

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- abuse of rights: *see also sic utere jure tuo ut alterum non laedas*
 judicial legislation and 15-16
 as new doctrine in international law 535
 systematic refusal to extradite/conclude extradition agreements 535-537
- acquired rights of individuals (*UI Lid v. The Polish State*) 742-744
- act of State: *see* foreign affairs as Crown prerogative
- ad hoc*/national judges (Art. 31 PCIJ/ICJ Statute), proposals for revision 102, 109, 134-140
- advisory opinions and 185 n.1
 Committee of Jurists decision not to proceed with (1929) 184
- confidentiality of proceedings and 136, 137-138
- difficulties in way of abolition 188
- dissenting opinion, value 189
- equality of parties and 136, 137, 138
- expertise on law in appointing State 136, 137, 138, 185
- Fitzmaurice on 138
- Guerrero on 136-137
- impartiality considerations 135, 136, 137-138, 139-140, 189
- McNair on 139 n.17
- psychological unwillingness of States to forego 135, 137, 138-139
- voting record 139-140, 184-185
- Administrative Tribunals of League and United Nations, 'complete lack of identity' 193-195
- aerial bombardment, legality 587-592
 formulation of rules, difficulty 590 n.23
 Hague Convention on Naval Bombing (1907) 589
 Hague Regulations 589
 Hague Rules of Aerial Warfare (1923) 589-591
 Nuremberg Charter (1943) 588 n.18
 as terrorization of civilian population 539, 590-592
 as war crime 588
- aggression: *see also* war, illegal
 definition, need for 441-442
 Convention Defining Aggression (1933) 442 n.43
 legality 519 n.42
 self-defence and 83, 86, 441-442
 State responsibility 627-628
- Alaska boundary dispute arbitration (1903) as model for Irish land annuities dispute 4-5
- alien, treatment of
 immigration concerns in relation to domestic jurisdiction reservation 359
 justiciability 32
 as question of international law 239-241
 State responsibility for injury to in foreign territory 473-474
- Anti-War Treaty of Non-Aggression and Conciliation (1933)
 neutrality 435-436
 reservations 439 n.35
- applicable law
- alien, treatment of 239-241
- arbitration
 as determined by international custom 46
 parties 46
 exhaustion of local remedies 240
 international contract 239-240, 243
 military courts
 courts responsible for enforcement of laws of war in occupied territory or war zone 500 n.18
 courts-martial 500 n.18
 rules of law independent of customary and treaty law 43
 treaties 60
 war crimes: *see* war crimes, applicable law
- arbitral award: *see also* excess of jurisdiction
 finality 404
 nullity/grounds for non-enforcement distinguished 404
- arbitration: *see also* gaps in international law;
 Irish land annuities dispute, arbitration proposal; justiciability/
 non-justiciability doctrine; legal dispute
- Alabama* (1872) 30, 44, 47, 702
- Alaska boundary dispute (1903) 4-5, 705
- applicable law: *see* applicable law, arbitration
- arbitrator's power to make non-binding recommendations 152-153
- Behning Sea* (1893) 44, 702, 703-704
- Bolivia-Peru boundary dispute (1901) 46 n.57
- Brazil-Great Britain (British Guiana-Venezuela dispute) 350

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- arbitration (*cont.*)
- British Guiana/Venezuela (British Guiana - Venezuela dispute) (1896) 5, 47-48, 220, 350, 703
 - Casablanca* 48
 - equity, role 5-6: *see also ex aequo et bono* jurisdiction
 - excess of jurisdiction: *see* excess of jurisdiction
 - exhaustion of local remedies 303
 - gaps in international law, relevance 44-46
 - General Armstrong* (1851) 48
 - Jay Treaty Arbitration (1794) 44
 - as initiation of modern arbitration process 381-382
 - judicial character 45-46
 - Macedonian* (1858) 48
 - mediation distinguished 45-46
 - North Atlantic Fisheries* (1910) 45, 48, 702, 703-704
 - Portendick blockade case (1843) 48
 - Romania - Hungary Mixed Arbitral Tribunal (1927) 401-405
 - Russian Indemnity* case 45
 - Savarkar* case (1911) 45
 - Venezuela Preferential Claim* (1904) 44-45
 - Williams* case (1885) 44
- arbitration/special agreements: *see also* Hague Conventions for the Pacific Settlement of International Disputes (1899/1907)
- Behning Sea* 152-153
 - between
 - Albania - USA (1928) 353
 - Austria - Poland (1926) 349
 - Austria - Spain (1928) 349
 - Austria - Sweden (1926) 40 n.47, 216 n.26
 - Belgium - Denmark (1921) 216 n.26
 - Belgium - Finland (1927) 216 n.26
 - Belgium - Portugal (1927) 216 n.26
 - Belgium - Spain (1927) 216 n.26
 - Belgium - Sweden (1926) 40 n.47, 216 n.26, 349
 - Belgium - Switzerland (1927) 216 n.26
 - Brazil - Denmark (1911) 350
 - Brazil - Sweden (1909) 350
 - Czechoslovakia - Sweden (1926) 40 n.47
 - Denmark - Germany (1926) 351
 - Finland - Spain (1928) 216 n.26
 - France - Germany (1929) 349
 - France - Great Britain (1903) 39
 - France - Kingdom of the Serbs, Croats and Slovenes (1927) 349
 - France - Romania (1926) 349
 - France - Switzerland (1924) (free zones of Upper Savoy and Gex)
 - France - United States (1928) 39, 40, 430 n.18
 - France - Yugoslavia (1927) 40 n.47
 - France - Yugoslavia (payment of Serbian Loans) (1928) 5, 215
 - General Treaty of Inter-American Arbitration (1929), US reservation 291-292
 - Germany - Netherlands (1926) 40 n.47, 43 n.52, 349-350, 360 n.29
 - Germany - Sweden (1924) 349-350
 - Germany - Switzerland (1921) 40, 49, 266, 349-350, 360 n.29
 - Great Britain - Italy (1904/1923) 39 n.40
 - Great Britain - Netherlands (1905/1925) 39 n.40
 - Great Britain - Siam (1927) 40
 - Great Britain - Spain (1914/1924) 39 n.40
 - Great Britain - Sweden (1904) (as renewed 1924) 355 n.21
 - Great Britain - USA (1897) 289-290
 - Great Britain - USA (1908/1923) 39 n.40
 - Great Britain - USA (1909) (North Atlantic Fisheries) 153
 - Great Britain - USA (1910) (Claims Arbitral Tribunal) 153, 291, 426 n.6
 - Great Britain - USA (1911) (abortive) 39, 58 n.79
 - Great Britain - USA (Alabama claims) (1897) 220
 - Great Britain - USA (Behring Sea) (1892) 214
 - Great Britain - USA (North Atlantic Fisheries) (1908) 214
 - Great Britain - USA (Olnicy-Pauncetote) (1897) 383
 - Great Britain - USA (Pecuniary Claims Tribunal) 215-216
 - Great Britain - Venezuela (1897) 220
 - Greece - Switzerland (1925) 61-62, 216 n.26
 - Hungary - Italy (1927) 349
 - Hungary - Switzerland (1924) 40 n.47
 - Hungary - USA (1929) 349
 - Italy - Belgium (1910) 350
 - Italy - Chile (1927) 216 n.26
 - Italy - Denmark (1910) 350
 - Italy - Netherlands (1909) 350
 - Italy - Peru (1905) 360 n.29
 - Italy - Spain (1926) 216 n.26
 - Italy - Sweden (1911) 360 n.29
 - Italy - Switzerland (1924) 216 n.26
 - Italy - Switzerland (1926) 40, 61-62, 216 n.26
 - Japan - United States (1908/1924) 39 n.40
 - Netherlands - Switzerland (1925) 61-62
 - Portugal - Spain 216 n.26
 - Romania - Switzerland (1926) 61-62, 216 n.26

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Spain Sweden (1928) 216 n.26
 Spain Switzerland (1924) 61-62
 Spain Switzerland (1926) 216 n.26
 Spain USA (1914) 353
 Switzerland Hungary (1924) 350
 Bryan Treaties 426 n.6
 denunciation clause 353
 as evidence of State practice 39-41, 43
ex aequo et bono jurisdiction, provision for 61-62
 final judgment of court as preliminary to negotiation by parties of legal change
 force, renunciation of the use of 426 n.6
 jurisdiction, determination
 parties 359-361
 tribunal 266-267
 legal indeterminacy of content 41
 Locarno Agreements (1925) 17, 40, 266
 disputes in regard to which parties have agreed to an alternative method of peaceful settlement and 354
 justiciability 40
 limitation to future disputes 349
 negotiation/conciliation as precondition 55-56, 84-85
 as sequel 85
 non-obligatory nature 265-266
 parties' definition of the law 219-220
 recommendations for ex gratia compliance with justice and equity 215-216
 recommendations to be incorporated in final judgment or treaty 214
 restrictive clauses/reservations
 conclusion of special agreement 430 n.18
 disputes arising out of WWI 349-350
 disputes arising prior to agreement 349-350
 post-WWI agreements 349
 pre-WWI agreements 349
 disputes in regard to which parties have agreed to an alternative method of peaceful settlement 354-356
 disputes relating to independence 34-35
 honour and vital interests 38, 39, 51, 265, 290, 359-361
 as negation of submission to obligatory judicial settlement of disputes 50-52, 63, 67, 73, 437-438
 parties' right to determine applicability 265-267
 permissibility 375-376
 USSR attitude 384
 Argentina, extradition agreement, reciprocity/seriousness of crime as alternative basis 529 n.66
 armed force: *see* force as legal instrument for change; General Treaty for the Renunciation of War (1928), Budapest Articles of Interpretation (1934); League of Nations Covenant, Art. 12 (resort to war); war, state of
 armed forces: *see* immunity of armed forces on foreign soil by agreement
 asylum, right to: *see* extradition for war crimes from neutral country; political offence
 atomic weapons, legality 592-596
 elimination as matter of law, need for 593-594
 poisonous or asphyxiating gas analogy 592
 safety zones as palliative 596
 as weapon causing unnecessary suffering 592
 Austria, legal education in 711-714
Awards of the United Nations Administrative Tribunal, Advisory Opinion, judicial economy, difficulties arising from 193-195
 bad faith, treaty obligations as source of 10, 34-35
 Balch
 Alabama claims proposals 30
 justiciability/non-justiciability doctrine 35-36
 Balfour, international legislature 202-203
 Barbosa, Ruy, tribute to by Lord Jowett 77-78
 Bassompierre, belligerent occupation, war, laws of and 551 n.20
 bays
 assimilation of historic and legal 192
 ten-mile rule 193
 Becket, individuals as subjects of international law 738-740
 Belgium, war crimes, responsibility, superior orders 509 n.30
 belligerent measures, obligatory judicial settlement and 75
 belligerent occupation
 constructive and actual distinguished 502-503
 fair trial 584
 humanitarian law and 550-551
 occupant's responsibility for welfare of population 604
 jurisdiction, war crimes 496-497, 502-503: *see also* war crimes, jurisdiction
 occupation of Poland, whether 554
 sovereignty 496-497
 war, laws of, mutual obligation to respect 551-557: *see also* war, illegal, laws of war, applicability
 war treason 550
 abolition by Geneva Convention on the Protection of Civilians 583
 Bentwich, collaboration with Lauterpacht 728

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Biblical approaches to the laws of war
715-726
combatant/non-combatant, absence of
distinction 716-717
declaration of war 721
humanitarian considerations 717-719
just/unjust war (obligatory/compulsory
wars) 722-727
offer of peace 717-719, 721
religious or moral duty as basis 717,
719-721
siege 721-722
binding effect of judicial decisions, resort to use
of force and 206
blockade: *see* economic warfare
Bluntschli
Biblical approaches to laws of war 716
laws of war, applicability in illegal war 547
n.9
neutrality in case of pre-existing treaty
621-622, 647
Borchard
just war 693-695
neutrality/isolationism 436-437, 637-638,
641-642, 684, 689-699
Brierly
international legislature 203
justiciability/non-justiciability doctrine 68,
69 n.11
neutrality 437
order and law distinguished 574 n.67
reservations 438
'resort to war' 448-449
Briggs, Denmark-US Agreement on
Greenland (1941) 690 n.8
Brown
exclusion of political disputes from PCIJ
48-49
justiciability/non-justiciability doctrine 49
n.61
Bulmerincq, legal/political disputes 32
Bynkershoek
neutrality
in case of pre-existing treaty 647
in just war 621, 693-694
Calvo, justiciable/non-justiciable doctrine
32-33
de Card, justiciability/non-justiciability
doctrine 31
change: *see* peaceful change; unilateral change;
war as legal instrument for change
China: *see also* Japan, 1931 action in
Manchuria and Shanghai
unequal treaties and 19-20, 420-423
civilians, attacks on 587-593
aerial bombardment 587-592
as terrorization 539, 590-592
formulation of rules preventing 590 n.23
siege 597
Biblical approach 721-722
customary international law 597
collective action to secure peace
laws of war, applicability 557-558,
580-581
'war', whether 558-560
collective security
definition 611-612
human rights and 85-86
law and justice
dependence on 78, 80
reciprocal relationship 84, 86
laws of war, relevance 682-683
neutrality and 575-576, 600-602, 680-682
obligatory judicial settlement of disputes and
72-76, 79, 86, 93
private/public morality and 628-630
public opinion and 628-629
treaties establishing system
Brussels Treaty (WEU) (1947) 84
Inter-American Treaty of Reciprocal
Assistance (1947) 84
League of Nations Covenant (1919)
611-612, 624
North Atlantic Treaty (1949) 84
UN Charter (1945) 84
Commonwealth disputes, Optional Clause
reservation 356-357
compulsory judicial settlement: *see* obligatory
judicial settlement
conciliation
as alternative/precondition to
arbitration/judicial settlement 55-56,
84-85, 206-207, 216 n.26
benefits 205, 365-366
China-USA Agreement (1914) 426
exhaustion of local remedies 303
force, renunciation of right during 426
industrial dispute settlement compared
207
non-binding nature 205-206
Optional Clause reservations and
355-356
PCIJ role 62
peaceful change and 17-18
political disputes and 31
questionable value 57 n.77, 205-207
renunciation of use of force and 206
underlying cause of dispute, effect on 206
contraband: *see* economic warfare
Corbett, justiciability/non-justiciability
doctrine 67
costs, appropriateness of ICJ Statute provision
177-178
Council of Europe, establishment 85
Covenant: *see* League of Nations Covenant
Crawford, domestic jurisdiction reservations
236

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- customary international law
 applicability of rules of law independent of
 customary and treaty law 43
 asylum, right to 528 n.61
 custom as source of international law
 175-176
opinio necessitatis juris and 175-176
 maritime delimitation, methods 192-193
 siege 597
 treaties: *see also* customary international law,
 treaties and other international
 instruments reflecting
 as derogation from 60
 as expression of 546 n.8
 treaty interpretation and 143
 UN Charter 80
 uncertainty as risk 143
 unrestricted submarine warfare 689
 'usage' 193
 war crimes and 500
- customary international law, treaties and
 other international instruments
 reflecting
 Geneva Conventions (1929) 500, 596 n.29
 Hague Conventions on the Laws of War
 (1899/1907) and Regulations 500, 596
 n.29
 London Naval Treaty (1930) and Protocol
 relating to Submarine Warfare (1936)
 500, 689 n.5
- Czechoslovakia
 Law of 1923 implementing Article 16 of the
 League of Nations Covenant 475 n.5
 war crimes, responsibility, superior orders
 509 n.30
- de maximis non curat praetor* 46, 50
- debt: *see* Hague Convention on the Recovery
 of Contract Debts (1970)
- declaration of war, Biblical and ancient
 practice 721
- Del Vecchio 42 n.51
- Descamps, justiciability/non-justiciability
 doctrine 51 n.65
- diplomatic protection, individual's standing
 (ICJ) and 165
- dispute settlement: *see* peaceful settlement of
 disputes; arbitration; conciliation;
 negotiation
- domestic jurisdiction, Optional Clause
 reservations and 144-145
- duress, validity of treaties and 421
- economic warfare: *see also* naval warfare; prize
 law
 allegation of British malpractice in WWI
 659-664
 codification/revision, scope for 599-600,
 676-678, 682
- combatant/non-combatant distinction and
 596-600
 contraband 597-600
 definition 597-598
 humanitarian relaxations 599-600
 traditional law, relevance 598-599, 676-678
- Egypt, British occupation of 476-477
- equality of parties
ad hoc/national judges and 136, 137, 138
 PCIJ Statute, as between members and
 non-members of the League 394-395
- equality of States 78-79
 II.C draft Declaration on the Rights and
 Duties of States (1948) 78
 international legislature 22-24
nemo iudex in sua causa and 430
 as organs of law/before the law
 distinguished 27, 78
 PCIJ judges and 78
 State immunity and 79
 unequal treaties 19-20, 420-423
 war crimes, punishment 503-504, 518,
 522-526
- equity
 ICJ/PCIJ
 as court of equity 61-62, 76
 equitable jurisdiction 153
 international court of equity,
 recommendation for 153, 217-218
 international tribunal decisions and 5-6,
 57-58, 76
 as obstacle to acceptance of obligatory
 judicial settlement 203
- European Coal and Steel Community (ECSC),
 judicial review of decisions of principal
 organs, call for 161
- European Convention for the Peaceful
 Settlement of Disputes (1957),
 jurisdiction, tribunal's right to
 determine 266
- ex aequo et bono* jurisdiction 60-62, 76
ad hoc/general agreement distinguished
 217-218
 as conciliation modified by agreement to
 accept finding as final settlement
 217-218
 General Act for the Pacific Settlement of
 Disputes (1928) 216 n.26
 Hague Convention for the Pacific
 Settlement of International Disputes
 (1907) 216 n.26
 ICJ/PCIJ Statute (Art. 38(2)) 61, 152-155,
 217
 legal decision, dispensation 152
 proposed revision to permit non-binding
 recommendations subsequent on legal
 finding 152-155
 international law, effect on 217-218
 as legal process 217

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- ex aequo et bono* jurisdiction (*cont.*)
 as legislative process 61, 217-218
 obligatory judicial settlement of disputes and 217-218
 parties' agreement, need for 60-61, 216
- ex injuria jure non oritur*, applicability of laws of war in illegal war 548-549
- excess of jurisdiction
 conflict of rules relating to determination of jurisdiction and 402-403
 compromise as determining factor 403
 development of doctrine
 early 20th century writers
 Grotius/Pufendorf 401
 Hague Conventions (1899/1907) 402
 Institute of International Law (1871 Règlement) 402
- grounds
 departure from applicable law 46
 failure to specify grounds of award 46
- in
 Bolivia-Peru boundary dispute (1901) 46 n.57
 Romania-Hungary Mixed Arbitral Tribunal (1927) 401-405
 obligatory judicial settlement by PCIJ/ICJ, proposal for 149, 403-405
- exhaustion of local remedies 237
Certain Norwegian Loans 241-244
 dependence of requirement on nature of proceedings 302-303
 arbitration 303
 conciliation 303
 effective remedy, need for
 burden of proof 242-244
 justiciability, relevance to 241
 Optional Clause reservation and 281-282, 302
 prima facie jurisdiction and 281-282, 302
- extradition for war crimes from neutral country 526-537: *see also* political offence
- extradition agreement
 effects doctrine 528-529
 as legal basis 528-529
 need for 527-528, 529-530
 offences committed in extraditing State, limitation to 529
 reciprocity/seriousness of crime as alternative basis 529-530
 refusal to extradite for war crime as breach
 obligatory judicial settlement and 532-533
 right of reprisal 533
 retroactive application 530
 fair trial and 526
 neutral's right to seek reassurances 536-537
 systematic refusal to extradite/conclude extradition agreements 534-537
 as abuse of sovereign rights 535-537
- fair trial
 extradition for war crimes and 526
 Geneva Convention on the Protection of Civilians 584
- Falkland Islands dispute, as justified exception to obligatory judicial settlement 75-76
- federal States, *sic utere jure tuo ut alterum non laedas* and 212
- Fischer Williams
 international legislature 203
 obligatory jurisdiction 39 n.43
 'resort to war' 448-449
 unanimity rule 417
- Fitzmaurice
ad hoc/national judges (Art. 31 PCIJ/ICJ Statute) 138
 I 306-307
 ICJ as successor to PCIJ 306-307
- force as legal instrument for change 27-28, 53 n.68: *see also* General Treaty for the Renunciation of War (1928); peaceful change; war, illegal; war as legal instrument for change
- renunciation
 Bryan Treaties 426 n.6
 conciliation agreements and 426
 obligatory judicial settlement of disputes and 72-73, 79
- foreign affairs as Crown prerogative, Peace Act proposals and 468-469, 473-474
- forum prorogatum*, Optional Clause acceptance and 263-264, 268, 296
- France
 extradition agreement, reciprocity/seriousness of crime as alternative basis 529 n.66
 Law on the Organization of the Nation in Time of War 1927 (France) 475 n.5
non liquet 42-43
 war crimes, responsibility, superior orders 508-509
- Galliani, neutrality 628 n.39
- gaps in international law: *see also* sources of international law
 issues addressed by arbitral tribunals: *see also* International Court of Justice (ICJ), as instrument for clarification and development of international law; judicial role
compétence de la compétence 44
 damages for delay in payment of war indemnity 45

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- high seas, right to protect property on 44
 illegal arrest of national in foreign territory, duty to return 45
 independence of States, restrictions on 45
 neutral's duty of due diligence 44
 prescription 44
 security obtained by force, effect 44-45
 State servitudes 45, 704
non liquet 42-43, 67-68, 69, 143
 as general principle of law 43-44, 69
 historical/free law school approaches distinguished 42
 in municipal courts 42-43
 natural law and 43
neque leges, neque senatus consulta ita scribi possunt, ut omnes casus, qui quandoque incidere comprehendantur 42
rebus ipsis dictantibus ac humanis necessitatibus 42
 non-justiciability and 41-46, 69
 positivism and 41-42
 war, laws of 604-605
 Geffken, legal/political disputes 32
 General Act for the Pacific Settlement of Disputes (1928)
 changing/observing the law, confusion 9-10
ex aequo et bono jurisdiction 216 n.26
 reservations 146, 438
 general principles of international law
 as applicable law 45
 asylum, right to 528
 good faith 256
 judicial legislation and 211-213
 party's reservation of right to determine jurisdiction 252-254, 361
rebus sic stantibus 213
sic utere jure tuo ut alterum non laedas 211-213
 general principles of law
 avoidance of prejudice to execution of judgment/irreparable damage to parties rights 150
nemo iudex in sua causa 414
non liquet 43-44, 69
 self-defence, right of 440
 separability 260
utile non debet per inutile ruitari 260
 General Treaty for the Renunciation of War (1928) 8, 10, 82
 breach, right to determine 695-697
 failure to provide substitute for war as means of settling disputes 442-443, 692-693
 interpretation: *see also* General Treaty for the Renunciation of War (1928), Budapest Articles of Interpretation (1934)
 context at time of application 652
 effectiveness principle/parties' intention, relationship 427, 431-432
 legal integrity of treaty 432-433
 preparatory work as aid 440 n.39
 laws of war, relevance: *see* war, laws of legal validity 691-693
 self-defence reservation 691-692
 neutrality and 426-427, 428-430, 435-437, 545 n.7, 638-639, 650-655, 656-657, 687-688, 697-699
 Nuremberg Tribunal and 546 n.8
 obligatory judicial settlement of disputes, absence of provision 73
 prize law, justiciability and 370-371, 373-374
 reprisals, right to take 698-699
 revolutionary nature 442-443, 692-693
 self-defence, right of 440-442, 555-557, 691-692
 as source of illegality/bad faith 10, 471-472
 supplementary agreement, desirability 442-443
 territorial gains in violation of, non-recognition 427 n.11
 US and 426, 429-430, 435-437
 use of force, omission 425-426
 General Treaty for the Renunciation of War (1928), Budapest Articles of Interpretation (1934)
 addition of
 aid to violating State 427
 armed force 424, 425-426
 'for the solution of international disputes or conflicts' 425 n.4
 'other than pacific means' 428
 denunciation, denial of right 424
 neutrality, non-recognition 424, 426-427, 651-653
 'shall be denied the benefits' 429-430
 sanction for breach 429-430, 433-434
 threat of force 424, 427
 filling of intended gaps/*de lege ferenda* 425-427, 433-440
 Hague Conventions and 424-425
 humanitarian treaty obligations and 429-430
 non-belligerency as preferred term 652, 698
 self-defence, omission from 425, 433-434, 440-442
 usefulness 424-425, 697-698
 Geneva Conventions (1929), as customary international law 500, 596 n.29
 Geneva Conventions (1949)
 applicability
 armed conflict not of an international character 549-550
 armed forces professing allegiance to authority not recognized by Detaining Power 550
 individuals 550 n.17, 583-584, 586-587

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Geneva Conventions (1949) (*cont.*)
 combatant/non-combatant distinction
 and 586-587
 members of militias and organized
 resistance movements 550, 583-584
 non-Parties 584
 denunciation 584
 discretion of belligerent and 599-600
 English/French texts, discrepancies 603
 grave breaches
 obligation to seek out and try alleged
 offenders 584-585
 as preferred terminology 584-585
 Hague Conventions (1899/1907) and
 582-585
 humanitarian character, relevance 585-587,
 599-600
 implementation, clarification and
 expansion, need for 603-604
 matters outside 604-605
 revolutionary nature 582-585, 602
 universal jurisdiction 584-585
- Geneva Convention on the Protection of
 Civilians
 applicability, non-international armed
 conflict 583-584
 as declaration of human rights with legal
 teeth 584
 fair trial 584
 hostages 583
 human rights and 583
 reprisals, abolition 583
 safety zones as palliative 596
 war treason, abolition 583
- German mandated territories: *see* mandated
 territories formerly belonging to
 Germany, restoration/cession as
 political question
- Germany
 extradition agreement, reciprocity/
 seriousness of crime as alternative
 basis 529 n.66
 Hague Conventions on the Laws of War
 (1899/1907) and Regulations,
 municipal law and 499 n.14
 war crimes, punishment (post-WWI)
 523-526
 war crimes, responsibility
 Commission of Investigation into War
 Crimes committed by Germany and
 her Allies 523-526
 Leipzig Trials (1923/1924)
 necessity and 523
 superior orders 508
 Leipzig trials (1921) 505-506, 523
 war, laws of, Code of Military Criminal Law
 508
- Gihl, justiciability/non-justiciability doctrine
 67
- gold coin/gold value clause 242-243
- good faith
 determination of merits, dependence on
 258, 296
 as general principle of international law 256
 legitimate expectation, dependence on
 257-258
 optional clause reservations and 255-258,
 293-296, 297-298
- Great Britain: *see also* Peace Act (1934 Draft)
 applicable law
 military courts
 courts responsible for enforcement of
 laws of war in occupied territory or war
 zone 500 n.18
 courts-martial 500 n.18
 extradition, extradition agreement, need for
 527-528
 foreign affairs as Crown prerogative,
 Peace Act proposals and 468-469,
 473-474
 Hague Conventions on the Laws of War
 (1899/1907) and Regulations,
 municipal law and 499 n.14
 international law
 municipal law
 harmonization 467-468
 incorporation of named treaties,
 proposal for 470
 as part of 467-468, 469
 judicial legislation 12-13
 jurisdiction
 crimes committed abroad 500 n.18
 war crimes 500 n.18
 Korea (1950-3) and 559 n.41
 military courts responsible for enforcement
 of laws of war in occupied territory or
 war zone
 applicable law 500 n.18
 courts-marital established under
 Army/Naval Discipline/Air Force Acts
 500 n.18
 Defence of the Realm Consolidation
 Act 1914 500 n.18
 Treachery Act 1940 500 n.18
 jurisdiction 500 n.18
 'war zone' 500 n.18
 'Observations on Programme of Work . . .
 for Disarmament Conference' (1928)
 38, 51-52, 357
 suspensive reservation on disputes before
 the Council, lack of clarity 367-368
 parliamentary sovereignty 468
 treaty incorporating legislation, effect
 477-478

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- piracy 670, 688-689
- reprisals
 Retaliatory Order in Council 1941 (Japan) 560-562
 Retaliatory Orders in Council 1939/1940 560-562, 677
- reservations, General Act for the Pacific Settlement of Disputes (1928) 438, 439 n.35
- war crimes
 over-comprehensiveness 515-516
 superior orders 504-505, 509
 conflict between criminal and military law, risk
- war, laws of
Military Manual
 status 500 n.18
 superior orders 488, 504-505
- Great Britain, Optional Clause, Declaration of Acceptance
 early acceptance 74
 reservations 9, 73, 75-76, 233-234, 267, 347-376
 Commonwealth disputes 356-357
 Commonwealth immigration concerns and 359
 denunciation clause 353-354
 disputes in regard to which parties have agreed to an alternative method of peaceful settlement 354-356
 domestic jurisdiction limitation, parties right to determine ('automatic reservation') 357-363
 effect on authority of Optional Clause 375-379
eo nomine reservation as alternative 351
 past disputes 349-353: *see also* prize law, British approach to reservations
 prize law and 350-351, 370-375
 'situation and facts prior to the ratification', uncertainty 351-353
 territorial disputes and 350
 Peace Act (1934 Draft) and 470-471
 reciprocity 348-349
 suspensive reservation on disputes before the Council 363-368
 uncertainty of reservation 351-353
 text (1929) 348
- Gros, appeal against decisions of international organizations 160 n.33
- Grotius
 laws of war, applicability in illegal war 579
 neutrality in just war 620, 649, 693-694
 Jewish influence 719 n.7, 722, 725
 war crimes, belligerent's right to punish 495
- Guerrero
ad hoc/national judges (Art. 31 PCIJ/ICJ Statute) 136-137
 judicial qualifications, primacy 136-137
- Guggenheim
 justiciability/non-justiciability doctrine 69 n.15
 laws of war, applicability in illegal war 579 n.72
- Hague Conferences
 justiciable disputes, attempts to enumerate 49
 US role 382
- Hague Convention on the Recovery of Contract Debts (1970) 240-241
 use of force 426
- Hague Conventions on the Laws of War (1899/1907) and Regulations
 aerial bombardment 589
 breach, compensation for 499-500, 512
 civilian enemy nationals in belligerent territory 582-583
 as customary international law 500, 596 n.29
 Geneva Conventions (1949), revision, expansion and innovation 582-585
 individuals and 500, 523
 municipal law and 499
 naval bombardment 589
 neutrality 435
 continuing relevance 600-602, 646: *see also* neutrality, renunciation of war as legal instrument for change, effect
 reprisals 583 n.4
- Hague Conventions for the Pacific Settlement of International Disputes (1899/1907)
 Art. 53
 parties' right to determine jurisdiction 360 n.29
 tribunal's power to formulate compromise, US reservation 290
 denunciation clause 353-354
ex aequo et bono jurisdiction 216 n.26
 excess of power
 justiciability/non-justiciability doctrine 28, 31
 Art. 16 [Art. 38] ('questions of a legal nature, and especially in the interpretation or application of international conventions') 39
 contract debts due to nationals 240-241
- Hague Rules of Aerial Warfare (1923), aerial bombardment, legality 589-591
- Hague Rules of Air Warfare (1923)
 breach
 absence of punishment 499 n.16
 compensation for 499-500, 512

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Hall**
 asylum, right to 535
 laws of war 480-481
 neutrality 623 n.33
 war crimes, classification as 517
- Hammarskjöld, A, neutrality/non-belligerency** 652, 698
- Harvard Research Draft on Rights and Duties of States in Case of Aggression (1939)**
 acquisition of title through conquest 572 n.64
 property taken in conformity with laws of war 565
 treaty obligations and 568 n.59
- Head of State immunity** 506
- Holland**
 neutrality 623 n.33
 war crimes, belligerent's right to punish 495
- Holtzendorff, Biblical approaches to laws of war** 716
- hostages, Geneva Convention on the Protection of Civilians** 583
- Huber**
 aerial bombardment/atomic warfare 595
 ICJ, responsibility 92, 187
 international legislature 202
 justiciability/non-justiciability doctrine 50 n.63
 Reports to the Institute of International Law on amendment to the ICJ Statute (1952/1953) 99, 106, 121-127
- Hudson**
 effect of Article 36(5) of Statute 326-327, 331
 isolationism 640
 justiciability/non-justiciability doctrine 68
 provisional measures, binding effect 149
- human rights**
 collective security and 85-86
 Geneva Convention on the Protection of Civilians 583
 importance of international protection 85-86
- humanitarian law: see also war, illegal; war, laws of**
 belligerent occupation and 550-551
 Biblical approaches to war 717-719
 General Treaty for the Renunciation of War (1928), Budapest Articles of Interpretation (1934) 429-430
 illegal war, continuing applicability 549-551
 laws of war as 550-551, 585-587, 596
 lawyers, role 602
- Hyde**
 immunity of armed forces on foreign soil 496 n.11
 isolationism 637-638, 640
 justiciability/non-justiciability doctrine 47 n.59
 neutrality 436-437, 637-638, 687
- illegal war: see war, illegal**
- immunity of armed forces on foreign soil by agreement**
 peacetime, exclusion of acts against safety of State 496 n.11
- wartime**
 criminal jurisdiction 496 n.11
 Great Britain-Czechoslovakia Treaty (1940) 496 n.11
 Great Britain-USA Exchange of Notes (1942)/USA (Visiting Forces) Act 1942 496 n.11
 war crimes distinguished 496 n.11
- individuals**
 responsibility for war crimes 83, 86
 standing (ICJ) 97, 109-110, 163-166, 181
 diplomatic protection and 165
 State contracts and 165-166
 standing (mixed arbitral tribunals) 739-740, 741
 as subjects of international law 164, 579 n.72, 604: *see also* treaties, individuals and; war crimes, responsibility
 Geneva Conventions (1949) 550 n.17, 583-584
 persecution of Jews and 732-733
- Institute of International Law**
 appeal against decisions of international organizations (1952/1954) 160 n.33
 Draft Regulations for International Arbitral Procedure 30
 excess of jurisdiction (1878 Règlement) 402
 ICJ judges
ad hoc 134-135
 Institute of International Law Resolution 134-135
 election
 Security Council/General Assembly role 131 n.5
 successive voting 134
 timing 133
 number 134
 international organizations, standing 157-158
 justiciability/non-justiciability, classification of disputes 36-37
 obligatory judicial settlement of disputes (Politis/Brown Report, 1922) 203
 observations on the Reports of Judge Huber on amendment of the ICJ Statute (1952/1953) 99, 121
 limitation of mandate to election of judges 106
 Règlement (1875) Art. 19(1) (*non liquet*) 43 n.55
 war crimes, belligerent's right to punish 495

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Inter-American Treaty of Reciprocal Assistance (1947) 84, 85
- interim measures: *see* provisional measures (PCIJ/ICJ Statute (Art. 41))
- international contract, applicable law 239-240, 243
- International Court of Justice (ICJ): *see* Optional Clause (Art. 36 of PCIJ/ICJ Statute), PCIJ/ICJ succession and (Art. 36(5)) (Aerial Incident Case)
- International Court of Justice (ICJ): *see also* judicial legislation; judicial role; Optional Clause (Art. 36 of PCIJ/ICJ Statute); Permanent Court of International Justice (PCIJ)
- advisory opinions 119
- ad hoc*/national judge 185 n.1
- consent of interested State, relevance 227-228, 228 n.11
- Interpretation of the Peace Treaties* 228 n.11
- Court's obligation to respond to request for 227-228
- legal basis, dependence on 225 n.3
- 'legal question', limitation to 147, 227-228
- non-binding nature, significance 227-228
- non-binding recommendations, proposed revision to Art. 68 154-155, 180
- review of decisions of municipal courts, suggested extension of jurisdiction 155-157
- specialized agencies right to seek 158
- exclusion of questions relating to mutual relationships 161
- as appeal court from decisions of international organizations 160, 181
- case load
- concerns at level 91, 118, 178-182
- increases in 91
- jurisdiction, revision of Statute relating to and 164-165, 178-182
- procedural reform, need for 97-98
- Chambers 97, 166-169: *see also* International Court of Justice (ICJ) Statute, proposals for revision, organization and functioning of Court
- composition of Court as political function 124-125
- decisions
- Asylum* case and 154
- binding effect, limitation to parties in respect of particular case (Art. 59) 267
- collective drafting, disadvantages 95-96
- Asylum* case 95
- individual/collective responsibility, balance 95-96
- risk of compromise 95
- developed reasons, desirability 94-95: *see also* judicial economy, difficulties arising from
- non-binding recommendations
- Free Zones* case and 154
- proposal for revision to Art. 38(2) 152-155, 180
- separate opinions, value 96
- undue economy of expression 94-95
- equity: *see* equity, ICJ/PCIJ; *ex aequo et bono* jurisdiction
- factors contributing to success 91-92
- collective responsibility 92, 187
- comportment of judges 92
- consistency 92
- continuity of membership 92, 96
- demonstrated impartiality 79-80
- unanimity/near-unanimity of decisions 92
- as instrument for clarification and development of international law 93-95, 153: *see also* gaps in international law, issues addressed by arbitral tribunals
- Corfu Channel* 94
- Reparation for Injuries* 80, 94
- as instrument for peace 92-93, 118
- intervention, right of (Art. 63), *Certain Norwegian Loans* (Optional Clause reservations) 267
- judges
- continued participation in case after replacement (Art. 13(3)), ambiguity 171-173
- Nøttestholm* 171-173
- jurisdiction
- Art. 37 (continuance in force of treaties) 332-334
- San Francisco Conference 333-334
- consent as basis 296-297, 339-340
- Court's obligation to address parties' objections to 238
- as means of defusing public opinion 92-93
- as means of encouraging respect for the law 93
- obligation to act in conformity with Statute 248-249, 285-286
- obligatory judicial settlement of disputes
- establishment of fact (Art. 36(2)(c)), reasons for excluding 148
- as moral obligation 181-182
- nullity of arbitral awards appeals 149
- treaty interpretation, proposal for amendment to Statute 147-148, 179-180
- Washington/San Francisco discussions 74-75, 110-111, 311-312
- as principle judicial organ of the UN 119

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- International Court of Justice (ICJ) (*cont.*)
 provisional measures, binding effect: *see*
 provisional measures (PCIJ/ICJ
 Statute (Art. 41))
 reforms, suggestions for: *see also*
 International Court of Justice (ICJ)
 Statute, proposals for revision
 case load necessitating 97-98
 Chambers 97
 Lauterpacht Provisional Report (1955),
 background to 112-113
 observations on the Report of Judge
 Huber to the Institute of International
 Law (1952/1953) 99, 121
 regional delegation 97
 standing: *see also* International Court of
 Justice (ICJ) Statute, proposals for
 revision, standing
 individuals 97, 109-110
 international organizations 80, 109,
 157-163, 181
 appeal against decisions of 160
 conflicts of jurisdiction between,
 resolution 160 n.34
 specialized agencies 158
 States, disputes between as Court's
 primary role 118, 163, 178-179
 treaty interpretation and 96-97, 147-148,
 179-180
 Westlake 202
- International Court of Justice (ICJ) Statute,
 interpretation
 authentic texts, comparison 313-315
 clear language 309, 312-313, 335-336
 context
 Article/paragraph 310, 313-315, 316
 Statute as a whole 310, 315-316
 UN Charter 310
 effectiveness principle/parties' intention,
 relationship 359
 object and purpose 309, 312-313
 ordinary meaning 314-315, 316, 326, 327
 reasonableness test 340-344
- International Court of Justice (ICJ) Statute,
 proposals for revision, judges: *see also*
 International Court of Justice (ICJ),
 reforms, suggestions for
ad hoc/national judges: *see ad hoc*/national
 judges (Art. 31 PCIJ/ICJ Charter),
 proposals for revision
 consultation by national groups (Art. 6),
 inappropriateness of provisions
 100-101, 125-127
 academics 100, 126-127
 Governments, propriety of consultation
 with 100-101, 125-127, 134-135
 highest court of justice 100
 public opinion and 101
- Standing Committee as source of
 independent advice 101
 continued participation in case after
 replacement (Art. 13(3)), resolution of
 ambiguity 171-173
 disqualification on account of
 political, administrative or professional
 function (Art. 16) (1929 revision)
 186-187
 Art. 31 compared 186-187
 previous participation
 bar to acceptance of arbitration,
 conciliation or similar functions,
 provision for 174
 clarification of Articles 17 and 24
 173-174
- electoral procedure
 'absolute majority' (Art. 10), resolution of
 conflict with Art. 10 of Charter 173
 independence of other elections,
 importance 103
 Joint Conference (Art. 12), membership
 131
 'meeting' (Arts. 11 and 12(1)) as ballot
 127-131
 scrutiny procedure, need for 125
 Art. 12 (joint conference) provisions
 compared 104
 scrutiny body, suggestions for 103-104
 Security Council/General Assembly role
 104-105, 108, 127-131
 'election', ambiguity (Arts. 8, 9 and 10)
 131-132
 Institute of International Law
 Resolution (1952) 131 n.5
 simultaneous elections, problems raised
 by 132-133
 successive voting 134
 Swiss Federal Council procedure as
 model 108
 timing 133
- independence, proposals to secure 121-123:
see also presentation of candidates *and*
tenure below
- jurisdiction to determine responsibility for
 breach of Covenant 373
 number (Art. 3) 100, 107, 134, 168-169
 presentation of candidates
 members of Permanent Court of
 Arbitration as automatic candidates
 107
 national group nominations, weight to be
 attached to 108
 nomination of two candidates,
 desirability
 order of candidates, relevance 107-108
 as protection against appearance of
 undue Government influence 101

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- as safeguard against nomination of patently weak candidate 108
- qualifications (Art. 2)
 - competence in international law, relative importance 102, 124
 - punctilious observance, need for 107
- representation of principal systems of law (Art. 9)/appointment of judges regardless of nationality (Art. 2), conflict 102, 124
- ad hoc*/national judges and 102
- Institute of International Law proposals 124
- 'principal legal systems of the world' (Art. 9), possibility of omitting 107
- public opinion and 102
- relative weight 102
- scrutiny procedure and 103
- tenure 104-105, 121
 - 3-year rotation system (Art. 13) 108-109, 122-123
 - age of election/retirement 104, 108, 123
 - continuance in office subject to endorsement by 75 of court 104-105, 108
 - Security Council/General Assembly role and 104-105
- inappropriateness of Court proposals 121-123
- International Court of Justice (ICJ) Statute, proposals for revision, jurisdiction
 - advisory opinions (Art. 65(1))
 - Chambers and 167, 169
 - international organizations 160, 161-162
 - non-binding recommendations and 154-155
 - review of decisions of municipal courts, extension to 155-157, 181
 - compulsory jurisdiction: *see* Optional Clause (Art. 36 of PCIJ/ICJ Statute)
 - ex aequo et bono* jurisdiction (Art. 38(2)),
 - non-binding recommendations
 - subsequent on legal finding 152-155, 180
 - provisional measures (Art. 41): *see* provisional measures (PCIJ/ICJ Statute (Art. 41)), proposals for revision
- International Court of Justice (ICJ) Statute, proposals for revision, organization and functioning of Court 182-183
- Chambers
 - advisory jurisdiction 167, 169
 - extension of jurisdiction to non-State parties and 167-168
 - increase in number of judges and 168-169
- costs, parties to bear own (Art. 64), appropriateness of provision 177-178
- divisions alternative 166-169, 182
- extrajudicial functions, need for authorization in Statute or Rules 170-171, 182
- formulation of judgments and opinions, simplification 168
- residence at the seat of the Court (Art. 22) judges 170, 182
 - President/Registrar (Art. 22) 170, 182
- seat of Court (Art. 22) 169-170, 182
- International Court of Justice (ICJ) Statute, proposals for revision, procedure for Court's power to propose (Art. 70) 106-107, 117, 119-120
 - appropriateness for the Court to make 121-127, 182-183
 - ad hoc*/national judges (Art. 31 PCIJ/ICJ Statute) 134, 183
 - compulsory jurisdiction 140-141, 148-149
 - election of judges/composition of Court 127, 182-183
 - Court's absence from drafting of 1929 and 1945 revisions 119-120
- separability from Charter amendments 116-117, 178, 180-181, 183
- compulsory jurisdiction 116-117
- unanimous agreement of Security Council, difficulty of achieving 99, 105
 - alternatives to 99, 105
- International Court of Justice (ICJ) Statute, proposals for revision, reasons for/against 117-119
- case load of Court, relevance 164-165
- Charter review conference, relevance 117, 178
- implication that Charter imperfections cause of low case load 118
- implication that interim failure of Court's primary function has led to fundamental change of character 118
- judicial interpretation as alternative 117-118
- potential for controversy resulting from changes 175-177
- risk of apparent obsolescence 118-119, 181-182
- risk to authority of Statute by too frequent/non-essential amendment 117-118
- International Court of Justice (ICJ) Statute, proposals for revision, sources
 - international custom (Art. 38(1)(b)), deletion of 'as evidence of a practice accepted as law' 175-176

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- International Court of Justice (ICJ) (*cont.*)
 treaties (Art. 38(1)(a)), deletion of
 'establishing rules expressly recognized'
 175
 'whose function in to decide in accordance
 with international law such disputes as
 are submitted to it', difficulties raised
 by 176
- International Court of Justice (ICJ) Statute,
 proposals for revision, standing (Art.
 34)
 developments in international law since
 drafting of PCIJ Statute and 118-119,
 158-159, 164, 178-179
 individuals 97, 163-166
 diplomatic protection and 165
 in disputes against State with State's
 consent 109-110, 163-166, 181
 international organizations 109, 157-163
 contentious jurisdiction, problems
 relating to 159-161
 eligible organizations, difficulty of
 determining 162, 181
- International Criminal Court 541
 applicable law 519
 impartiality 519-520
 international bipolarisation and 520
 jurisdiction
 in case of municipal court jurisdiction 541
 illegality of war, determination 519
 'residuary'
 less grave crimes and 541
 prominent war criminals and 540-541
 territorial principle and 540
 war crimes 541
 risks in making jurisdiction over war
 crimes dependent on establishment of
 519-520
 neutral judges, difficulty of finding 520
 quasi-international appeal court alternative
 521-522
 uncertainties of law and 541
- international law: *see also* customary
 international law; judicial legislation;
 positivism; sources of international law
 absence of consistent legal system
 430-431
 change to, preoccupation with 9-10
 codification
 as aid to acceptance of obligatory judicial
 settlement of disputes 45 n.56
 war crimes 83-84
 war, laws of n.40604
 consensual nature 60
 development
 judicial development 79-80, 93-95: *see*
also judicial legislation
 lawyers, role 602, 603-605, 698 n.30
- as 'law'
 Peace Treaties (post-1914-1918 war)
 and 9
 perpetuation of established terminology
 and 27-28
 war as legal instrument for change
 and 8
- lowest common denominator approach 9-10
 municipal law and
 as breach of 239-241
 domestic jurisdiction limitation and
 257
 municipal courts' role 243-244
 harmonization 467-468
 incorporation 665, 685, 701-702
 political context and 444-445
 subjects of: *see* individuals; international
 organizations; specialized agencies;
 treaties, individuals and; United
 Nations
 will of States, dependence on 27, 434
- International Law Association (ILA), Budapest
 Articles of Interpretation of the Pact of
 Paris: *see* General Treaty for the
 Renunciation of War (1928), Budapest
 Articles of Interpretation (1934)
- International Law Commission (ILC)
 draft Declaration on the Rights and
 Duties of States (1948), equality of
 States 78
 draft Report on the law of the sea (1954)
 191 n.2
 membership, conflict of provisions 102
 international legislature: *see also* judicial
 legislation
 Balfour 202-203
 Brierty 203
 competence 22
 Council as 222-223
 Covenant (Art. 19) 18-21, 209, 221-223
 Fischer Williams 203
 Huber 202
 as instrument of peaceful change 11-12,
 21-25, 27, 34, 56, 209-210
 limitations 210
 justiciability/non-justiciability doctrine and
 203-204
 obligatory judicial settlement of disputes in
 absence of 9-10, 33 n.22, 188, 201-205,
 209-210
 voting/equality considerations 22-24
- international organizations: *see also*
 International Court of Justice (ICJ),
 standing; International Court of Justice
 (ICJ) Statute, proposals for revision,
 standing
 ICJ as court of appeal 160, 181
 legal personality 158-159

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- liability under international law
standing before PCIJ/ICJ 80, 109, 157-163, 181
advisory opinion, right to request 158, 160
advisory opinion, right to seek as means of resolving contentious cases
eligible organizations, difficulty of determining 162, 181
treaties providing for 161-162, 181
succession: *see also* Optional Clause (Art. 36 of PCIJ/ICJ Statute), PCIJ/ICJ succession and (Art. 3(5)) (Aerial Incident Case)
International Status of South-West Africa 325-326
- International Police Force, obligatory judicial settlement of disputes and 72-73, 76
- Irish land annuities dispute, arbitration proposal 4-6
Alaska boundary dispute arbitration (1903) as model 4-5
background 3
constitution of tribunal 4-5
as 'empire tribunal' 4
'high judicial office' qualification 5
majority/unanimous decision, effectiveness 5-6
undesirable or inequitable legal outcome
equitable jurisdiction of tribunal to mitigate 5
prior agreement to legal rule avoiding 5
- irreparable damage in international sphere 150-151
- Italy
extradition agreement,
reciprocity/seriousness of crime as alternative basis 529 n.66
Hague Conventions on the Laws of War (1899/1907) and Regulations,
municipal law and 499 n.14
- Italy Abyssinia dispute
Art. 16 of League of Nations Covenant and 614 n.5, 616 n.7, 617 n.14
neutrality 617 n.14, 617-618, 650, 699 n.33
- Japan, 1931 action in Manchuria and Shanghai
compatibility with Covenant obligations 409-423, 444-463
Art. 10 breach 458 n.25
Art. 11 request for action 444
Assembly adoption of Art. 15
report/failure to act 444, 445, 458-461
Council position 412-413, 418-419
automaticity of Art. 16 sanctions and 418, 446
rejection of report by Japan as resort to war 458-461
reluctance of international lawyers to take position 409-410
League response as measure of effectiveness of Charter 444-445
non-recognition of territorial gains in violation of General Treaty for the Renunciation of Force (1928) 427 n.11
obligatory judicial settlement and 422-423
war, implications of/reluctance to recognize as 410-411, 445-448, 617 n.14
- Jenks, municipal courts/ICJ relationship 157 n.32
- Jessup
isolationism 637-638, 640
neutrality 436-437
- Jewish law: *see* Biblical approaches to the laws of war
- Jews, German persecution, need for action by League of Nations 728-736
humanitarian role of League 733-734
individual as subject of international law and 732-733
international law as basis of international relations and 730, 732-733
as matter affecting peace of the world 730-732
Minorities Treaties (1919) and 731-732
resolution calling for scrupulous observation of principles of non-discrimination 734-736
risks 730-731
reprisals 729
withdrawal of Germany from League 735
- judicial economy, difficulties arising from
Awards of the United Nations Administrative Tribunal, Advisory Opinion 193-195
developed reasons, desirability 94-95
cases demonstrating 190 n.1
Effect of Awards of Compensation made by the United Nations, 'complete lack of identity' 193-195
generalization of parties' arguments 192
judicial legislation and 193
technical issues (*Anglo-Norwegian Fisheries case*) 190-193
- judicial impartiality
ad hoc/national judges and 102, 109, 134-135, 136, 137-138, 139-140, 189
as demonstrated in ICJ 79-80
justiciability/non-justiciability doctrine and 58-59
obligatory judicial settlement of disputes and 187-188, 384
war crimes and 518-526: *see also* war crimes, punishment

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- judicial legislation 12-16, 57-58, 76, 153, 188,
210-220: *see also ex aequo et bono*
jurisdiction; international legislature
abuse of rights and 15-16
in case of clearly ascertainable
right/uncontroverted principle of
international law 58-59
ex aequo et bono jurisdiction as 61, 217-218
general principles of international law and
211-213
judicial economy and 193
municipal courts and 12-13, 210-211
obligatory judicial settlement of disputes and
13-14, 213, 366-367
parties' agreement to 14, 213-220
parties' definition of the law and 219-220
Exchange of Greek and Turkish Populations
(1928) 219
PCIJ Statute
Art. 38 and 14
Art. 95 and 58 n.78
political action falling short of 210, 220-223
judgment stated to be open to
modification by parties or League of
Nations Council 221-222
suspension of judgment based on rules no
longer appropriate 222
provisional judgment as basis for
negotiation/subsequent reconciliation
by tribunal 214-215
final judgment leaving parties to negotiate
legal change distinguished
Serbian Loans, arbitration agreement 215
rebus sic stantibus and 14-15
recommendations for *ex gratia* compliance
with justice and equity 215-216
Great Britain-US Pecuniary Claims
Tribunal 215-216
recommendations to be incorporated in
final judgment or treaty 214
Behring Sea, arbitration agreement 14, 214
North Atlantic Fisheries, arbitration
agreement 14, 214
recommendations without binding effect
subsequent on legal finding 152-153,
155, 180, 219
as basis for legislation 222-223
role for 210
separation of powers and 210-211, 222-223
treaty interpretation distinguished 434-440
judicial role
development of international law 79-80,
93-95
establishment of facts 62, 148
limitations in absence of consistent legal
system 430-431
settlement on basis of law 76
settlement to satisfaction of all
distinguished 56-57, 68-69
jurisdiction: *see also* war crimes, jurisdiction
crimes against nationals by aliens abroad
502
effects doctrine 497, 528-529
passive personality principle 498
presence of accused, relevance of method of
securing 502-503, 548
protective principle 498-499
stateless persons 496-497
territorial
air above territory 497
domestic jurisdiction limitation and 257
high seas, effects doctrine 497
Lotus 497
war crimes 496-498
tribunal's right to determine: *see also* excess
of jurisdiction; Optional Clause (Art.
36 of PCIJ/ICJ Statute), reservations
arbitration/special agreements 266-267
European Convention for the Peaceful
Settlement of Disputes (1957) 266
as general principle of judicial and
arbitral practice 265-267, 285-286
Pact of Bogotá (1948) 266
treaty practice (1928-1948) 266-267
universal
Geneva Conventions (1949) 584-585
piracy *jure gentium* 671
just war
historical development of concept 693-695,
722-727
Jewish influence 722-727
neutrality and 620, 621, 649, 693-695,
722-723
justice: *see also* equity; *ex aequo et bono*
jurisdiction
moral right and 56-58, 213-214
peaceful change and 208-209, 213-214
security and 78
justiciability/non-justiciability doctrine: *see also*
legal dispute, classification as; political
dispute
as basis for procedural choice of method of
dispute settlement 28-29
classification of disputes, determination
by arbitral tribunal 49
by PCIJ 40
Court's adequacy for task 37, 41
as preliminary question 36-37
by State concerned 32-33, 34, 46, 49, 52,
76, 79
Rhode Island v. Massachusetts 53-54
classification of disputes relating to 31
'any question of international law' 39-40
belligerent measures 75

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- breach of aliens' rights 32
 torts in civil war or riots 35
 breach of international law 31, 35
 breach of neutrality 32, 35
 changing/relative inter-State relationship
 33, 35-36
 civil or criminal procedure 49
 compensation/reparation claims 32, 35,
 39-40, 49
 conflict of interests 51 n.65, 69
 conflict of rights 40-41, 69
 contract debts due to nationals
 240-241
 diplomatic privileges 32
 equality/supremacy questions 31
 immigration 58
 independence of State 34-35, 38
 hindrance in doing what it may justly
 do 34
 possibility of adverse judgment and 34
 international matters of concern to
 parties by virtue of a claim of right 40
 jurisdictional conflicts 31
 national honour 32-33, 38, 39, 47, 48, 51,
 188
 national independence/development 31,
 32-33, 34-35
 nationality questions 31
 navigation rights 32
 non-civilized nations 33
 past disputes 75-76
 postal matters 49
 prize law: *see* prize law, British approach
 to reservations
 questions of fact 32
 constituting a breach of international
 obligation 39-40
 'questions of a legal nature' 39, 39 n.40
 sovereignty 51 n.65
 State responsibility, matters giving rise to
 36
 territorial/boundary disputes 31, 32, 35,
 38, 75-76, 257-258, 289-290
 'their respective rights' 40, 216 n.26
 transit and communications 49
 treaty interpretation/implementation 31,
 32, 35, 39, 39 n.40, 49
 context, relevance 49
 customary international law and 143
 obligatory judicial settlement of
 disputes 147-148, 179-180
 past disputes reservation and 352
 vital interests of State 38, 39, 51, 188,
 290
 classification of disputes, relevant factors
 exhaustion of local remedies distinguished
 241
 existence/absence of generally recognized
 rule of law applicable to case 31, 32,
 34, 35-36, 37-38, 45, 187-188
 belligerent measures 75
 claim in defiance of law 35 n.29, 59-62
 customary international law,
 uncertainty as risk 143
 as established by positive international
 law/treaty 32
 recognition of need for legal change
 and 34, 54-62, 67
 gaps in international law and 41-46,
 69
 importance of issue 35-36, 38, 46-54,
 69-70: *see also* political dispute
 judicial impartiality 58-59
 judicial legislature, absence 203-204
 legal formulation, possibility of 32,
 59-62
 perceived insufficiency of international
 law 54-62, 66, 67-69
 perceived weakness of international law
 49-50
 principles of equity and justice, need to
 apply 36, 38, 56-58
 regulation of interests, need for 36
 development of doctrine 29-37
 1933-1958 65-70
Alabama arbitration (1872) 30, 47
 endorsement by pacifist movements 29
 Hague Conventions for the Pacific
 Settlement of International Disputes
 (1899/1907) and 28, 31
 Institute of International Law, role
 30-31
 Permanent Court of Arbitration and 28
 publicists, writings of 31-36, 52-54,
 66-70: *see also individual names*
 government memoranda
 British 'Observations on Programme of
 Work . . . for Disarmament
 Conference' (1928) 38, 51-52
 Russian memorandum to Hague
 Conference (1899) 34, 40 n.46, 51
 Hague Conference attempts to enumerate
 49
 legal/judicial dispute distinguished 38,
 225-226
 in municipal courts 26-27
 obligatory judicial settlement of disputes,
 acceptance/rejection and
 as distinct issue 28-29
 non-judicial as justification for
 non-acceptance of obligatory judicial
 settlement of disputes 29, 65-71
 restrictive clauses as negation of
 acceptance 50-52, 63, 67, 73, 437-438

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- justiciability/non-justiciability doctrine (*cont.*)
 validity/legal determinacy of distinction 29,
 37, 41, 49, 52-54, 62-64, 75
 definition for purposes of agreement to
 obligatory judicial settlement of
 disputes 65-66, 69-70
 double meaning of 'justiciability' 62-63,
 68
 perpetuation of established terminology
 and 37, 63
- Kaeckenbeeck, municipal courts/ICJ
 relationship 157 n.32
- Kamarovsky, justiciability/non-justiciability
 doctrine 32
- Kellogg Briand Pact: *see* General Treaty
 for the Renunciation of War
 (1928)
- Kelsen, justiciability/non-justiciability
 doctrine 66-67
- Kent, neutrality in case of pre-existing treaty
 647
- Korea (1950-3)
 collective action in 543
 war, laws of and 560, 580
 declarations undertaking to abide by
 Geneva Convention on Prisoners of
 War (1949) 560
 war, whether
- Kunz
 justiciability/non-justiciability doctrine 66
 n.4
 laws of war, applicability in illegal war 547
 n.11
- La Pradelle, war, illegal, applicability of laws of
 war 547 n.11, 550 n.18
- Lacointa, justiciability/non-justiciability
 doctrine 31-32
- law, role
 collective security and 78, 80, 84, 86
 peaceful change 63-64, 78-79, 86, 92-93,
 208-209, 213-214
 prevention of the use of force 63
 protection of legal rights 208-209
 social control 63
- League of Nations
 humanitarian role 733-734
 US hostility 381, 393
- League of Nations Assembly
 as judicial body 447-448
 resolutions, legal effect 617
- League of Nations Council
 as dispute settlement body, limitations
 364-366
 legislative role, priority 364-365
 policing role, priority 365-366
 effectiveness 438
- handling of Japanese actions in
 Manchuria/Shanghai (1931) and
 444-445
 imperfections of Covenant and
 444-445
 political constraints 444-445
 as judicial body 416, 462-463
 recommendation, non-binding nature
 416-417
 right (Art. 11) to consider judgment of
 international tribunal 221-222
 unanimity rule (Art. 5)
 Art. 10 (territorial integrity) 417
 Art. 11 (war/threat of war) 415-416
 Art. 12 (resort to war) 613-614, 695
 interested party's vote, relevance 413-417,
 678-679
 accidental nature 415
 variation in Charter provisions 413
 Interpretation of the Treaty of Lausanne 414
 judicial role of Council and 416
 US reservations in respect of request for
 advisory opinion and 414-415
- League of Nations Covenant
 amendment, political difficulty of 418
 Preamble (international law as rule of
 conduct), persecution of the Jews and
 730, 732-733
 Art. 4 (matter within sphere of
 action/affecting peace of the world),
 persecution of the Jews 730-732
 Art. 5 (unanimity rule): *see* League of Nations
 Council, unanimity rule (Art. 5)
 Art. 10 (territorial integrity)
 breach as act of war 450-451
 finding of breach by Japan 458 n.25
 non-recognition and 428
 unanimity rule 417
 Art. 11 (war/threat of war)
 Japanese action in Manchuria/Shanghai
 (1931) and 444
 persecution of the Jews 730-732
 unanimity rule 415-416
 Art. 12 (resort to war) 444-463
 'act of war' (Art. 16) compared 450
 action short of war and 411-413, 456-458
 Cofri incident 411-412, 425-426,
 456-457
 delay in judicial/arbitral decision 613
 discretion in determining compliance
 456-458, 461-463
 International Blockade Committee (1921)
 450-451
 Japan's rejection of League
 recommendations as 458-461
 Japanese action in Manchuria/Shanghai
 (1931) and 409-423, 445
 unanimity rule 613-614, 678-679, 695

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Art. 13 (submission of 'dispute' to arbitral or judicial settlement) 39 n.43
 absence from UN Charter 224
 non-obligatory nature 73
 unanimity rule 415
- Art. 15 (submission to Council of dispute likely to lead to rupture), recommendations, effect 458-461
- Art. 15(8) (domestic jurisdiction) 613
- Art. 16 (enforcement action)
 'act of war' 450
 implementing legislation
 Czechoslovakia 475 n.5
 France 475 n.5
 Great Britain 474-476
 Peace Act (1934 Draft) 474-476
 power/duty distinguished 475-476
 Spain 475 n.5
ipso facto resort to war 616-617
 Italy-Abyssinia dispute 614 n.5, 616 n.7, 617 n.14
 justiciability of prize law disputes and 370-375
 neutrality and 428-429, 612-619, 631, 638-639, 678-679
 sanctions 418, 446, 453
 as 'war' 616-617
- Art. 19 (revision/reconsideration of treaties/conditions) 18-21, 209, 221-223
 limited use 19-20
rebus sic stantibus and 18-19
 territorial change 18-19
 as compromise 452
 implementation: *see* Peace Act (1934 Draft) (legal obligations in respect of pacific settlement)
 interpretation
 Assembly resolutions and 617
 effectiveness principle 418
 and parties' intentions 454
 as legal document 419
 parties' practice 452-453
 preparatory work 451-452
 peaceful change, provisions for 17
 separability from Peace Treaties, relevance 8
 supplementary agreements 630-631
 US reservations 291
 use of force, omission, *Corfu* dispute (1923) and 425-426
- legal dispute
 ICJ/PCIJ Optional Clause and: *see* Optional Clause (Art. 36 of PCIJ/ICJ Statute), legal dispute, application to legal/justiciable dispute distinguished 38, 225-226
 reference by parties to ICJ 'as a general rule' (Art. 36(3) of Charter) 225-226
 Security Council recommendations for effect 225-226
 rarity 226
- legal dispute, classification as: *see also* justiciability/non-justiciability doctrine; political dispute
 validity/relevance 29, 75, 368-370
- legal education in Austria 711-714
- legislature: *see* international legislature; judicial legislation
- legitimate expectation, good faith and 257-258
- liability under international law
 international organizations
 limitation to obligation to pay damages 150-151
- Lissitzyn, *The ICJ - Its Role in the Maintenance of International Peace and Security*, foreword 91
- Locarno Agreements (1925): *see* arbitration/special agreements
- London Naval Treaty (1930) and Protocol relating to Submarine Warfare (1936)
 as customary international law 500, 689 n.5
 piratical nature of unrestricted submarine warfare and 667, 689
 reasons for failure 597
- Lorimer
 justiciability/non-justiciability doctrine 33
 neutrality 623 n.33
- lowest common denominator approach 9-10
- McNair
ad hoc/national judges (Art. 31 PCIJ/ICJ Statute) 139 n.17
 individual, handling of cases involving 165 n.36
 reprisals 695-697
 war, state of 449 n.9
- Maiomides, just/unjust war 718-719, 721-722, 725-727
- mandated territories formerly belonging to Germany, restoration/cession as political question 7-8
- maritime delimitation, methods
Anglo-Norwegian Fisheries case, criticism of 190-193
 arcs of circles 191
 assimilation of historic and legal bays 192
 basepoints/straight lines
 'general direction of the coast', scale of charts, relevance 190-191
skjaergaard as justification 192
 customary international law 192-193
 I.C.C. draft Report (1954) 191 n.2
tracé parallèle 191
- Medicott 597-598

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Méridonac, justiciability/non-justiciability doctrine 53
- military courts
applicable law
courts responsible for enforcement of laws of war in occupied territory or war zone 500 n.18
courts-martial 500 n.18
impartiality, need to ensure
inclusion of lay judges 521
reconsideration of role after cessation of hostilities 520-521
- Minorities Treaties (1919), persecution of the Jews and 731-732
- Moore
asylum, right to 535
combatant/non-combatant distinction 590
contraband 598-599
neutrality 436-437
moral judgment on State behaviour 696-697
moral right, and justice 56-58, 213-214
Morgenstern, presence of accused, relevance of method of securing 548
- Morizault-Thibault, justiciability/non-justiciability doctrine 32
- Moser, war crimes, belligerent's right to punish 495
- Mosler, war, illegal, applicability of laws of war 547 n.11
- municipal courts
development of international law and 155-157
ICJ as court of review 155-157, 181
justiciability/non-justiciability doctrine 26-27
non liquet 42-43
rebus sic stantibus 213
sic utere jure tuo ut alterum non laedas 212-213
- natural justice, international tribunals and 57-58
- naval warfare, laws of
applicability in case of illegal war 560-562
breach as war crime 539
London Naval Treaty (1930) and Protocol relating to Submarine Warfare (1936) 500, 597, 667, 689
merchant vessels, protective measures 597
uncertainties 539
unrestricted submarine warfare 597
as piracy 641, 666-674, 688-689: *see also* piracy
Washington Treaty for the Protection of Neutrals and Non-Combatants At Sea (1922) 667
- necessity, as defence to war crimes 523
- negotiation
as alternative/precondition to arbitration/judicial settlement 55-56, 84-85
- Marronmatis Palestine Concessions* case (1924) 55 n.75
as sequel 85
on basis of
final judgment leaving parties to negotiate legal change
provisional judgment with possibility of subsequent resolution by tribunal 214-215
- nemo judex in sua causa*
equality of States and 430
Iraq Frontier case 430 n.17
general principle of law 414
self-defence, right of 420, 433-434, 440-442
State's right to determine lawfulness of action 432-433
- Netherlands
laws of war, applicability in illegal war 551 n.20, 552-554
war crimes, responsibility, superior orders 509 n.30
- neutrality
'all aid short of war', justification: *see* United States, neutrality and
as a changing concept/function of law of war 619-624, 636, 646-649, 650-651, 656-657, 676-678, 679-683
codification/revision, scope for 600-602
damages for breach of 686
discriminatory: *see* qualified below
economic warfare and: *see* economic warfare
economic/military neutrality distinguished 620
fuelling of belligerent warships 600
Hague Conventions on the Laws of War (1899/1907) and Regulations 435
illegal war, in case of 601
Inter-American Convention on Maritime Neutrality (Havana) (1928) 426, 435
Italy-USSR, Pact of Friendship, Non-aggression and Neutrality (1933), Covenant obligations and 619 n.16
Italy-Abyssinia dispute and 617 n.14, 617-618, 650, 699 n.33
non-belligerency distinguished 652
partial: *see* qualified below
qualified 576-577, 619-624
in absence of valid determination of aggression 577, 578, 600-602, 695-697
collective security and 575-576, 624-631, 680-682
just war and 620, 621, 649, 722-723
League of Nations Covenant 618-619, 624, 649-650
piratical nature of unrestricted submarine warfare and 666-674

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- pre-existing treaty and 621-622, 647, 694-695
 right/duty 649, 679-680, 690-691
 self-defence and 637, 638, 655, 657, 665-666, 687
 US prior to entry into WWII 576-577, 636, 645, 684-704
 war between American and non-American State 622, 647-648
 renunciation of war as legal instrument for change, effect 370-375, 575-577, 600-602, 622-624
 Anti-War Treaty of Non-Aggression and Conciliation (1933) 435-436
 Covenant and 428-429, 612-631, 638-639
 exemption 614
 resort to war in violation of Covenant and 613-614
 wars not prohibited by Covenant 613, 624, 678-679
 General Treaty for the Renunciation of War (1928) and 426-427, 428-430, 435-437, 545 n.7, 638-639, 650-655, 656-657, 679-680, 687-688, 697-699
 reprisals and 428-429, 577, 653-655, 695-697
 US attitude: *see* United States, neutrality
 Nippold, justiciability/non-justiciability doctrine 53
non liquet: *see* gaps in international law
 non-justiciability: *see* justiciability/non-justiciability doctrine
 North Atlantic Treaty (1949) 84
 Nuremberg Charter (1943): *see also* war crimes
 aerial bombardment 588 n.18
 aggressive war in violation of treaties as war crime 82-83, 546 n.8
 crimes against peace/war crimes/crimes against humanity classification 483
 individual responsibility 83
 recognition as reaffirmation of principles of international law (General Assembly Resolution 01 11 December 1946) 81-82
 victors' justice 82-83
 Nuremberg Tribunal: *see also* war crimes
 Lauterpacht's role in 483-484
 laws of war, applicability in illegal war 554-555
 release of war criminals, concern about 484-487
 US attitude to 484-487
 Nyholm, justiciability/non-justiciability doctrine 50 n.63
 obligatory judicial settlement of disputes: *see also* international legislature; Optional Clause (Art. 36 of PCIJ/ICJ Statute); Peace Act (1934 Draft); peaceful settlement of disputes
 in the absence of a mechanism for peaceful change 9-10, 33 n.22, 68-69, 188, 193, 201-205, 209-210, 366-367
 alternative means of settlement and 204-210
 arbitration agreements as negation of principle 50-52, 63, 67, 73, 437-438
ex aequo et bono jurisdiction and 217-218
 General Treaty for the Renunciation of War (1928) and 73
 United Nations Charter and 75
 ICJ and 74-75, 80-81: *see also* International Court of Justice (ICJ)
 Institute of International Law (Politis/Brown Report, 1922) 203
 as instrument of peace and security 72-76, 79, 86, 93, 213
 International Police Force and 72-73, 76
 Japanese action in Manchuria and Shanghai (1931) as evidence of need for 422-423
 judicial legislation and 13-14, 213, 366-367
 League of Nations Covenant and 73
 as manifestation of rule of law 72
 PCIJ and 73-76, 187-188, 202-203: *see also* Permanent Court of International Justice (PCIJ)
rebus sic stantibus and 213
 renunciation of use of force and 72-73, 79
 self-defence, right of 441-442
 US refusal to accept 288, 289-294, 360, 430
opinio necessitatis juris 175-176
 Oppenheim
 justiciability/non-justiciability doctrine 36
 laws of war, applicability in illegal war 547 n.10
 neutrality/reprisals 654-655
 Optional Clause (Art. 36 of PCIJ/ICJ Statute) 28-29: *see also* International Court of Justice (ICJ), obligatory judicial settlement of disputes; Permanent Court of International Justice (PCIJ), obligatory judicial settlement of disputes
 'any question of international law'
Case of Certain Norwegian Loans 237, 239-241
 domestic jurisdiction reservation distinguished 245
 China's attitude to 422
 consensual basis (Art. 36(1)) 323-324
 denunciation clause 353-354
 Japan (failure to sign) 422
 legal disputes, application to (Art. 36(2)) 39-40, 75, 146-147, 368-370
 advisory opinion and 147, 227-228
 Covenant language distinguished 39 n.43

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Optional Clause (*cont.*)
 meaningfulness of provision 368-370
 legal status of instrument accepting
 251-252
 non-parties to Covenant, effect of
 acceptance on 373-374
 opting-out on reciprocal basis as alternative
 74-75
 PCIJ/ICJ succession and: *see* Optional
 Clause (Art. 36 of PCIJ/ICJ Statute),
 PCIJ/ICJ succession and (Art. 36(5))
 (Aerial Incident Case)
 post-WWII decline in acceptances
 140-141
 universal acceptance, importance 80-81,
 93
- Optional Clause (Art. 36 of PCIJ/ICJ Statute),
 PCIJ/ICJ succession and (Art. 36(5))
 (Aerial Incident Case) 306-346
 Art. 36(2) (optional clause) distinguished
 339
 continuance in force of declaration 308
 exclusion of lapsed acceptances
 313-316
 'for the period for which they still have to
 run' 344-346
 as purpose of Art. 36(5) 312-313, 317-321,
 322, 324-325, 326-327
 'reasonable' period 340-344
 'which are still in force' 309, 313-317
 Articles 36(1) and 37 compared
 315-316, 332-334
 critical date 316, 318
 dissolution of PCIJ, relevance 319-321
 'pour une durée qui n'est pas encore expirée',
 equivalence 313-315
 suspended declaration 318-319, 321-322,
 326-327, 330-332, 342-343
 continuity of Court as essential feature
 310-312
 declarant as party to ICJ Statute, need for
 308
 declarant's accession to Statute prior to
 dissolution of PCIJ, relevance 308
 declarant's participation in San Francisco
 Conference, relevance 308,
 327-340
 ex-enemy States and (Art. 107 of Charter)
 337
 General Assembly Resolution 171(II)
 337-338
 Thailand 334-335
 uncertainty as to position of non-adhering
 States, relevance 335, 336-337
 Fitzmaurice 306-307
 identity of organs 325-326
- Optional Clause (Art. 36 of PCIJ/ICJ Statute),
 reservations
- Anglo-Iranian Oil Company* 231-234
 applicability, extension to arbitration and
 conciliation 279-280
 authority of Court, damage to 267-270
 legal application of political texts
 269-270
 Commonwealth disputes 356-357
 disputes in regard to which parties have
 agreed to an alternative method of
 peaceful settlement 354-356
 conciliation procedure, as attempt to
 preserve 355-356
 effect on existing treaties 354-355
 Locarno Agreements 354
 domestic jurisdiction limitation, parties right
 to determine ('automatic reservation')
 357-363
 absolute nature of reservation 258
Certain Norwegian Loans 236-241, 244-270
 'according to international law'
 303-305
 conflict with Court's right to determine
 own jurisdiction (Art. 36(6)) 143-145,
 237, 245, 246-251, 270, 285-286,
 361-363
 attempts to reconcile 250-251, 286
 'automaticity' as limitation of Court's
 to act of registration 237, 250-251,
 268, 284, 285
 preliminary determination by Court as
 decision on merits 361 n.33
 Covenant provisions distinguished
 358-359
 as essential to acceptance of Clause 270,
 283
 'exclusively'/'essentially' 245,
 254-255
 good faith interpretation 255-258,
 297-298
 immigration concerns and 359
 international law, as rule of 357-359
 territorial disputes 257-258
 territorial jurisdiction and 257
US Nationals in Morocco 263-264
eo nomine reservation as alternative 351
 exhaustion of local remedies and 281-282,
 302
forum prorogatum, relevance to 263-264, 268,
 296
 good faith interpretation 255-258, 293-296,
 297-298
 limitation of operation to certain States
 356-357
 limitation to selected disputes in
 contravention of Art. 36(2) 142
 multilateral treaty reservations 145-146
 Czechoslovakia 364 n.38
 Italy 364 n.38

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- as negation of principle 73, 140-141, 144-145, 179, 254, 267-270
- multilateral treaty reservations 145-146
- of
 - Belgium 351
 - Brazilian acceptance without 79, 372
 - El Salvador 142, 231-234
 - Estonia 349
 - France 144-145, 236-241, 244-270, 349, 363 n.37, 364 n.38
 - Great Britain: *see* Great Britain, Optional Clause, Declaration of Acceptance
 - India 261, 267
 - Iran 142, 231-234
 - Israel 145 n.22
 - Latvia 349
 - Liberia 144-145, 267
 - Mexico 144-145, 267
 - Netherlands 349, 351
 - Pakistan 144-145, 267
 - South Africa 261, 267
 - United States: *see* United States
- past disputes 75-76, 349-353
 - absence from pre-WWI arbitration agreements 349
 - applicability to interpretation of treaties prior to ratification and 352
 - Locarno Agreements (1925) 349
 - 'situation and facts prior to the ratification', uncertainty 351-353
 - territorial disputes and 350
- Peace Act (1934 Draft) and 470-471
- permissibility 375-376
- provisional measures and (*Interhandel*) 271-274
- reciprocity (Art. 36(3)) 143-144, 145, 236, 237-238, 250, 252, 297-298, 348-349
- disadvantages to State invoking 269
- separability 254-255, 259-263, 270, 274, 279, 283, 298-299
- suspensive reservation on disputes before the Council 363-368
 - as control on judges 366-367
 - Council's limitations as dispute settlement body and 364-366
- treaty reservations compared 286-287
- validity
 - absence of legal obligation as negation 251-254, 270, 282-283, 287-289, 297-298
 - Court's obligation to determine 300
 - Court's right to raise *proprio motu* 264-265
 - effect of invalidity 267-270, 301-302
 - general principle of international law 252-254
 - inconsistency with Statute 145, 180, 246-251, 282
 - municipal law analogy 249, 252-253
 - joinder to merits 281, 299-300
 - morality/legality distinguished 286, 300-301
 - parties' failure to challenge/declaration of mootness, relevance 264-265, 280-281, 283-284, 299-300
 - sanctions for invalidity 298, 301
- Optional Clause (Art. 36 of PCIJ/ICJ Statute), revision to Statute, recommendation for 110-111, 140-149
- 'all legal disputes', reinsertion of 'any'
- Charter provisions on pacific settlement of disputes, interconnection 116-117, 179
- enumeration of 'legal' disputes (Art. 36(2)), confusion 176-177
- omission of 'legal' (Art. 36(2)) 146-147, 180, 368-370
- political nature 116-117
- reservations
 - amendment of Art. 36(6) to invalidate conflicting reservation 145
 - General Act for the Pacific Settlement of Disputes (1928), rejection as model 146
 - limitation on right to make reservations negating acceptance of compulsory jurisdiction 145-146, 180
- pacifistic movement, endorsement of justiciable/non-justiciable doctrine 29
- Pact of Bogotá (1948) 85
 - jurisdiction, tribunal's right to determine 266
 - US reservation 145 n.22, 267, 292
- Pact of Paris: *see* General Treaty for the Renunciation of War (1928)
- Pallieri, war crimes, classification as 517
- parliamentary sovereignty 468
 - treaty incorporating legislation, effect 477-478
- Peace Act (1934 Draft) (legal obligations in respect of pacific settlement)
 - background to 464
 - consequences of illegality as judicial role 469
 - Egyptian territory, confirmation of rights relating to 476-477
 - foreign affairs as Crown prerogative and 468-469, 473-474
 - object and purpose
 - authorization of Art. 16 enforcement measures 474-476
 - demonstration of Labour Government's sincerity on peace issues 467-468
 - denial of normal legal effect to war undertaken in breach of 473
 - enactment of substantive rules 469

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Peace Act (1934 Draft) (*cont.*)
 harmonization of British municipal law and international law 467-468
 incorporation of international law obligations in respect of pacific settlement and peace 467-468, 469
 incorporation of listed treaties 470
 limitation on right to detract from 470-471
 reciprocity and 470-471
 invasion or occupation of territory, abjuration of right of 472-473
 justified breach of territorial integrity 472-473
 removal of doubt as to Government's powers 469
 renunciation of war/resort to force or threat thereof 471-472
 policy issues distinguished 470
 repeal, possibility of 468
 self-defence and 476
 State responsibility for injury to aliens in foreign territory 473-474
 superior orders rule, effect on 473
 text 464-466
 treaties other than those listed, effect on 477
 as unilateral interpretation of obligations 472
- Peace Treaties (post-WWI)
 perceived unfairness/transitory nature 9
 revision
 as instrument of peaceful change 8, 10-11
 as political process 10-11
- peaceful change: *see also* international legislature; judicial legislation; obligatory judicial settlement of disputes; war as legal instrument for change
 acceptance by States of duty to acquiesce in decrees of competent international legislature and 11-12
 ad hoc approach 10-11
 conciliation 17-18
 Covenant provisions: *see* League of Nations Covenant
 enforced solutions/avoidance of war and 11
 fundamental nature of problem 7-10
 justice and 208-209, 213-214
 law, role 63-64, 78-79, 86, 92-93, 208-209, 213-214
 machinery for, need to develop 72
 obligatory judicial settlement in the absence of a mechanism for 9-10, 33 n.22, 68-69, 188, 193, 201-204, 205, 209-210, 366-367
 observing existing law and 9-10
 political action falling short of legislation 16-18, 210, 220-223
- sic utere jure tuo ut alterum non laedas* and 212-213
 treaty interpretation, acceptability as instrument of 434-440
 treaty revision, procedures for 17
 unilateral change distinguished 8
- peaceful settlement of disputes: *see also* arbitration; conciliation; General Act for the Pacific Settlement of Disputes (1928); Hague Conventions for the Pacific Settlement of International Disputes (1899/1907); International Court of Justice (ICJ); League of Nations Council of Nations; negotiation; obligatory judicial settlement of disputes; Optional Clause (Art. 36 of PCIJ/ICJ Statute); Peace Act (1934 Draft) (legal obligations in respect of pacific settlement); Permanent Court of International Justice (PCIJ)
 in the absence of a mechanism for peaceful change 9-10, 27, 34, 56, 68-69, 193, 202-204, 366-367
 alternative methods 84-85
 General Assembly Resolution (1949) for panel of enquiry and conciliation 85
 Inter-American Treaty of Reciprocal Assistance (1947) 85
 Pact of Bogotá (1948) 85
 UN Charter (Art. 33) 84-85
 Pacific Settlement of International Disputes, Geneva Protocol (1924), rejection by UK government 9
 underlying cause of dispute, effect on 56-57, 67-69
- Permanent Court of Arbitration (PCA)
 binding effect of decisions/judicial legislation (Art. 59) 58 n.78
 gaps in international law, willingness to address 44-45
 justiciability and 28
 contract debts due to nationals 240-241
 members as automatic candidates for election to ICJ 107
- Permanent Court of International Justice (PCIJ): *see also* International Court of Justice (ICJ); International Court of Justice (ICJ) Statute, proposals for revision; obligatory judicial settlement of disputes
 advisory opinions
 as basis for negotiation by parties to negotiate legal change
 consent of interested party, need for *Eastern Carelia* 391
 US reservation 291, 390-393, 414-415
Exchange of Greek and Turkish Populations 219

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- non-binding effect 219
- revisions to Rules relating to 392-393
- State parties' right to request 219
 - through Council 219
- case load, concerns 73-74
- conciliation chambers, proposal for 62
- as court of equity 61-62, 76
- dissolution 310-311: *see also* Optional Clause (Art. 36 of PCIJ/ICJ Statute), PCIJ/ICJ succession and (Art. 36(5)) (Aerial Incident Case)
- Article 92 of UN Charter and 310
- establishment of ICJ distinguished 317
- equality between members and non-members of the League 394-395
- equality of States and 78
- equity and: *see* equity, ICJ/PCIJ; *ex aequo et bono* jurisdiction
- gaps in international law, willingness to address, *Lotus* (1927) 45
- jurisdictional challenges 73-74
- obligatory judicial settlement of disputes,
 - absence of provision 73-76
 - absence of mechanism for peaceful change and 202-203
 - British adoption 74
 - lack of confidence in impartiality of Court 187-188, 384
- Optional Clause: *see* Optional Clause (Art. 36 of PCIJ/ICJ Statute)
- political dispute, proposed exclusion 48-49
- pre dominance of advisory jurisdiction and Peace Treaty cases 73-74
- revisions to Statute (1929) 184-189
- sources of international law (Art. 38(3) of Statute): *see* sources of international law, Art. 28(3) (PCIJ Statute)
- special agreements, need for consistency with Court's jurisdiction 218-219
- US attitudes to: *see* United States, PCIJ and Phillimore, neutrality 623 n.33
- piracy
 - judicial process, relevance 671
 - private ends (*animus furandi*) requirement
 - British practice 670, 688-689
 - extension of concept under municipal and treaty law 671-672
 - US practice 688-689
 - universal jurisdiction 671
 - unrestricted submarine warfare as 641, 666-674, 688-689
 - customary international law 689
 - designation as piracy, justification and usefulness 673, 688-689
 - London Naval Treaty (1930) 667, 689
 - Nyon Agreement (1937) 667, 688-689
 - Washington Treaty for the Protection of Neutrals and Non-Combatants At Sea (1922) 667
 - WWI/WWII distinguished 672-673
- Poland
 - German occupation, status 554
 - laws of war, applicability in illegal war 554
 - war crimes, responsibility, superior orders 508
- political context, importance in determining questions of international law 444-445, 461-463
- political dispute
 - circularity of definition 365-366
 - classification as
 - conflict of political interest 36
 - context, relevance 49
 - importance of issue, relevance 46-54
 - determination by State concerned 50-52, 53-54
 - non-tangible issues 31-32
 - exclusion from arbitration 31, 32-33
 - general principles of law, applicability to 32 n.9
 - legal settlement of 47-49
 - Alabama* claims (1872) 47
 - British Guiana/Venezuela dispute (1896) 47-48, 220
 - Casablanca* 48
 - General Armstrong* (1851) 48
 - Macedonian* (1858) 48
 - Marommatlis Palestine Concessions* case (1924) 48
 - North Atlantic Fisheries* (1910) 48
 - PCIJ and 48-49
 - Portendick blockade case (1843) 48
 - Wimbledon* (1923) 48
- political offence: *see also* extradition for war crimes from neutral country
 - asylum, right to 527-528
 - customary international law 528 n.61
 - as general principle of international law 528
 - municipal law 527-528
 - definition 531
 - extradition request, alternatives to refusal
 - deportation to home State 533-534
 - refusal of admission to neutral country 533
 - war crime as 526-527, 530-533
- Pollock, justiciability/non-justiciability doctrine 35
- Portalis, war, laws of, limitation to States 586-587
- positivism
 - indirect changes to the law and 545
 - move away from 41-42
 - non-justiciability and 27, 50

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- prize law: *see also* economic warfare; naval warfare
- British approach to reservations
 - action under Art. 16 of Covenant and 370-375
 - desirability of reservation 374-375
 - General Treaty for the Renunciation of War (1928) 370-371, 373-374
 - Geneva Protocol (1924) 49 n.61, 370
 - Optional Clause 350-351, 370-375
 - International Prize Court, US refusal to ratify 383
 - property taken or transferred in course of illegal war 567
 - Peace Treaties (1947) 567
 - provisional measures (PCIJ/ICJ Statute (Art. 41))
 - binding, whether 110, 149-151
 - prima facie jurisdiction, need for 272-273
 - Optional Clause reservations, relevance (*Interhandel*) 271-274
 - proposals for revision 110, 149, 180
 - deletion of reference or replacement with mandatory provision 150, 151
 - purpose 150-151
 - avoidance of prejudice to execution of judgment/irreparable damage to parties rights, as general principle of law 150
 - non-aggravation of dispute 150-151
 - preservation of the assets 278
 - public opinion, role 18, 51, 52 n.67, 63-64, 74
 - collective security 628-629
 - judicial settlement as means of defusing 92-93
 - nomination of ICJ judges 101
 - Quincy Wright
 - laws of war, applicability in illegal war 580-581
 - neutrality 623 n.33
 - 'resort to war' 456 n.22
 - reasonableness test 340-344
 - rebus sic stantibus*
 - general principle of international law 213
 - international law, as perceived weakness 213
 - judicial legislation and 14-15
 - League of Nations Covenant (Art. 19) and 18-19
 - limited applicability 14-15
 - municipal courts 213
 - obligatory judicial settlement of disputes and 213
 - reparations
 - damage arising from operations in conformity with laws of war 572-574, 578
 - Peace Treaties (1947) 573
 - Treaty of Versailles (1919) 572-573
 - victors' justice and 573-574
 - rights of State and individual distinguished 302-303
 - reprisals
 - British Retaliatory Orders in Council 1939/1940 (Germany and Italy) 511, 560-562, 645
 - entitlement to take 553-554, 560-562
 - General Treaty for the Renunciation of War (1928) 698-699
 - Geneva Convention on the Protection of Civilians 583
 - Hague Regulations 583 n.4
 - mens rea* and 513-515
 - Dorer Castle* 514
 - neutrality and 428-429, 577, 653-655, 695-697
 - requirements 513
 - as response to international action against persecution of Jews 729
 - Retaliatory Order in Council 1941 (Japan) 560-562
 - superior orders and 513-515
 - war crimes, relevance to classification as 513-518
 - requisition in interests of population 569
 - Soubraillard v. Kilbourg* 569 n.61
 - resistance movements
 - laws of war, applicability 550, 551
 - Belgian/Netherlands jurisprudence 551 n.20, 552-554
 - Revon, justiciability/non-justiciability doctrine 53
 - Rivier, legal/political disputes 32
 - de Roquefort, Mougin 32
 - Rosenne, domestic jurisdiction reservations 236
 - Ross, justiciability/non-justiciability doctrine 68, 69, 69 n.15
 - Rowson, reprisals, entitlement to take 561 n.44
 - rule of law, obligatory judicial settlement of disputes and 72
 - St Augustine, Jewish concept of just war 724-725
 - sanctions (Art. 16 of Covenant), automaticity 418, 446, 453
 - Scelle, laws of war, relevance post UN Charter 582 n.1
 - Schindler, justiciability/non-justiciability doctrine 69

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- Schücking, 'resort to war' 448-449
- Schwalby, holy war in ancient Israel 719-721
- Schwarzenburger, justiciability/
non-justiciability doctrine 66 n.4
- security: *see* collective security
- Security Council recommendations under
Chapter VI, failure to act on leading to
Chapter VII enforcement measures
225 n.3
- Selden, just war 723
- self-defence, right of
aggression and 83, 86, 441-442
determination of lawfulness 420, 433-434,
440-442
obligatory judicial settlement, need for
441-442
general principle of law 440
non-neutral activity and 637, 638, 655, 657,
665-666, 687
Peace Act (1934 Draft) 476
renunciation of use of force and 83, 86, 206
General Treaty for the Renunciation of
War (1928) 425, 433-434, 440-442,
556-557, 691-692
- separability
general principle of law 260
international tribunals and 259-260
municipal law 259
non-essential provisions, limitation to
261-262, 270, 283, 298-299
Optional Clause reservations 254-255,
259-263, 270, 274, 279, 283, 298-299
treaties 259-260
- sic utere jure tuo ut alterum non laedas*
arbitral tribunals and 212
change/stability, reconciliation 212-213
federal States and 212
general principle of international law
211-213
municipal courts 212-213
- siege: *see* civilians, attacks on
- Smuts 616 n.8, 616 n.9
- sources of international law: *see also* customary
international law; International Court
of Justice (ICJ) Statute, proposals for
revision, sources; treaties
Art. 38(3) (ICJ Statute) 43-44, 61
ex aequo et bono provision 61, 152-155, 217
general principles of law recognised by
civilised nations 43-44
rules of law independent of customary and
treaty law 43
- sovereignty
as basis of international law: *see* positivism
belligerent occupation 496-497
- Spaight
bombing of merchant vessels 672-673
combatant/non-combatant distinction 592
- Spain, League of Nations Covenant,
Constitutional provisions relating to
475 n.5
- specialized agencies
authorization to request advisory opinions
158, 161-162
exclusion of questions relating to mutual
relationships 161
- State contracts, standing of individual (ICJ)
and 165-166
- State immunity, absolute theory 27
- State practice
illegal actions 630
jurisdiction, tribunal's right to determine
265-267
justiciability/non-justiciability doctrine,
arbitration agreements 39-41, 43: *see
also* arbitration/special agreements
separability 259
- State responsibility
acts of individual and 517-518
aggression 627-628
injury to alien in foreign territory 473-474
- stateless persons, jurisdiction 496-497
- Stone, justiciability/non-justiciability doctrine
69, 69 n.15
- Strisower 50 n.63
- Suarez, Jewish concept of just war
724-725
- succession: *see* Optional Clause (Art. 36 of
PCIJ/ICJ Statute), PCIJ/ICJ
succession and (Art. 36(5)) (Aerial
Incident Case); international
organizations, succession
- superior orders, customary international law
500
- Sweden
extradition agreement, reciprocity/
seriousness of crime as alternative basis
529 n.66
extradition for political offence 527-528
- Switzerland
extradition agreement, reciprocity/
seriousness of crime as alternative basis
529 n.66
extradition for political offence 527-528
Federal Council procedure as model for ICJ
108
neutrality/membership of League of
Nations 626 n.38
non liquet 42-43
war, illegal, Ordinance of 10 December 1945
(property taken in violation of laws of
war) 563
- Taubenfeld, neutrality 577 n.70
- territorial integrity: *see also* League of Nations
Covenant, Art. 10 (territorial integrity)

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- territorial integrity (*cont.*)
 acquisition
 conquest 572, 578
 in violation of General Treaty for the
 Renunciation of Force (1928) 427 n.11,
 428
 breach
 as act of war 450-451
 justified 472-473
 Egypt, British occupation 476-477
 invasion or occupation, abjuration of right
 (Peace Act (1934 Draft)) 472-473
- territorial/boundary disputes
 just apportionment, relevance to peaceful
 change 8
 justiciability 31, 32, 35, 38, 75-76
 domestic jurisdiction limitation and
 257-258
 Great Britain-US General Arbitration
 Treaty (1897) 289-290, 350
 past disputes reservation and 350
 as justified exception to obligatory judicial
 settlement 75-76
 Falkland Islands 75-76
 unilateral action as challenge to credibility
 of international law
- threat of force/war
 Budapest Articles of Interpretation (1934)
 and 472
 equivalence to threatened act 472
- treaties
 abrogation, reservation to Optional Clause
 and 354-355
 ambiguity, acceptability 143-144, 150, 151,
 171-173
 as applicable law 60
 breach
 obligatory judicial settlement 532-533
 right of reprisal 533
 right to determine 695-697
 customary international law: *see also*
 customary international law, treaties
 and other international instruments
 reflecting
 as derogation from 60
 as expression of 546 n.8
 duress and 421, 571-572, 578
 ICJ Statute reference, proposed revision 175
 'in force': *see* Optional Clause (Art. 36 of
 PCIJ/ICJ Statute), PCIJ/ICJ
 succession and (Art. 36(5)) (Aerial
 Incident Case), continuance in force of
 declaration
 inconsistency with other
 treaties/international legal system
 545-547
 obligation in case of war or hostilities not
 so designated 559
- individuals and
Danzig Railway Officials 13
 Geneva Convention of 15 March 1922
 739, 740-741
 Hague Conventions on the Laws of War
 (1899/1907) and Regulations 500, 523
 reservations 286-287, 691-692: *see also*
 Optional Clause (Art. 36 of PCIJ/ICJ
 Statute), reservations
 revision, procedures for 17
 Covenant (Art. 19) 18-21
 separability 259-260
 as source of illegality/bad faith 10, 34-35
 as source of new rules of conduct 175
 temporary nature of political treaties
 51 n.65
 unequal 19-20, 420-423
 unilateral extension of obligations 472
 treaty incorporating, effect 477-478
 war, effect 559
 illegal war 568, 578
 Harvard Research Draft on Rights and
 Duties of States in Case of Aggression
 (1939) 568 n.59
 peace treaty imposed by aggressor
 571-572, 578
- treaty interpretation: *see also* General Treaty for
 the Renunciation of War (1928),
 Budapest Articles of Interpretation
 (1934); International Court of Justice
 (ICJ) Statute, interpretation
 clear language 451-452
terminus technicus 451
 context at time of application 652
 customary international law and 143
de lege ferenda distinguished 434-440
 effectiveness principle/parties' intention,
 relationship 234, 359, 418, 427,
 431-432, 454
 exaggeration of legal obligation, need to
 avoid 437-440
 obligatory judicial settlement of disputes
 and, proposal for amendment to ICJ
 Statute 147-148, 179-180
 parties' intention 429-430
 comprise and 452
 parties' practice 452-453
 preparatory work as aid
 ascertainability of parties' intention and
 96
 changes to draft, reason for 451-452
 ICJ case load and 97
 ICJ practice 96-97
 PCIJ practice 96
 presumption of legal integrity of treaty
 432-433
 sanction for breach distinguished 429-430,
 433-434

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- 'Treaty of Lausanne (1923), disputes in regard to which parties have agreed to an alternative method of peaceful settlement 354
- 'Trendelenburg, legal/political disputes 31
- trust territories, in case of war 561 n.44
- 'Tucker, laws of war, applicability in illegal war 548 n.12
- Turkey
extradition agreement, reciprocity/seriousness of crime as alternative basis 529 n.66
extradition for political offence 527-528
- unanimity rule: *see* League of Nations Council, unanimity rule (Art. 5)
- unequal treaties 19-20, 420-423
- unilateral change 8
- United Kingdom: *see* Great Britain
- United Nations
peace-keeping operations: *see* war, laws of, collective action to secure peace, applicability
as subject of international law 80
- United Nations Charter
as collective security system 84
consensual basis 323
non-founding members ('Members of the United Nations') 323, 324-325, 327-340
as customary international law 80
- Members
'Members of the United Nations' 329-330
'original Members' 329-330
'parties to the Statute' 330
'signatory Members' 329-330
- obligatory judicial settlement of disputes
absence of provision 224
Covenant distinguished 224
Dumbarton Oaks proposals 75
alternatives to judicial settlement (Art. 33) 84-85
res inter alios acta, exclusion 327-329
trust territories, in case of war 561 n.44
- United States
General Treaty for the Renunciation of War (1928) 426, 429-430, 435-437, 638-639, 650-655, 656-657
international law, incorporation 665, 685, 701-702
isolationism 641-642
of international lawyers 637-638, 640
justiciability/non-justiciability doctrine, vital interests of State 290
Lauterpacht's 1940-1942 visits 635-644
Lease-Lend, alleged British practices in WWII as basis of hostility to 642, 659-664
- neutrality and
'all aid short of war', justification 576-577, 636, 645, 684-704
General Treaty for the Renunciation of War (1928) and 638-639, 650-655, 656-657, 687-688, 697-699
neutrality as a changing concept and 646-649, 650-651, 656-657, 676-678
piratical nature of unrestricted submarine warfare 641, 666-674
self-defence, right of 637, 638, 655, 657, 665-666, 687
- Lauterpacht memoranda
15 January 1941 636-637, 645
3 September 1941 642, 659-664
21 October 1941 641, 665-674
January 1942 641, 684-704
maintenance of rule of law 699-702
renunciation of war as legal instrument for change, effect 435-437, 638-639, 650-655, 687-688, 697-699
war between American and non-American State 622, 647-648
- obligatory judicial settlement of disputes, refusal to accept 288, 430
Hague Conference (1907) 360
International Prize Court 383
positive attitude towards ad hoc arbitration 381-382, 702-706
drafting of PCIJ Statute 382
Hague Conferences (1899/1907) 382
Jay Treaty 381-382, 702
post-WWI arbitration agreements 291
Senate attitude 261, 284, 287, 289-290, 291, 380, 382-383
Taft-Knox treaties (1913) 290
territorial/boundary disputes (Great Britain-US General Arbitration Treaty (1897)) 289-290
- PCIJ and
equality of treatment, perception of 394-395, 397
involvement in establishment of 382
reasons for hostility towards
Court's relationship with the League 395-396
League of Nations as European regional organization 381, 393
League of Nations as 'foreign entanglement' 381, 393
opposition to general arbitration agreements 291, 393
perceived regional nature 394
status as non-signatory to Covenant, effect 394-395
- PCIJ reservations 291, 380
advisory opinions 291, 390-393, 414-415
debate leading to formulation 384-387

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- United States (*cont.*)
- Geneva Conference (1926)
 - establishment/discussions 389-393
 - Final Act, rejection 389-393
 - lack of confidence in impartiality of Court and 384
 - text 387-388
 - piracy, private ends (*animus furandi*)
 - requirement 688-689
 - release of WWII war criminals 484-487
 - reservations
 - arbitration agreements, special agreement subject to Senate approval 430 n.18
 - General Treaty of Inter-American Arbitration (1929) 291-292
 - Hague Convention on Pacific Settlement of International Disputes (1907) 290
 - Optional Clause 142, 144-146, 267, 271-275, 276-299
 - applicability, extension to arbitration and conciliation 279-280
 - legislature's recognition of legal implications 287
 - Pact of Bogotá (1948) 145 n.22, 267, 292
 - PCIJ: *see* PCIJ reservations *above*
 - Treaty of Versailles/Covenant 291
 - US-China Economic Aid Agreement 145 n.22, 292
 - US-France Economic Cooperation Agreement (1948) 145 n.22
 - UK relations with 643
 - arbitration, development of 702-706
 - Lauterpacht memorandum (January 1942) 641-642
 - war crimes
 - superior orders 504-505, 509
 - conflict between criminal and military law, risk
 - war, laws of, *Rules of Land Warfare*, superior orders 504-505
 - Uniting for Peace Resolution (UNGA Resolution 377 (V)) 543
 - USSR, arbitration and 384
 - Vasquez, Jewish concept of just war 724-725
 - Vattel
 - neutrality
 - in case of pre-existing treaty 647
 - in just war 620-621, 649, 693-694
 - Venezuela, extradition agreement, reciprocity/seriousness of crime as alternative basis 529 n.66
 - Verzijl
 - justiciability/non-justiciability doctrine 58 n.79
 - reprisals 553 n.24
 - visiting forces: *see* immunity of armed forces on foreign soil by agreement
 - de Visser
 - codification, need for 83-84
 - justiciability/non-justiciability doctrine 58 n.79, 68, 69, 69 n.15
 - 'resort to war' 457 n.24
 - Vitoria
 - just war 693
 - Jewish concept 724-725
 - war crimes, belligerent's right to punish 495
 - Waldock, domestic jurisdiction reservations 236
 - war crimes: *see also* International Criminal Court; Nuremberg Charter (1943); Nuremberg Tribunal; war, laws of
 - war crimes, applicable law
 - customary international law 500
 - determination by municipal courts 505
 - international law 498-499, 500-502
 - status in municipal law, relevance 501
 - municipal law of State exercising jurisdiction 498
 - war crimes, classification as
 - aerial bombardment 588
 - aerial bombardment as terrorization of civilian population 539, 590-592
 - aggressive war 574-575, 578
 - in absence of treaty provision 546
 - self-defence and 83, 86
 - Sixth Pan-American Conference (1928) 82
 - in violation of treaties (Nuremberg Charter) 82-83, 546 n.8
 - crimes condemned by common conscience of mankind 516-517
 - crimes of lesser political and moral urgency 540
 - deportation for compulsory labour 538
 - deprivation of food leading to starvation 539
 - detention in concentration camps 538
 - enforced prostitution 538
 - forced participation in military operations/preparations 539
 - grave breaches of the Geneva Convention on the Treatment of Sick and Wounded 539
 - grave crimes against person and property on a large scale without authority 538
 - hospitable ships, attacks on 539
 - human shields, deployment as 539
 - judicial sentences contrary to international law resulting in death, disablement or prolonged deprivation of liberty 538
 - laws of war/international law distinguished 514-518
 - mass executions of hostages 538

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- massacres of civilian population or prisoners of war 538
- naval warfare, breach of law relating to 539
- over-comprehensiveness 515
 - British *Military Manual* 515-516
 - Commission on Reponsibilities (Paris Conference, 1919) 515
- plunder, grievous bodily harm and torture under authority or superior orders 538
- political offence and 526-527, 530-533
- prisoners of war, maltreatment 539
- prohibited weapons, use of 539: *see also*
 - atomic weapons, legality
- racial segregation and extermination of Jews 538-539
- refugees, aerial attack on 539
- refusal of quarter 539
- reprisals, relevance 513-518
- sterilization 538
- survivors of torpedoed merchant vessels, firing on 539
- war crimes, jurisdiction
 - crimes against
 - life and property in occupied territory 519
 - nationals by aliens abroad 502
 - nationals in territory of adversary 498
 - safety of State and nationals wherever committed 498-499
 - extradition: *see* extradition for war crimes
 - International Criminal Court: *see* International Criminal Court
 - presence of accused, method of securing occupation, constructive or actual 502-503
 - prisoners of war 502
 - relevance 502-503
- territorial basis 496-498
 - belligerent occupation 496-497
 - nationals of occupied territory 496-497
 - non-nationals brought to territory 496-497
 - stateless persons 496-497
 - crimes committed on high seas (effects doctrine) 497
 - crimes committed in territory of
 - belligerent exercising jurisdiction 496
 - in and from air above 497
 - immunity of armed forces on foreign soil, relevance 496 n.11
- war crimes, punishment
 - belligerent's right as established doctrine of international law 495-496
 - Grotius 495
 - Holland 495
 - Institute of International Law 495
 - Moser 495
 - Vitoria 495
 - Wolff 495
 - compensation and 499-500, 512
 - conclusion of trials between armistice and peace treaty, desirability 521
 - impartiality, means of ensuring 518-526
 - appeal court as quasi-international body 521-522
 - German failure in respect of WWI war crimes 523-526: *see also* Germany, war crimes, punishment (post-WWI)
 - International Criminal Court 519-520: *see also* International Criminal Court
 - investigation and trial of nationals of victorious State 522-523
 - military court
 - with lay assessors 521
 - reconsideration of role after cessation of hostilities 520-521
 - municipal court 520-521: *see also* war crimes, jurisdiction, municipal courts
 - abore*
 - municipal court with
 - enemy assessors 521
 - international/neutral element 519
 - neutral assessors 521
 - professional judges and military assessors/judges 520-521
 - impossibility of attributing criminal intent to State and 491-492
 - as necessary to authority of international law 491
 - as political decision 491
 - States as sole subjects of international law and 491-492
 - surrender, legal basis of unreciprocated demand for 493-504
 - absence of punishment in own State/international tribunal alternatives 496
 - declarations during hostilities of intent to seek 493
 - from neutral States 526-537: *see also* extradition for war crimes from neutral country
 - victor's justice, avoidance 492-493
 - asymmetry of right 503-504, 518, 522-526
 - consequences of failure 494-495
 - Treaty of Versailles and 494-495
 - impartiality and: *see* impartiality, means of ensuring *abore*
 - relevant considerations 493
- war crimes, responsibility
 - Head of State 506
 - Dora Castle* 514
 - Head of State necessity 523
 - individual 83, 86, 604
 - attributability of acts of State to 517-518
 - Quinn* 499

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- war crimes, responsibility (*cont.*)
 State responsibility for compensation, relevance 499-500
 State as subject of international law and 491-492, 498-499
mens rea: see also superior orders below
 knowledge of illegality, relevance 506-508
 legitimate belief in legality 509
 obvious illegality 509
 reprisals and 513-515
 uncertainties in the law and 511
 superior orders 504-510: see also *mens rea above*
 British/US *Military Manuals* 488, 504-505, 506-508
 Cambridge Commission on Penal Reconstruction and Development 488-489
 compulsion/duress causing fear for life in case of disobedience 509-510
 conflict between criminal and military law, risk
 customary international law 500
 defence as balance between effectiveness of law and avoidance of perversion of justice 510
 German Code of Military Law 508
 Leipzig trials (1921) 505-506
 Llandorey Castle 500, 509
 Peace Act (1934 Draft) and 473
 Report of Commission on Responsibilities to Peace Conference (1919) 504-505
 reprisals and 513-515
 uncertainties of law and 512-513
- war crimes, retroactivity
 law 501-502
 procedure 502
- war, illegal: see also aggression; humanitarian law
 conquest as means of acquiring title 572, 578
 determination
 action by some states in absence of 543-544
 applicability of laws of war and 570-571
 collective action in absence of valid determination 543, 558, 601
 Uniting for Peace Resolution (UNGA Resolution 377 (V)) 543, 601 n.38
 collective action following valid determination 543, 544, 557-558
 discriminatory neutrality in absence of valid determination 577, 578
 inadequacy of provision for 547-548, 557-558
 International Criminal Court 519
 Korea (1950-3) 543
 illegality limited to one party, presumption of 542-544
- laws of war, applicability 542-581, 601, 673-674, 686-687
 acts in conformity with laws of war 574-575: see also property taken or transferred in conformity with laws of war below
 killing in combat as murder 554-555, 574-575
 collective action to secure peace 557-558
 laws governing policing action as alternative 542
 determination of illegality, relevance 570-571
ex injuria jus non oritur 548-549, 578-579
 Geneva Conventions (1949) 549-550: see also Geneva Conventions (1949)
 humanitarian law 549-551
 as incentive to aggressor to conform 568-569
 jurisprudence
Aboitz v. Price 555-556
Allstötter (Justice Trial) 554-555
General Christiansen 553-554
General Devastation (Germany) Case 555 n.33, 579 n.72
German High Command Trial (Von Leeb and Others) 555
Grauser 554
Hostages Trial (William List and Others) 552
In re Garbe 555 n.33, 579 n.72
Rauter 556
Weizsäcker 556-557
- naval warfare 560-562
- party resisting aggression
 illegal weapons, right to use 557
 limitation to 542
 peace treaty imposed by aggressor 571-572, 578
 renunciation/prohibition of war, effect 544, 546-548, 582 n.1
 reprisals 560-562, 645
 treaty obligations 568, 578
 Harvard Research Draft on Rights and Duties of States in Case of Aggression (1939) 568 n.59
Zuhke 552-553
- legal regulation, need for 578-579
- neutrality and: see neutrality
- property taken or transferred in conformity with laws of war
Adelaide Star 563 n.49
Amstelbank, N.V. v. Guaranty Trust Company of New York 565-566
Bank of Ethiopia v. National Bank of Egypt and Liguori 566

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht, Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- French State v. Établissements Monnousseau* 566 n.54
- Harvard Research Draft on Rights and Duties of States in Case of Aggression (1939) 565
- In re Van der Giessen* 563 n.49
- prize proceedings 567
- Peace Treaties (1947) 567
- recaptured property 568, 569-570
- validity of title, acceptance 577-578
- Vitse v. Brasser* 568 n.58
- Weber v. Credito Italiano* 563 n.49
- property taken or transferred in violation of laws of war 562-563
- Allied Governments' declaration concerning (1943) 563, 567-568
- Delville v. Serrais* 567 n.55
- Soubmouillard v. Kilbourg* 567 n.55
- Swiss Ordinance of 10 December 1945 563
- transfer of title 566-567, 577-578
- reparations for damage arising from operations in conformity with laws of war 572-574, 578
- war of aggression in violation of international obligation as 542
- war, laws of: *see also* Geneva Conventions (1929); Geneva Conventions (1949); Hague Conventions (1899/1907) and Regulations; humanitarian law; Nuremberg Charter (1943); prize law
- Biblical approaches: *see* Biblical approaches to the laws of war
- codification/revision, scope for 604 n.40
- Geneva Conventions (1949), relevance 582-585, 602, 603-604
- lawyers, role 602, 603-605
- technological and political developments and 604-605
- uncertainty/absence of law and 599-602, 676-678, 682
- collective action to secure peace, applicability 557-558, 580-581
- American Society of International Law Committee Report (1952) 581
- Korea (1950-3) 560, 580
- declarations undertaking to abide by Geneva Convention on Prisoners of War (1949) 560
- collective security, relevance 682-683
- combatant/non-combatant distinction, significance 590: *see also* civilians, attacks on
- Biblical and other ancient practice 716-717
- contraband and blockade 596-600
- individuals as subjects of international law and 586-587
- London Protocol (1930) 597
- revision of law of war and 602
- developments
- total war 511-512, 596-600
- WWI
- WWII 482-483
- as humanitarian law 550-551, 585-587
- illegal war and: *see* war, illegal
- international law, role in the development of 481-482
- international police action: *see* collective action to secure peace, applicability *above*
- Military Manuals*
- Lauterpacht's role in preparation of British 488
- status 500 n.18
- relevance post-General Treaty for the Renunciation of War 479-480, 519 n.42
- resistance movements and 550, 551
- revision: *see* codification/revision, scope for *above*
- States, limitation to 586-587
- uncertainties
- as limitation to prosecution for 511-513, 541
- nens rea* and 511
- military operations/military occupation distinguished 512
- naval warfare 539
- resolution
- municipal courts 511
- war crimes tribunals 512
- superior orders and 512-513
- war as legal instrument for change 8, 82, 86, 430-431: *see also* belligerent measures; force as legal instrument for change; General Treaty for the Renunciation of War (1928); neutrality; Peace Act (1934 Draft) (legal obligations in respect of pacific settlement); peaceful change; prize law, British approach to justiciability; war, illegal
- Commission on Responsibilities (Paris Conference, 1919) 519 n.42
- neutrality and 84
- renunciation in absence of express international agreement 544-548
- war, state of: *see also* League of Nations Covenant, Art. 12 (resort to war)
- animus belligerendi* 411, 449, 453 n.20, 454, 455, 456-457
- armed force, whether 450-451, 456-458
- armed resistance to hostilities as breach of territorial integrity as 450-451
- collective action to enforce the peace, whether 558-560

Cambridge University Press

978-0-521-83068-3 - International Law: Being the Collected Papers of Hersch Lauterpacht,
Volume 5 - Disputes, War and Neutrality, Parts IX-XIV

Sir Elihu Lauterpacht

Index

[More information](#)

INDEX

- war, state of (*cont.*)
- constructive 454-455
 - notification of blockade 455
 - recognition of belligerency 455
 - declaration, relevance 410, 446-447, 449-451
 - designation as, relevance 558-560
 - determination
 - by Lytton Commission of Enquiry (1933) 446-447
 - League Assembly 447-448
 - Japanese action in Manchuria/
 - Shanghai (1931), whether 410-411, 445-448
 - Korea (1950-3), whether
 - municipal court decisions 558-559
 - legislation assimilating hostilities to 'war' 559
 - treaty obligations and 559
- Welberg 49 n.61
 - Wengler, appeal against decisions
 - of international organizations 160 n.33
 - Western European Union, Treaty establishing (1947) 84
 - Westlake
 - on British Guiana/Venezuela dispute (1896) 5
 - legal/political disputes 33-35, 202
 - neutrality 623 n.33
 - Wharton, self-defence, right of 556-557
 - Wheaton, neutrality in case of pre-existing
 - treaty 621-622, 647
 - Whitton, neutrality 436-437
 - Wolff, war crimes, belligerent's right to punish 495
 - Zitelman, legal education in Austria 712