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## Dedication to Waldemar A. Solf

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## Dedication to Waldemar A. Solf

### **Authors**

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and W. Thomas Mallison

# DEDICATION



**WALDEMAR A. SOLF**

1913-1987

It is with great regret that we mourn the death of Waldemar A. Solf, and it is with great respect that we honor his life and his achievements. Professor Solf was instrumental in the development of international humanitarian law. This *Journal* is appropriately dedicated to Waldemar A. Solf and the causes for which he is recognized.



## WALDEMAR A. SOLF: AN APPRECIATION

Robert Kogod Goldman\*

It was my good fortune during the past six years to have worked closely and developed a warm friendship with Wally Solf. Rather than recite his diverse and notable contributions to his country and to the law, I have chosen instead to touch on his enduring contributions to the enrichment of the Washington College of Law and to the rare qualities that distinguished him as a superb teacher and colleague.

Wally's association with the law school began in 1981, a year of exciting growth and development in our International Studies Program. Our then Dean, Judge Thomas Buergenthal, recruited Wally on the advice of the International Committee of the Red Cross (ICRC) to design and teach a new offering on International Humanitarian Law, i.e., the law of armed conflict. This he did, but his role and influence extended far beyond the classroom. Wally was a constant source of wise counsel to the Dean and proved, in fact, to be the crucial link in establishing and nurturing the law school's close and fruitful associations with the ICRC and the American Red Cross. His efforts were largely responsible for these organizations' ongoing cosponsorship of our biannual conferences on humanitarian law, which have contributed to the law school's reputation as a leader in the dissemination of this important area of international law. It was Wally's expertise and prestige that led the ICRC to award the law school a grant for the preparation of a recently published index to the Geneva Conventions and their additional Protocols which he principally edited. He was a tireless worker with the energy of a person half his age. He undertook all his tasks with characteristic ease, grace, and always, good humor.

Although I was listed with him as a co-instructor when the humanitarian law seminar was first offered in 1983, I was, in truth, just another of his awed students. It was not just that his knowledge of this field was virtually encyclopedic, but it was how he effectively communicated that knowledge in the classroom that was so impressive and downright enviable. Wally could relate the most complex abstraction in the Conventions or Protocols to a current event, making its relevance seem almost self-evident. While he appreciated, by training and experience, the importance of military necessity, he abhorred war and cham-

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\* Louis C. James Scholar and Professor of Law, Washington College of Law, The American University.

pioned the principle of humanity. He was greatly admired by his students and genuinely enjoyed their affection.

Integrity and moderation were other hallmarks of Wally's character. He distrusted extremists and ideologues and simply could not abide sophistry or intellectual dishonesty. His public remarks and writings in response to the reasons various Reagan administration spokesmen gave for opposing United States ratification of additional Protocol I are eloquent testimonies in this regard.

During the past two years, which were a time of deep personal anguish for me, Wally was always there to take over a class, to make a call, or just to console or comfort. His was a friendship that I cherished, and I miss him, as do so many others. I join with his beloved wife Evelyn, his daughter Susie, and his granddaughter Zofra in mourning his passing and celebrating his remarkable life and legacy.

WALDEMAR A. SOLF: THE POSSIBILITY OF A  
COMMITTED HUMANIST WHO BELIEVED IN A  
BETTER WORLD

Claudio Grossman\*

The International Legal Studies Program suffered a tragic loss with the death of Professor Waldemar Solf. Wally taught the course on International Humanitarian Law at the law school and was an eminent figure in that field, illustrated in part by his organization of a biannual conference held in conjunction with the International Committee of the Red Cross. These conferences brought together practitioners, academics, and diplomats from all over the world to discuss the main problems confronting the development of humanitarian law. There are few professors who are themselves a part of the subject they teach. Wally was one of those rare professors. He participated actively in the process of drafting and negotiating various important humanitarian law instruments, most notably the two 1977 Protocols Supplementary to the Geneva Conventions.

Wally's ability to combine theoretical insights with practical experience would, alone, be sufficient to give him unusual distinction; however, his impact in the law school, for both students and colleagues, was more than that: Wally believed that law could alleviate human suffering, even in war. This allowed him to encourage his colleagues and students, not only to develop scientific rigor, but also to recreate in their activities the humanitarian spirit of Henri Dunant. As Director of the International Legal Studies Program, I saw Wally's approach in operation when he taught humanitarian law to students from countries involved in situations of conflict who would not even talk to each other. Wally convinced them to talk. He successfully conveyed to them the essence of international humanitarian law: that there is no cause, however valid, that will justify resorting to unlimited violence against your enemy.

People today do not find the time to pay serious attention to the things that surround them and to other human beings. Wally was an exception. He always had time to engage in creative conversation with students and faculty, showing that he cared. I believe that the reason for this was that Wally took himself seriously; that he was convinced of

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\* Raymond I. Geraldson Scholar in International and Humanitarian Law, Professor of law and Director, Masters of Law International Legal Studies Program.

the importance of what he was and what he was doing. He respected and listened to others and encouraged them to become better people. Wally will be remembered by us because of what he was: a committed humanist who believed in the possibility of a better world.

## WALDEMAR A. SOLF: A DESCRIPTIVE BIOGRAPHY

Raymond I. Geraldson\*

Lawyer, Soldier, Teacher, Military Judge, Member of a Diplomatic Team, Writer, and Commentator — these describe in part the life and vocational contributions of a friend who is, and will be, sadly missed whenever there is a gathering of those concerned with international humanitarian law.

It has been my privilege to know Professor Solf for only a handful of years — those years starting in the early 1980s which have marked my own involvement in the concerns of humanitarian law. Through our contacts in such divergent places as Washington, D.C.; San Jose, Costa Rica; Honolulu, Hawaii; Chicago, Illinois; and Denver, Colorado, it became apparent to me that Wally Solf was a veritable fountain of knowledge and experience in the realm of international and humanitarian law. In conference after conference, Wally contributed mightily to the teaching, interpretation, and anecdotal illustration of the origins, history, development, and application of humanitarian law.

Waldemar Solf was born in Zurich, Switzerland on April 8, 1913. He was educated in the humanities at the University of Chicago where he received his A.B. degree in 1935, and, thereafter, at the University of Chicago Law School where he obtained his J.D. degree in 1937. Graduate training in the law became a part of Wally's military career, with certifications coming from the Command & General Staff College in 1943, from the Armed Forces Staff College in 1954, and from the United States War College in 1959.

After four years in the private practice of law in Chicago, Illinois, Waldemar Solf entered the military service in 1941, where, during the course of World War II, he became a Field Artillery Officer and rose to the rank of Major.

Following the War, in the years 1946 to 1955, Major Solf became a Judge Advocate in the United States Army, and again, rose in rank to the level of Colonel.

From 1955 to 1958, Colonel Solf was Director of the Academic Department in the United States Army Judge Advocate General School at Charlottesville, Virginia.

During the years 1959 to 1962, Colonel Solf served as a Senior Military Judge, first in the United States Forces in Korea under the United

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\* Partner, Seyfarth, Shaw, Fairweather & Geraldson, Chicago, Illinois.

Nations Command, and thereafter, at Fort Meade in Maryland.

Becoming a Staff Judge Advocate in the years 1962 to 1965, Colonel Solf again saw duty in Korea and at the United States Strategic Command. From 1965 to 1966, he was Chief Judicial Officer in the United States Army Judiciary. From 1966 to 1968, he was Chief of the Military Justice Division, Office of the Judge Advocate General Department of the Army (OTJAG, D.A.), from which he retired with the rank of Colonel on May 31, 1968.

Professor Solf's work at the American University began in 1968 as an Adjunct Professor in the Center for the Administration of Justice, where he also served as Assistant Coordinator.

In 1970 Colonel Solf became Chief of the International Law Team in the International Affairs Division of the OTJAG, D.A.

From 1971 to 1972, Colonel Solf was a member of the United States Delegation to the ICRC Conference of Government Experts on Reaffirmation and Development of International and Humanitarian Law Applicable to Armed Conflict. In 1973, he was Chairman of the United States Delegation to the ICRC Meeting at Geneva of Experts on Signalling and Identification Systems for Medical Transports by Land and Sea.

As a civilian attorney, from 1971 to 1977, Colonel Solf served as Chief of the International Affairs Division, OTJAG, D.A. During this assignment, Wally Solf also served from 1974 to 1977 as a member of the United States Diplomatic Delegation to four sessions of the Diplomatic Conference on International Law Applicable in Armed Conflict. It was from these sessions at Geneva that the two Protocols Supplementary to the Geneva Conventions were forged. Wally's intimate knowledge of the struggle to develop the Protocols was a never-ending source of help in the understanding, interpretation, and promotion of the acceptance and ratification of these additions to the Geneva Conventions. He wrote and spoke intelligently and accurately in the effort to clarify the purpose and effect of the Protocols.

From 1977 to 1979, Colonel Solf rendered his final stint of military service. This time he served as Special Assistant to the Judge Advocate General for Law of War Matters, Department of the Army, a post from which he retired on August 4, 1979.

From 1981 on, Professor Solf again served the American University as a Consultant and Adjunct Professor of Law in the Washington College of Law, in which capacity he remained up to the time of his death on June 20, 1987.

Numerous honors have been accorded Wally Solf during his years of military and civilian service, including the Bronze Star in 1944, the

Legion of Merit in 1968, the Meritorious Civilian Service Award in 1968, and the Exceptional Civilian Service Award in 1978, both from the Department of the Army. In 1982, the Chair of International Law in the Judge Advocate General's School of the United States Army was named for Waldemar A. Solf.

Wally Solf was admitted to the bars of Illinois, the United States Supreme Court, and the United States Court of Military Appeals. He was an influential and distinguished member of a number of professional societies, having served as Chairman of the International Law Council of the Federal Bar Association, and as Chairman of the International Criminal Law Committee of the Section of International Law and Practice of the American Bar Association, and on the Board of Governors of the International Society of Military Law of War, seated at Brussels, Belgium.

There are few people in the world who have had Wally Solf's depth of experience in International Humanitarian Law. A highly placed official of the ICRC said to me, not many months ago, whether from premonition or sheer gratitude, "If we ever lose Wally Solf, I don't know who we can get to replace him." Such was the contribution of this man and the respect in which he was held by knowledgeable people.

It is written in the Book of Daniel that they who teach many that which is right shall shine like the stars forever. It is my firm conviction that Wally Solf's star is shining brightly today and that, for years to come, his contribution to Humanitarian Law will be a luminous beacon, pointing the way to reason and to peace in a world of tumult and turmoil.



## WALLY SOLF AND THE GENEVA PROTOCOLS OF 1977

George H. Aldrich\*

It was during the decade of the seventies that the United States took the lead in promoting the codification and development of international humanitarian law, or the laws of war as that part of international law is perhaps more commonly known, and the leading role of the United States owed much to the vision and tireless efforts of Wally Solf. It was in that effort that I came to know, to admire, and to depend on him, and I shall be forever grateful for that opportunity to become his friend and work with him in the negotiation of the Geneva Protocols of 1977.

From the first days of interagency consultations in Washington preparing for the meetings of experts convened in 1971 and 1972 by the International Committee of the Red Cross (ICRC), Wally proved to be a tower of strength. He had rare breadth and depth of knowledge of the law, and his experience both as an artillery officer and as a military lawyer proved invaluable. Moreover, he showed inherent gifts as a negotiator. He was kind, tactful, and friendly and seemed remarkably successful in convincing other delegations that what we wanted was also in their interests. In him, as in our mutual colleague, the late Richard R. Baxter, the United States had an envoy with instant and commanding credibility. He was the principal American representative in Committee II of the Diplomatic Conference that developed the Protocols. Without him, I do not believe the Conference would have succeeded, and I am certain that it would not have adopted the far reaching provisions on the protection of medical aircraft found at Articles 24-31 of Protocol I, provisions with enormous potential for saving lives in combat. Wally was equally successful in dealing with individuals, usually non-lawyers, in the Pentagon who were skeptical about negotiations on the laws of war and insisted that all of the United States position papers for the Conference were agreed to between the Departments of State and Defense.

After the adoption of the Protocols in 1977, Wally supported them actively, both within the Department of Defense and later in academic life. He had no patience with the ideological and unintellectual criti-

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\* Member, the Iran-United States Claims Tribunal, The Hague. Ambassador Aldrich was the head of the United States Delegation to the Diplomatic Conference that adopted the 1977 Protocols to the Geneva Conventions.

cisms leveled at the Protocols by the Reagan administration. While he clearly understood their flaws and argued forcefully for several statements of understanding and reservation by the United States, he never wavered in his belief that the Protocols represented a responsible codification and development of international law and were clearly in our national interest. The last letter I had from him, in May of 1987, told me of his efforts to promote a positive resolution concerning the Protocols for adoption by the American Bar Association. Shortly before his death, he journeyed once again to Geneva to participate in a colloquium sponsored by the ICRC on the tenth anniversary of the Protocols.

Wally was a determined as well as a happy warrior, and those of us who were privileged to work with him were fortunate. We shall all remember him for the person he was, as well as for the good he did.

WALDEMAR A. SOLF: FRIEND, HUMANITARIAN,  
AND LEGAL AUTHORITY

Sally V. Mallison\*  
W. Thomas Mallison\*\*

It was a great shock to us to hear from friends at the International Committee of the Red Cross in Geneva on June 23, 1987 that our dear friend Wally Solf, whom we had last seen just before he departed from Geneva on the morning of June 19, had passed on that same night following his return home. Wally had been with us in Geneva at the International Colloquium on *Les Protocoles de Geneve de 1977 additionnels aux Conventions de 1949: dix ans apres* on June 11, 12, and 13, at the University of Geneva, and at the Round Table of Experts on International Humanitarian Law Applicable to Armed Conflicts at Sea on June 15, 16, and 17 sponsored by the International Law Institute, University of Pisa, Italy and Syracuse University, N.J., U.S.A. which took place at the International Institute of Humanitarian Law in San Remo, Italy. We had stayed in the same hotels and spent most of our free time together including dinner on the night of June 18, enjoying the opportunity to continue a friendship and association going back more than two decades.

At the International Colloquium in Geneva, Wally made his usual excellent contributions to the discussion, focusing primarily on provisions of the 1977 Protocol I dealing with medical aircraft and other related subjects (most of which he had a major role in drafting). At the more informal round table in San Remo, he was extremely effective in clarifying issues and adding much to the subjects under discussion. Although Wally is best known for his humanitarian law work applicable to air and land warfare, he is a master of the legal implications of the modern electronic context of naval warfare. He will be sorely missed at such gatherings in the future.

We have also worked with Wally over a period of many years in the Military Committee of the Inter-American Bar Association, participating with him in a number of meetings which were co-sponsored by the Henri Dunant Institute (the International Law teaching and research branch of the International Committee of the Red Cross) where his

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\* International Affairs Consultant, Rockville, Maryland.

\*\* International Law Consultant, Rockville, Maryland; Emeritus Professor of Law, George Washington University.

professional expertise in the law of armed conflict was always invaluable.

His contribution to the formal education of students at the Washington College of Law is written about by others in this *Dedication*. He also added much, through many years, by participating in the Advanced Seminar on The Humanitarian Law of Armed Conflict which we taught at the George Washington University Law Center. Students who had the good fortune to hear his presentations will never forget him.

In addition to participating in the dissemination of knowledge in his field of expertise in conferences and direct teaching, Wally Solf also wrote books and articles which will long be recognized as the authoritative works on the subject.

All of us who have worked on the Geneva Protocols of 1977 are indebted to him and his two European colleagues, Professors Michael Bothe and Karl Joseph Partsch, for their masterly analysis of the negotiating history and texts of the Protocols entitled *New Rules for Victims of Armed Conflict*. Wally's article on *Protection of Civilians Against the Effects of Hostilities Under Customary International Law and Under Protocol I*, appearing in volume 1 of *The American University Journal of International Law & Policy* demonstrates the customary law involved in Protocol I. Another recent article, *A Response to Douglas J. Feith's Law in the Service of Terror — The Strange Case of the Additional Protocol*, appearing in volume 20 of the *Akron Law Review* provides a definitive answer to one of the strident and unknowledgeable political attacks on the Protocol. The *Index of International Humanitarian Law*, compiled by Wally and Captain J. Ashley Roach, JAGC, U.S. Navy, which was published by the International Committee of the Red Cross in late 1987, covers the relevant rules of the 1907 Hague Conventions, the 1949 Geneva Conventions, and the 1977 Protocols and is the most definitive index of the treaty law of armed conflict which has been published.

All in all, Wally Solf has been a fountain of knowledge in this extremely important humanitarian field, and until such time as armed conflict has been eliminated, his work will be an important factor in the mitigation of its horrors. In addition, he has personally enriched the lives of all who have come in contact with him. We are grateful to have known Waldemar A. Solf.