

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	OLIVER J. LISSITZYN Columbia University
PHILIP MARSHALL BROWN * Washington, D. C.	MYRES S. McDOUGAL Yale Law School
WILLIAM C. DENNIS * Richmond, Ind.	COVEY T. OLIVER University of California
EDWIN D. DICKINSON * University of Pennsylvania	PITMAN B. POTTER American University
CLYDE EAGLETON New York University	LAWRENCE PREUSS University of Michigan
CHARLES FAIRMAN Harvard Law School	EDGAR TURLINGTON Washington, D. C.
CHARLES G. FENWICK Washington, D. C.	JOHN B. WHITTON Princeton University
MANLEY O. HUDSON * Harvard University	ROBERT R. WILSON Duke University
PHILIP C. JESSUP Columbia University Law School	LESTER H. WOOLSEY * Washington, D. C.
HANS KELSEN * University of California	QUINCY WRIGHT University of Chicago
JOSEF L. KUNZ Toledo University	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 non-members 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. <i>Manley O. Hudson</i> .....	1
CODIFICATION AND DEVELOPMENT OF INTERNATIONAL LAW. <i>H. Lauterpacht</i> .....	16
THE "CONTRACTUAL AGREEMENTS" WITH THE FEDERAL REPUBLIC OF GERMANY. <i>Joseph W. Bishop, Jr.</i> .....	125
THE FINAL ACT OF THE LONDON CONFERENCE ON GERMANY. <i>Herbert W. Briggs</i> ...	148
REGIONAL ORGANIZATIONS: A UNITED NATIONS PROBLEM. <i>Gerhard Bebr</i> .....	166
SEDENTARY FISHERIES AND THE AUSTRALIAN CONTINENTAL SHELF. <i>D. P. O'Connell</i> .....	185
THE UNITED NATIONS SECRETARIAT—SOME CONSTITUTIONAL AND ADMINISTRATIVE DEVELOPMENTS. <i>Maxwell Cohen</i> .....	295
THE CHINESE RECOGNITION PROBLEM. <i>Quincy Wright</i> .....	320
STATE RESPONSIBILITY IN THE LIGHT OF THE NEW TRENDS OF INTERNATIONAL LAW. <i>F. V. García-Amador</i> .....	339
SOME RECENT FRENCH DECISIONS ON THE RELATIONSHIP BETWEEN TREATIES AND MUNICIPAL LAW. <i>Louis C. Bial</i> .....	347
RELATION OF INTERNATIONAL LAW TO INTERNAL LAW IN AUSTRIA. <i>Ignaz Seidl- Hohenveldern</i> .....	451
COMPENSATION FOR NATIONALIZED PROPERTY: BRITISH PRACTICE. <i>Alfred Drucker</i> .	477
THE SUEZ CANAL BASE AGREEMENT OF 1954. <i>Charles B. Selak, Jr.</i> .....	487
AMERICAN CONSULAR JURISDICTION IN MOROCCO AND THE TANGIER INTERNATIONAL JURISDICTION. <i>Kurt H. Nadelmann</i> .....	506
THE SOVIET INTERPRETATION OF INTERNATIONAL LAW. <i>W. W. Kulski</i> .....	518
EDITORIAL COMMENT:	
Robert H. Jackson. <i>William W. Bishop, Jr.</i> .....	44
Charles Warren. <i>Lester H. Woolsey</i> .....	50
Collective Security and the London Agreements. <i>C. G. Fenwick</i> .....	54
Enemy Property. <i>Philip C. Jessup</i> .....	57
Peace and War: Factual Continuum with Multiple Legal Consequences. <i>Myres S. McDougal</i> .....	63
Identity of States under International Law. <i>Josef L. Kunz</i> .....	68
The London and Paris Agreements on West Germany. <i>Josef L. Kunz</i> .....	210
The Monetary Gold Decision in Perspective. <i>Covey T. Oliver</i> .....	216
The International Law Commission's 1954 Report on the Regime of the Ter- ritorial Sea. <i>Philip C. Jessup</i> .....	221
Preparation for Review of the United Nations Charter. <i>Clyde Eagleton</i> .....	229
Membership and Representation in the United Nations. <i>Pitman B. Potter</i> .....	234
The Meeting of Consultation of Foreign Ministers as a Procedure of Inter- American Collective Security. <i>C. G. Fenwick</i> .....	235
The Hydrogen Bomb Tests and the International Law of the Sea. <i>Myres S. McDougal</i> .....	356

	PAGE
Executive Agreements and Emanations from the Fifth Amendment. <i>Covey T. Oliver</i> .....	362
"Treaty-Investor" Clauses in Commercial Treaties of the United States. <i>Robert B. Wilson</i> .....	366
Pluralism of Legal and Value Systems and International Law. <i>Josef L. Kunz</i> .	370
The Realist Theory in Pyrrhic Victory. <i>Myres S. McDougal</i> .....	376
The State Treaty with Austria. <i>Josef L. Kunz</i> .....	535
End of the Cold War? <i>Pitman B. Potter</i> .....	542
The Treaty of 1955 between the United States and Panama. <i>C. G. Fenwick</i> ...	543
 NOTES AND COMMENTS:	
Arthur K. Kuhn, a Patron of the Society. <i>E. H. F.</i> .....	77
49th Annual Meeting of the Society. <i>E. H. F.</i> .....	77
International Law Association. <i>Clyde Eagleton</i> .....	78
46th Session of the Institute of International Law. <i>Kaarel R. Pusta, Sr.</i> .....	80
Fourth International Congress of Comparative Law. <i>E. R. W.</i> .....	83
Survey of Research in Progress on the Middle East. <i>W. W. B.</i> .....	84
Prizes in International Organization. <i>E. H. F.</i> .....	85
Annual Meeting of the Society. <i>E. H. F.</i> .....	239
The Trieste Settlement and Human Rights. <i>Egon Schwelb</i> .....	240
Twenty-Sixth Session of the Hague Academy of International Law. <i>E. H. F.</i> ..	248
Meeting of Inter-American Bar Association Officers. <i>Wm. E. Vallance</i> .....	249
Ford Foundation Grants. <i>Wm. W. Bishop, Jr.</i> .....	252
Resignation of Editor-in-Chief of the <i>Journal</i> .....	379
Commission and Advisory Committee on International Rules of Judicial Procedure. <i>Harry LeRoy Jones</i> .....	379
Jamming and the Protection of Frequency Assignments. <i>George A. Coddington, Jr.</i> .....	384
International Bar Association. <i>Gerald J. McMahon</i> .....	388
Annual Award Conferred on Judge Charles De Visscher .....	389
The Manley O. Hudson Medal .....	389
Eighth Annual Summer Institute on International Law .....	390
Annual Meeting of the Society. <i>Eleanor H. Finch</i> .....	392
Albert De Geouffre de La Pradelle. <i>P. B. P.</i> .....	395
Frederic R. Coudert. <i>George A. Finch</i> .....	548
The Geneva Conventions of 1949 before the United States Senate. <i>E. R. Baxter.</i>	550
Immunity from Taxation of Real Property Owned by Delegations to the United Nations. <i>Robert Delson</i> .....	555
Attempts to Transmute Indemnity into Discharge of Claims in Executive Agreements. <i>Michael H. Cardozo</i> .....	560
Organization of Central American States. Election of Secretary General. <i>C. G. Fenwick</i> .....	563
 JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW. <i>Oliver J. Lissitzyn</i> .....	
	86, 254, 396, 565
BOOK REVIEWS AND NOTES .....	105, 271, 426, 587
BOOKS RECEIVED .....	119, 287, 438, 602
PERIODICAL LITERATURE OF INTERNATIONAL LAW .....	121, 289, 440, 604
INDEX .....	608
 SUPPLEMENT SECTION OF DOCUMENTS. (Separately paged and indexed.)	