

was envisaged principally to adjudge minor cases that might not be required to go through the complete proceedings of the full Court. This idea seems to linger in the 1978 Rules of Court, Article 92 of which states: "1. Written proceedings in a case before a Chamber shall consist of a single pleading by each side. . . . 3. Oral proceedings shall take place unless the parties agree to dispense with them, and the Chamber consents."<sup>19</sup>

As shown below, however, the practice has proved otherwise. The *Gulf of Maine* case (1984), the first dealt with by an *ad hoc* Chamber, required three rounds of written pleadings exchanged between Canada and the United States, amounting to nearly 15,000 pages of written documents in total, and as many as 26 sittings for oral arguments. The *ad hoc* Chamber's Judgment went on record as a piece of jurisprudence concerning maritime delimitation comparable to other law of the sea cases such as the *North Sea Continental Shelf Cases* (1969), the *Tunisia/Libya* case (1982) and (later) the *Libya/Malta* case (1985), all of which were adjudged by the full Court.<sup>20</sup> To look no further than the first *ad hoc* Chamber case, therefore, it is clear that the jurisprudential impact of the new institution cannot be overlooked. Such considerations, however, go well beyond my present theme.

11. As a Member of the Court, I feel it appropriate to abstain from developing any basic criticisms directed at the very institution of an *ad hoc* Chamber. I content myself, therefore, with reiterating that states come to an *ad hoc* Chamber, by agreement, because they feel free to indicate their choice of judges from among the Members of the Court. At the same time, they are perfectly entitled to enjoy the full services and facilities of the Court and have their *ad hoc* Chamber render a judgment of the International Court of Justice.

SHIGERU ODA\*

### WALDEMAR A. SOLF (1913–1987)

The death of Waldemar Solf on June 20, 1987, brought to a close a multifaceted career that included stints as practicing lawyer in Chicago, field artillery officer in World War II, supervisor of the U.S. Army's international legal affairs and professor of international law. While he was a member of the army's Judge Advocate General's Corps (JAG), Solf served in Germany, and also in South Korea where he was Staff Judge Advocate of the Eighth U.S. Army/U.S. Forces Korea/United Nations Command and the U.S. Strike Command. He later served in the United States as the Chief Judicial Officer, U.S. Army Judiciary, and then as the Chief, Military Justice Division, Office of the Judge Advocate General.

<sup>19</sup> See 73 AJIL at 777–78.

<sup>20</sup> North Sea Continental Shelf Cases (FRG/Den.; FRG/Neth.), 1969 ICJ REP. 3 (Judgments of Feb. 20); Continental Shelf (Tunisia/Libyan Arab Jamahiriya), 1982 ICJ REP. 18 (Judgment of Feb. 24); Continental Shelf (Libyan Arab Jamahiriya/Malta), 1985 ICJ REP. 13 (Judgment of June 3).

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After 2 years of teaching international law at American University, Solf rejoined the JAG as a civilian and for 10 years served as Chief of the International Law section in the International Affairs Division. He was assigned to be a U.S. delegate to the International Committee of the Red Cross's Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. He retired again in August 1979, and then became Adjunct Professor of Law at Washington College of Law, American University.

Solf's participation in the ICRC conferences, extending from 1972 to their conclusion in 1977, and in the follow-on conferences leading to prohibitions on conventional weapons, was marked by the painstaking research that he engaged in for all of his efforts. This research enabled him to become an effective dialectician who could deftly promote his positions. Solf was also an effective participant on the delegations: he was widely respected, in great demand for the luncheon and dinner sessions where the shaping of perceptions so often takes place. From the outset, he strongly supported the institutional mechanism—the establishment of the protecting power—that would provide enforcement of the Geneva Conventions and monitor compliance. He also supported the U.S. efforts to abolish the reservations to the Conventions—particularly those that would make a prisoner of war, when captured, *prima facie* a war criminal until evidence was adduced otherwise.

Solf's numerous articles and participation were a major factor in the development of the law of war, significant in large measure because his research was effectively coupled with his broad and pragmatic experience in the practice of this field of law. He also was an active participant in the development of the law relating to terrorism and other international crimes, extradition, and, of course, military law and military justice. In recognition of his work in the ICRC conferences and in general, he received the Exceptional Civilian Service Award in 1978 and the Meritorious Civilian Service Award in 1975. He received recognition as well for his prominent role in several professional associations.

In addition, he was a superb teacher, both of students in the classroom and as a colleague or friend, discussing the difficult points that are inherent in the law of war. He insisted that the law regulating states in war was the law of war and avoided the ambiguous expression “international humanitarian law” because he saw that the law of war itself was aimed at reducing the “unnecessary suffering” that arises out of the hostilities. Solf observed that the “law of Geneva” was addressed to the protection of noncombatants in situations outside the hostilities. Hence, in his view, much of the Geneva law was intended to promote and effectuate the enforcement of the rights of the noncombatants—human rights in the larger sense.

In apt conclusion to his work on the law of war, Solf became a consultant to the ICRC, and also joined with Professors Karl Joseph Partsch and M. Bothe in completing the text, *New Rules for Victims of Armed Conflicts*, on the Geneva Protocols of 1977. Together with Captain J. Ashley Roach (USN), he updated the *Index of International Humanitarian Law*, which was published after his death. His death cut short the completion of an excellent text for teaching the law of war, which he was coauthoring with Professor Robert

Goldman of Washington College of Law. This text draws upon the Jessup problem of 1978, of which Solf was one of the authors. In general, the Jessup problems offer a unique model that others may yet choose to follow, for they provide perspective on the often sequential nature of the issues we face in international law.

We have relatively few experts in the law of war, so critical to the development of global order, who can couple work of impeccable scholarship with the experience of the practitioner. Wally Solf was one of these few.

HARRY H. ALMOND, JR.\*

### CORRESPONDENCE

The *American Journal of International Law* welcomes short communications from its readers. It reserves the right to determine which letters should be published and to edit any letters printed. Letters should conform to the same format requirements as other manuscripts.

TO THE EDITOR IN CHIEF:

May 5, 1988

I would like to respond to Professor Alain Pellet's letter in the April 1988 issue (82 AJIL 331) lamenting the fact that out of 2,880 footnotes in a recent volume of the *American Journal of International Law*, only 41 cited references in French. Professor Pellet concludes that the American authors "certainly deprive themselves of the indispensable comparative dimension," and that "navelism" of this sort "might be the way empires collapse."

Professor Pellet might do well to inquire why foreign sources are conspicuous by their relative absence in AJIL footnotes. A look upward at the text of recent essays in our *Journal* reveals sharp controversy over the legality of actions taken and positions asserted by the Government of the United States. There has been not only robust criticism of the legality of what our Government has done, but challenge as well to the versions of the facts that have been officially reported. For instance, some of our colleagues—at personal risk—have traveled to Nicaragua to report on what the contras have been doing with U.S. aid. In addition, some of our colleagues have participated in legal actions against the Government of the United States in our courts and in international courts.

The essays that result from this kind of legal activism—whether they support or challenge the Government's position—challenge comfortable assumptions about the nature and sources of international law. As French thinkers historically have been among the first to realize, sharply contested expositional positions help articulate and stimulate the development of doctrine.

Frankly, I do not see very much that is new or challenging in French scholarship at the present moment. When we were having our clashes over

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