#### THE

# AMERICAN JOURNAL

## INTERNATIONAL LAW



#### **VOLUME 54**

1960

#### PUBLISHED BY

THE AMERICAN SOCIETY OF INTERNATIONAL LAW (Incorporated by Act of Congress, Sept. 20. 1950)

Publication Office:
LANCASTER PRESS, INC.
LANCASTER, PA.

EXECUTIVE AND EDITORIAL OFFICE.
2223 MASSACHUSETTS AVE., N.W.
WASHINGTON 8, D. C.

Copyright @ 1960 by The American Society of International Law

#### BOARD OF EDITORS

## Editor-in-Chief HERBERT W. BRIGGS, Cornell University

RICHARD R. BAXTER Harvard Law School

WILLIAM W. BISHOP, JR.
University of Michigan Law School

HARDY C. DILLARD University of Virginia

ALWYN V. FREEMAN New York, N. Y.

Leo Gross

Fletcher School of Law and Diplomacy

JOHN N. HAZARD Columbia University JAMES NEVINS HYDE

New York, N. Y. Philip C. Jessup

Columbia University Law School

OLIVER J. LISSITZYN Columbia University

Brunson MacChesney Northwestern University Law School

MYRES S. McDougal Yale Law School

COVEY T. OLIVER University of Pennsylvania

OSCAR SCHACHTER New York, N. Y.

Louis B. Sohn Harvard Law School

ROBERT R. WILSON Duke University

RICHARD YOUNG Van Hornesville, N. Y.

#### Honorary Editors

PHILIP MARSHALL BROWN Washington, D. C.

WILLIAM C. DENNIS Richmond, Indiana

EDWIN D. DICKINSON St. Helena, California

CHARLES G. FENWICK Washington, D. C.

HANS KELSEN University of California Josef L. Kunz University of Toledo

PITMAN B. POTTER American University

John B. Whitton Princeton University

LESTER H. WOOLSEY Washington, D. C.

QUINCY WRIGHT University of Virginia

## Secretary of the Board of Editors ELEANOR H. FINCH

The object of The American Society of International Law is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. For this purpose it co-operates with similar societies in this and other countries.

The views expressed in the articles, editorial comments, book reviews and notes, and other contributions which appear in the JOURNAL are those of the individual authors and are not to be taken as representing the views of the Board of Editors or of The American Society of International Law.

The Journal is published quarterly and is supplied to all members of The American Society of International Law without extra charge (except as indicated below). The annual subscription to non-members of the Society is \$10.00 per annum. Annual members and subscribers residing in foreign countries outside the domestic postal area pay one dollar extra per annum for foreign postage; Canada, fifty cents extra. Single copies of the Journal, including available back numbers, will be supplied at \$2.50 per copy.

Applications for membership in the Society, correspondence with reference to the JOURNAL, and manuscripts should be sent to the Executive Secretary, 2223 Massachusetts Avenue, N.W., Washington 8, D. C.

Books for review and correspondence in connection therewith should be sent to Dr. Leo Gross, Book Review Editor, Fletcher School of Law and Diplomacy, Medford, Mass.

### AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 54	CONTENTS	1960
	[No. 1, January, 1960, pp. 1-304; No. 2, April, 1960, pp. 305-520; No. 3, July, 1960, pp. 521-750; No. 4, October, 1960, pp. 751-942]	PAGE
	MENT OF INTERNATIONAL JUDICIAL AND ARBITRAL DECISIONS. Oscar chter	
	ANCE OF PUBLIC ORDER AT SEA AND THE NATIONALITY OF SHIPS. Myres (cDougal, William T. Burke and Ivan A. Vlasic	25
Indonesi	AN NATIONALIZATION MEASURES BEFORE FOREIGN COURTS. Martin Domke	305
SANCTION	IS IN INTERNATIONAL LAW. Josef L. Kunz	324
	ARCTIC SETTLEMENT OF 1959. Robert D. Hayton	349
	VE INTERVENTION. Quincy Wright	521
		•
	TEBOHM JUDGMENT. Josef L. Kunz	536
STATE CO	NTRACTS AND STATE RESPONSIBILITY. F. A. Mann	572
JOINT DE	VELOPMENT OF INTERNATIONAL WATERS. William E. Kenworthy	592
THE SECO	OND GENEVA CONFERENCE ON THE LAW OF THE SEA. Arthur H. Dean	751
Some OB	SERVATIONS ON THE CURRENT STATUS OF THE TATE LETTER. Leo M. hsler	<b>79</b> 0
Indonesi.  Hans	AN NATIONALIZATION MEASURES BEFORE FOREIGN COURTS—A REPLY.	801
LEGAL AS	SPECTS OF THE U-2 INCIDENT. Quincy Wright	836
CERN	JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE IN THE CASE CON- ING THE AERIAL INCIDENT OF JULY 27, 1955 (ISRAEL v. BULGARIA).  18 C. Caflisch	855
EDITORIAI	COMMENT:	
Edgar	Turlington, 1891-1959. Robert R. Wilson	117
The Qu	estion of Laos and the Double Veto in the Security Council. Leo Gross.	118
The Qu	nestion of Treaty Reservations at the 1959 General Assembly. Oscar	372
Relativ	e Values of International Relations, Law and Organizations. Pitman B.	379
The De	evelopment of International Co-operation in the Peaceful Use of Atomic gy. Alwyn V. Freeman	383
	Hudson, 1886-1960. Philip C. Jessup	603
Duratio	on of Executive Agreements. O. J. Lissitzyn	869
Notes an	ND COMMENTS:	
Neuchâ	tel Session of the Institut de Droit International. Herbert W. Briggs	132
Act of	State Doctrine and the Rule of Law-A Reply. Wm. Harvey Reeves	141
	English Translation of John Selden's Mare Clausum. David J. Padwa.	156
Confisc Supr	ation of Enemy Alien Property Held Unconstitutional by Colombian eme Court. Phanor J. Eder	159
	ession of Hague Academy of International Law. Eleanor H. Finch	160
	nnual Meeting of the Society. Eleanor H. Finch	162
	School Summer Program in Foreign Law. Willis L. M. Reese	162

	PAGE	
Index to Foreign Legal Periodicals. Ernest Henry Breuer	163	
Convention of Establishment between the United States and France. Herman Walker, Jr.	393	
The Inge Toft Controversy. Solomon Yahuda	398	
Public Report of the Advisory Committee on "Foreign Relations of the United	402	
States', November 6 and 7, 1959. Dexter Perkins	403	
World Law. Herbert O. Davis	404	
Scott Prizes in International Law. E. H. F.		
Research Fellowship in International Law. E. H. F.	404	
Annual Meeting of the Society. E. H. F.	405	
The Soviet Union and International Co-operation in the Peaceful Use of Atomic Energy. George Ginsburgs	605	
First Annual FBA Institute on Legal Aspects of the European Community.  Henry T. King, Jr.	615	
Regional Meetings of the Society. R. W. Johnson and E. H. F	616	
International Law Association. E. H. F.	619	
Society for International Development. A. M. H.	620	
Resolution on Manley Hudson	620	
Increase in Subscription Price of the Journal	621	
Report of Committee on Publications of the Department of State and the United Nations	621	
Annual Award to Judge Sir Hersch Lauterpacht. E. H. F.	621	
54th Annual Meeting of the Society. Eleanor H. Finch	622	
The Indian Society of International Law. Eleanor H. Finch	<b>63</b> 0	
Decisions on Inadmissible Applications by the European Commission of Human Rights. Gordon L. Weil	874	
Inter-American Bar Association Conference in Bogotá. Eleanor H. Finch	881	
Fellowship for the Study of International Organization. E. H. F	882	
The Society Moves into Its New Home. E. H. F	883	
U. S. CONTEMPORARY PRACTICE RELATING TO INTERNATIONAL LAW. Denys P. Myers	632	
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW. Brunson MacChesney	, 884	
BECENT SIGNIFICANT GERMAN DECISIONS. M. Magdalena Schoch	416	
BOOK REVIEWS AND NOTES	, 904	
BOOKS RECEIVED 221, 464, 724	, 924	
PERIODICAL LITERATURE OF INTERNATIONAL LAW. Eleanor H. Finch . 223, 467, 728	, 927	
OFFICIAL DOCUMENTS:		
United Nations. Report of International Law Commission Covering the Work of Its Eleventh Session, April 20-June 26, 1959		
Conference on Antarctica. Washington, D. C., Oct. 15-Dec. 1, 1959:  Final Act. Dec. 1, 1959	476 477	
NETHERLANDS-INDONESIA. Netherlands Note regarding Nationalization of	484	

	PAGE
UNITED ARAB REPUBLIC. Modification of Egyptian Decree on Territorial Waters. Feb. 17, 1958	491
Decree on Continental Shelf. Sept. 3, 1958	491
SUEZ CANAL:	
Heads of Agreement between the Government of the United Arab Republic and the Suez Stockholders. Rome, April 29, 1958	493
United Arab Republic. Loi No. 63 relative à l'Exécution de l'Accord de Principe conclu le 29 Avril 1958. June 9, 1958	495
Agreement between the Government of the United Arab Republic and the Compagnie Financière de Suez. Geneva, July 14, 1958	498
France-United Arab Republic. Financial Agreements. Zürich, Aug. 22, 1958	<b>5</b> 0 <b>6</b>
Exchange of letters. Aug. 22, 1958	510
Great Britain-United Arab Republic. Agreement concerning Financial and Commercial Relations and British Property in Egypt. Cairo, Feb. 28, 1959	511
Exchange of notes. Feb. 28, 1959	518
U. SU. KU.S.S.R. Protocol on the Zones of Occupation in Germany and the Administration of "Greater Berlin." London, Sept. 12, 1944	739
U. SRUMANIAN PEOPLE'S REPUBLIC. Agreement relating to Financial Questions between the Two Countries. Washington, March 30, 1960	742
Exchange of notes. March 30, 1960	744
PERMANENT COURT OF ARBITRATION, THE HAGUE. Circular Note. March 3, 1960	933
UNITED STATES. Department of State Memorandum regarding Art. XIII of the International Convention for the Prevention of Pollution of the Sea by Oil. May 23, 1960	941
Index	943