# PROCEEDINGS

OF THE

# American Society of International Law

AT ITS

FIFTY-THIRD ANNUAL MEETING

HELD AT

WASHINGTON, D. C.

# APRIL 30-MAY 2, 1959

PUBLISHED BY THE SOCIETY 1826 JEFFERSON PLACE, N.W. WASHINGTON 6, D. C. 1959

#### Copyright © 1959 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

1	PAGE
Officers and Committees for the Year 1959–1960	vii
Incorporation Act of September 20, 1950	x
Resolution of April 28, 1951	xiv

## DIVERSE SYSTEMS OF WORLD PUBLIC ORDER TODAY

## First Session

## THURSDAY, APRIL 30, 1959, AT 2:30 P.M.

## Representative Systems of World Public Order Today

## PANEL I

Address, "Universality in Perspective," by Harold D. Lasswell	1
Address, "Representative Systems of Public Order Today," by Adda	
B. Bozeman	10
Address, "Western and Soviet Perspectives on International Law-A	
Comparison," by Oliver J. Lissitzyn	21.
Address, "Soviet Socialism as a Public Order System," by John N.	
Hazard	30-
Comments: Leon Lipson	41
Discussion	45
Reporter: Richard Bilder	

## PANEL II

Address, "The Islamic System : Its Competition and Co-Existence with	-
Western Systems," by Majid Khadduri	<b>49</b>
Address, "The Shi'i System: Its Conflict and Interaction with Other	
Systems," by R. K. Ramazani	53
Comments: Saba Habachy	<b>59</b>
Address, "The Latin American System," by His Excellency Julio A.	
Lacarte	<b>62</b>
Address, "The Political and Social Bases for the Latin American	
Doctrine of Non-Intervention," by Martin B. Travis, Jr.	68
Address, "Non-Intervention and Public Order in the Americas," by	
A. J. Thomas, Jr	72
Discussion	77
Reporter: Leo John Harris	

#### Second Session

## THURSDAY, APRIL 30, 1959, AT 8:30 P.M.

Award of Manley O. Hudson Medal to Lord McNair	81
Address, "The Challenge of Universality," by C. Wilfred Jenks	85
Address, "From Diversity to Unity: International Law in a Bipolar	
World," by Maxwell Cohen	98

Address (Demonstration fo		E
	r an International Law of Human Dignity," McDougal	7

#### Third Session

#### FRIDAY, MAY 1, 1959 AT 9:30 A.M.

### PANEL I: SECURITY PROBLEMS AMONG DIVERSE SYSTEMS OF WORLD PUBLIC ORDER

Address, "The Politics of Survival and the Bases of World Public	
Order," by William T. R. Fox	137
Address, "International Law and Civil Strife," by Quincy Wright	145
Address, "Conflicting Orders and the Appraisal of Resort to Coer-	
cion," by Florentino P. Feliciano	153
Comments: Richard R. Baxter	
Ruth C. Lawson	161
Discussion	166
Reporter : Barbara Burn	

PANEL II: DIVERSE SYSTEMS AND PRINCIPLES OF JURISDICTION	
Address, "The Grasp of Jurisdiction," by Kenneth S. Carlston	170
Address, "The Relevance of Contending Systems of Public Order to	
the Delimitation of Legal Competence," by Richard A. Falk	173
Comments: Breck P. McAllister	181
Louis Henkin	182
Discussion	183
Reporter: Ernest L. Kerley	

#### Fourth Session

## FRIDAY, MAY 1, 1959, AT 2:30 P.M.

PANEL I: THE ALLOCATION OF RESOURCES AND CONTENDING SYSTEMS	
Address, "Achievements at the Law of the Sea Conference," by	
Arthur H. Dean 1	186
Address, "Some Comments on the 1958 Conventions," by William T.	
Burke 1	197
Address, "Sharable and Strategic Resources: Outer Space, Polar	
Areas, and the Oceans," by Nicholas DeB. Katzenbach	206
Comments: Brunson MacChesney 2	212
Rear Admiral Chester Ward 2	212
Joseph Walter Bingham	213
Discussion	214
Reporter: Frank Boas	

PANEL II: HUMAN RIGHTS AMONG DIVERSE WORLD ORDERS Address, "The Influence of the Universal Declaration of Human Rights on International and National Law," by Egon Schwelb ...... 217

Address, "The Covenants on Human Rights: Basic Issues of Sub-	
stance," by Moses Moskowitz	230
Address, "Implementation of International Instruments on Human	
Rights," by Stanley Hoffmann	235
Address, "Human Rights among Diverse World Orders," by James	
Simsarian	<b>245</b>
Address, "Protection and Implementation of Human Rights within the	
Soviet Legal System," by Marek St. Korowicz	248
Discussion	251
Reporter: Martin Van Heuven	

## Fifth Session

## FRIDAY, MAY 1, 1959, AT 8:30 P.M.

PANEL I: ECONOMIC GROWTH AND TRADE AMONG COMPETITIVE SYSTEM	នេ
Address, "International Measures for the Promotion and Protection of	
Foreign Investment," by Richard N. Gardner	255
Address, "International Protection of Contractual Arrangements," by	
Stephen M. Schwebel	266
Address, "The Legal Framework of Trade between Planned and	
Market Economies: The Soviet-American Example," by Harold J.	
Berman	274
Comments: William L. Griffin	281
James N. Hyde	283
Leo M. Drachsler	284
Discussion	285
Reporter: Thorburn Reid, III	
PANEL II: DIVERSE SYSTEMS AND THE LAW OF TREATIES	
Address, "Treaty Powers in a Federal-Parliamentary System: Case of	
Canada," by David R. Deener	288
Address, "The Soviet Law of Treaties," by Jan F. Triska	294
Address, "Treaty Practice in Chile, Argentina, and Mexico," by Alona	
E. Evans	302
Comments: Gertrude C. K. Leighton	311
Covey T. Oliver	314
Wesley L. Gould	318
Discussion	322
Reporter: Julia Willis	

## Sixth Session

SATURDAY, MAY 2, 1959, AT 9:30 A.M.

## **Business Meeting**

In Memoriam	325
Reports of Committees:	
Committee on Annual Awards	329

P	AGE
Committee on Selection of Honorary Members	329
Committee on Study of Legal Problems of the United Nations	330
Committee on Publications of the Department of State and the	
United Nations	331
Committee on Finance	331
Committee on Nominations	332
Resolution on Publications of the Department of State and the United	
Nations	331
Election of Officers	332

## Annual Dinner

## SATURDAY, MAY 2, 1959, AT 7:00 P.M.

Remarks of the Toastmaster 335, 344, 349,	
Address, "Just Compensation in Expropriation Cases: Decline and	
Partial Recovery," by the Honorable Loftus E. Becker	336
Address, "The International Official in a Divided World," by Oscar	
Schachter	<b>3</b> 44
Address, "National Policy-Making in a Divided World," by the Hon-	
orable Henry M. Jackson	<b>3</b> 49

## Appendix

Report of Committee on Study of Legal Problems of the United	
NATIONS	354
Report of Committee on Publications of the Department of State	
and the United Nations	359
LIST OF MEMBERS	
INDEX	413