# PROCEEDINGS

#### OF THE

# American Society of International Law

## AT ITS

# FIFTY-SIXTH ANNUAL MEETING

#### HELD AT

# WASHINGTON, D. C.

# APRIL 26-28, 1962

PUBLISHED BY THE SOCIETY 2223 Massachusetts Avenue, N.W. WASHINGTON 8, D. C. 1962

#### Copyright © 1962 by

#### THE AMERICAN SOCIETY OF INTERNATIONAL LAW

It is the policy of the American Society of International Law not to take an official position, by resolution or otherwise, upon controversial questions. The views expressed in the addresses and remarks delivered at its annual meetings and appearing in its printed PROCEEDINGS are those of the individual speakers and are not to be taken as representing the views of the Society.

> LANCASTER PRESS, INC. LANCASTER, PA.

#### TABLE OF CONTENTS

PAGE

Officers and Committees for the Year 1962-1963	vi
Incorporation Act of September 20, 1950	viii
Resolution of April 28, 1951	xi
Constitution of the American Society of International Law	xii
Regulations of the Society	xv

## First Session

THURSDAY, APRIL 26, 1962, AT 2:30 P.M.

## PANEL I: DISARMAMENT

Address, "Enforcement of Disarmament: The Problem of the Re-	
sponse," by Roger D. Fisher	1
Comments:	
Richard A. Falk	12
John T. McNaughton	13
Richard J. Barnet	14
Discussion	15
Reporter: Lee R. Marks	

#### PANEL II: THE ANTI-TRUST LAWS OF THE EUROPEAN ECONOMIC COMMUNITY

Address, "The Substantive Law of Article 85 (1) of the Rome Treaty	
-The Case of 'Exclusive Dealing,' " by George Nebolsine	18
Address, "The Anti-Trust Laws of the Common Market Countries,"	
by Stefan A. Riesenfeld	27
Address, "Implementing the Anti-Trust Sections of the Rome Treaty,"	
by Louis B. Schwartz	39
Discussion	42
Reporter: Murray J. Belman	

#### Second Session

THURSDAY, APRIL 26, 1962, AT 8:30 P.M.

Address by President Arthur H. Dean	44
Address, "Observations on International Law in Underdeveloped	
Areas," by Francis Deak	54

#### Third Session

FRIDAY, APRIL 27, 1962, AT 10:00 A.M.

#### **Business Meeting**

In Memoriam	64
Report of Executive Director	72

#### PAGE

Reports of Committees:	AGE
Revision of the Constitution	72
Annual Awards	73
Selection of Honorary Members	73
Publications of the Department of State and the United Nations	73
Nominations	74
Resolution on Publications of the Department of State and the	
United Nations	74
Election of Officers	74

## Fourth Session

FRIDAY, APRIL 27, 1962, AT 2:30 P.M.

PANEL I: NEW DEVELOPMENTS IN INVESTMENT GUARANTIES	•
Address, "The Investment Guaranty Program of the United States,"         by Seymour J. Rubin         Address, "International Investment Guaranties: Possibilities and         Problems," by Aron Broches         Discussion         Reporter: Eliezer Ereli	77 81 87
PANEL II: THE UNITED NATIONS PROGRAM FOR THE CODIFICATION AND PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW-A CRITICAL APPRAISAL	
<ul> <li>Address, "Selected Problems of the United Nations Program for the Codification and Progressive Development of International Law," by Eugeniusz Wyzner</li> <li>Address, "United Nations Contribution to Developing International Law," by Ernest L. Kerley</li> </ul>	90 99
Comments:	100

Joyce Gutteridge, C.B.E.	106
Maxwell Cohen	107
Discussion	110
Reporter: Thomas T. F. Huang	

## Fifth Session

FRIDAY, APRIL 27, 1962, AT 8:30 P.M.

## International Aviation Policy: The Warsaw Convention, The Hague Protocol, and International Limitation of Liability

Address,	"The Wa	rsaw	Conven	tion	Today,"	by	Olive	er J. Lissit	tzyn		115
Address,	"Hiking	$\mathbf{the}$	Limits	$\mathbf{of}$	Liability	at	The	Hague,"	by	G.	
Nathan	n Calkins,	Jr.				• • •					120

**	AGE
Address, "Limitation of Liability for Aircraft Accidents in Inter-	
national Transportation: The Warsaw Convention and the Hague	
Protocol," by Stanley D. Metzger	128
Comments:	
Clifton J. Stratton, Jr.	125
George Buschmann	128
Discussion	132
Reporter: Jerry C. Trippe	

#### Sixth Session

SATURDAY, APRIL 28, 1962, AT 10:00 A.M.

#### The New Foreign Trade Proposals: Their Implications for International Trade Co-operation

Remarks by the Honorable Nicholas deB. Katzenbach	135
Address, "The Trade Expansion Act of 1962," by Robert Triffin	139
Remarks of Eugene L. Stewart	149
Discussion	152
Reporter: Knute E. Malmborg, Jr.	

#### Student Moot: Assessments Case, International Court of Justice

Duke International Law Society.

#### Annual Dinner

SATURDAY, APRIL 28, 1962, AT 7:00 P.M.

Remarks	of the	Toastm	aster					160,	171,	172
Address,	"The	United	Nations	Charter:	1945	and	1962,"	by	His	
$\mathbf{Excell}$	ency, M	r. Jame	s Plimso	<i>ll</i> , C.B.E.						162
LIST OF	Member	as			• • • • •					175
INDEX .										223