

# INDEX

asylum, refugees, duty of obedience to ab injuria jus non oritur, 167 abuse of rights, appointment of diplomats, local law, 256-7, 259, 272 Austria 451-4 Abyssinia continuation of Austrian Empire, conquest of, recognition, 5-6 whether, 137n. foreign State immunities, judicial pracdelegation to League, credentials of, tice, 355-6 589-91 occupation of, by Italy, 594 revolutionary acts against foreign States, laws on, 264 acquired rights, in 1919 Peace Treaties, bays, closing line, 214 principle of respect for, 136 Behring Sea arbitration, 130, 173, 174-5, acquiescence, 144 sovereignty over submarine areas, claims 181n. to, 161-7, 184, 202 Belgium, foreign State immunities, judicial acts of State, defence of, 22, 334n. practice, 351-3 doctrine in English law, 342 Belgium and Netherlands, frontier land, aggression, 15, 476, 482, 579-80, 599 sovereignty over, 207-9 Alabama arbitration, 130 belligerent operations at sea, disputes relating to, 478 allegiance owed by, 221-41 Berlin Congress (1885), 39-40, 48, 67, collective responsibility, doctrine of, 258 criminal jurisdiction over, 221-41; acts boundary lakes and rivers, 179 boycott, international relations, in, 297-311 committed abroad, 235-9 equal protection, right to, 302 Brazil, Decree on continental shelf (1950), 150, 156, 194 minimum standard of treatment of, 7 British digest of international law, proprevention of loss of life and property, due diligence, 301 posed, 113-14 allegiance, criminal jurisdiction and, 221-British Guiana arbitrations, 197, 199, 479 British protectorates and protected States, 41 American Confederation, 11, 13, 21 broadcasting, crime committed by, 237-8 anarchy, 584, 596 Immunities Anglo-Iranian Oil Company, nationali-Brussels Convention, Government Vessels (1926), 377 zation of property of (1951), 242-7 Bulama, Island of, arbitration, 196 annexation Bosnia and Herzegovina, 50, 60, 65-6 Bulgaria, charges of tolerating revolutionary activities, 282 'C' mandates and, 50 Cyprus, 60, 65-6 plans of Entente Powers in First World Calhoun, indivisibility of sovereignty and, War, 31-2 10, 428 recognition of, 591 Carré de Malberg, sovereignty and state-Anti-Slavery Treaty (Brussels, 1890), 40n., hood and, 10 Cassin, R., 416 48, 67, 173 arbitration, obligatory, 479 Cavaglieri, on State succession, 131, 132, 133 Cecil, Lord, autobiography, 592-601 Arctic and Antarctic regions, claims to, Central American Court of Justice, revo-157, 197-8 lution in Honduras, case concerning Argentina, Declaration on continental shelf (1908), 257 (1946), 148-9, 194 armaments, limitation of, 482 Central American States, treaties regardarmed force, prohibition of recourse to, ing hostile expeditions, 267-8 463, 471, 474-7 cessante ratione cessat lex ipsa, 572 artificial islands cession Gulf of Mexico, 169 Austrian territories in Treaty of St installations on sea-bed, 180-2, 203 Germain, 137n. assassination, crime in international law, 'concealed', 58, 60, 65 275 pledge, by way of, 59



#### **INDEX**

cession (cont.) Schleswig, to Austria and Prussia (1864), Channel tunnel, proposal for, 168 Charter of the United Nations: see United Nations Charter Chile, Declaration on continental shelf (1947), 149, 182 boycott of Japanese goods, 297-311 Criminal Code, seizure of another's property, 306-7 Japan, dispute with (1931), 525; Treaty 275 of Commerce (1896), 303 lease of territory to Germany (1898), 59 recognition of Communist Government of, by U.K. Government, 115-17 U.S.A., Commercial Treaty (1858), 303 civil war, participants in, status of, 277 civitas maxima League of Nations and, 16, 24 human rights and, 426, 430 Clipperton Island case, 187, 191 codification of international law, 489 collective security, 479 indivisibility of peace, 466 law enforcement and, 464, 480-93 League of Nations and, 14-15, 480-2, 576-8, 581, 584-6, 596-7 comity, diplomatic immunity and, 454-6 'comity of nations', judicial use of phrase, commercial treaty, private boycott of imports during, 302-3 condominia, 8 confiscatory legislation, recognition of, by foreign courts, 242-7 Congo, Berlin Congress (1885), 39-40, 48, 67, 90 conspiracy, tort of, 307-9 contiguity, principle of, sovereignty over submarine areas, 194-202 contiguous zone, 175, 177 continental shelf, 143-203 accretion or accession, 201 claims to full sovereignty, 156, 157-61 claims to waters and airspace, protests, deposits situated across boundaries of national areas, 180 determination of boundaries, 170-80 development of legal rights of coastal States, 144 islands on, 179 limits of, depth criterion, 151, 152n., nature of coastal State's rights, 155-61 notion of, 151-155 Persian Gulf area, 143 physical identity with coastal State, 201

proclamations relating to, 147-51 Truman Proclamation (1945), 148, 156– 7, 159, 172, 184 Continental Shelf Convention, Art. 2, 143 Corfu incident, 594 Costa Rica, Declaration on continental shelf (1948), 149 Covenant of the League of Nations: see League of Nations criminal jurisdiction over aliens, 221-41 criminal law conspiracies to commit murder abroad, territoriality of, 236 Cristina, the, 374-8 Cuba, revolution, support in U.S.A., 271n. customary international law opinione necessitatis juris, 223 practice of minority of States, 162-3, 202 prescription and, 162, 164-5 reciprocity and, 324 source and evidence of law, 163 time for creation of new rules, 162 unilateral acts, 163-4 Czechoslovakia, partition of (1938), 576-7 De Tocqueville, divisibility of sovereignty, theory of, 9, 428 denationalized persons, nationality of, 383-404 Dicey, federal State, description of, 6, 13 dignity of States, 326-8, 423-5 diplomatic immunities acceptance of diplomat, prior to, 448-50 agreatur, 438-9 Codification Committee (1927), 442-3 comity and, 454-6 conspiracies by ambassadors, 283 entitlement to, diplomat not accepted by receiving State, 433-57 Harvard Draft Convention, 442 Institute of International Law, Resolution (1929), 443 State immunity and, 335, 340 Diplomatic Immunity, Report on (U.K. Interdepartmental Committee, 1951), diplomatic mission, property used for, jurisdiction over, 341n. diplomatic protection aliens, of, 221, 227-32 mandates, inhabitants of, 232 protected persons, of, 231-232 significance of, 228 Diplomatic Relations, Vienna Convention on, Art. 39, 433 diplomats acceptance by receiving State, 437-48; implied, 450-1

604



#### **INDEX**

diplomats (cont.) appointment of, abuse of rights, 451-4 arrest for crime, immunity from, 433-57 offences committed before diplomatic status assumed, 452-3 resident of receiving State, 441 disarmament, 482, 596 discrimination, formal absence of, 92 disputes belligerent operations at sea, relating to, 478 judicial settlement, voluntary nature of, 7, 15-16, 246, 463, 472, 473, 476-9, 483, 580, 599 legal and political, 478 settlement of, individuals, direct participation of, 20 domestic jurisdiction, matters of, 8 human rights and, 421 Don Pacifico affair, 227 Duguit, federal theory and, 10, 429 duress in international law, 55, 129 Eastern Greenland case, 186-7, 191, 199 economic equality clauses in treaties, 92-3 economic force, boycott, 310-11 economic integration, federal system 23 Egypt, foreign State immunities, practice of Mixed Courts, 353-4 El Salvador, Political Constitution, continental shelf provision (1950), 150, 183 enforcement, international judicial decisions, of, 483 English law conspiracies against foreign States, 260, 262, 280 conspiracy, tort of, 307-9 defamation of foreign sovereigns, 261, 281 loans to aid foreign revolutions, 261 'equality', interpretation of, 92 equality of States jurisdictional immunities and, 324-6 representation and, 494-6 voting power and, 492-3 equity, decisions of international tribunals, 484, 490 estoppel, 164-5, 509 European Convention on State Immunity (1972), 315 European Federal Union French proposal for (1930), 6 other proposals, 12, 22, 24 ex injuria jus non oritur, 452 expropriation, recognition of, by foreign courts, 242-7 external interference, freedom from, 290-291, 307 see also independence extradition, political offences, 253, 259

federal States and confederations, 10-12, 427, 601 federation and sovereignty, 9-10, 426-9 international law, in, 5-25 federations civil liberties and, 22, 428 collective enforcement of federal law against States, 21-2 disputes between member States, 11individuals and, 10–11, 18–21, 428 legislative competencies, 486 Feinberg, N.,  $41\overline{6}$ First World War, annexation plans of Entente Powers, 31-2 foreign commercial ships, immunity from jurisdiction, 375, 377 foreign policy, democracies, in, collective security and, 597 foreign State property, immunity from jurisdiction, the Cristina, 374-8 see also foreign States, immunities from jurisdiction foreign States, delicts against, 251n. foreign States, immunities from jurisdiction, 315-73 abolition by treaty, 344-7 acts within that State's territory, 334 arguments for, 317-22 contracts, 334-5 costs, award of, 340 development of doctrine of, 326-8 execution, 318, 335, 338-40 fundamental requirement of international law, whether, 323-8 immovable property, 340-1 judicial practice in various countries, 347-73 procedural questions, 341-2 reciprocity as basis, 342-3 France actes de gouvernement, doctrine of, 331 acts exposing State to declaration of war, 265-6 American War of Independence, support of, 284 Code Civil, retroactive laws, provision against, 387 Constitution (1793), 286 foreign State immunities, judicial practice, 316, 330-31, 358-62 National Convention (1791-3), 284-6 Nationality Law (1945), 392 revolutionary propaganda against foreign States, 284 Russia, Treaty of Paris (1801), 267 war with Great Britain (1803), 269 Frederick the Great, 593 free trade, policies of 1920s and 1930s, 94 'open door' policies, and, 38-9



#### INDEX

fundamental human rights, international law and, 7, 19-21 see also human rights general principles of law, 130, 136 fiduciary instruments, good faith and, 529 nemo judex in re sua, 473, 523-5, 529 non-retroactivity of legislation, 387-90 General Treaty for the Renunciation of War (1928), 7, 475 German confederation (1815-1866), 11 German Federal State (1871), 11 Germany foreign State immunities, judicial practice, 331, 366-8 lease of territory from China (1898), 59 Military Government of, repeal of Nazi laws, 384-6, 388-90, 396 Nazi denationalization laws, 383-5; other discriminatory measures, 389 occupation, under, suspension of sovereignty, 391 revolutionary acts against foreign States, laws on, 264, 281n. U.K., Treaty of Commerce (1924), 303 Gidel, on State succession, 131 Giese, on diplomatic immunities, 447 good faith, 529, 543, 562, 570, 578 Government of India Act (1935), 156 Great Britain: see also United Kingdom Act of Anne, 1708, 444 Aliens Act (early nineteenth century), 269 Foreign Enlistment Act 1870, 260-1, 280, 300 Hovering Acts, 175n. Irish National League in U.S.A., inquiry concerning, 271 neutrality laws, hostile expeditions, 253, 260-2 Offences against the Person Act 1861, 262, 280 revolutionary activities of refugees, correspondence on, 270 Soviet Russia, correspondence on propaganda (1927), 293; Trade Agreement (1921), 288 Sweden, treaty, promotion of mutual welfare (1654), 267 U.S.A., Anti-Liquor Treaty (1924), 174; Convention respecting Rights in Palestine (1924), 109; Treaty of Commerce (1815), 303; Webster-Ashburton Treaty (1842), water (1842), communications provision, 93 war against France (1793 and 1803), 269 Greco-Bulgarian dispute (1925), 526 Greece, foreign State immunities, judicial practice, 354 Grotius freedom of the seas, on, 168

intervention, on, 290 Roman law concepts, use of, 51, 55 State responsibility, on, 258 State succession, on, 127 Guatemala, Petroleum Law (1949), 150 Guggenheim, on State succession, 132 Hague Convention on Conflict of Nationality Laws (1930), 391 Protocol on denationalization measures, 399 Hall, intervention, on, 290 Hegel, 17, 593 high seas, freedom of, 146, 156, 159, 163, collisions, jurisdiction over, 176 contiguous zone, 175, 177 development of principle of, 146, 167-8, 173 hot pursuit, 173-4 installations on sea-bed, 177-8, 180-2, long-distance blockade, 168 navigation, 159, 167, 172, 177 Norwegian Fisheries case, implications, 217 pipelines, 159 piracy, 174 sedentary fisheries, 171 sovereignty over submarine areas and, 167-85, 202-3 unilateral acts, 175-6, 202 utilization of resources, 177 visit and search, right of, 173 writers, views of, 169-71, 177-8 High Seas, Memorandum on the Régime of, U.N. Secretariat, 145 Holy Alliance, the, 273, 276 Honduras, Constitutional Amendment concerning continental shelf (1950), Huber, on State succession, 131, 134 human rights, an international bill of, 407-415, 417, 418, 422, 425-426, 464, 472, 497-500 compulsory conferment of nationality, economic and social rights, 409, 498 French Declaration of 1789, 409, 412 individual petition, 414, 420-5, 499-500 international enforcement machinery, 413, 414, 417, 420, 425, 498 nationality, right to, 498 political freedom, 409, 498 sex discrimination, 419, 498 State sovereignty and, 416-30 U.N. Charter and, 391, 410-11, 417-21 U.N. Declaration of, 408, 410-13, 422 U.S.A., Bill of Rights, 409 Human Rights, European Convention on (1950), 407



#### INDEX

binding force of, 8 humanitarian intervention, 290, 499 codification of, 489 Hungarian Optants dispute (1925), 526 Hyde, C. C., on State succession, 128 English law and, 375 established rules, observance of, reci-Iceland, continental shelf fisheries conprocity and, 324 'general legal doctrine', 52, 53, 55-6 servation law (1948), 150 I'm Alone case, 174 municipal law and, recognition of immovable property of foreign States, foreign acts of State, 243 340-1 naturalist attitude, 51, 52 immunities of foreign States: see foreign positivist school, 51, 52, 128, 131 private law analogies, 30-1, 51-61 States, immunities from jurisdiction imperialism, 37-40 private law concepts, application in, 'spheres of interest', 38 30, 51–61 imports, prohibition of, from particular revision of existing rights under, League Covenant provision, 6, 17; see also State, 302 independence of States, 7, 8 peaceful change jurisdictional immunities and, 324-6 research in, weaknesses of, 30 provisional, 'A' Mandates, 45-6 Roman law and, 52, 61, 62 protection of, by international law, 281-2 sources of, 135 sovereignty in, 6-9 India, membership of Governing Body of I.L.O., 526 State immunities, fundamental requireindividual and international law, 7, 124-5, ment, whether, 323-8 423, 497, 582 International Law Association, Report on individuals, federal systems and, 10-11, Rights to Sea-bed and Subsoil, 147n. 18-21, 428 Institute of International Law International Law Commission, discussion of continental shelf, 145, 147n., 153, diplomatic Immunities. Resolution 154, 158, 182, 189 international legal order, State con-(1929), 443 radio-telegraphic communication, Resostitutions as part of, 253 international legislation, lution (1927), 295n. 7, 464, 472, rights and duties of foreign powers re 484-91,600 non-political aspects, 488 established governments (1900), 257 State immunity, work on, 315 international organization competence, function conferred by exinternational administration, coordination ternal treaty, 534-7 of, 465, 500-1 constitutional instrument, interpretation International Court of Justice advisory jurisdiction, 403; general reply credentials of delegation, 589-91 to question put, 549-50, 551; Mandates, in regard to, 110 majority rule, 464, 487, 491-7 advisory opinions, adoption by General membership, termination of, 463, 465-70 Assembly, effect, 561-2 succession in, 563 Anglo-Iranian Oil Company case, judgment to replace League, principles of, 461in, 242, 244 503 equities, consideration of, Norwegian universality of membership, 463, 465-70 Fisheries case, 216 voting power, 487, 491-7 international police force, 482 judicial function, objects of, 515, 517, International Refugee Organization, 403 559, 572 judicial legislation, 213 international society opinions, interpretation of, 559-560, law reform, lack of means of, 7, 16, 147, 464, 472, 479, 484–91 561, 570-4 universality as basis, 463, 465-70 Special Agreement referring Frontier international tribunals Land case, 208 International Economic Conference, individuals, access to, 499-500 obligatory jurisdiction of, 463, 476-9, Genoa (1922), 268n. International Labour Organization, 20 international wrong, enactment of law, 165 Constitution of, 496 India, membership of Governing Body, intervention civil war, in, 277 526 Continental Powers, of France (1792), international law between States only, 279 285



### INDEX

intervention (cont.) lacuna in the law, 53-4 grounds for, views of writers, 200 Latin-American countries, foreign State humanitarian, 290, 499 immunities, judicial practice, 365-6 revolutionary activities in neighbouring Lauterpacht State, 253 Function of Law in the International Comsubversive propaganda by foreign govmunity, 29 ernment, 281 International Bill of the Rights of Man, 407 violation of human rights, 290, 499 International Law and Human Rights, 407 Private Law Sources and Analogies, 29, 121, intimidation, tort of, 307-9 Iran 126 Law on Resources of the Persian Gulf law, morality and, 127-8, 136 (1949), 149 law of the sea nationalization of property of Anglobelligerent operations, 478 Iranian Oil Company (1951), 242-7 see also high seas, freedom of Ireland, foreign State immunities, judicial Law Officers' Opinions, source, as, 113-14 practice, 357 League of Nations Island of Palmas case, 191, 198 Assembly, Mandates, competence in Italy relation to, 77; discussion of, 35-6, 73acts exposing State to danger of war, 266 4; voeux, 77, 530 foreign State immunities, judicial praccollective security, 14-15, 480-2, 576-8, tice, 349-51 581, 584-5, 586, 596-7 occupation of Abyssinia, 589-91, 594 Council, action establishing Mandates Russia, Provisional Agreement (1921), system, 34-6, 73-6; competence in relation to Mandates, 77; devolution sanctions against, 471, 577 of powers re mandates to General Assembly, 555; inherent powers, 555; Japan jurisdiction to hear complaints, 165; boycott of goods by China, 297-311 unanimity rule for Mandates, 515, 516, China, dispute with (1931), 525; Treaty 523-31, 555 of Commerce (1896), 303 Covenant, authorization to repress Russia, Convention with (1925), 293 aggression, 579, 585; duty not to resort to war, 14, 471, 474-5, 579, Jellinek federal theory and, 10, 429 580, 598-9; flexibility of, 15, 473, 577, private law analogy, on, 53 581, 599; Mandates provision (Art. territorial leases, on, 59 22), 40-51, 62, 65, 67-70, 71, 73-5, Jews, denationalization of, by Nazi laws, 81-2, 84; proposed amendments, 15-383-5 16, 23 stateless, confiscation of property of, 385 credentials of Abyssinian delegation, Joyce case, 221-41 589–91 judicial decisions, international, enforcedissolution of, Art. 18 of Palestine Manment of, 483 date and, 101-10; Resolution relajudicial function, limitations of, 478 ting to Mandates (1946) and, 102, 104 judicial settlement of disputes economic sanctions, 471, 481, 577-8, 599 voluntary nature of, 7, 15-16, 246, 463, failure of, reasons for, 470-3, 480-2, 576, 472, 473, 476–9, 483, 580, 599 579-83 jure gestionis and jure imperii, distinction, general evaluation of, 23, 575-88 317-22, 336, 346, 347n. German Government's proposal, 32n. jurisdiction humanitarian action, 20 criminal, over aliens, 221-41; effects Mandates Commission, 36, 77, 78-80, doctrine, 237-8 86-8, 520, 527, 546, 556-7 protective, 236-7, 241 membership, 591, 601 jurisprudence, human rights issues, 408 minorities, provisions for, 20 nomination of Mandatory by, 70 Kant, articles for a federation of peoples practice on voting procedure, 525-30, (1795), 19, 24-5, 426, 583, 592 Keith, on State succession, 131 protection of labour, 20 Kellogg-Briand Pact: see General Treaty resurrection of, 592-601 for the Renunciation of War sanctions against Italy, 471, 577 separate personality of, 67 Laband, sovereignty and statehood and, 10 sovereignty and, 14-23, 598-99



#### **INDEX**

League of Nations (cont.) sovereignty over mandated territories, 68-9, 71 States which withdrew from, 109 totalitarian states, membership of, 19, unanimity principle, 16, 472, 492, 525-8, 534-5, 555, 580, 599 universality, discussions of, 465 leases, international, 59 legislative competence, territorial limits of 390-6 legitimacy, principle of, 276 Lithuania, Poland dispute with (1928), Lotus case, 236-7 Lytton Commission, China-Japan dispute, Report of, 297-8, 302, 306n., 307, 595 Manchurian dispute, League of Nations and, 471 mandates, 8, 19, 29-84 'A', 'B' and 'C', 34, 35, 42, 44-51 acceptance of, treaty form, 75-6 administered as integral part of Mandatory's territory, 50, 66-7, 68 armed forces of Mandatory, 48, 51 arms traffic, abolition of, 48 basic problems of the system, 61-76 constitutional law, in, 49 continuation of system of, after dissolution of League of Nations, 103-10, 509-10 determination and amendment of terms of, 72-6 diplomatic protection of inhabitants of, 232 distribution among the Allies, 34, 69-71, 83 division of territory, legality of, 512 drafting of, 34 duration of, 72 European legislation, in, 62 fiduciary character of, 529 forced labour, abolition of, 48 freedom of religion, 49, 51; trade, 47, 48, 90 'guarantees' for execution of, 51 historical development of system, 37 Hymans' Report (1920), 35, 68, 70, 73, 74-5, 78-9 international status of territory, 561, 563, interpretation of, fundamental principle, 91 League Council, unanimity rule, 515, 516, 523-31, 555 League Covenant, Art. 22, 40-51, 62, 65, 67, 70, 71, 73-5, 81-2, 84 Lebanon, 45

legal nucleus of system, 43-4, 60, 62-6 liquor traffic, abolition of, 48 Mesopotamia, 33, 45, 76, 77 military bases, 48, 51 nationality of inhabitants, 49 non-discrimination clause: see under Palestine Mandate 'open door' provisions, 90-1, 106-7 organization of the system, 77-81 P.C.I.J., competence of, 80-1, 96, 100, 101 Palestine: see Palestine Mandate petition, right of, 421-2, 549-74 Principal Powers, role after conclusion of agreements, 78, 82 private law concepts of, 62-4 reasons for system, 42 régime of, continuity of, 563 revocation of, 71-2 Roman law, in, 62 'sacred trust of civilization,' 43, 64 scope and object of, 67-8 slave trade, abolition of, 48 South-West Africa, 514-74 passim sovereignty and, 49, 66-9, 508-9, 511 supervision by General Assembly, 518-22, 537, 553-4, 559-60, 564-74 Syria, 33, 45 termination of, 72, 512 Togo and Cameroon, 49 trust, concept of, and, 64-5 U.S.A., attitude to establishment of system, 36, 49 Mandatory annual reports, 78, 559, 564 legal title of, 68-9 limitations on exercise of sovereignty, 69, 82-3 nomination and removal of, 69-72 Mexico Declaration and Decree on continental shelf (1945, 1949), 148, 156, 182, 194 U.S.A., charges of aiding revolution in third State, 282 minorities treaties continuation of, 500 Council of League, majority voting, 536 general guarantee, interpretation of, 473 petition, right, of, 422 morality and law, 127-8, 136 mortgage, international law, in, 59 most-favoured-nation clauses, 93, 98 national courts, application and enforcement of international law by, 243-7 nationality compulsory naturalization, 392

Conflict of Nationality Laws, Hague

Convention on (1930), 391

609



#### **INDEX**

nationality (cont.) Royal Commissions, views on nondenationalization decrees, enemy State, discrimination clause in Mandate, 399-400; foreign, recognition of, 397-106-7 status of (1948), 511 Palestine Mandate, 33, 45, 77, 508, 510 Jewish National Home provisions, 108 denationalized persons, of, 383-404 determination of, choice of law rule, non-discrimination among Members of diplomatic protection and, 221, 227-32 League, customs tariff (Art. 18), 85imposition of, upon aliens or stateless 110; dissolution of League of Nations persons, 390-6 and, 101-10; harmful effects of prolegislation, retroactivity of, 387-90 vision, 106-7 married women, 388 Palestine question, General Assembly, naturalization, challenge to legality of, voting and competence, 504-13 230 Pan-American Declaration of 300-mile option, in case of cession, 392 safety zone, 12 passport as evidence, 230 Panama Canal tolls dispute, 165n. Protocol on denationalization measures par in parem non habet imperium, 317 (1930), 399 passports nationality of claims, 230, 232 issue of to non-national, 229 Refugees, Convention on (1938) and, nationality, as evidence of, 230 peace settlement after Second World War, 402 nationalization, property of Anglo-Iranian constitution of new international Oil Company (1951), 242-7 organization and, 465, 501-2 natural law, positivists and, 52 Peace Treaties after First World War, naval warfare, disputes relating to, 478 provisions on succession to obligations, nemo judex in re sua, 473, 523-5, 529 Netherlands, foreign State immunities, Peace Treaties (1947), violation of human judicial practice, 362-4 rights provisions, 411 Peace Treaties case (1950), 573 Netherlands and Belgium, frontier land, sovereignty over, 207-9 peaceful change, 7, 16, 147, 464, 472, 479, neutrality, principle of, revolutionary acts 484-91, 580, 599-600 of private persons, 260-3, 274-5, 279 Permanent Court of International Justice Newfoundland Fishery dispute, 130 advisory jurisdiction, amplification of Nicaragua, Declaration on continental question, 551-2 shelf (1949), 149 composition of, 496-7 Nippold declaratory judgments, 100 Der Völkerrechtliche Vertrag, 52-3 individual rights and, 21 private law analogy, on, 56 Mandates, competence in regard to, 80non-interference, duty of, 290-5 1, 96, 100, 101 North Sea Fisheries Convention (1882), regional sub-divisions, 480 Statute, drafting of, 16; general prin-173 Norwegian Fisheries case, implications of, ciples of law, 130 213-17 Persian Gulf Sheikhdoms, continental shelf Proclamations (1949), 149, 157, 162, 'offences against the Law of Nations', 188, 194 Peru, Declaration on continental shelf ordre public, French decisions on foreign (1947), 149, 194 acts of State, 243 Philippines, Petroleum Act (1949), 150 Pious Fund arbitration, 130 Pact of Paris (1928), 7, 475 piracy, jurisdiction, 174 pacta sunt servanda, 56 Poland Pakistan, Declaration on continental shelf charges of supporting revolutionary (1950), 150, 156 activities, 283 Palestine, 33, 45 Balfour Declaration, 45n. foreign State immunities, judicial practice, 358 Great Britain-U.S.A. Convention Lithuania, dispute with (1928), 525 (1924), 109 Russia, Prelimininary Treaty of Peace Imperial Preference system 86, 97-100 (1920), 289 legal relationship to Great Britain, 98succession to private law obligations of 100 Austria, 121–37

610



## INDEX

port facilities, refusal of, to foreign ships,	reprisals, 476
301	French Decree of 1792 aiding foreign
power politics, 17, 24, 593	revolutions, 285
prescription, 5–6, 55	res transit cum onere suo, 136
customary international law and, 162,	retroactivity, nationality legislation, of,
164-5	387-90
private law analogies and concepts in	revolutionary activities, private persons, of,
international law, 30-1, 51-61, 126-30	against foreign States, 251–78, 300
propaganda, governments by, aimed at	revolutionary propaganda by governments,
foreign State, 251n., 279-96; in-	251n., 279–96
dividuals by, 254	Rhineland Republic (1923), 283
protected persons	Rolin, mandates, on, 63
allegiance, duty of, 233-4	Rose Mary case, 245-7
diplomatic protection of, 231-2	Roumania
protectionist tariff policies, 38	see also Vitianu case
protectorates	foreign State immunities judicial prac-
'A' Mandates, 46	tice, 355
British, 231	Switzerland, Treaty of Conciliation,
	Arbitration and Judicial Settlement
protest, relevance of absence of, exercise of	
jurisdiction over foreign State, 323-4;	(1926), 436
sovereignty over submarine areas,	rule of law, in international society, 477–80
161-167, 202	rule of law, the, jurisdictional immunity
public policy, English law, nationality,	and, 328-33
questions of, 397–401	Russia
	see also Union of Soviet Socialist Re-
radio broadcasting, propaganda, State	publics
responsibility, 295	foreign State immunities, judicial prac-
realist school of international relations,	tice, 357–8
17–18, 593	France, Treaty of Paris (1801), 267
reciprocity	Great Britain, Trade Agreement (1921),
immunity of foreign States and, 342-4	288; correspondence on propaganda
observance of established rules of inter-	(1927), 293
national law and, 324	Italy, Provisional Agreement (1921), 289
recognition	Japan, Convention (1925), 293
Abyssinia, conquest of, 5–6	Poland, Preliminary Treaty of Peace
Communist Government of China by	(1920), 289
U.K. Government, 115-17; diplo-	revolutionary acts against foreign States,
matic relations, and, 117; effective-	laws on, 264, 281n.
ness, test of, 116	61
governments, of, 113-17, 399; with-	Sack, on succession to public debts, 132
drawal of, 117	Saudi Arabia, Proclamation on continen-
Manchuko, of, 5–6	tal shelf (1949), 149, 157
premature, of revolutionary government,	St. Germain, Treaty of
116	Austria, continuity of, and cession of
States, of, criteria for, 6	certain territories, 137n.
willingness to fulfil international obli-	revision of, Berlin Treaty on the Congo,
gations, 116–17	90, 91, 93
recognition of foreign acts of State	Scandinavia, foreign State immunities,
denationalization decrees, 397-401	judicial practice, 364-5
Iranian nationalization legislation	Schönborn, on State succession, 131, 133
(1951), 242-7	Second World War, aims of, 17
legal basis for, 325	self-defence, 5, 475-6
sovereignty and, 247	servitudes, 8, 55, 58, 65, 160
Refugees	Sèvres, Treaty of, renunciation of colonies
Convention on Status of (1938), 394,	by Turkey, 33
402	Smith, H. A., Law Officers' Opinions and,
foreign in London, correspondence re-	
lating to, 270	113–14 Smuts, J. C.
International Refugee Organization, 403	non-annexation policy and, 32
regional international systems, 466, 469-70	mandates proposals, 32, 33, 69, 74n., 83



#### **INDEX**

South Africa, refusal to report to U.N. on State territory, nature of, submarine areas, S.-W. Africa, 564-7 sovereignty over, 143-203 see also South-West Africa statehood South American States, treaties regarding criteria for, 6 hostile expeditions, 267 independent economic policy, 86 South-West Africa stateless persons, denationalized by law General Assembly, voting procedure, status of 383–404 Geneva Convention (1938), 385 514-48 Mandate, 514-74 passim; supervision by international legal remedies, 402 League Council, 527 States, inherent rights of, 252-3 U.N. Committee on, 549-50, 567, 570 Strupp, on diplomatic immunities, 447 sovereign immunity from suit, at common submarine areas, 'occupation' of, 185-93 law, 328–30, 331 inchoate title, 192-3 Sweden, Great Britain, treaty, promotion sovereignty and federation international law, in, 5-25 of mutual welfare (1654), 267 human rights and, 416-30 Switzerland indivisibility, theory of, 8, 9-10 see also Vitianu case international law, in, 6-9 asylum, political refugees, law and pracinternational order and, 16 tice, 272-74 foreign State immunities judicial pracjurisdiction and control and, 157-60 tice, 356-7 mandated territories, over, 49, 66-9, Roumania, Treaty of Conciliation, Arbi-508-9, 511 membership of international organitration and Judicial Settlement (1926), zation and, 468, 469 recognition of foreign acts of State and, Sykes-Picot Agreement (1916), 32 suspension of, Germany (after 1945), 391 Tabor doctrine, 277 sovereignty over submarine areas, 143-203 territorial jurisdiction, immunities of forcontiguity, principle of, 194-202 eign States and, 325 legal basis of title, 185-202 territorial limits of legislative competence, Spain 390-6 territorial sovereignty acts compromising external peace of State, 266 accretion or accession, 201 Cuban revolutionaries, complaints to Arctic and Antarctic regions, 157, 197-8 U.S.A., 271n. cession, option of nationality, 392 spheres of influence, agreements on, 197 contiguity, principle of, 194-202 Stammler disputes relating to, 479 analogy, use of to fill lacunae, 53-54, 58 dominium to imperium, evolution, 54 concealed cession, on, 66 exclusive nature of, 252 State Immunity extent of, usque ad coelum, 159 European Convention on (1972), 315 frontier land, Belgium and Netherlands, Interdepartmental Committee 207-9 (United Kingdom, 1950), 315 impairment of, 325 State responsibility limitations on, 160 culpability, 258, 276 modes of acquisition, 55 occupation, 129, 157, 186-8, 191-2, due diligence, 276 enactment of law, 165 199 private boycott of foreign goods, 300 unchallenged exercise for 50 years, 208 revolutionary activities of private perterritorial supremacy, 252 sons against foreign States, 251-78 territorial waters State controlled bodies, 292-5, 305 baselines, 213–17 vicarious, 276 British, offence committed by alien in, State succession 235 dettes odieuses, 136 lighthouses, 181 general principles, 125-6 territoriality of criminal law, 236 individuals, rights of, international thalweg, doctrine of, 179 trade boycott, international relations, in, character, 125 municipal decisions, 123-4 297-311 private law obligations, 121-37 treason, 221, 225-6, 236, 240, 276 war debts, 136 naturalization in enemy country, 400



#### INDEX

treaties Palestine Order-in-Council, 98-99 Submarine Areas, Gulf of Paria (Annexbreach of, 563, 579 form, acceptance of Mandate as, 75-76 ation) Order (1942), 148, 151, 155 general law-making, 563 U.S.A., agreement regarding air bases (1941), 160 interpretation of, general principles, 562; good faith, 418, 419; intention of Venezuela, Treaty relating to Submarine Areas of Gulf of Paria (1942), parties, 94, 418; plain meaning, 94; principle of effectiveness, 418, 573; 148 United Nations principles of, 89; preparatory work, 107 Commission on Human Rights, 411, 414, invalidity, uncertainty, for, 207, 208 non-observance of, repeated, 577-578 420-I Committee on South-West Africa, 549pacta sunt servanda, 56 private law concepts, use of, 58-59 50, 567, 570 competence in relation to disputes, 165–6 provision on matter not covered by cus-Covenants on Human Rights, 408 tomary law, 133 rebus sic stantibus, 56, 95, 491 Declaration of Human Rights, 408, 410separability rule, 563 13, 422 source of international law, as, 52 General Assembly, decisions, legal effect of, 512-13, 515, 517, 539-47; interthird party, in favour of, 57-8 Treitschke, 17, 593 pretation of Charter by, 513; 'recommendations' of, 512-513, 540-6, 547; trust, concept of, mandates and, 43 'resolutions', 540; voting and com-Turkish territories, agreement for distripetence, Palestine, 504-13; voting bution among France, England and procedure, 514–48 Russia (1916), 32 Twiss, Sir Travers, on contiguity, 196 Security Council, recommendations under Chap. VI, 512 separate personality of, 533 Ullman, on private law concepts in international law, 60-1 successor to League, in respect of manunanimity rule, in international organidates, 510, 511, 537, 555 zation, 464, 472, 491-2 trusteeship system, 521, 544; G. A. resee also League of Nations solutions, 541-2, 544, 546 United Nations Charter Union of Soviet Socialist Republics conservation of rights under mandates anti-revolutionary acts, against foreign system, 102, 103, 105-8 States, law on, 265 Third International, responsibility for General Assembly, voting and compepropaganda of, 294 tence, 504-13; voting procedure, Art. treaties regarding activities of opponents 18, 504-5, 531-9 abroad, 268 human rights, 391, 410-11, 417-21 'important questions,' Art. 18, 504-5 United Kingdom Bahamas Boundaries Order (1948), 149, interpretation, by General Assembly, 155, 188 513 British Honduras Boundaries Order preparatory work, 533 (1950), 150, 188 United States of America China, Commercial Treaty (1858), 303 British Nationality and Status of Aliens Constitution, 11th Amendment, 330; Act, 1933, 388 fundamental rights, 18 Cornwall Submarine Mines Act, 1858, continental shelf, ownership of subsoil, 168 Crown Proceedings Act, 1947, 316, 331, 157, 160 diplomatic list, practice in matter of, 446 334n., 338 Federal Tort Claims Act, 330 Diplomatic Immunities Act, 1955, 315 diplomatic list, status of, 444-5 fisheries, Proclamation on (1945), 175-Falkland Islands Continental Shelf 177 foreign State immunities, judicial pracorder (1950), 150, 151, 155, 188 Foreign Jurisdiction Act, 1890, 98-9 tice, 368-70 foreign State immunities, judicial prac-Britain, Anti-Liquor (1924), 174; Convention respecting Rights in Palestine (1924), 109; Treaty of Commerce (1815), 303; tice, 371-3, 374-8 Germany, Treaty of Commerce (1924), 303 Webster-Ashburton Treaty (1842), Jamaica Boundaries Order (1948), 149,

155, 188

water communications provision, 93



#### **INDEX**

United States of America (cont.) Gulf of Mexico, seabed and subsoil jurisdiction, 169-70 Irish National League, British inquiry concerning, 271 Liquor Treaties, 174 Mexico, charges of aiding revolution in third State, 282 Nationality Law of 1930, 338 neutrality laws, hostile expeditions, 253, 262-3; revolutionary propaganda, 263, 281 Oregon controversy, 196 recognition of governments, declaratory nature of, 115-16 Spain, complaints concerning Cuban revolutionaries, 271n. states of, sovereignty of, 468 Truman Proclamation on continental shelf rights (1945), 148, 156-7, 159, 172, 184 U.K., Agreement regarding air bases (1941), 160

Vattel, on revolutionary propaganda, 287, 289-90 Venezuela U.K., Treaty relating to Submarine Areas of Gulf of Paria (1942), 148 Versailles Treaty, renunciation of colonies by Germany, 33, 68, 70 Vienna Convention on Diplomatic Relations, Art. 39, 433 Vitianu case, 433-57 Waitz, divisibility of sovereignty, on, 9-10 economic force and, 310-11 organization of, hostile expedition by government, 281 prohibition of recourse to, 7, 463, 471, 473, 474-7 revolutionary propaganda during. 286-8 warships, immunity from foreign jurisdiction, 335, 340 Wehberg, on diplomatic immunities, 447 Woodrow Wilson 'Fourteen Points' speech (1918), 32 internationalization of former colonies, plan for, 33, 65, 67, 69, 74n., 83 writers views on revolutionary activities of

Yugoslavia, charges of tolerating revolutionary activities, 283

private persons, 255-7, 280