governor