THE AMERICAN JOURNAL OF INTERNATIONAL LAW



VOLUME 49

1955

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: 1826 JEFFERSON PLACE, N.W. WASHINGTON 6, D. C.

Copyright © 1955 by The American Society of International Law

BOARD OF EDITORS

Honorary Editor-in-Chief

GEORGE A. FINCH, 229 Dupont Circle Building, Washington 6, D. C.

Editor-in-Chief

HERBERT W. BRIGGS, Cornell University

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

PHILIP MARSHALL BROWN • Washington, D. C.

WILLIAM C. DENNIS * Richmond, Ind.

EDWIN D. DICKINSON • University of Pennsylvania

CLYDE EAGLETON New York University

CHARLES FAIRMAN Harvard Law School

CHARLES G. FENWICK Washington, D. C.

MANLEY O. HUDSON • Harvard University

PHILIP C. JESSUP Columbia University Law School

HANS KELSEN • University of California

JOSEF L. KUNZ Toledo University OLIVER J. LISSITZYN Columbia University

MYRES S. McDougal Yale Law School

COVEY T. OLIVER University of California

PITMAN B. POTTER American University

LAWRENCE PREUSS University of Michigan

EDGAR TURLINGTON Washington, D. C.

JOHN B. WHITTON Princeton University

ROBERT R. WILSON Duke University

LESTER H. WOOLSEY * Washington, D. C.

QUINCY WRIGHT University of Chicago

RICHARD YOUNG Harvard Law School

Secretary of the Board of Editors ELEANOR H. FINCH

* Honorary.

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 coöperates 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 supplied to all members of The American Society of International Law without extra charge (except as indicated below). The annual subscription to nonmembers of the Society is \$7.50 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, manuscripts, and books for review should be sent to the Executive Secretary, 1826 Jefferson Place, N.W., Washington 6, D. C.

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 49

CONTENTS

1955

[No. 1, January, 1955, pp. 1-124; No. 2, April, 1955, pp. 125-294; No. 3, July, 1955, pp. 295-450; No. 4, October, 1955, pp. 451-607]

| PAGE |
|--|
| THE THIRTY-THIRD YEAR OF THE WORLD COURT. Manley O. Hudson 1 |
| CODIFICATION AND DEVELOPMENT OF INTERNATIONAL LAW. H. Lauterpacht 16 |
| THE "CONTRACTUAL AGREEMENTS" WITH THE FEDERAL REPUBLIC OF GERMANY. Joseph W. Bishop, Jr |
| THE FINAL ACT OF THE LONDON CONFERENCE ON GERMANY. Herbert W. Briggs 148 |
| REGIONAL ORGANIZATIONS: A UNITED NATIONS PROBLEM. Gerhard Bebr 166 |
| SEDENTARY FISHERIES AND THE AUSTRALIAN CONTINENTAL SHELF. D. P. O'Con- nell |
| THE UNITED NATIONS SECRETARIAT—SOME CONSTITUTIONAL AND ADMINISTRATIVE DEVELOPMENTS. Maxwell Cohen |
| THE CHINESE RECOGNITION PROBLEM. Quincy Wright |
| STATE RESPONSIBILITY IN THE LIGHT OF THE NEW TRENDS OF INTERNATIONAL LAW. F. V. García-Amador 339 |
| Some Recent French Decisions on the Relationship between Treaties and MUNICIPAL LAW. Louis C. Bial |
| RELATION OF INTERNATIONAL LAW TO INTERNAL LAW IN AUSTRIA. Ignaz Seidl- Hohenveldern |
| COMPENSATION FOR NATIONALIZED PROPERTY: BRITISH PRACTICE. Alfred Drucker. 477 |
| THE SUEZ CANAL BASE AGREEMENT OF 1954. Charles B. Selak, Jr 487 |
| AMERICAN CONSULAR JURISDICTION IN MOROCCO AND THE TANGIER INTERNATIONAL JURISDICTION. Kurt H. Nadelmann |
| THE SOVIET INTERPRETATION OF INTERNATIONAL LAW. W. W. Kulski 518 |
| EDITORIAL COMMENT: |
| Robert H. Jackson. William W. Bishop, Jr 44 |
| Charles Warren. Lester H. Woolsey 50 |
| Collective Security and the London Agreements. C. G. Fenwick 54 |
| Enemy Property. Philip C. Jessup 57 |
| Peace and War: Factual Continuum with Multiple Legal Consequences. Myres S. McDougal 63 |
| Identity of States under International Law. Josef L. Kunz |
| The London and Paris Agreements on West Germany. Josef L. Kunz 210 |
| The Monetary Gold Decision in Perspective. Covey T. Oliver 216 |
| The International Law Commission's 1954 Report on the Regime of the Ter- ritorial Sea. Philip C. Jessup |
| Preparation for Review of the United Nations Charter. Clyde Eagleton 229 |
| Membership and Representation in the United Nations. Pitman B. Potter 234 |
| The Meeting of Consultation of Foreign Ministers as a Procedure of Inter- American Collective Security. C. G. Fenwick |
| The Hydrogen Bomb Tests and the International Law of the Sea. Myres S. McDougal |

THE AMERICAN JOURNAL OF INTERNATIONAL LAW

| PAG | |
|--|-----|
| Executive Agreements and Emanations from the Fifth Amendment. Covey T. Oliver | 52 |
| "Treaty-Investor" Clauses in Commercial Treaties of the United States. Robert B. Wilson | |
| Pluralism of Legal and Value Systems and International Law. Josef L. Kunz. 37 | |
| | |
| The Realist Theory in Pyrrhic Victory. Myres S. McDougal | |
| The State Treaty with Austria. Josef L. Kunz 53 End of the Cold War? Pitman B. Potter 54 | |
| The Treaty of 1955 between the United States and Panama. C. G. Fenwick 54 | |
| Notes and Comments: | |
| Arthur K. Kuhn, a Patron of the Society. E. H. F | 77 |
| 49th Annual Meeting of the Society. E. H. F. | |
| International Law Association. Clyde Eagleton | |
| 46th Session of the Institute of International Law. Kaarel R. Pusta, Sr | |
| | 83 |
| Survey of Research in Progress on the Middle East. W. W. B | |
| Prizes in International Organization. E. H. F. | |
| Annual Meeting of the Society. E. H. F | |
| The Trieste Settlement and Human Rights. Egon Schwelb | |
| Twenty-Sixth Session of the Hague Academy of International Law. E. H. F 24 | |
| • | |
| Meeting of Inter-American Bar Association Officers. Wm. R. Vallance 24 Ford Foundation County Wm. W. Bishen Jr. | |
| Ford Foundation Grants. Wm. W. Bishop, Jr | |
| Resignation of Editor-in-Chief of the Journal | 19 |
| Commission and Advisory Committee on International Rules of Judicial Pro- cedure. Harry LeRoy Jones | 79 |
| Jamming and the Protection of Frequency Assignments. George A. Codding, Jr | 84 |
| International Bar Association. Gerald J. McMahon | |
| Annual Award Conferred on Judge Charles De Visscher | |
| The Manley O. Hudson Medal | |
| Eighth Annual Summer Institute on International Law | |
| Annual Meeting of the Society. Eleanor H. Finch | |
| Albert De Geouffre de La Pradelle. P. B. P | |
| Frederic R. Coudert. George A. Finch | |
| The Geneva Conventions of 1949 before the United States Senate. B. B. Baxter. 5. | |
| Immunity from Taxation of Real Property Owned by Delegations to the United | 00 |
| Nations. Robert Delson 5 | 55 |
| Attempts to Transmute Indemnity into Discharge of Claims in Executive Agree- ments. Michael H. Cardozo 5 | 60 |
| Organization of Central American States. Election of Secretary General. C. G. Fenwick | 63 |
| JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW. Oliver J. Lissitzyn | |
| BOOK REVIEWS AND NOTES 105, 271, 426, 5 | |
| BOOKS RECEIVED 119, 287, 438, 6 | |
| PERIODICAL LITERATURE OF INTERNATIONAL LAW 121, 289, 440, 6 | |
| INDEX | 508 |
| SUPPLEMENT SECTION OF DOCUMENTS. (Separately paged and indexed.) | |

iv