

	<i>De Facto</i>	<i>De Jure</i>
17. Denmark	April 23, 1923. (Trade agreement)	June 18, 1924—Note.
18. Mexico	Diplomatic relations broken off January 23, 1930.	August 4, 1924—Memorandum.
*19. France		October 28, 1924—Telegram.
*20. Czechoslovakia	June 5, 1922. (Trade agreement)	
*21. Arabian Saudian Kingdom		March 30, 1924—Exchange of notes.
*22. Japan		January 20, 1925—Convention.
23. Iceland	(through Danish Legation at Moscow)	June 22, 1926—Note.
24. Uruguay		August 23, 1926—Note.
25. Yemen		November 1, 1928—Treaty.
26. Spain		July 28, 1933—Tel.

DIPLOMATIC RELATIONS AND THE U. S. S. R.

The action of the President of the United States in entering into diplomatic relations with the Union of Soviet Socialist Republics enlarges the range of types of governments to which the United States is sending diplomatic agents. While at times the Government of the United States has preferred or shown predilection for republics established and continued without measures of violence, the number of such states has been relatively few and it has become more and more necessary to disregard governmental pedigrees and names, and to accommodate national policies to facts, whether these be called republican, monarchical, fascist, socialist, or other.

The present constitution of the Union of Soviet Socialist Republics provides that in the supreme governing departments resides authority for conduct of international relations, conclusion of treaties, declaration of war, and conclusion of peace, control of foreign loans and certain lines of business, and from the exercise of these functions among others the U. S. S. R. excludes constituent states. The governmental functions of the Union of Soviet Socialist Republics have as a whole essentially economic bases. The land and its resources are under governmental control, and "the Soviet Power, which is international in its class character, calls the working masses of the Soviet Republic toward a unity of one socialist family."

The Soviet laws of 1918 aimed to abolish the usual gradation of diplomatic agents and to substitute the single grade of plenipotentiary representative, though later laws provide for *chargés d'affaires* and some late treaties provide for other grades. In some treaties it is stated that as foreign trade is vested in the Soviet Government, "the trade representative and his deputy are members of the diplomatic personnel," and enjoy "all rights and privileges accorded to members of diplomatic missions." From 1921 Soviet legislation showed a drift toward the recognition of generally established diplomatic practices as to

* Representative in Moscow on January 1, 1932.

methods, privileges, etc. In 1927 a large degree of reciprocity in treatment of diplomatic representatives was introduced, even extending to transit of representatives accredited to third states, freedom for cipher messages, couriers, and other exemptions in conformity with international law and custom. While the inviolability of the diplomatic agents' *hôtel* may be somewhat less complete than sometimes assumed, it seems adequate.

The extension of functions and immunities of consuls as representatives of the business affairs is a normal attitude when the state itself, as in the case of the U. S. S. R., conducts the business as well as the political affairs and in many respects does not distinguish between these, but the extension of consular authority to fields ordinarily considered political may, nevertheless, give rise to problems requiring special consideration.

At the Genoa Conference of 1922, it was affirmed by the Soviet delegation that,

from the point of view of law, Russia is in no wise obliged to pay the debts of the past, to restore property, or to compensate their former owners, nor is she obliged to pay indemnities for other damages suffered by foreign nationals, whether as a result of legislation adopted by Russia in the exercise of her sovereignty, or as a result of the revolutionary events.¹

There was, in fact, some relaxing of the rigid maintenance of this position, for in a letter to the Prime Minister of Great Britain, it was said,

The Russian Delegation wish also to make it clear, although it seems to be self-evident, that the Russian Government could not admit liability for the debts of its predecessors until it has been formally recognized *de jure* by the Powers concerned.²

To some extent it has now been recognized by the U. S. S. R. that as regards foreign property, the correlative rights and obligations of former governments should be recognized, though to what degree might be a matter of negotiation.

While in most respects the established technique of international relations has recently been in form followed by the Union of Soviet Socialist Republics, it remains to be seen how far the obligations usually assumed as operative under the conditions of normal diplomatic relations between states will be accepted as actually binding.

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BRITISH RECOGNITION *DE FACTO* AND *DE JURE* OF THE U. S. S. R.

The British Government made a distinction between recognition *de facto* and recognition *de jure* in entering upon its relations with what is now the Union of Soviet Socialist Republics. The trade agreement of March 16, 1921, between Great Britain and the R. S. F. S. R., was signed by R. S. Horne, President of the Board of Trade, and L. Krassin, the official agent of the Rus-

¹Papers relating to International Economic Conference, Genoa, April-May, 1922. Cmd. 1667, p. 43.

²*Ibid.*, p. 26.