THE AMERICAN JOURNAL OF INTERNATIONAL LAW



VOLUME 62

1968

PUBLISHED BY

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

PUBLICATION OFFICE: LANCASTER PRESS, INC. LANCASTER, PA. 17604 EXECUTIVE AND EDITORIAL OFFICE: 2223 MASSACHUSETTS AVE., N.W. Washington, D.C. 20008

Copyright © 1968 by The American Society of International Law

BOARD OF EDITORS

Editor-in-Chief

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

RICHARD R. BAXTER Harvard Law School

HARDY C. DILLARD University of Virginia Law School

ALONA E. EVANS Wellesley College

RICHARD A. FALK Princeton University

ALWYN V. FREEMAN Detroit, Michigan

LEO GROSS Fletcher School of Law and Diplomacy, Tufts University

JOHN N. HAZARD Columbia University School of Law

LOUIS HENKIN Columbia University School of Law

JAMES NEVINS HYDE New York, N. Y. OLIVER J. LISSITZYN Columbia University BRUNSON MACCHESNEY Northwestern University Law School Myres S. McDougal Yale Law School STANLEY D. METZGER Washington, D. C. STEFAN A. RIESENFELD University of California Law School OSCAR SCHACHTER New York, N. Y. Stephen M. Schwebel Washington, D. C. Louis B. Sohn Harvard Law School ERIC STEIN University of Michigan Law School JOHN R. STEVENSON New York, N. Y.

RICHARD YOUNG Van Hornesville, N. Y.

Honorary Editors

HERBERT W. BRIGGS Cornell University 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 ROBERT R. WILSON Duke University QUINCY WRIGHT University of Virginia

Assistant Editor

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.

Membership in the Society is open to all persons of good moral character interested in the objectives of the Society. Membership dues are: Regular, \$15.00 for residents of the United States, \$10.00 for non-residents; professional, \$30.00; intermediate, \$10.00; student, \$5.00. Application forms and further information may be obtained from the Membership Secretary of the Society at the address given below.

The JOURNAL is published quarterly and is supplied to all members of The American Society of International Law without extra charge. The annual subscription to nonmembers of the Society is \$15.00 and includes subscription to the *Proceedings* of the Society. Available single numbers of the current volume of the JOURNAL will be supplied at \$3.50 per copy; other available back numbers at \$4.50 per copy.

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.

Subscriptions, orders for back numbers, correspondence with reference to the JOURNAL, manuscripts, and books for review should be sent to the Assistant Editor of the JOURNAL, 2223 Massachusetts Avenue, N.W., Washington, D. C. 20008.

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 62

CONTENTS

1968

[No. 1, January, 1968, pp. 1-314; No. 2, April, 1968, pp. 315-576; No. 3, July, 1968, pp. 577-825; No. 4, October, 1968, pp. 827-1029]

RHODESIA AND THE UNITED NATIONS: THE LAWFULNESS OF INTERNATIONAL CON- CERN. Myres S. McDougal and W. Michael Reisman	1 ·
COMMUNIST CHINA'S ATTITUDE TOWARD THE UNITED NATIONS. Hungdah Chiu	
and R. R. Edwards	20
THE LEGAL REGIME OF RUSSIAN TERRITORIAL WATERS. William E. Butler	51 ·
THE REVOCATION OF THE MANDATE FOR SOUTH WEST AFRICA. John Dugard DIPLOMATIC PRIVILEGES AND IMMUNITIES: A NEW REGIME IS SOON TO BE ADOPTED	78 98 ·
BY THE UNITED STATES. Leo J. Harris	98 .
VOTING IN THE SECURITY COUNCIL: ABSTENTION IN THE POST-1965 AMENDMENT PHASE AND ITS IMPACT ON ARTICLE 25 OF THE CHARTER. Leo Gross	315 ·
RHETORIC AND REALITY: A STUDY OF CONTEMPORARY OFFICIAL EGYPTIAN ATTI- TUDES TOWARD THE INTERNATIONAL LEGAL ORDER. Kathryn B. Doherty	335 •
THE NEXT STAGE IN THE DEVELOPMENT OF INTERNATIONAL MONETARY LAW: THE DELIBERATE CONTROL OF LIQUIDITY. Joseph Gold	365
LAW AND PEACEFUL CHANGE IN A SUBSYSTEM: "WITHDRAWAL" OF FRANCE FROM THE NORTH ATLANTIC TREATY ORGANIZATION. Eric Stein and Dominique	
Carreau	577
THE LEGAL REGIME OF THE DEEP-SEA FLOOP. Richard Young	641
CONSTITUTIONAL REVISION IN THE SPECIALIZED AGENCIES. Lester H. Phillips	654
BUSINESS AND TAX SERVICES. W. C. Brewer, Jr CIVIL AND POLITICAL RIGHTS: THE INTERNATIONAL MEASURES OF IMPLEMENTA-	679
TION. Egon Schwelb	827•
THE UNITED NATIONS SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION	0.00
AND THE PROTECTION OF MINORITIES. John P. Humphrey THE PROTECTION OF HUMAN RIGHTS BY THE ORGANIZATION OF AMERICAN STATES.	869 ·
José A. Cabranes	889 [,]
EDITORIAL COMMENT: Why Try Again to Define Aggression? John N. Hazard	701
Some Aspects of Soviet Influence on International Law. Alwyn V. Freeman	710
United Nations Machinery for Implementing Human Rights. Louis B. Sohn	909
Should the United States Ratify the Covenants? A Question of Merits. Not of	
Constitutional Law. Brunson MacChesney	912
DEVELOPMENTS IN THE LAW AND INSTITUTIONS OF INTERNATIONAL ECONOMIC RELATIONS:	
The Kennedy Round of Trade Negotiations. John B. Rehm	403
NOTES AND COMMENTS:	
Legal Advisers and International Organizations. Judge Sir Gerald Fitzmaurice June, 1967, Meeting of Society's Board of Review and Development. Bichard	114
W. Edwards, Jr	127
Report on Regional Conference in Denver, April 21, 1967. Ved. P. Nanda Computerized Data on General Assembly Resolutions. Samuel A. Bleicher	142
Computerized Data on General Assembly Resolutions. Samuel A. Bleicher	143
Chinese Institute of International Relations. Hungdah Chiu	144
International Association of Young Lawyers. Edward F. Farrell	$\begin{array}{c} 144 \\ 145 \end{array}$
62nd Annual Meeting of the Society. E.H.F.	145
Cumulative Index for 1941–1960	148
Institut de Droit International: Session of Nice, 1967. Herbert W. Briggs	435
A Special Chamber of the International Court of Justice—An Alternative to	200
ad hoc Arbitration. James N. Hude	439
Proceedings against Greece under the European Convention of Human Rights. Thomas Buergenthal	441
International Law as Environment for Municipal Litigation: The Chicago Di-	111
version Cases. Don C. Piper	451
The Dar-es-Salaam Seminar on International Law, 1967. Herbert W. Briggs.	454
A.B.A. National Institute on Marine Resources. Robert B. Krueger	456
De Facto and De Jure Recognition: Is There a Difference? Charles L.	
Cochran	457
Governments Charles L. Cochran	460
A New Initiative in Asian Legal Development—Lawasia. Barbara B. Burn	464
Annual Meeting of the American Society of International Law	469

	PAGE
Report of the Eleventh Annual Meeting of the Advisory Committee on "Forei	n
Relations of the United States." Robert B. Stewart	. 723
International Legal Status of Guantanamo Bay. Joseph Lazar	. 730
The Graduate Institute of International Studies. Pitman B. Potter	740
Duke International Law Society Biennial Conference and Southeastern 1	20-
gional Meeting. Ronald V. Shearin	742
gional Meeting. Longitud V. Shearin	742
Regional Meeting of the Society at Syracuse. Richard B. Lillich	743
James Brown Scott Society of International Law. Eleanor H. Finch	744
French Society of International Law. Eleanor H. Finch	745
China Institute of International Affairs. Chiping H. C. Kiang	746
Inter-American Bar Association. Eleanor H. Finch	746
Inter-American Seminar of Comparative Law. E.H.F.	747
Colombian Association of International Studies. E.H.F.	747
Pacific Law and Society Association. E.H.F.	748
62nd Annual Meeting of the American Society of International Law. Elean	or
H. Finch	
Increase in Subscription Price of the JOURNAL	753
Mrs. Franklin D. Roosevelt and the Human Rights Commission. Marjorie	100
Whiteman	
Political Refugees and the United States Immigration Laws. Alona E. Evans	
Soviet Union Warns United States against Use of Northeast Passage. Dor	
Pharand	927
UNCITRAL-A Sound Beginning. Robert Rosenstock	935
The "Genuine Link Doctrine" and Flags of Convenience. H. F. van Panhu	ys. 942
Footnote. Myres S. McDougal and William T. Burke	943
The Society's Southern Regional Meeting, 1968. Carl Q. Christol	. 944
The Society's Southern Regional Meeting, 1968. Carl Q. Christol James Brown Scott Prizes in International Law. E.H.F	946
U. S. CONTEMPORARY PRACTICE RELATING TO INTERNATIONAL LAW 149, 472,	754 048
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW. Alona	F
JUDICIAL DECISIONS INVOLVING SCESILONS OF INTERNATIONAL DAW. ACOM	19. 19. 070
Evans	10, 910
BOOK REVIEWS AND NOTES. Leo Gross 206, 514,	86, 993
BOOKS RECEIVED 240, 548, 8	11, 1017
OFFICIAL DOCUMENTS:	
UNITED NATIONS:	
Report of International Law Commission on Work of Its 19th Sessi	on,
<i>May 8-July 14, 1967</i> Security Council Resolutions 233, 234, 235, 236, 237 (1967) on Middle E	244
Security Council Resolutions 233, 234, 235, 236, 237 (1967) on Middle E	ıst
Conflict	303
General Assembly Resolutions 2252, 2253, 2254, 2256 (ES-V), 1967, on Mid	lle
East Conflict	305
DRAFT TREATY ON NON-PROLIFERATION OF NUCLEAR WEAPONS And 24 19	37. 308
DRAFT TREATY ON NON-PROLIFERATION OF NUCLEAR WEAPONS. Aug. 24, 19 FRANCE-UNITED STATES. Consular Convention, with Protocol and Exchange	∧f 000
Note- David July 10 106	01 551
Notes. Paris, July 18, 1966	551
on the Law of Treaties	
EUROPEAN AGREEMENT FOR THE PREVENTION OF BROADCASTS TRANSMITTED FR	M
STATIONS OUTSIDE NATIONAL TERRITORIES. Strasbourg, Jan. 22, 1965	
DRAFT TREATY ON NON-PROLIFERATION OF NUCLEAR WEAPONS. March 11, 19	<i>8.</i> 8 17
UNITED NATIONS GENERAL ASSEMBLY. Resolution 2312 (XXII) on Territor	ial
Asvlum. Dec. 14. 1967	822
VIENNA CONFERENCE ON THE LAW OF TREATIES. Statement of Professor My	es
S. McDougal, United States Delegation, to Committee of the Whole. Ar	ril
19 1968	1021
19, 1968 INTERNATIONAL LEGAL MATERIALS. Contents, Vol. VI, Nos. 5 and 6 (1967).
Vol. VII, Nos. 1–4 (1968)	1 1090
TUDE THE THE TELEVISION TO THE THE TELEVISION TO THE TELEVISION TA	1040
INDEX	·· T030