

## INDEX

- abuse of rights, 202, 383–6, 399 n., 422–4, 514  
 acquiescence, 64, 67 n., 238  
 acquired rights, respect for, 38, 131, 479  
 Act of State, 84  
 acts of foreign States, recognition of, 38–40, 42, 44, 163  
 adoption of international law: *see* incorporation of international law  
 aggressive war, punishment for, German Federal Constitution, 175–6  
 air space, 381–2, 423  
 aliens, crimes committed abroad, jurisdiction over, 272, 488–91  
 aliens, treatment of, 386–90, 500–3, 513  
 access to courts, 502  
 expulsion, 503  
 minimum standard of civilization, 296–8, 386, 502  
 non-discrimination, 386–90, 501, 502  
 property rights, 387–90  
 American Civil War  
 blockade, 329 n.  
 Instructions for Armies in the Field, 99 n.  
 recognition of belligerency, 330, 331  
 American international law, 122–4, 269–70  
 American States, Anti-War Pact (1933), 339, 347  
 angary, right of, 167 n., 220  
 Anglo-American school of international law, 124–6, 218, 271–5, 363  
 Anglo-Egyptian *condominium* over Sudan, 371  
 Anti-War Pact of Non-Aggression (1933), 339, 347  
 Anzilotti, theory of international law, 210, 216, 310  
 arbitral procedure, codification of, 514–15  
 arbitration, ‘law and equity’, on basis of, 85  
 Argentina, Constitution, international law provision, 473  
 asylum, 506–7  
 constitutional provisions, 176  
 Pan-American Convention, 124, 506  
 Austrian conception of law, 11–12, 32, 55, 209  
 balance of power, recognition of title and, 337  
 basis of international law, 51, 89–94, 231–3  
 belligerency, recognition of, 329–35  
 American Civil War, 330, 331  
 belligerent rights of Crown, treaties concerning, 160  
 Bentham and international law, 99  
 Bessarabia, recognition of Roumanian sovereignty 338  
 Blackstone, on adoption of international law, 154, 166 n., 218, 222  
 blockade  
 civil war in, 329 n., 331  
 effectiveness, requirement of, 314  
 Southern States, American Civil War, 329 n.  
 Bluntschli, draft code, 99 n.  
 Bosnia and Herzegovina, annexation of, 373  
 boycott, international, 406  
 Brussels Convention, Immunity of State-owned Ships (1926), 483  
 Burma, Constitution, 1947, international law provision, 174 n.  
 Bustamante Code on Private International law (1928), 41 n., 490  
 Calvo Clause, 297, 398, 513  
 Canada, title to Sverdrup Islands, 338  
 capitulations, régime of, 119  
 Cavaglieri, theory of international law, 210, 216, 240  
 Central American Court of Justice, 145  
 suits between States and aliens, 287  
 Central American Treaty, 1907, recognition provision, 325, 326  
 Charter of the United Nations  
 amendment of, 13  
 human rights provisions, 142–4, 471, 502  
 non-members, effect on, 116  
 prohibition of use of force, 18  
 China, request for revision of treaties, 429  
 Christian foundation of modern international law, 118–22  
 Civil Strife, Convention on (1928), 325, 487  
 civil war: *see also* American Civil War and Spanish Civil War  
 aid to lawful Government, 334  
 codification, 26, 98–112, 258–60, 445–530  
 development of international law and, 110, 258, 445, 463, 467  
 League of Nations, under, 102–4, 452–3, 462, 516–17: *see also* Hague Codification Conference (1930)  
 meaning, 98, 450–3  
 non-governmental projects, 99–100  
 private international law of, 41 n.  
 procedure of, 527–30

## INDEX

- codification (*cont.*)  
 regional, 104–5 n., 529  
 registration of existing law, 452, 455–9  
 selection of topics, 459–68
- codification treaties, effect on customary law, 457–8, 467 n.
- collective enforcement of law, 19
- collective security, 264–7, 440–1
- Colombia, recognition of Panama, dispute with U.S.A., 315–16
- comity, international law and, 43–6, 239 n.  
 recognition as act of, 316  
 recognition of foreign acts of State, 482
- commercial relations between Governments, 72–4
- comparative law and international law, 74
- completeness of international law, 57, 68, 75, 94–8, 242–3, 246, 450
- conciliation, 416–17
- conclusiveness of statements of Executive, 162–3, 170–1, 229 n., 486
- condominium*, 370–2
- confiscation of property, 388
- Conflict of Nationality Laws, Convention on (1930), 104, 260, 301, 454, 458, 482
- Congo, acquisition by Belgium, 338
- Congo Conference, 1885, notification of acquisition of territory, 337, 491
- conquest  
 recognition of *de facto* sovereignty, 348  
 title to territory, as, 202, 241, 252
- consent as source of international law, 9, 32, 52, 56–8, 66, 196, 208–13, 242–4, 267, 309, 443
- consuls, Harvard Draft Convention, 455, 511, 512
- consular intercourse and immunities, 511–12  
 Havana Convention on Consular Agents (1928), 511
- contiguous zone, 64, 375–7, 497–8
- Continental school of international law, 124–6, 218, 271–5, 363
- continental shelf, 64, 98  
 Continental Shelf Convention, 98
- contracts, inconsistent obligations, 359–60
- corporations, nationality of, 472
- courtesy, international, 63
- Cracow, annexation by Austria, 338
- Crete, Turkish sovereignty over, 372
- crimes against humanity, 143, 471
- criminal responsibility of individuals, war crimes, 19
- cujus est solum ejus est usque ad coelum*, 381
- customary international law, 14–15, 43, 51, 53, 61–8, 237–41  
 abolition of customary rules, 241  
 codification treaties and, 457–8, 467 n.  
 new States, 57, 238
- opinio necessitatis*, 62–4, 66 n., 67, 238, 240  
 practice, 61–2, 238, 255  
 time element, 130–2
- damages, measure of, 202, 391  
 punitive, 394–5
- Declaration of London (1909), 454
- definitions of international law, 9
- delicts, international, 383–6  
*see also* State responsibility
- Denmark  
 Eastern Greenland, title to, 338, 342  
 U.S.A., refusal to recognize belligerent rights, 332
- dependent territories, participation in organizations, 141
- diplomatic intercourse and immunities, 509–11  
 Harvard Draft Convention, 510  
 Harvard Convention on Diplomatic Officers (1928), 510
- disputes, legal and political, 242
- domestic jurisdiction, matters of, 22, 68, 133 n., 303, 439
- Dominions, treatment as States, 138
- dualistic or pluralistic theory, 152, 168
- Duguit, 55
- duress, effect on treaties, 47, 54, 87, 203, 241, 341, 352–4
- Eastern Greenland, recognition of Danish sovereignty, 338
- Egypt, *condominium* over Sudan, 371
- English law, incorporation of international law, 154–69
- equality of States, 128, 217, 436–8, 443
- equity  
 continuance of treaties, 429  
 source of international law, 85–6, 256–7
- estoppel or preclusion, 67 n., 70, 83, 203, 257
- Estrada doctrine on recognition, 325
- European Convention on Human Rights (1950), 144
- European Economic Community, legislative powers, 176
- evidence, rules of, international tribunals, 272
- ex factis jus oritur*, 342
- ex injuria jus non oritur*, 342
- Executive determination of international questions, 162–3, 170–1, 229 n.
- exhaustion of local remedies, 397–8
- expropriation, property of aliens, 388–90
- extinctive prescription, 514
- extradition, 503–6  
 American treaties on, 503  
 Harvard Research Draft, 504  
 political offenders, 301 n., 506

## INDEX

- extradition treaties, liberal interpretation, 364  
 extraterritorial jurisdiction, 38
- Fauchille, on recognition, 315
- Federal Republic of Germany, Constitution, international law provisions, 173–4
- federal States  
 decisions of courts, international law, applying, 82–3, 171 n.  
 treaty-making power, 475
- First World War, doctrine of international law and, 10 n.
- fisheries, conventions on, 494
- Fishing and Conservation of Living Resources, Convention (1958), 98
- foreign acts of State, recognition of, 481–2
- foreign armed forces, jurisdictional immunities, 485–6
- France  
 Constitution, 1946, provision on international law, 174 n., 473  
 treaties, 173  
 recognition of United States, 320
- freedom of the seas, 385, 423
- frontier streams, *condominium*, 371
- fundamental norm, 90 n.
- gaps in international law, 57, 68, 75, 94–7, 243, 246, 450
- General Act for Pacific Settlement of International Disputes (1928), 102, 410
- general principles of law, 28, 34, 47, 52, 54, 57, 61, 68–77, 87–8, 91, 114, 125, 147, 201, 204, 236, 241–9, 268, 273, 360, 367, 379, 381, 385  
 basis of validity, 75–7  
 equitable principles, 257  
 treaties and, 236
- General Treaty for the Renunciation of War (1928), 17–18, 22, 102, 116, 198, 229 n., 354, 380, 393, 411, 493  
 customary international law and, 241, 253
- League Resolution on non-recognition (1932), 321, 339, 346  
 neutrality and, 241, 254 n., 344 n.  
 non-recognition, Stimson Doctrine, 338–341, 346, 380
- Geneva Conference on the Law of the Sea (1958), 108–9
- Geneva Conventions (1929), 102
- Geneva Conventions (1949), 115
- Geneva Conventions Act, 1957, object of, 160 n.
- Geneva Conventions, private international law, 40 n.
- Genocide Convention, 142
- German law  
 international law and, 223
- Germany: *see also* Federal Republic of Germany  
 Constitution, 1919, international law provision, 172, 224, 473  
 good faith, 47, 257, 268, 378  
 prescription, acquisitive, 378  
 recognition, in grant of, 319, 320  
 third persons and illegal acts, 344  
 grants in perpetuity, 372  
 Grotius, 75, 251, 265
- Hague Codification Conference (1930), 26, 103–6, 258, 375, 387, 453, 460–2
- Hague Conferences on Private International Law (1902, 1905), 40 n.
- Hague Conventions (1907), 101–2, 458
- Hague Peace Conferences, 101–2, 120
- Hall, on recognition, 315
- high seas, 381–2, 493–7: *see also* fisheries  
 transport and safety, conventions on, 495
- High Seas Convention (1958), 98
- Hobbes, *Leviathan*, 55
- Holy See, status of, 138, 306
- hostile expeditions, 487
- human dignity, object of law, 149
- human rights, 22, 48  
 European Convention (1950), 144  
 German Federal Constitution, 176  
 U.N. Charter provisions, 142–4, 471, 502
- humanitarian intervention, 302–4
- illegal acts, validity and effect, 340–5  
*inadimplenti non est adimplendum*, 245
- incorporation of international law  
 constitutional provisions, 172–7, 229  
 English law, 154–69, 218–22  
 European legal systems, 171, 222–4  
 primacy of international law, 227–8  
 significance of, 165–6, 222, 225
- individual responsibility, war crimes, 19, 141
- individuals  
 claims against national State, 289  
 fundamental rights, 295–304  
 injury to foreign State by, 294  
 international protection of rights of, 298–302  
 law-creating process, participation in, 305  
 petition to organizations, right of, 147  
 procedural capacity, 143–7, 470  
 subjects of international law, 31, 47, 81, 114, 127, 136, 141–3, 166, 193–4, 279–304, 470  
 transformation, doctrine of, 285–6
- Institute of International Law, 100 n., 528  
 Codification, Resolution (1947), 459 n.  
 Recognition, resolution on (1936), 478  
 Rights of Man, Declaration of (1929), 295

## INDEX

- insurgents  
 recognition of, 328, 332, 335-6  
 subjects of international law, 138
- interdependence of States, 51
- interest, award of, 202, 391
- international administrative law, 74
- international boycott, 406
- international claims  
 extinctive prescription, 514  
 local remedies, 397-8  
 nationality of claims, 145  
 State control over, 143-4, 291-3, 295
- international community, existence of, 9,  
 16, 28-31, 52, 58, 76, 92, 128, 232,  
 261-7
- International Court of Justice  
 acceptance of jurisdiction, reservations,  
 25  
 advisory jurisdiction, 24  
 decision *ex aequo et bono*, 86, 256  
 jurisdiction limited to States, 146  
 Statute, Art. 38... 55-6, 61, 75, 231, 233
- international crimes, individual responsi-  
 bility, 148
- International Criminal Court, proposals  
 for, 392, 507
- International Labour Conventions, 102
- International Labour Organisation, 434  
 complaints procedures, 290  
 law-making, employers and employees,  
 by, 305
- international law  
 ascertainment of, 197-8  
 binding character, 16, 196-7, 222  
 codification, *q.v.*  
 common will of States, 209-10  
 completeness of, 57, 68, 75, 94-8, 242-3,  
 246, 450  
 concept of, 193-5  
 creation of new rules, 196  
 enforcement of, 9, 16-20, 34, 198-9, 264,  
 340  
 indefiniteness of rules of, 25-8  
 jurisprudence, place of, in, 193-215, 242,  
 443  
*jus inter gentes*, 194  
 law of co-ordination, as, 36, 196, 208-13,  
 270  
 matters regulated by, 21-3  
 morality and, 46-9, 205-7  
 national concepts of, 126-9, 270  
 non-external character, 198  
 partial observance of, 20-1  
 permanently weak character of, 207-8  
 primacy of, 227-8, 474  
 proof of, in English courts, 158, 221 n.  
 shortcomings, effects of, 31-3, 199, 308  
 transient nature of, 33, 35, 200, 208, 214  
 sources: *see* Sources of international law  
 specific character, 27, 208-9  
 subjects of, 31, 47, 81, 114, 127, 136-50,  
 166, 193-4, 279-304, 470  
 ultimate foundation of, 89-94, 200, 231-3  
 international law and municipal law, 151-  
 78, 214, 216-30, 473-5  
 municipal law as defence to claim, 230  
 transformation, doctrine of, 285-6
- international law as law, 9, 11-36, 193,  
 194-200, 265, 347
- International Law Association, 100 n.,  
 528  
 Resolution on Pact of Paris (1934),  
 346
- International Law Commission, 26, 107-8,  
 110, 445-530  
 character of work, 521-7  
 consultation with Governments, 526  
 creative function, 524  
 drafts, status of, 465  
 method of work, 521-30  
 Rapporteurs, role of, 528  
 selection of topics, 516-21  
 Statute, adoption of, 451  
 Statute: Art. 18. 468, 516, 521, 526;  
 Art. 19. 526, 527, 528;  
 Art. 20. 521, 522, 524;  
 Art. 22. 529;  
 Art. 23. 464-6;
- international lawyer, function of, 252-6
- international legislation, 13-14, 59, 111,  
 115, 196, 412-15, 432-44  
 European Economic Community, 176
- international organizations  
 subjects of international law, 136, 138,  
 471  
 treaty-making power, 138-9, 471
- international penal law, 471, 475
- International Prize Court, proposed, 145,  
 287, 289
- international society, 51, 193, 210, 232  
 structure of, 27, 30 n.
- international tribunals  
 access by individuals, 145, 286-95  
 compulsory jurisdiction, absence of, 23-5,  
 197, 409, 443  
 decision *ex aequo et bono*, 424-6  
 evidence, rules of, 272  
 individual and foreign State, suits  
 between, 290  
 peaceful change and, 419-25
- international tribunals, decisions of, as  
 source, 78-80, 246-7
- inter-temporal international law, 129-34
- intervention  
 humanitarian, 302-4  
 premature recognition, 312  
 prohibition of, 476  
 recognition of Governments, 323

## INDEX

- intervention (*cont.*)  
 subversive activity, 403–6
- Ireland  
 Constitution, 1937, international law provision, 174 n.
- Islamic international relations, 121
- Italy, Constitution, 1948, international law provision, 174 n.
- Japan, relations with Western Powers, 119
- Jellinek, theory of international law, 210
- judgments, international, enforcement of, 18
- judicial acts, communication of, 505
- judicial legislation, 419–21
- judicial precedent, 274
- jurisdiction  
 aliens, crimes committed abroad, 272, 488–91  
 aliens, crime committed in territorial waters, 155 n.  
 exercise of, in foreign territory, 487–8  
 foreign acts of State, recognition of, 481–2  
 foreign ships in port, 272  
 limits of State competence, 217, 487–8  
 person arrested contrary to international law, 344, 488  
 ship seized contrary to international law, 343  
 territorial basis, 369  
 territorial, obligations of, 486  
 wrongful seizure as basis, 343, 488
- jurisdictional immunities of States, 64, 455, 482–6
- jurisprudence, international law in, 193–215, 242, 443
- jus cogens*, 87, 113–14, 234
- jus gentium* and *jus inter gentes*, 194
- jus gentium*, modern, 74, 304
- Kaufmann, on law of co-ordination, 211–13
- Kellogg Pact (1928), 17–18, 22, 102, 116, 198, 229 n., 354, 380, 393, 411, 493  
 customary international law and, 241, 253  
 League Resolution on non-recognition (1932), 321, 339, 346  
 neutrality and, 241, 254 n., 344 n.  
 non-recognition, Stimson Doctrine, 338–41, 346, 380
- Kelsen, theory of international law, 55, 90 n., 214, 217, 311
- law  
 Anglo-American and Continental concepts of, 274  
 command, as, 208–9  
 concept of, 55, 195  
 external nature, 194, 197–8  
 growth of community and, 263  
 morality and, 13, 46, 194, 198, 205  
 law merchant, 167, 169  
 law of nature, 28, 33, 46  
 law-making treaties, 59, 102 n.  
 laws of war  
 individual responsibility for violation of, 141
- Laws and Customs of War on Land, Hague Convention (1899), 101
- League of Nations  
 Assembly, powers under Art. 19, 429  
 Assembly, recommendation of, effect, 431  
 codification under, 102–4, 452–3, 462, 516–17: *see also* Hague Codification Conference (1930)  
 conciliation by, 416–18  
 Council, composition of, 437  
 non-recognition, Resolution on (1932), 321, 339, 346, 380  
 resolutions, legal effect, 346  
 subject of international law, as, 140
- League of Nations Covenant  
 amendment of, 436  
 Art. 10, 346, 392;  
 Art. 11, 438;  
 Art. 15, 432 n., 438;  
 Art. 16, 198, 199, 254 n., 347, 394;  
 Art. 19, 355, 428–32;  
 Art. 20, 359;  
 Art. 23, 501  
 drafting, 438  
 sanctions provision, 198, 199, 254 n., 347, 394
- leases, international, 372
- legal system, requirements of, 12
- legislation, international, 13–14, 59, 111, 115, 196, 412–15, 432–44  
 European Economic Community, 176
- legislative function, 13, 15
- litispendance*, principles of, 245
- Lorimer, on recognition, 316
- Manchukuo, State of, 318, 339, 348 n.
- Mandated territory, petitions of inhabitants, 290
- Mandates  
 jurisdiction of P.C.I.J. in respect of, 299  
 sovereignty and, 373–4
- maritime collisions, criminal jurisdiction, 489
- maritime law, 167, 169
- Mexico, Estrada doctrine on recognition, 326
- Military Obligations in Cases of Double Nationality, Protocol (1930), 104
- minorities treaties, 145, 290, 299
- Mixed Arbitral Tribunals, individual access, 287, 470
- Mixed Claims Commission, U.S.A.–Germany, general principles of law, use of, 244

## INDEX

- modern international law, 117–22  
*modus et conventio vincunt legem*, 234, 351  
 monism, as basis of international law, 213–15  
 monist and dualist theories, 152, 216–17, 228  
 Montevideo Conventions, private international law, 41 n.  
 moral reparation, 395  
 morality and international law, 46–9, 281–2, 358  
 morality and law, 13, 46, 194, 198, 205, 268  
 municipal courts, decisions of, as source, 80–5, 239–40, 247–9  
   enforcement of international law in, 20  
 municipal law and international law: *see* international law and municipal law
- Nansen passports, 302  
 national conceptions of international law, 126–9, 270  
 National-Socialist conception of international law, 127 n., 270  
 nationality  
   cession of territory and, 493  
   Convention and Protocols (1930), 104, 260, 301, 454, 458, 482, 498  
   denationalization, 300, 423  
   expatriation, right of, 499  
   grant of, 423  
   loss of, German Federal Constitution, 176  
   nationality of claims, 513  
   international protection of individual rights, 299–300, 302  
 natural law, 28, 33, 46, 52, 74, 76–7, 121, 236, 246, 358  
 natural right, *potentia*, 206  
 negotiation, obligation to undertake, 415  
*neminem laedit qui jure suo utitur*, 385  
*nemo judex in re sua*, 236, 245, 252  
 Netherlands Constitution, 1956, provision on treaties, 173, 177  
 neutral nationals, freedom of action, 403  
 neutral private property, destruction of, 388  
 neutral territorial waters, ship seized in, 344  
 neutrality, Kellogg Pact and, 241, 254 n., 344 n.  
 neutrality rules, Scandinavian States, 99  
 New Hebrides *condominium*, 370  
 new States, 57, 238  
*non liquet*, 57, 68, 75, 94–97, 243, 246, 450  
 non-recognition, doctrine of, 338–41, 346–8  
 non-nationals, protection of, 145  
 non-retroactivity, principle of, 133–4  
 non-State entities, as subjects of international law, 138  
 Norway, title to Jan Mayen Island, 337
- Nuremberg, International Military Tribunal, 134 n., 141, 148, 470, 514  
   Agreement establishing, 143  
   Charter of, 470, 471, 475, 514  
   General Assembly resolution (1946), 470–1
- observance, validity of legal rules and, 20  
 occupation, acquisition of territory by, 379–80, 492  
 offences against the law of nations, 142, 166 n., 169 n.
- Pacific Settlement of Disputes, Hague Convention (1899), 101  
   General Act (1928), 102  
 Pact of Paris (1928): *see* General Treaty for the Renunciation of War  
*pacta sunt servanda*, 210, 233, 310, 356  
 Panama Canal Zone, sovereignty over, 372  
 Panama, recognition of, 315–16  
 Pan-American Conferences, codification, 104–5 n.  
 particular international law, 112  
 peaceful change, 408–44  
 Permanent Court of International Justice  
   costs, 391  
   decision *ex aequo et bono*, 424–5  
   Optional Clause, British acceptance (1930), 410  
   Statute, 102, 204, 233, 241–2, 244, 409  
 personality of groups, concept of, 47 n., 282  
 personality, international, 136, 138–41  
 Peru, request for revision of treaties, 429  
 piracy, 141, 250, 284, 455, 495–6  
 ports, jurisdiction over foreign ships in, 272  
 positivist theories, 82 n., 207–13, 238, 240, 242–4, 268, 310  
 preclusion: *see* Estoppel  
 prescription, 70, 201  
   acquisitive, 345, 377–9, 491  
   extinctive, 514  
 primitive communities, law in, 10, 11–12, 199  
 private international law  
   public international law and, 31, 36–43  
   treaties on, 40–2  
 prize courts, international character, 165 n., 221  
 prize, ship in neutral territorial waters, 344  
 propaganda, subversive, 403–6, 476  
 public opinion, as means of law enforcement, 18, 199  
 public ships, jurisdictional immunities, 484  
 publicists, teachings of: *see* Writers  
*quieta non movere*, 378

## INDEX

- reason and justice as source of international law, 32
- rebels, as subjects of international law, 137-8
- recognition  
 legal duty of, 23  
 legal principle, matter of, 197, 229 n., 478
- recognition of belligerency, 138, 329-335  
 American Civil War, 330, 331
- recognition of Governments, 309, 323-9, 479  
 criteria of, 324-8  
 effectiveness, principle of, 328-9  
 Executive function, 324  
 international obligations, fulfilment of, 327  
 legitimacy, test of, 324-7  
 nature of, 323-4  
 non-recognition clauses in treaties, 339  
 non-recognition, effects, 309
- recognition of insurgents, 328, 332, 335-6
- recognition of States, 308-22, 477-9  
 collective act, as, 321-2  
 declaratory or constitutive, 309-11, 318-20  
 discretionary character, 308, 314, 423  
 duty to recognize, 312-14  
 existing international law and, 57  
 non-recognition clauses in treaties, 339  
 premature recognition, 312, 315, 319, 321  
 retroactive effect, 319  
 rôle of, 317-21
- recognition of territorial titles, 337-48  
 qualified, 337-8
- Refugees  
 Convention on International Status (1933), 302  
 from Germany, Convention (1936), 302
- regional arrangements, 113
- regional international law, 27, 113, 124
- Renunciation of War, General Treaty for (1928), 17-18, 22, 102, 116, 198, 229 n., 354, 380, 393, 411, 493  
 customary international law and, 241, 253  
 League resolution on non-recognition (1932), 321, 339, 346  
 neutrality and, 241, 254 n., 344 n.  
 non-recognition, Stimson Doctrine, 338-341, 346, 380
- reprisals, 18, 198, 393
- res judicata*, 203
- restitutio in integrum*, 391
- revision of *status quo*, 408-44
- revision of the law, 431
- rivers, international, 27, 487  
 diversion of, 385
- Roman law, 78 n.
- Rousseau, general will, 55
- sanctions, League Covenant provisions, 19, 254 n.  
 U.N. Charter provisions, 19
- Scandinavian States, codification among, 99
- Scelle, law of symbiosis, 55
- Second World War, doctrine of international law and, 10 n.
- self-defence, 17, 202, 476-7
- self-help, 16, 198, 200
- self-preservation, 23, 197, 202, 211
- servitudes, 201, 374-5
- sic utere tuo ut alienum non laedas*, 385, 422
- sources of international law, 51-135, 231-60, 472  
 basis and causes, 51-3  
 completeness of, 94-8  
 consent of States, 9, 32, 52, 56-8, 66, 196, 208-13, 242-4, 267, 309, 443  
 customary international law: *q.v.*  
 evidence of law and, 51, 53, 79, 237-41, 247  
 general principles of law: *q.v.*  
 hierarchy of, 55, 86-94, 234, 244  
 international tribunals, decisions of, 78-80, 246-7  
 municipal courts, decisions of, 80-5, 239-40, 247-9  
 scope of validity of, 112-34  
 treaties, 51, 53, 58-61, 234-7  
 writers, 249-56, 465
- sovereign immunity, 64, 455, 482-6
- sovereignty  
 criticism of, 443  
 renunciation of, constitutional provisions, 176-7
- Soviet Government, non-recognition of, 327
- Soviet views on international law, 126, 128 n., 270
- Spain, Constitution, 1931, international law provision, 174 n.
- Spanish Civil War, recognition of belligerency, 335 n.
- Spinoza, on inter-State relations, 205-7, 265
- State and individual, analogy between, 205-7
- State practice, decisions of courts, 82
- State responsibility, 383-407, 512-14  
 absolute liability, 399, 401-2  
 Codification Conference (1930), 104, 512  
 consequences of liability, 390-7  
 criminal responsibility, 513  
 fault, requirement of, 398-402, 513  
 Harvard Draft Convention, 513

## INDEX

- State responsibility (*cont.*)  
 imputability, 399–402, 513  
 individuals, acts of, propaganda, 403–6  
 insurgents, acts of, 336  
 inter-temporal law, 133–4  
 judgments of municipal courts, for, 230  
 municipal law, relevance of, 151–2, 161  
 non-discrimination, plea of, 386–90  
 private associations, for acts of, 406  
 private law principles, 202  
 rioters, acts of, 400, 513  
 sources of, 383–6
- State succession, 479–81  
 private law analogies, 202  
 treaties, legislative, 116
- Statehood, requirements of, 316, 368
- stateless persons, rights of, 145, 503  
 international protection of, 300–2
- statelessness  
 abolition of, 500  
 avoidance of, German Federal Constitution, 176  
 Protocol on (1930), 104, 260, 301, 500
- States  
 creation of international law rules, 305  
 equality of, 128, 217, 436–8, 443  
 existence of, question of fact, 313, 314–16, 319  
 fundamental rights and duties, 475–7  
 normal subjects of international law, 194, 279  
 personality of, 282–4, 392  
 punishment of, 390–7  
 rights and duties, as individual rights and duties, 147–9, 225, 283–5, 392, 402, 403
- statutes  
 presumption of conformity with international law, 157, 170, 228  
 supremacy of: in English law, 163–5, 221; in general, 227
- Stimson Doctrine of non-recognition, 338–41, 346, 380
- subjects of international law, 31, 47, 81, 114, 127, 136–50, 166, 193–4, 279–307, 469–72
- subversive acts and propaganda, 403–6
- succession of Governments, 481
- succession of States: *see* State succession
- Sudan, Anglo-Egyptian *condominium*, 371
- Switzerland, statement on codification (1931), 458 n.
- Tangier, International City, 370
- territorial change, 429, 430
- Territorial Sea and Contiguous Zone, Convention (1958), 98
- territorial sovereignty, 367–82, 491–3  
 cession, effect of, 421, 493  
*condominium*, 370–2  
 nature of, 376  
 ‘object’ theory, 367–70, 382  
 private law concepts, 201, 367–8, 377, 380  
 residual, 372–3
- territorial sovereignty, acquisition of, 491  
 conquest, 202, 241, 252, 380–1, 492  
 occupation, 379–80, 492  
 prescription, 70, 201, 345, 377–9, 491  
 recognition, 337–48  
 Roman law concepts, 377  
 time element, 130
- territorial waters  
 Codification Conference (1930), 104, 376, 377, 497  
 contiguous zone and, 375–7, 497–8
- territory, use for injurious purposes, 487, 513
- Terrorism, Convention on (1937), 507
- title, acquisition of: *see* Territorial sovereignty, acquisition of
- treaties, 351–6, 507–9  
 binding force, 89  
 codification, customary law and, 457–8, 467 n.  
 codification of law of, 507–9  
 conclusion of, majority vote, by, 13  
 contractual character, 351, 361, 365  
 customary law, as evidence of, 60, 237  
 derogating from customary law, 87, 234  
 duress and, 47, 54, 87, 203, 241, 341, 352–4  
 English law and, 158–61, 225–7, 474  
 federal States, 475  
*force majeure*, plea of, 356  
 frustration, 355, 428  
 immoral obligations, 357  
 inconsistent obligations, 203, 234, 338, 341, 359–61  
 individuals, rights and duties under, 142, 288–90, 470  
 interpretation of, 88, 203, 361–6; constitutional treaties, 133; customary international law and, 235; effective interpretation, 95, 253, 364, 508; Executive, by, 174–5; general principles of law and, 236; intention of parties, 203, 253, 361; inter-temporal law, 132–3; liberal, 364, 508; ‘political’ treaties, 362; private law terms, 204; restrictive, 362, 364; subsequent conduct, 133; *travaux préparatoires*, 272, 363–4, 508  
 invalid, 341, 357, 359–60  
 ‘law-making’, 14, 236–7, 351, 365, 414  
 legal content, 252–3  
 legislative effect, 236–7, 351  
 multilateral, modification of, 360  
 non-parties, position of, 60, 88, 234



## INDEX

- treaties (*cont.*)  
 private international law, on, 40–2  
 private law concepts, 202–3  
*rebus sic stantibus* doctrine, 197, 203, 206,  
 355–7, 421–2, 428, 431, 509  
 reconsideration of, League Covenant,  
 under, 428–32  
 registration of, 139, 147  
 revision clauses, 415  
 rights and duties of individuals under,  
 142, 288–90, 470  
 source of international law, as, 51, 53,  
 58–61, 234–7  
 State succession, 480  
 U.S.A., law of, 159, 170, 474  
 unilateral denunciation, 355, 431  
 universal international law, comprising,  
 115  
 tribal communities, international law and,  
 122  
 Triepel, theory of international law, 209,  
 216, 219, 226  
 Turkey, admission to Concert of Europe, 118
- ubi societas ibi jus*, 28
- unanimity, rule of, 88, 109, 111, 127, 236,  
 259, 436, 438, 466 n.
- unification of law, treaties for, 40–1 n.
- unilateral declaration, effect of, 346
- United Kingdom, statements on recognition,  
 315, 330
- United Nations: *see also* Charter of the  
 United Nations  
 international personality of, 140  
 specialized agencies, capacity before  
 International Court, 139
- United States of America  
 Act of Congress, supremacy of, 170  
 adoption of international law, 169–71,  
 218  
 Civil War: blockade, 329 n.; Instructions  
 for Armies in the Field, 99 n.; recogni-  
 tion of belligerency, 330, 331  
 Constitution, proposed Bricker amend-  
 ment, 159 n.  
 Denmark, refusal to recognize belligerent  
 rights, 332  
 executive agreements, status of, 171  
 Naval War Code (1900), 101 n.  
 Neutrality Act, 1818, ships for revolting  
 colony, 326 n.
- Panama, recognition of, 315–16  
 recognition of, by France, 320  
 reservation to acceptance of jurisdiction  
 of I.C.J., 25  
 statements on recognition, 313–14, 324–5  
 Stimson Doctrine, non-recognition, 338–  
 41, 346  
 ‘suggestion’ of State Department on  
 immunity, 163  
 treaties and internal law, 159, 170, 474  
 universal international law, 113–17, 120–1,  
 166, 261, 267–75  
 Upper Silesian Convention (1922), 145–6  
 Upper Silesian Mixed Tribunal, 470  
*uti possidetis* doctrine, 123 n., 269
- Vatican City, international personality, 306,  
 318
- Vattel  
 on punishment of States, 393  
 on treaty interpretation, 361
- Venezuela, Constitution, international law  
 provision, 473
- Versailles, Treaty of  
 individual claims against Germany, 145  
 political inequality, 128, 224 n.
- voluntas civitatis maximae est servanda*, 233
- waiver of illegality, title and, 345
- war  
 as means of changing law, 409, 411  
 as sanction of international law, 17, 393  
 constitutional provisions prohibiting,  
 175–6  
 General Treaty for Renunciation of  
 (1928), 17–18, 22, 102, 116, 198, 229 n.,  
 354, 380, 393, 411, 493  
 illegal, application of laws of war, 344  
 right to resort to, 22–3, 197, 203, 206,  
 207, 211, 212, 308, 353–4, 229 n.
- war, laws of  
 Anglo-American and Continental prac-  
 tices, 272  
 individual responsibility for violation, 141  
 war crimes, 19, 141, 284  
 superior orders, plea of, 284–5  
 will of states as source of law, 52  
 writers, source of international law, 249–56  
 465
- Zanzibar, British Protectorate, 338