



UNIVERSITY OF LEEDS

This is a repository copy of *Life as a Global Citizen in Global Britain*.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/207403/>

Version: Accepted Version

Book Section:

Subedi, S. orcid.org/0000-0002-3304-0135 (2022) Life as a Global Citizen in Global Britain. In: *The Workings of Human Rights, Law and Justice*. Routledge , London , pp. 34-55. ISBN 978-1-032-22196-0

<https://doi.org/10.4324/9781003271543>

This is an author produced version of a book chapter published in *The Workings of Human Rights, Law and Justice*. Uploaded in accordance with the publisher's self-archiving policy.

Reuse

Items deposited in White Rose Research Online are protected by copyright, with all rights reserved unless indicated otherwise. They may be downloaded and/or printed for private study, or other acts as permitted by national copyright laws. The publisher or other rights holders may allow further reproduction and re-use of the full text version. This is indicated by the licence information on the White Rose Research Online record for the item.

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.



eprints@whiterose.ac.uk
<https://eprints.whiterose.ac.uk/>

Chapter 3

Life as A Global Citizen in Global Britain

Starting Out in Academia

My Oxford years were transformative for me in so many ways. During the three years of intensively researching and writing my doctoral thesis, I developed a passion for further research that would extend the frontiers of knowledge in international law in general, and international human rights law and the law of peace in particular. In the Upanishads, it is said that knowledge is a means to freedom; and it is this freedom that I wanted both to foster for myself and to exercise in contributing to my chosen academic fields. My DPhil was a passport to an independent life for me. I no longer wished to have a regular occupation in the government service in Nepal or elsewhere; I wanted the freedom to fulfil my aspirations as a scholar and British academia offered marvellous opportunities to do so.

Receiving the prize for outstanding DPhil thesis of the year encouraged me to convert my thesis into a book rather than allowing it to gather dust in the archives of the Bodleian Library. I also consulted my DPhil supervisor, Professor Christine Gray, to discuss the possibility of pursuing a career in British academia. Although I had taught international law to some undergraduates in the final year of my DPhil, I was not confident in my ability to deliver lectures on a variety of subjects and to large student groups. Professor Gray reassured me, saying:

You have taught international law to undergraduates here at Oxford and student feedback has been positive. If you can teach one law subject, you can teach any other law subject, provided you are given adequate time to prepare for it. I am confident that you will succeed in British academia.

With these words of encouragement in mind, I scanned the academic job opportunities and was pleased to spot a vacancy for a lectureship in international law at the University of Hull, my other alma mater. I contacted my former professors at Hull, who suggested that I submit an application. I was shortlisted, interviewed and offered the position, which I gratefully accepted. Nearly four years after obtaining my LLM with distinction at Hull, I returned to the university as a lecturer in 1993. This was the start of my career in British academia. To date, I have published 10 books and nearly 60 journal articles that have furthered the knowledge of international law and human rights; I have visited 86 countries to speak at about 200 international conferences; and I have established new academic and other forms of intellectual organisations, both in the UK and abroad. The nature and scope of my publications, and their impact on the lives of people around the globe, on policy making by governments in different countries and on the reform agendas of international institutions, are outlined in Chapter 7. This chapter focuses on my personal and professional life as a global citizen in Britain.

Although I was pleased to have gained a foothold in British academia, it quickly dawned on me that I was a latecomer to the field at the age of 34; and, supporting a family of four, the salary at the starting scale of a lecturer seemed too low. Almost half of my take-home pay of about £950 per month was swallowed up by the rental costs for our family flat. Also, some students – especially British undergraduates – complained about my accent, because at the

time they were not used to hearing foreign accents like mine. Quickly, I realised that life in academia would not be quite as rosy as anticipated.

In England in the early 1990s, there were few law lecturers of foreign origin. Linguistic diversity had not yet been embraced. Today, by contrast, the world has become a global village and British society has become truly multicultural; about one-third of academics in Britain are of foreign origin and the numbers are growing across all disciplines. Students are just as mobile and have an international outlook. However, this was not so much the case in 1993, when I began teaching law at Hull. I therefore accepted an offer in July 1993 to teach international law at an international institution of higher education in The Hague. The increase in salary of nearly one-third was most welcome. My new institution was a kind of diplomatic training academy which was fully funded by the Dutch government, and the student population primarily comprised junior to mid-career diplomats and government law officers from around the globe.

A Highlander's Journey to the Lowlands and Return to the Islands

Our family of four set sail for the Netherlands on an overnight ferry in January 1994, accompanied by all of our belongings, in a state of high anticipation at the prospect of starting out a new life in a new country. When we arrived at our rented apartment in The Hague, some of our neighbours came out to greet us. One asked, 'Bosnie Herzgovini?' At the time, the civil war was raging in former Yugoslavia, the country was breaking apart and many people were fleeing to other European countries, including the Netherlands.

Our lives flourished in The Hague, the mecca of international law. Many foreign diplomats, judges of the International Court of Justice (ICJ) and people working for other international legal institutions, such as the Yugoslavia Tribunal, became friends. My spacious office was located in a stately building close to the ICJ and overlooking the Peace Palace, the home of the court. Within a year of my arrival, I had earned a promotion and had been offered a permanent contract.

We bought a double-boven house – a house in which the living quarters were located upstairs and which had a direct entrance from the street. Some areas of The Hague are below sea level and at the time, global warming and sea level rises were hotly debated. We were probably extra cautious as we were buying our first property in a new country and wanted to secure a safe and stable home. The whole family enjoyed the new house; I thrived in my new job; and we settled in happily to our new lives.

The only issue was the language. Without learning Dutch, we would be unable to integrate properly into Dutch society. However, we were living the lives of expats: the medium of instruction at the institute was English; most of my colleagues and friends were also foreign, as were the students; and every Dutch person we encountered spoke to us in English – which was helpful, but not conducive to us learning Dutch. Furthermore, soon after I joined the institute, a senior and very supportive Dutch colleague, Nico Schrijver, asked me to cover some of his teaching so that he could devote more time to completing his PhD. Nico went on to become professor of international law at Leiden University, a senator in the Dutch Parliament and a member of the Council of State (equivalent to the Privy Council in the UK), and remains a dear family friend to this day. I gladly agreed to take on some of his teaching, so the first year in The Hague flew by without me taking time to attend Dutch language classes.

Unable either to speak the language of the country I was living in or to find the time to learn it, I was left in a difficult situation. So when the University of Hull offered me a permanent post as a senior lecturer in 1996 to attract me back, we decided to return to the UK. I was also keen to avail of the superb research and publication opportunities that British academia offers: after all, it was primarily to fulfil my ambitions to embark on an academic career in the UK that I had decided to resign from my prestigious government job in Nepal after completing my DPhil at the University of Oxford.

Thus, in 1996, we returned to Hull, where I strove to improve my accent by regularly listening to BBC Radio 4 and imitating the announcers. Through my associations with ICJ judges in The Hague, such as Justice Weeramantry and Justice Koroma, I had learned of an unspoken rule at the court: lawyers pleading before the ICJ were meant to speak slowly and a rate of 100 words per minute was the norm. So when delivering my lectures, I deliberately spoke slowly, which helped my students to understand; and in turn, they rated my teaching highly. Meanwhile, my productivity in terms of research output skyrocketed and secured me a series of promotions, from a lectureship in 1993 to professorship within six years, in 1999.

In 2004, I was appointed professor of international law at the University of Leeds. I became the first professor of international law in the history of the university and was tasked with spearheading the internationalisation of its legal curriculum. The university gave me the freedom to develop new international law programmes and to establish a Centre for International Governance, enabling me to put Leeds Law School on the wider global map.

Having now spent half of my working life in Yorkshire, some of my colleagues have bestowed on me the title of 'honorary Yorkshireman'. In 2020, the University of Hull in the East Riding of Yorkshire awarded me an honorary Doctor of Laws (LLD) in recognition of my achievements in the field of international law and human rights. I was delighted to receive such a prestigious accolade from one of my alma maters. I began my academic career at the University of Hull and the city played an important role in the formative years of both of my children, who attended the Froebel House School and Hymers College, which provided them with a high-quality education. In those days, the University of Hull attracted iconic figures such as Desmond Tutu of South Africa, whose speech left a lasting impression on me and my family.

I had the privilege of meeting him twice during his visits to Hull and the lectures that he delivered during his visit. I still remember with joy the following words in the 1999 Wilberforce Public Lecture and Hull Seven Hundred that he delivered:

"I want you to go away from here knowing that we are made for goodness. We are made for beauty. We are made for laughter. We are made for joy. We're made for goodness. We're made for compassion, for gentleness, for sharing."

He was a man of vision, courage and wisdom. I thought the world had become poorer with his passing in December 2021.

We also frequently visited the Wilberforce Institute, named after the legendary William Wilberforce, who was instrumental in abolishing slavery.

Decades later, I became associated once again with this famous Yorkshireman when the University of Hull established on the UN Human Rights Day of 10 December 2021 an annual global essay prize after me to be awarded to the best original essay in English on modern forms of slavery or the protection of human dignity anywhere in the world. The University had established the Wilberforce Institute for the Study of Slavery and Emancipation (WISE) in 2006 and the Institute was entrusted with the administration of the prize. The establishment

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

of the 'Professor Surya Subedi Essay Prize on Modern Slavery and the Protection of Human Dignity' by the University of Hull was a memorable event for me. I was honoured to be associated formally with the endeavours of WISE to study the challenges and ways and means of abolishing the modern forms of slavery and the protection of human dignity around the globe.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

The Hassles of Life as a Global Citizen

Throughout my career, I have spent considerable time travelling the world to visit international universities, deliver guest lectures, present papers at conferences and undertake human rights assignments. Some of the challenges of life as a global citizen and frequent traveller include encounters with immigration and visa officers. Ever since the 9/11 attacks in New York in 2001, I have occasionally found myself in some awkward situations due to my busy and far-flung travel itinerary. For instance, returning to London via Amsterdam from Suriname after teaching there for two weeks, I was almost detained for interrogation by immigration and security personnel in both airports. On my way to board the aircraft in Amsterdam, I was stopped by a security guard who demanded that I show my passport. When he spotted the Dutch and British permanent resident permits in my Nepalese passport, he asked me where I lived. I had to say that I lived in both England and the Netherlands, as I had been hired to teach a compact part-time course at my previous institution in The Hague during the Easter holidays. The security guard became increasingly suspicious when he saw my Surinamese visa and said: 'You are Nepalese, but you say you live in both England and the Netherlands – why in two countries? And what were you doing in Suriname?'

Intending to prevent me from boarding the aircraft and interrogate me further, the security guard called his line manager. Fortunately, the line manager seemed more discerning; he examined my passport and asked me what I had been doing in Suriname. He took a closer look at the beautiful bunch of tropical flowers that I had carried all the way from Suriname for Kokila and told his subordinate to let me board the aircraft: 'He is Nepalese and not from one of the countries on the suspect list, and he is a doctor of law. He is carrying a beautiful bunch of flowers – he must love somebody and his life. Let him go to that person!' Eventually, I was allowed to board the aircraft bound for London.

But more trouble was awaiting me on my arrival at Heathrow. I had been in and out of the UK hundreds of times and had never previously been subjected to a luggage search. This time, however, upon my arrival, two security guards demanded that I open my first suitcase, observing me closely during the process. When they saw the stacks of law books and documents in my suitcase, they quickly allowed me to proceed to the exit, adding that they were not looking for people who were carrying piles of books in their luggage.

On another occasion, in order to travel to Japan to attend a conference, as a Nepalese passport holder I had to visit the Japanese embassy in person to apply for my visa. I had called the embassy in advance to ensure that I had all the necessary papers to process my visa application when I visited the embassy. However, upon my arrival, the desk clerk looked at my Nepalese passport and then asked for an additional letter from my employer, seemingly implying that he did not believe that I was a professor of law in the UK. I was furious, saying: 'I am not trying to enter Japan as a refugee. I have been invited by the University of Tokyo to hold a lecture and to present a paper at a conference.' I showed him the invitation from the University of Tokyo and told him that I felt outraged at the *ad hoc* requirement for an additional letter of confirmation just because I was Nepalese and not British. Following

this exchange, the desk clerk went to talk to his superior and as a result I received my visa right away.

A Surprise from the British Government

But other encounters with the machinery of government have been rather more fortuitous. While busy researching, writing and publishing in all major areas of international law, one day – much to my delight – I received a letter from the FCO stating that I was to be awarded the title of Honorary Officer of the Order of the British Empire (OBE) for my services to international law and to British-Nepali relations. The press release issued by the FCO on 13 October 2004 announcing the award of my OBE highlighted the nature of the OBE, my contribution to international law and my accomplishments. It read in part:

1. British Honours are awarded on merit for exceptional achievement or service to British interests. The Most Excellent Order of the British Empire awards were founded in 1917 to recognise service by civilians in the First World War. The order now honours civilians and service personnel for public service and other distinctions.
2. The honour OBE is that of an Officer of the Most Excellent Order of the British Empire. Honorary awards are conferred by the Queen, on the advice of the Foreign and Commonwealth Secretary, on those foreign nationals who have made an important contribution to British interests. They are made throughout the year and are quite distinct from the New Year and Birthday Honours Lists.

The British government organised a special investiture for me in the India Council Chamber of the FCO on 19 October 2004, at which the then British foreign secretary, Jack Straw, delivered the following speech:

We are here today to honour a very distinguished international lawyer, who has made a great contribution to the United Kingdom's close relationship with the Kingdom of Nepal. The words 'international law' conjure up images of the United Nations Security Council in session, discussing affairs of war and peace. But international law also regulates a much wider range of human activity – from the WTO rules which govern world trade, to the Air Services Agreements that let aeroplanes fly between countries, to rules governing the use and abuse of the air or the water which nations share. International law is the cement which holds the international structure and relationships together. And the United Kingdom is firmly committed to the rule of law in international relations.

Yes, international law still largely relies on the consent of states; it is broken from time to time; it requires social and political pressure to encourage good behaviour, and sometimes firm action to enforce it. But so, too, does domestic law. International law is not a perfect nor a fully developed instrument. But after millennia in which the relations between states were governed by the balance of force, today we have a framework of rules which apply to all and which underpin the peaceful coexistence and the prosperity of our countries. That is a sure foundation on which to build.

He went on to highlight my contribution to international law and my accomplishments, as follows:

Professor, you have made a highly distinguished contribution to our understanding of international law, and to its evolution. Your work, in publications and in your teaching activities, has spanned almost every aspect of it – with a special focus on

issues such as trade, investment, development and the environment, which make a real difference to people's lives. And your career has also been dedicated to advancing international friendship and understanding. You have served your own country, Nepal, with great distinction, including at the United Nations.

Your work on international commissions and committees shows your dedication to putting the principles of the law into practice. And you have been, as it were, an ambassador for Nepal and for Nepal's relationship with Britain in your work in this country – including at the Universities of Hull, London and Middlesex, and now at the University of Leeds, where I myself was privileged to study law in the 1960s.

This honour is in recognition both of your distinction as a lawyer, and of your great contribution to the friendship and partnership between nations, and especially between the United Kingdom and the Kingdom of Nepal ... It is in recognition of your valuable services that Her Majesty the Queen has appointed you to be an honorary Officer of the Most Excellent Order of the British Empire. It is with great pleasure that I, on Her Majesty's behalf, present you with the badge of the Order.

I delivered my OBE acceptance speech at the ceremony, which was attended by my family, friends and colleagues, as well as some prominent British international lawyers, including my Oxford professor, Sir Ian Brownlie, and Sir Michael Wood, the legal adviser to the FCO. I was delighted to have Professor Brownlie present in the ceremony as, together with Professor Christine Gray, he was instrumental in helping me to commence an academic career in international law in Britain. The international legal community took pride in my award, and the speech by the British foreign secretary and my acceptance speech were subsequently published in full in the newsletter of the International Law Association (ILA), a leading organisation of international lawyers from around the globe. My OBE for services to international law was a significant award for me personally, as well as for the wider community of international lawyers. In his introductory note to the speeches, the editor of the ILA newsletter stated that they highlighted 'the important role of international law in the conduct of international relations'.¹

The news of my OBE also went viral in Nepal and among the Nepalese diaspora around the globe, as this was the first time that this British state honour had been awarded to a civilian Nepali. Nepal's main national daily newspaper, *Kantipur*, published the story on its front page with my photo above the caption 'The Sun Rose in the West' – a reference to my first name, which is the Nepali word for 'sun'. The newspaper also published my OBE acceptance speech, translated into Nepali. I was touched when I received messages of congratulations not only from colleagues and friends in both Nepal and the UK, but also from people of Nepalese origin all along the northern belt of India, including Dehradun, Darjeeling and Sikkim. They said that the news of a Nepali being awarded an OBE had brought them joy and pride. I was deeply moved by these messages.

Qualifying as a Barrister in Global Britain

It was while working as a consultant on international legal matters and handling some international law-related cases for a leading London law firm, Mishcon de Reya, that I realised I needed to qualify as a lawyer in the jurisdiction which had become my home. I had qualified as an advocate in Nepal and practised law there, but I had not yet qualified in the

¹ ILA Newsletter 2005 No 22, London.

UK. I sought to qualify as a barrister, as a barrister's work seemed semi-academic and hence a good fit for me. However, I was already in my mid-40s, had been a full professor of law in England for several years and had even been awarded an OBE. I therefore resolved to keep a low profile on the barrister training course and planned to sit at the back of the class throughout.

The training programme to qualify as a barrister was very demanding, so I became a full-time student once more. My fellow students were graduates aged 22 or 23, who had just completed the Bar Vocational Course. The practice of law in the UK – especially court procedures and civil and criminal procedures – was completely new to me. In class, we read and role-played cases. One day, the instructor revealed my professional background to the group and from that day on, the assumption was that I would lead most group discussions and have the answers to the most difficult questions; I thus had to work harder to live up to these expectations.

At times, and particularly in the first few weeks, I was unsure whether to carry on with this endeavour; but I gradually began to enjoy the learning and rose to the challenge. The high-quality teaching and coaching course was offered by the Middle Temple and was taught by some of the best lawyers in the country, including QCs. Advocacy is an art and it was this art that I was learning. A few years later, I also completed the public access course run by the Bar Council of England, which allowed me to be instructed directly by members of the public. Once again, my plan to lie low on the course was thwarted: a name-plate with my name and full titles had been placed on my desk in the front row of the class, and the expectations of my fellow course participants that I would have the answers to even the toughest questions were palpable.

Recently, and especially after the Brexit referendum, there has been a great deal of talk about 'global Britain', and I have recognised this phrase in the title of this chapter. To me, it signifies a country that promotes multilateralism, free and fair trade, sustainable development and human rights at the international level, and multiculturalism at the domestic level; underpinned by the values of universalism, tolerance, non-discrimination and respect for personal liberty. The aspiration is for a kinder, gentler country, whose policies are informed by a positive, outward-looking approach and are designed to enable the UK to become a force for good in the world – whether in promoting democracy, the rule of law and human rights, or in leading the fight against climate change. The UK is a country of laws, and the legal systems of many countries around the world draw on the English common law system. The qualification of a barrister in England is held in high esteem both at home and abroad, and barristers can generally make a decent living as independent practitioners. These were just some of the reasons why I was attracted to the English Bar.

In July 2007, I was admitted to the 'Utter Bar' – that is, called to the Bar – making me a barrister of England and Wales and ready to develop my independent practice. However, I accepted a senior-level appointment within the UN system of human rights soon after qualifying and was thus unable to devote the necessary time to develop my independent law practice. Still, I am glad that I became a student once again in my 40s and worked hard to qualify for the English Bar; it has been beneficial in so many ways. I have since realised that the English Bar – and especially the London Bar – offers many opportunities. The main reasons why Britain – and especially London – is such a desirable place to do business and to practise law include the following:

- a trusted legal system and independent judiciary;

- stable and relatively clean politics;
- a reliable, relatively honest civil service;
- a generally liberal, global outlook among both politicians and the general public;
- marginalisation of far-right political parties;
- English as a global language;
- the superior quality of broadsheet newspapers and television debates;
- the prominence of global issues both in daily political debate and in general elections;
- the importance afforded to international law, which is greater in Britain than in many other countries;
- independent schools, grammar schools and world-class universities that provide a high-quality education;
- a vibrant culture;
- the pomp and pageantry of the monarchy;
- good transportation and communications networks;
- the absence of natural calamities and extreme weather conditions;
- a relatively low crime rate;
- the abundant green spaces of London, which give it the feel of a village amid the hustle and bustle; and
- an ideal location in terms of time zone, which allows businesses to engage with each other by telephone or online all across the world.

I realised the advantages of my London location when representing a government client in an international investment arbitration in collaboration with other teams of counsel based in Hong Kong and Washington DC. While all team meetings took place during regular working hours for me, they meant a very early start for the team in DC and a late night for the Hong Kong-based team.

Becoming a Silk

I was delighted to take silk within 10 years of becoming a barrister: in January 2017, the British government announced that Her Majesty the Queen had appointed me as a Queen's Counsel (QC) *honoris causa*, in recognition of my contribution to the development of international law and to the advancement of human rights. The press release read as follows:

He is a distinguished academic who has made a major contribution to international law and human rights. He has published extensively in international law and human rights. He served for 5 years between 2010 and 2015 as a member of the Advisory Group on Human Rights to the British Foreign Secretary. During his tenure as UN Special Rapporteur for human rights he produced 4 substantive reports published by the United Nations focusing on judicial, parliamentary, electoral, and land reform in Cambodia. A number of his recommendations were implemented by the government. Collectively, these 4 reports provided an analytical point of reference for democracy, human rights and the rule of law in the country and became a primary source of reference for human rights defenders, UN agencies, and donor agencies that continue to be drawn on today. He was awarded an OBE in 2004 for services to international

law, and he has continued to make an exceptional contribution over a sustained period at the international level to develop international law and to advance human rights.²

I received the news of my appointment through the media while holidaying in Malta and was thrilled to be awarded the highest legal title that can be given to a lawyer in the UK.

On 13 February 2017, the lord chancellor of the UK formally conferred me with the title of QC in a grand formal ceremony in Westminster Hall. For this once-in-a-lifetime event, I hired a formal morning suit – a long tailcoat with top hat – bought a silk tie and booked an executive-style, chauffeur-driven black Mercedes Benz C class car to travel with my family to the Palace of Westminster, where Dr Chris Staker and Dr James Busuttill – friends since our DPhil days at Oxford – my former pupillage master, Richard Nowinski, and Justin Brown, the head clerk at Three Stone Chambers, joined us in the celebrations.

The Palace of Westminster looked beautiful and bright in the crisp morning light. Silks, judges and their guests had gathered in Westminster Hall, which was buzzing with cheerful, lively conversations. I felt proud as my family and I joined the crowd. The ceremony began in style at exactly 11:00 am with the procession of the lord chancellor, who went on to deliver a highly complimentary speech congratulating the five new honorary QCs, whom she hailed as ‘the best and brightest of the legal profession of the best legal system in the world’. We were then called forward one by one to take our oath of allegiance before the lord chancellor and be conferred with the title of QC, and were handed our letters patent of appointment from Her Majesty the Queen.

Upon receiving the letter of appointment, we were ushered to the top of the steps of the hall for a formal group photograph of all the newly appointed QCs. The sun was streaming through the large stained-glass windows and illuminating the magnificent hall, where the courts once sat before the Royal Courts of Justice were built. After the formal proceedings, Kokila, Anita, my friends and I headed to the restaurant in the vault of the Royal Society of Arts on the Strand, where diners who had spotted the insignia of my OBE on the lapel of my morning suit and the red-leather wallet of my QC appointment letter on the table approached us to pass on their congratulations. Throughout the day, we missed Pranay, who was unable to attend due to a job interview with a new private equity firm in London. Much to our delight, however, all of my family and more friends came together at the reception to celebrate the award at in the Grand Hall of my Inn, the Middle Temple, later in the year.

My honorary QC was the first ever conferred on an international lawyer; hence, I have made legal history in England. Usually, the title is conferred on individuals who have made an outstanding contribution to an area of municipal law or the law of England. The award sparked interest in the field of international law and I received letters of congratulations from leading international lawyers, judges and arbitrators from around the globe, including the president of the ICJ, Judge Hishashi Owada; Justice Lord Jonathan Mance of the UK Supreme Court and president of the ILA; Justice Peter Tomka of the ICJ; Professor Vaughan Lowe of the University of Oxford; Professor Alain Pellet, president of the French Society of International Law; and celebrated international lawyer and top US arbitrator Professor Charles Brower. Professor Tommy Koh, a diplomat and fellow international lawyer of Singapore, wrote a message of congratulations in which he said that I had done the whole of Asia proud. I was also touched to receive congratulations from Cherie Blair QC, a leading

² The full citation for the award of this title is available in a British government press release: www.gov.uk/government/news/lord-chancellor-welcomes-historic-promotion-of-talent-for-new-silks.

lawyer in the UK and the wife of former Prime Minister Tony Blair, who sent me a note after reading the news of my appointment in *Counsel* magazine, the flagship journal of the Bar Council of England.

While QCs are commonly associated with affluence, this does not apply to me. I consider myself a scholar and my academic work has remained my main occupation. Furthermore, shortly after I became a barrister, I was appointed as the special rapporteur for human rights in Cambodia by the UN, a post which I was to hold for the next six years. I observed in an interview with *Counsel* magazine that although there is a degree of overlap between the work of a legal academic and a barrister, academics 'go one step further and ask what is wrong with the law and what ought to be changed'. This is what I have done through my publications in international law; but this may not be so conducive to the role of a barrister. In my opinion, successful barristers and QCs are exceptionally skilled craftspeople with the neutral stance necessary to persuade any government to engage them in cases before international courts and tribunals, or to appoint them as an arbitrator. They usually analyse and explain the law, and hone their understanding of law and legal argumentation, rather than critiquing the law and expressing their views on its fairness or pointing to the need for reforms.

By contrast, through my extensive research into international law, I have exposed gaps and weaknesses in the law itself – and frequently also in the practice of law – and have proposed changes to promote a fair and stable international community based on solid principles of international law. To some, I may thus appear more as an opinionated law academic than a neutral barrister, which could have hindered my success at the English or international Bar. However, I set out to study and practise law in order to make a tangible difference to the lives of others around the globe, and I am proud of my achievements in doing so.

Appointment as an Adviser to the British Foreign Secretary

One of the ways in which I feel I have made such a tangible difference is through my appointment as a member of the Advisory Group on Human Rights to the British foreign secretary in 2010. While I had been appointed by Her Majesty the Queen as the crown representative on the governing board of SOAS University of London in 2007, this was my first major government post in the UK and an opportunity for me to contribute to top-level policy making. My appointment was announced in Parliament in a ministerial note.

It was an honour and a pleasure to work with the then British foreign secretary, William Hague, and other members of the Advisory Group on Human Rights on various projects aimed at promoting and protecting human rights globally, especially in countries where human rights violations were a major cause for international concern. I came to know Hague as a keen intellectual and an erudite person. He had authored two superb books: one on William Wilberforce, who was instrumental in abolishing slavery; and one on William Pitt the Younger, the youngest prime minister of Britain. I also relished the opportunity to collaborate with other esteemed friends and international law colleagues on the advisory group, such as Professor Sir Malcolm Evans and Professor Chaloka Beyani. I believe that we strengthened human rights and improved the lives of many people in strife-torn countries through our work, thus enhancing Britain's reputation as a force for good.

My work as an adviser to the British foreign secretary also afforded me a glimpse into the inner workings of some parts of the British government, which gave me insight into the nature of the influence and limitations of British soft power in the international arena. Invitations to various high-level diplomatic receptions in grand British hospitality venues such as Lancaster House in London provided spice to my life as a government adviser and the

opportunity to interact with London-based foreign ambassadors from all around the world. My five years in this position allowed me to put my theoretical academic knowledge into practice. In addition to the foreign secretary, a number of other ministers interacted with our advisory group and sought our advice.

The role of government adviser presents mutual advantages to both parties – minister and adviser. The ministers benefited from our subject expertise, while we benefited from their current thinking and proposed policies. Ministers sought our advice on proposed measures, and we learned of some government plans and decisions much earlier than anyone else. Where necessary, we asked ministers and their subordinates difficult questions – which William Hague especially never eschewed, as he valued alternative perspectives. We did not support every decision and proposal that ministers put forward, and frequently criticised government policy and activities. Our role as advisers essentially involved contributing to, critically assessing and providing input on government decisions and policy making on human rights. While acknowledging our work, the ministers did not necessarily follow our advice, of course. I nonetheless valued these exclusive insights into the challenges faced by ministers and their (often different) perspectives on these matters.

Multiculturalism and Racism

My experiences in the UK have led me to believe that my nationality has been no obstacle to success. Admittedly, at the start of my career, I sometimes found it difficult to compete with home-grown colleagues and to succeed on foreign turf; yet I soon felt that I had become a native in Europe and especially in global Britain. I no longer thought of myself as a foreigner in the UK. The QC and DCL titles, and especially the OBE, caused me to feel both most British and most Nepali at once. In pursuit of my academic career, based in the UK, I have travelled the world for research projects, conferences and visiting professorships; and in doing so I have sampled the world's diverse cultures. In Sanskrit, we say 'beer bhogya basundhara', meaning that those who are brave get to enjoy all the earthly things that are on offer. I am now inclined to add 'biddwan bhogya basundhara', meaning that those who labour in British academia can also enjoy all the earthly things on offer.

Raising our children in the UK and taking great interest in their activities has also helped to make me feel at home here. We exposed our children to a wide variety of extracurricular activities, from ballet to Beavers and Scouts and courses run by the British Red Cross. Both Pranay and Anita took to music and played piano and violin. Pranay enjoyed cricket at school and played at our local Elizabethan cricket club in Barnet, which gave us the opportunity to enjoy picnics at the side of the cricket ground together with other families.

Having lived and worked in several European countries and the US, my view is that Britain is a liberal, tolerant, inclusive and multicultural country. Naturally, people with racist views reside in many countries in the world, including the UK. The kinds of racist perceptions and the degree of racist hostilities clearly vary; and crucially, governmental policies restrict their expression. Fortunately, neither my family nor I have ever been subjected to racially motivated assaults, whether verbal or physical. UK universities are working hard to combat racism; hence, it may well be that my profession has spared me the experiences of racism reported by people in other walks of life in Britain.

In my line of work, I have encountered many individuals of foreign origin who changed their ethnic name or identity in a bid to assimilate more easily into UK society and progress in their careers. I decided to embrace the UK and the world as who I was: a Vedic Nepali with an ethos of universalism, secularism, tolerance, respect for personal liberty and the belief that the world is one family. I came to the UK to work and live at the invitation of a prestigious

university and never felt that I was a foreigner here. Coming from a country with 5,000 years of unbroken Hindu-Buddhist heritage, which had never been colonised by a foreign power, I never felt inferior in any sense in Britain and never held grievances of any kind against anyone. During my formative years in Nepal, I learned from the Mahabharata that one should never undermine oneself, underestimate one's ability or think oneself small or inferior.

I have never regarded myself as a member of an ethnic or minority community in the UK, such as the black, Asian and minority ethnic (BAME) community. I identify as a global citizen and never considered myself defined by a narrow social label. Other people, of course, may view me as 'BAME' without my wish or consent. I have never joined any ethnic, minority or BAME-related societies, whether socially or professionally.

Subtle and unconscious racist bias is difficult to pinpoint, and a degree of prejudice against people from other backgrounds exists in most societies. One of our former neighbours in the UK – a well-educated, liberal person whose parents had immigrated to the UK from Eastern Europe – inadvertently implied during a friendly chat that he was British, whereas I was a foreigner. When I politely reminded him that the only difference between us was that he was a second-generation immigrant and I was a first-generation immigrant, he realised his mistake and apologised.

When I recently asked my children whether they had experienced any racism in the UK, they both said they had not; Pranay went on to suggest, 'You have to look for it to find racism here.' This reminded me of a statement of Colin Powell, chief of the American defence staff and later secretary of state, who said: 'Racism may be interested in me, but I am not interested in racism.' 'Namaste' – meaning 'I bow to the divine within you', and used in Nepal and in most of the Hindu and Buddhist world as a greeting – signifies the nature of my engagement with people. During difficult encounters in particular, I am less interested in the person's words and external demeanour, and pay closer attention to their internal conflicts and motivations, which helps to foster a respectful connection and mutual exchange.

Although I myself tick the 'Hindu' box on forms that list religions, in truth I don't identify as a Hindu. The ancient Greeks and Romans bestowed the name 'Hindu' on the people living in the Indus Valley and in the Indus and Ganges river basins. By birth and orientation, I am a Vedic or Vedi – a follower of the Vedas, the ancient Hindu scriptures. The original spelling of my surname is 'Suvedi', rather than the slightly altered 'Subedi', meaning a follower of the Vedas or those who have mastered the Vedas. Traditionally, a Vedi or Vedic is someone who engages in activities to enhance his spirituality, acquires knowledge and wisdom, and shares it with other people by teaching or advising in policy making. Thus, Britain has provided me with abundant opportunities to live up to my name and my religion, for which I am immensely grateful.

Over the years, British academia has witnessed phenomenal growth in academic diversity. Thanks to the Internet, all academic vacancies and opportunities in the UK are advertised across the globe, and the most talented candidates from around the world compete for academic and research positions in Britain. Consequently, about one-third of the academics and researchers in British academia are now of foreign origin, and this number continues to grow across the disciplines. The demographic picture of the student population is likewise changing: foreign students represent nearly 50% of the postgraduate cohort in any given academic year at most British universities, and the number of female students has overtaken the number of male students in many disciplines, such as law. It has been a pleasure for me to teach the diverse, ambitious and talented young people now studying in British universities. I recall attending one PhD examination at a British university that was a particularly striking

reflection of this diversity: the candidate was Mexican; his supervisor was Pakistani; the external examiner (me) was Nepalese; the internal examiner was an Indian of Kenyan origin; the person chairing the exam was a Briton of Irish origin; and the university and the degree were British. This is how the landscape of British academia has changed thanks to the dynamics of our increasingly globalised world.

London Life

Although I have worked at the University of Leeds since 2004, Kokila and I decided to base our principal residence in Barnet, North London – mainly in order to further our children’s education. While Barnet is a town, it has a pastoral feel, with its hills and woodlands, which is why I call it ‘Rurbania’ – a blend of the rural and the urban. This has meant I have had to commute to my post in Leeds; but in my view, this has been an acceptable compromise.

As I see it, the family is the smallest unit of democracy. The decisions on our home moves – Nepal to Oxford, Oxford to The Hague, The Hague to Hull and Hull to London – were thus taken after rounds of consultations with the family and by majority vote. So too were all other crucial life decisions, from the academic subjects that our children would pursue to the universities they would study at. This even extended to whether to support Leave or Remain in the Brexit referendum: I initially leaned towards Leave, but after many discussions with the family, I was persuaded to switch my support to Remain. We provided our children with the best education we could, and they have become intellectual friends and advisers as a result. In the Brexit debate around our family dinner table, they presented their submissions powerfully and I submitted to their views. Anita is the more talented lawyer in the family and I keep losing out to her in our most controversial discussions.

Meanwhile, living in London has allowed me to attend numerous events at the embassy of Nepal, at which successive ambassadors have introduced me to their circles of diplomats. The embassy hosted a celebratory event when I was appointed QC and again when I was awarded the Oxford DCL. One year in May, when getting ready for the ceremony at the embassy to celebrate Republic Day, Nepal’s national day, I put on all of my medals and decorations as requested in the invitation, including my OBE and the three state honours awarded to me by the monarchs of Nepal. When Anita saw me in my regalia, she said: ‘Dad, you look like a Christmas tree with so many decorations, and a Christmas tree out of season does not go down well.’ Pranay disagreed, suggesting that the idea was to inspire people and that my medals and decorations should serve this purpose. At the ceremony, many guests asked to have their photographs taken with me and enquired about my medals. Mr Alan Duncan – the Department for International Development minister and the chief guest at the ceremony – even joked, ‘I envy you!’ but the sentiment was short-lived: later that year, he received his own knighthood.

When I turned 60 and qualified for a free travel pass in London, I momentarily contemplated retirement, but realised that my academic drive was as strong as ever. I have since written two more books, one of which – *Human Rights in Eastern Civilisations* – featured in an article on my life and work published in April 2021 in *Counsel* magazine. The article – entitled ‘Legal Personality – The International Human Rights Jurist: Surya Subedi QC’ and written by Admas Habteslasie, a fellow barrister from another set of chambers in London – charted the journey of my career and explored the way in which I combined an academic career with more practical work in the field of public international law and with contributions to top-level policy formulation within and outside of the UN system of human rights.

Upon learning of this article, the University of Leeds published a story about it, to celebrate the fact that one of its law professors had been featured in this way in the prestigious magazine of a professional national legal institution of England and Wales. This was all a source of great pride and satisfaction for me, my family and my colleagues, both in Leeds and at my chambers in London.

The article – which captured the essence of a lifetime spent working in different capacities both in Britain and abroad, including in my native Nepal and Cambodia – inspired me to write this memoir. I would disagree with the English writer Quentin Crisp’s characterisation of a memoir as ‘an obituary in serial form with the last instalment missing’. I am confident that there will be other exciting chapters in my life before the last instalment comes, as I consider myself to be in my prime in my youthful early 60s and am relishing the freedom associated with this.

Hopeful Times

As someone with a rebellious mind from quite early on in life, I have cherished the academic freedom that I have enjoyed in the UK. I research, publish and teach on all areas of international law, and travel the globe researching and teaching global values. In short, I am doing the work of a pukka Brahmin in England.

I value the outstanding education that Britain’s world-class universities offer and I am proud to be a part of it. British universities attract talent from all around the globe and have long served as crucibles of knowledge. The law schools up and down the country – including my own at the University of Leeds – are in the business of producing not only lawyers, but also future leaders of society, both national and international.

When I travel abroad, people ask me how I would define Britain. My response is always that it is a country of laws which is rooted in the principles of the rule of law, democracy, human rights, tolerance and fair play. Britain has spearheaded the endeavours to promote the rule of law at the international level – not least through its contributions to the drafting of the European Convention on Human Rights and the Rome Statute of the International Criminal Court (ICC). It is one of a handful of major powers which has both accepted the compulsory jurisdiction of the ICJ and ratified the Rome Statute of the ICC. Britain has been progressive in advancing the rule of law internationally and the values of the international community embedded therein, as well as the role of the British judiciary.

I am pleased to call Britain my home, as fairness and meritocracy run deep in the country. It is said that Britain is a country where you can be anything you want to be, and my experiences as recounted in this memoir would bear this out.