# THE AMERICAN JOURNAL OF INTERNATIONAL LAW



# VOLUME 50

### 1956

#### 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 © 1956 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 \* Berkeley, California HARDY C. DILLARD University of Virginia CLYDE EAGLETON New York University CHARLES G. FENWICK \* Washington, D. C. ALWYN V. FREEMAN Washington, D. C. Leo Gross Fletcher School of Law and Diplomacy

JOHN N. HAZARD Columbia University

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

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 New York, N. Y.

## 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

CONTENTS

**VOL.** 50

[No. 1, January, 1956, pp. 1–292; No. 2, April, 1956, pp. 293–466; No. 3, July, 1956, pp. 467–790; No. 4, October, 1956, pp. 791–1049]	
THE THIRTY-FOURTH YEAR OF THE WORLD COURT. Manley O. Hudson	PAGE 1
THE INTER-AMERICAN REGIONAL SYSTEM: FIFTY YEARS OF PROGRESS. Charles G. Fenwick.	18
CRAFTSMANSHIP IN INTERNATIONAL LAW. C. Wilfred Jenks	32
AUSTRIA'S PERMANENT NEUTRALITY AND THE UNITED NATIONS ORGANIZATION. Alfred Verdross	61
JOHN MARSHALL AND TREATY LAW. Edward Dumbauld	69
UTILIZATION OF INTERNATIONAL RIVERS IN THE MIDDLE EAST. Abraham M. Hirsch	81
THE AMERICAN SOCIETY OF INTERNATIONAL LAW 1906-1956. George A. Finch	293
THE LAWS OF WAR. Josef L. Kunz	313
TREATY STIPULATIONS IN FAVOR OF THIRD STATES. Eduardo Jimeńez de Aréchaga	338
ISLAM AND THE MODERN LAW OF NATIONS. Majid Khadduri	358
PROVISIONS ON COMPANIES IN U.S. COMMERCIAL TREATIES. Herman Walker, Jr	373
THE LEGAL POSITION OF TIBET. Tich-Tseng Li	394
THE STATUS OF FORMOSA AND THE CHINESE RECOGNITION PROBLEM. D. P. O'Connell	405
REFLECTIONS ON THE PRESENT PROSPECTS OF INTERNATIONAL ADJUDICATION. Charles De Visscher	467
SOME IMPACTS OF SOCIAL ORGANIZATION ON INTERNATIONAL LAW. W. Friedmann	475
THE PREVENTION OF AGGRESSION. Quincy Wright	514
THE PROBLEM OF THE INTERNATIONAL PERSONALITY OF INDIVIDUALS. Marek St. Korowicz	533-
UNITING FOR PEACE. Juraj Andrassy	563
THE "AMERICAN" ANTARCTIC. Robert D. Hayton	583
Soviet Attitude Towards the Acquisition of Territorial Sovereignty in the Antarctic. Peter A. Toma	611
PROGRESS TOWARDS UNIVERSALITY OF MEMBERSHIP IN THE UNITED NATIONS. Leo Gross	791
CONTINENTAL SHELF AND INTERNATIONAL LAW: CONFUSION AND ABUSE. Josef L. Kunz	828-
PERMANENT SOVEREIGNTY OVER NATURAL WEALTH AND RESOURCES. James N. Hyde	854
THE FOREIGN CLAIMS SETTLEMENT COMMISSION AND JUDICIAL REVIEW. Milo G. Coerper	868
THE NATURE AND SCOPE OF THE ARMISTICE AGREEMENT. Howard S. Levie	880
EDITORIAL COMMENT:	

iv

	PAGE
Communist China: Recognition and Admission to the United Nations. Pitman B. Potter	417
Austria's Permanent Neutrality. Josef L. Kunz	418
International Law Commission Draft Articles on Fisheries. <i>William W. Bishop, Jr.</i>	627
Has the Specter of Intervention Been Laid in Latin America? Charles G. Fenwick	636
Lawrence Preuss, 1905-1956. William W. Bishop, Jr.	907
`Pan American Discussions on Offshore Claims. Richard Young	90 <b>9</b>
Ferment or Revolution? Clyde Eagleton	916
The Local Remedies Rule: A Drafting Suggestion. Herbert W. Briggs	921
A Decade of New Commercial Treaties. Robert B. Wilson	927
NOTES AND COMMENTS:	
Address by the Honorable Green H. Hackworth	111
Some Problems of the Law of Diplomatic Immunity. David B. Deener	115
* The Limits of Swedish Territorial Waters. Torsten Gihl	120
The U.SCanadian Great Lakes Fisheries Convention. Charles B. Selak, Jr.	122
Annuaire Français de Droit International	129
50th Anniversary Meeting of the Society	130
Regional Meetings of the Society	130
International Investment Law Conference	132
SUPPLEMENT to the JOURNAL	134
50th Annual Meeting of the Society	426
Contribution to the Codification by the International Law Commission of the Law of State Responsibility. Yuen-li Liang	427
27th Session of the Hague Academy of International Law	429
Inter-American Academy of Comparative and International Law	430
L'Institut de Droit International at Granada. George A. Finch	640
Counterclaims against a Foreign Sovereign Plaintiff. Robert B. Looper	647
Article Twenty of Denmark's New Constitution. Stanley V. Anderson	654
The Study of International Law at the Naval War College. <i>Bear Admiral Thomas H. Bobbins, Jr., U.S.N.</i>	659
The Posthumous Fate of Alberico Gentili. Giorgio Del Vecchio	664
Manley O. Hudson Medal Conferred	667
50th Anniversary Meeting of the Society	668
Article 3, Regime of the Territorial Sea. Burdick H. Brittin	934
The Swedish-Soviet Territorial Sea Controversy in the Baltic. Gene Glenn	942
The European Commission on Human Rights. Denys P. Myers	949
The Panamanian Academy of International Law	951
Prizes Instituted by James Brown Scott	952
The Korean Journal of International Law. Paik-San Chie	952

	PAGE
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW. William W. Bishop, Jr., and Oliver J. Lissitzyn 135, 431, 674	, 954
BOOK REVIEWS AND NOTES 159, 443, 696	, 970
BOOKS RECEIVED 181, 460, 715	, 985
PERIODICAL LITERATURE OF INTERNATIONAL LAW 183, 462, 717	, 987
OFFICIAL DOCUMENTS:	
UNITED NATIONS. Report of the International Law Commission Covering the Work of Its Seventh Session, May 2-July 8, 1955	190
GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR. August 12, 1949	724
UNITED STATES DEPARTMENT OF STATE. Circular No. 175, December 13, 1955	784
COMMENTS BY CERTAIN GOVERNMENTS ON PROVISIONAL ARTICLES CONCERNING REGIME OF THE HIGH SEAS AND DRAFT ARTICLES ON REGIME OF THE TEREI- TOBIAL SEA ADOPTED BY THE UNITED NATIONS INTERNATIONAL LAW COMMIS- SION AT ITS SEVENTH SESSION IN 1955	992
INDEX	1050

V