Convention by becoming parties thereto. To encourage this, the United States must ratify.[12]

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The *American Journal of International Law* welcomes short communications from its readers. It reserves the right to determine which letters shall be published and to edit any letters printed.

TO THE EDITORS-IN-CHIEF:

March 8, 1979

As one of those responsible for the publication of the *Répertoire suisse de droit international 1914–1939,* I read with great interest Gerhard von Glahn's review in the January 1978 issue of the *Journal* (72 AJIL 197). Von Glahn questions the relevance of the *Répertoire* in the following terms: "In view of the limited scope of Swiss international legal involvement, it is questionable whether the contents would justify the high cost of the set, at least as far as most university or law school libraries are concerned."

On a factual level, the assertion that "the scope of Swiss international legal involvement" from 1914 to 1939 was "limited" is hardly correct. How can one forget that Switzerland *was,* after all, a member of the League of Nations and that it was, and still is, the host country of several international organizations? As such, it has made important contributions to the body of customary rules governing the privileged status of international organizations. Being a federal state located in the heart of Europe, Switzerland has also had ample opportunity to apply international law in intercantonal relationships as well as in its relations with neighboring states. A careful perusal of the *Répertoire* further reveals that from 1919 onwards, Switzerland has devoted considerable efforts to furthering the cause of peaceful settlement of international disputes. Finally, a major

[12] Attention should perhaps be called to a proposed resolution of advice and consent by the Senate to the Vienna Convention, subject to an "interpretation and understanding" that would have thrust into the international arena the domestic constitutional and political controversy as to the President's right to conclude certain executive agreements. The proposed "understanding" (sponsored, it is believed, by Senator Case, who is no longer in the Senate) was irrelevant because of the provision of paragraph 2 of Article 2 of the Vienna Convention that "[t]he provisions of paragraph 1 regarding the use of terms in the present Convention are without prejudice to the use of those terms or to the meanings which may be given to them in the internal law of any State."

This provision was deliberately adopted by the International Law Commission and by the Vienna Conference in order to avoid the misunderstanding that underlies the proposed "understanding." Since Assistant Secretary of State Marshall Wright in a letter to the Committee on Foreign Relations, dated January 31, 1974, has adequately presented the arguments against the proposed "understanding," I find it unnecessary here to develop further the disastrous consequences to the good faith of the United States which might ensue from its adoption. *See* for further details, 68 AJIL 507–10 (1974); DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW, 1974, at 195–99 (ed. Rovine).

part of the *Répertoire* is devoted to Swiss practice in matters of neutrality, and no one seriously questions the importance of this practice. To this enumeration one might add that Switzerland appeared twice before the Permanent Court of International Justice (*Free Zones* and *Losinger and Co.* cases), and that a considerable number of Swiss scholars and diplomats (among whom one finds Charles-Edouard Lardy and Max Huber, to name but two) have served as international judges or arbitrators.

The factual elements recalled above raise another, more fundamental question: how is one to judge the "international legal involvement" of a country with some degree of accuracy? If a quantitative criterion were to be used—which, I am sure, von Glahn is far from suggesting—the practice collected in the *Répertoire* would unquestionably fill the bill. Nor does von Glahn question the "quality" of the practice published; indeed, on what criteria could such quality judgments be based? It thus appears that he had in mind another consideration, namely, the idea that Switzerland, being a small country and moreover a neutral one, belongs—or belonged—to a category of states whose international practice is less relevant than that of larger or more powerful states. This idea, I believe, is both alarming and unjustified. It is alarming because it implies that a certain category of states may enjoy a virtual monopoly in the making—or breaking—of international law, while the other members of the international community are left out in the cold. It is unjustified because there is no principle of law suggesting that some countries are more equal than others. Quite the contrary: considerable emphasis is being placed, especially in today's political context, on the participation of *all* states in the international legislative process.

In sum, the two main points I wish to make are (1) that Swiss practice, as undoubtedly that of other medium-size or small states, *did* contribute its share to the shaping of international law yesterday as it does today, and (2) that the practice of all states is relevant for the creation, interpretation, and application of rules of international law. It is precisely for the latter reason that various European states are presently engaged in publishing digests of their international law practice, thus following the example set by the U.S. Department of State and by distinguished diplomats and scholars such as John C. Cadwalader, Francis Wharton, and John Bassett Moore. It is surely reasonable to express the hope that these undertakings, which are conducive to a better knowledge and understanding of the rules of international law, will not be discouraged by casting doubt on their relevance and importance.

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Egon Schwelb (1899–1979)

In so many lands so many readers will be saddened to hear of the *New York Times* announcement that Egon Schwelb died on March 20, 1979.

Supreme scholar of international human rights law, Dr. Schwelb also was one of the small group whose members with notable creativity have nurtured that law—as architects, draftsmen, and administrators, as lobbyists for crucial votes in the United Nations and other transnational forums.

He was uniquely dedicated, uncompromising on basic issues, so thoroughly scientific in his own work and yet tolerant and gentle regarding