to consent only to moral and political obligations, and not to legal ones. The severance debate has arisen in the context of efforts to make human rights treaties more effective by expanding their adjudication and enforcement mechanisms, both in the reservations context and in general. Some states contend that these efforts violate their sovereignty by subjecting them to legal claims and remedies before third-party adjudicators without their consent.

Goodman ignores these issues and argues that as between the two proposed solutions for incompatible reservations at the remedies stage, many states parties will prefer severance to expulsion. There are three problems with this conclusion. First, it assumes that states parties are willing to accept the authority of the relevant tribunal to adjudicate their reservations in the first place. In addition, for a state that did not intend to consent to enforcement at all, a severance regime that binds it to expressly reserved as well as to expressly accepted substantive provisions is a double blow to its sovereignty. Finally, to the extent that a particular treaty lacks enforcement mechanisms for its substantive provisions, it is problematic to sever a reservation when the formerly reserved provision cannot then be enforced.

Furthermore, Goodman assumes that a state can simply withdraw from a human rights treaty if it is dissatisfied with the severance of its reservation, and thus mitigate any sovereignty concerns. In fact, the settled rule of international law is just the opposite. A state cannot ordinarily withdraw from a treaty without the consent of every state party, and the nature of human rights obligations may preclude withdrawal from human rights treaties.[1]

The goal of adjudicating reservations should be to make human rights treaties more effective. To do so, reservations regimes should be crafted in light of the realities of state participation in such treaties. A good beginning would be to recognize the current ambiguities in state consent to third-party adjudication and enforcement, and to establish prospective mechanisms for more carefully defining the scope of that consent at the time of ratification.

ELENA A. BAYLIS*

Professor Goodman replies:

I appreciate Professor Baylis's letter for raising provocative issues. Her comments, however, rest on flawed assumptions. In *Human Rights Treaties, Invalid Reservations, and State Consent*, I argue that a third-party institution should consider a state's invalid reservation to a treaty presumptively severable. First, Baylis assumes that the argument concerns only third-party institutions with questionable legal authority. As I specify at the outset of the article, the argument concerns a range of third-party institutions faced with such interpretive questions, including national and subnational courts, regional human rights courts, and the International Court of Justice. Second, Baylis extrapolates general principles from a narrow range of state treaty practice—states that consent to human rights treaties to assume only moral and political obligations. The central point of my article is to reject this type of narrowly conceived reasoning. I hope my article's principal contribution, if anything, is to demonstrate empirically that states orient themselves to human rights treaty regimes in radically different ways and that regime rules should reflect such nuances. Finally, a point of clarification: even if Baylis's description of treaty law on withdrawal were correct (a position I would dispute), my point is that a state would essentially suffer only reputational costs in withdrawing from a human rights treaty (irrespective of the legality of its withdrawal).

TO THE EDITOR IN CHIEF:

We write to note the passing of our colleague Paul Szasz, an extraordinary international lawyer who served the United Nations community for forty-four years. Paul was a gentle, whimsical man with a rigorously logical mind, who could tease out the solution to any legal problem.

Paul was born in Vienna in 1929. His family fled from Nazism, moving to Hungary in 1938 and then to the United States in 1941. After gaining his bachelor's and law degrees from

[1] *See* Vienna Convention on the Law of Treaties, *opened for signature* May 23, 1969, Arts. 42, 56, 1155 UNTS 331; Hum. Rts. Comm., General Comment No. 26, para. 5, UN Doc. CCPR/C/21/Rev.1/Add.8 (1997), *available at* <http://www.unhchr.ch/tbs/doc.nsf>.

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Cornell University, Paul served as a law clerk to a renowned civil rights champion, Judge Elbert Tuttle of the United States Court of Appeals for the Fifth Circuit, and then won a Fulbright fellowship to the University of Saarland. He returned to Vienna in 1958 to join the newly founded International Atomic Energy Agency and designed safeguards standards to prevent the misuse of civilian nuclear materials. In 1966 he was recruited by the legal department of the World Bank, serving as secretary to another new venture, the International Centre for Settlement of Investment Disputes.

Paul moved to the UN Secretariat's Office of Legal Counsel in 1971, becoming director of the General Legal Division and later deputy to the legal counsel. He was widely regarded as the preeminent UN expert on the law of the Charter and the practice of UN legal and political organs. He was also a lawyer's lawyer, mastering the common-law intricacies of UN administrative tribunals, financial procedures, pension and tax law, and program budgeting. He could explain these with extraordinary patience and good humor, and only the occasional hint of weariness, responding to a botched draft of budget regulations with the quiet comment that the text was "not susceptible to legal analysis." Paul favored simplicity where available, and proposed the idea of unifying the administrative tribunals for the United Nations, the International Labour Organization, and the World Bank, and abolishing the credentials committees. Among other ventures, he drafted the constitution of the United Nations Industrial Development Organization, an agency tasked with fostering economic growth in developing economies, and wrote the UN amicus submission to Judge Edmund Palmieri in the hotly contested federal court litigation over the UN Headquarters Agreement and the PLO Observer Mission at the United Nations.

Following his formal retirement from the United Nations in 1989, he began a whirlwind career, serving in Namibia as legal adviser to the special representative of the Secretary-General, and consultant to the attorney general of Namibia. In 1992 he joined the effort to reach peace in the Balkans, serving as legal adviser to the International Conference on the former Yugoslavia, cochaired by former Secretary of State Cyrus Vance and Lord Carrington. Paul wrote the 1994 Federation Agreement between the Croatian and Muslim communities in Bosnia, prefiguring the structure of the Dayton Peace Accords. (He insisted, however, that the Federation Agreement should avoid any permanent ethnic categorization, permitting people to vote as "others" rather than as self-identified Muslims or Croats. He said he hoped that the "others" category would grow.)

Paul also advised the International Civil Service Commission in New York City, and served as acting director of the UN Office of Legal Counsel. In 1999 he became a key figure in the negotiation of a Framework Convention on Tobacco Control, working with the director of the World Health Organization in Geneva, former Norwegian Prime Minister Gro Harlem Brundtland.

Paul loved to work, keeping a small apartment in Tudor City for his forays to the United Nations. He also ran a goat farm in Germantown, New York, together with his wife, Frances, who had been a college sweetheart. Calls to their home would often bring news that a new kid had been born. His own stepdaughters, Catherine Dibble and Ree Brennin, followed Paul's field-naturalist heart, becoming a geographer and a marine mammalogist, respectively.

Paul was a gifted teacher, serving as a visiting professor of law at Pace University, the University of California, New York University, Cornell, and the University of Georgia. He published regularly in the *American Journal of International Law*, and was a favorite panelist at meetings of the American Society of International Law. His collegiality as a scholar was unstinting. A long manuscript placed in his hands would be the subject of an immediate detailed response.

Paul combined an old-world formality and irony with a sweet American humor. To his students and colleagues, and to all of his friends, he was the human face of multilateral engagement. Paul was memorialized at the United Nations in a service on June 19, 2002. Those tributes are published in volume 35 of the *Cornell International Law Journal*.

We thought he would keep working forever, in the service of the harmony of nations, and we mourn his passing.

RUTH WEDGWOOD, STEVEN R. RATNER, EDITH BROWN WEISS, THOMAS M. FRANCK, AND ANTHONY MILLER