

IN MEMORIAM

AVRIL McDONALD

5 July 1965 – 13 April 2010



Late in the evening of 13 April 2010 the *Yearbook of International Humanitarian Law* lost its founder and the world lost an inspirational human being. Within minutes of Avril McDonald's last breath the Eyjafjallajökul Volcano erupted over Iceland spewing its prodigious plume of volcanic ash to be blown over much of Europe and Scandinavia with resultant massive disruption to international civil aviation. While we cannot prove a direct causal link between these two events, for those of us who knew and loved Avril the coincidence of timing seems deliciously appropriate. Avril herself would have laughed uproariously at the mere suggestion that her death might trigger such up-

heaval and some temporary global reflection on the vulnerabilities of best laid plans.

Avril's death was unexpected, sudden and tragically premature – occurring as it did just two months short of her 45th birthday. Given average life expectancies Avril was entitled to look forward to another four decades of life. Regardless of her own perspective, many of her friends and colleagues assumed that we would enjoy years more happy friendship. But Avril's sudden death is a salutary lesson to all of us that there are no such guarantees. She, of all people, modelled the importance of living life to the full, of making the most of the moment.

Avril was born on 5 July 1965 overlooking the Irish Sea on the beautiful Howth Peninsula – a short drive from Dublin. She loved her native Ireland and revelled in the opportunities to retreat to family, friends and the captivating scenic beauty of the place. It seems fitting that Avril lies buried in her homeland – next to her father in a peaceful spot very close to the place of her birth – a place that evoked in her a deep sense of belonging.

After studying law at Trinity College Dublin and journalism at Dublin City University, Avril embarked on a short but action-packed 7 year career in journalism – first a brief stint in Dublin, then Sydney and finally for several years in New York City. Avril worked for a range of magazines (popular, trade and professional), newspapers and on editing two encyclopaedia. She remained particularly proud of her work to co-found the gay weekly news and feature magazine *QW* which received a prestigious award from the Alternative Press Association. Although the magazine did not enjoy a long life in the turbulent cut and thrust of the glossy-weekly world, its timing

coincided with intense media publicity of the scourge of AIDS in the US. Those of us who have known Avril well can readily picture her as founding co-editor-in-chief – passionate, intense, furiously energetic, meeting unrelenting weekly deadlines, managing 25 staff and deeply committed to the establishment of something she considered worthwhile and significant.

At 28 years of age Avril returned both to Ireland and to her study of the Law – graduating M.A. in Law from Trinity College Dublin and LL.M. in Human Rights and Emergency Law from Queen’s University Belfast. Having developed an interest in and commitment to International Humanitarian Law in the course of her graduate study, Avril enrolled in a Ph.D. at Queen’s. She successfully defended her doctoral thesis entitled ‘The International Legal Status and Rights to Remedies of Victims of War Crimes’ in 2002.

In 1996 Avril moved to The Hague and took up a position combining her journalistic and legal skills as legal assistant at the ICTY Press and Information Office. At the ICTY she wrote daily summaries of the first and, at that time, only case at the ICTY – the infamous Tadić case. The following year she moved to the Asser Instituut and soon was appointed head of the International Humanitarian and Criminal Law Section. Avril spent 10 years at the Asser Instituut – the longest single period of employment of her short adult life.

The Asser Instituut gave Avril the opportunity to establish herself as an International Humanitarian Law expert. Teaching was one of Avril’s great loves. She taught everyone from university students to government and military officials. Under the auspices of The Hague Forum for Judicial Expertise she developed programs for, and taught in, professional training courses for national judges and prosecutors from around the world. She organised the Hague Summer School on International Criminal Law in cooperation with the Grotius Centre of Leiden University. While at the Asser she also was an adjunct lecturer in Advanced International Law (International Peace and Security) at the Amsterdam School of International Relations and an adjunct lecturer in International Humanitarian Law at the University of Groningen. She worked hard to produce inspiring and accurate lectures and gave her all to guide and to advise her students. Following her time at the Asser Instituut, Avril further developed her academic career. In 2008 she assisted in setting up the International Bachelor of Law Programme at the Hague Hoogeschool and from 2009 onwards was teaching and researching at the University of Groningen as the Rosalind Franklin Fellow in International Law and Contemporary Conflict.

While at the Asser Instituut Avril did not limit herself to teaching but proactively developed an innovative and productive research program. She not only published her own research work but she also had an enviable ability to identify key emerging issues in her fields of expertise, the enthusiasm and commitment to draw people together and to inspire them to work collaboratively as well as the energy and the willingness to work hard to make her projects a reality. Avril saw the need for more clarification of the notion of direct participation in hostilities, for example, and together with Jelena Pejić from the Legal Division of the ICRC conceptualised and initiated the Asser Instituut – ICRC Direct Participation in Hostilities Project. Ever the innovator, Avril developed two successful lecture series with partner institutions, and orga-

nized countless conferences. She recognised the potential of these occasions and repeatedly demonstrated unusual aptitude in arranging a succession of intellectually stimulating events.

It was while at the Asser Instituut that Avril established one of her most enduring legacies. Very few people have the vision, commitment to hard work, enthusiasm and energy to translate their great ideas into reality. Avril was part of this minority. The *Yearbook of International Humanitarian Law* would not exist without her prodigious efforts. No other individual is as responsible either for the conceptualisation of the *Yearbook* or for its materialisation. Avril would be the first to acknowledge the contribution of many other people to make the *Yearbook* happen. That reality does not diminish the extent of her efforts and it is appropriate that we acknowledge the extent of Avril's contribution in the decision to dedicate Volume 12 to her memory.

It was Avril who envisaged the *Yearbook* with its different component parts including the innovation of the 'Correspondents' Reports' and the 'Year in Review' sections; it was she that convinced the management of the Asser Instituut that this was a worthwhile project to adopt and to finance and it was she who then set about working assiduously to make the concept a reality: recruiting the members of the Editorial Advisory Board and the members of the Board of Recommendation; recruiting the correspondents from around the world; undertaking her own research to supplement the work of the correspondents; approaching authors to write scholarly articles and shorter pieces on current developments; editing their work; collecting cases and other relevant documents for inclusion in the *Yearbook*; organising the annual meetings of the Advisory Board; conceiving the content of subsequent volumes; designing the superb cover of the *Yearbook* with its distinctive two-toned green and that magnificent undulating dark green wave across the spine – building and moving as it does with each successive volume; and working outrageous hours to finalise all the copy for sub-editing and post-production for final publication in a timely fashion.

Those of us who witnessed Avril's drive, enthusiasm and passion for the *Yearbook* were inspired to become involved, at least in substantial part, by her own example. No superstructure of the magnitude of the *Yearbook* is possible without a proper foundation. We are fortunate indeed that Avril's mark is indelibly etched in the bedrock underlying the *Yearbook*. The contribution she has made unassailably assures her place in the annals of the history of this publication.

Avril spent 10 years as Managing Editor of the *Yearbook* and, having decided it was then time to pass the baton, she readily agreed to stay involved by accepting our invitation to join the Editorial Advisory Board. Perhaps the most enduring compliment the Asser Instituut could pay to Avril was that it proved impossible to replace her with a single person. Instead, her responsibilities as Managing Editor were divided up between three people. We hope that we can honour Avril's memory by building on the outstanding work she undertook over so many years.

Avril's personality was infectious and contagious. Although such words normally conjure up negative images of malady, of the need to isolate, to avoid and to ward-off, those same words are also used to compliment those who positively affect all around them. Avril was of this thoroughly desirable kind. She drew others to her and inspired them, whether it was those she taught, those who worked with her or those

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with whom she simply conversed. Her belief in the capacity of others emboldened many to believe in themselves. Her perspicacity in critical analysis and in the identification of issues of future importance gained her respect from her peers around the world. Her healthy irreverence, biting wit and wonderful sense of humour were highlights of every interaction. We treasure our precious memories of Avril and we will certainly not forget her.

Tim McCormack and Sasha Radin
Melbourne Law School
1 September 2010