

Viennese artist whom he had married in France, to the United States. There Gross almost immediately became the father of twins and began a productive and rewarding life as an American academic. Although always centered at Fletcher, that life involved many trips to foreign countries and around the United States. His bibliography lists numerous books and articles on international law, with a particular emphasis on the work of the United Nations and the International Court of Justice.

Gross retained something of the tone of an Austrian scholar. He never became as worldly in the practical sense as other professors who dash off to Washington and New York to tender advice and solace to governmental and business powers. There was an aura of cheerful pessimism about him, as befits the Central European. He must have heard in Vienna the lilting song—"glücklich ist wer vergisst was nicht mehr zu ändern ist." Crudely translated, it says, "Happy he who can ignore what there is no cure for." Thus, Gross was able to survive a long series of disappointments with the tendency of international law in action to fall below international law in aspiration; he never gave way to despair. His standards of good performance in scholarship about the law of nations were unrelenting, and he was critical of both sloppiness and the tendency to distort the evidence of custom to produce rules that the author desired. His students were fortunate to have before them so splendid an example of learning and wisdom; they testify in numbers how much they admired him and gave him their affection.⁴

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PAUL REUTER (1911–1990)

On April 29, 1990, the international law community lost one of its leading figures with the death of Paul Reuter. A member of the International Law Commission of the United Nations since 1964 and an Honorary Member of the Society since 1984, Reuter was a *modest man of simple tastes whose vision and grace will long be remembered by those who knew him.*

Born in 1911 in Lorraine, Reuter was educated in France. He obtained the prestigious title of *Agrégé de droit* in 1928 and received his Doctor of Laws at Nancy in 1933. He served in the French forces during World War II and, following the war, played a pioneering role in the founding of the European Coal and Steel Community and, more profoundly, in developing the idea of a united Europe. Reuter held various government offices in the aftermath of the war and was a long-time adviser to the French Ministry of Foreign Affairs. He began his long and distinguished teaching career at the University of Nancy in the mid-1930s and later served on the law faculties of Poitiers, Aix-en-Provence and Paris. He had been a Professor Emeritus of the University of Law, Economics and Social Science of Paris since 1981.

As one of the great international law minds of the world, Paul Reuter was naturally much in demand in international adjudications and arbitrations. He was the Agent of the French Government before the International Court of Justice in *American Nationals in Morocco* (1952) and *Effects of Awards of Compensation Made by the United Nations Administrative Tribunal* (1954). He also represented France before the Court of Justice of the European Communities, the European Court of

⁴ Their esteem was manifested in a volume, *A COLLECTION OF THE WIT AND WISDOM OF LEO GROSS* (N. C. Livingstone & F. Jhabvala eds. n.d.).

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Human Rights and the Franco-Swiss Conciliation Commission. But he was active on behalf of other governments as well, having served as adviser to Cambodia in the *Temple of Preah Vihear* case (1962), to Spain in the *Barcelona Traction* case (1961–1969) and to Argentina in the *Beagle Channel* arbitration. Perhaps best known to students of international case law is his work as an arbitrator. He was a member of the tribunal in the *Lake Lanoux* case and the award, a landmark in the field of international water law, bears the unmistakable imprint of his thinking and skillful draftsmanship. He was an arbitrator in the *Air Services Agreement* cases of 1963 and 1978 (United States-France) and undoubtedly played no little role in crafting the 1978 award, which made a major contribution to the law of countermeasures. He also served as arbitrator in *Holiday Inn v. Morocco* and presided over the tribunal in the well-known case of *Kuwait v. AMINOIL* and in *Panhandle Trunkline v. Sonatrach*.

These signal accomplishments, however, do not begin to tell the story of a man so many regarded as mentor, teacher, model and friend. I had known Paul Reuter through his universal reputation and widely respected writings but first met him only in 1982 when I joined the International Law Commission. At that time he was both Chairman of the newly enlarged Commission and special rapporteur for the ILC's work on treaties between states and international organizations. His chairmanship was a model of efficiency and leadership. Punctuality—unheard of in many UN meetings—was the order of the day and his gentle introduction of neophytes to the traditions of the ILC was much appreciated by new and old members alike.

His mastery of the law of treaties, shared with so many through his well-known book on the subject, enabled Paul Reuter to function especially effectively as the Commission's special rapporteur. His reports were characterized by conciseness, lucidity and penetrating legal analysis. He was perhaps one of a vanishing breed of giants in the field for which he was the ILC's special rapporteur. Doubtless, this quality was largely responsible for the ultimate success of the 1986 Vienna Conference—at which he served as the expert—in concluding a convention on the law of treaties between states and international organizations or between international organizations.

In the Commission itself, Paul Reuter was known, admired and respected for his eloquence, his ability to build consensus, his wisdom, his vast experience. He was often the first speaker on a topic and his interventions were awaited with great anticipation. If he spoke from notes, they were minimal (he once admitted to me, almost apologetically, that he had a "terrific memory" after recalling what I had ordered for lunch some three years earlier). He could use his exceptional sense of humor deftly, to punctuate his own argument or deflate someone else's. He was a tireless, powerful and consummately effective advocate for the rights and interests of the exploited and less privileged of the world.

Yet for all his gifts and accomplishments, Paul Reuter was an uncommonly modest man. He declined the chairmanship of the ILC on more than one occasion and accepted his special rapporteurship only after being prevailed upon by the Commission. Compliments made him uncomfortable. In an era of conspicuous consumption, Reuter's signatures in the Commission were a rumpled black raincoat, a well-worn briefcase, and running shoes in which he walked the streets and parks of Geneva. One of his great joys was talking with young lawyers from Third World countries participating in the International Law Seminar.

Paul Reuter's impact on international law will be felt for years to come through his writing, several generations of his students, and his work with international organizations. He was blessed with a delightful, loving wife, who survives him, a

son and three grandchildren whom he adored, and legions of friends and admirers. He was a citizen of the world, a wise and gentle man, and he will be missed by many.

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TO THE EDITOR IN CHIEF:

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I have read with keen interest the article by Professor Philip Alston, *U.S. Ratification of the Covenant on Economic, Social and Cultural Rights: The Need for an Entirely New Strategy* (84 AJIL 365 (1990)). While I agree with his analysis of the reasons for the U.S. failure heretofore to ratify this Covenant, I differ with his conclusion that the road to U.S. ratification "is likely to be a long, arduous and uncertain one" (p. 393), as well as his prescription that the principal focus be shifted to "the well-being of Americans" from "that of Soviets or the citizens of any other country" (*id.*). May I explain my reasons as follows.

During the mid-1980s, the chances of U.S. ratification of the Genocide Convention (78 UNTS 277) were considered remote, if not nil. Rooted in the death of six million Jews at the hands of Nazi Germany in World War II, the Genocide Convention was adopted by the General Assembly in December 1948. In June 1949, President Truman submitted it to the Senate for approval, where it languished for thirty-seven years. Despite the fact that every President since Truman, with the exception of Eisenhower, supported the ratification of the Convention, it was not until February 19, 1986, that the Senate, by a vote of 83 to 11, approved the Convention. Because of the need to enact enabling legislation, the date for entry into force of the Convention for the United States was delayed until February 23, 1989. Might the experience of U.S. ratification of the Genocide Convention provide some precedent for U.S. ratification of the Covenant on Economic, Social and Cultural Rights, as well as such other international human rights treaties as the Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the American Convention on Human Rights?

Two factors influencing U.S. ratification of the Genocide Convention have been mentioned in the press: the quest for Jewish support in the 1984 presidential election campaign, and the need to lend credibility to U.S. championing of human rights issues vis-à-vis Soviet bloc countries.¹ To these may be added a third factor: refugees.

Concerned with the mass expulsion of a country's own citizens as a major cause of refugee flows (e.g., Vietnam's expulsion of Vietnamese of Chinese origin in the late 1970s), the Office of the U.S. Coordinator for Refugee Affairs sought to deal with this root cause by focusing on the obligations of the country of origin under international law, including its obligations under the Genocide Convention (to which Vietnam is a party). For Article II of that Convention defines genocide as an act "committed with intent to destroy, in whole or in part, a national, ethnical,

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¹ See, e.g., *Christian Sci. Monitor*, Apr. 11, 1985, at 7.