PROCEEDINGS

OF THE

American Society of International Law

AT ITS

SIXTY-SECOND ANNUAL MEETING

HELD AT

WASHINGTON, D. C.

APRIL 25-27, 1968

PUBLISHED BY THE SOCIETY 2223 Massachusetts Avenue, N.W. WASHINGTON, D. C. 20008 1968 Copyright © 1968 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. 17604

TABLE OF CONTENTS

1	PAGE
Officers and Committees for the Year 1968–1969	vii
INCORPORATION ACT OF SEPTEMBER 20, 1950	xii
Resolution of April 28, 1951	xv
CONSTITUTION OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW	xvi
Regulations of the Society	xx

First Session

THURSDAY, APRIL 25, 1968, AT 2:15 P.M.

PANEL: IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL DECISIONS

Address, "Implementation and Enforcement of Decisions of Inter-	
national Organizations," by Blaine Sloan	1
Address, "The Enforcement of International Judgments," by W. M.	
Reisman	13
Comments:	
Claude Chayet	25
Henry G. Darwin	26
John Lawrence Hargrove	28
Discussion	30
Reporter: Lawrence H. Hoover, Jr.	

PANEL: THE TAKING OF PROPERTY: EVALUATION OF DAMAGES

Address by John G. Laylin	35
Comments:	
Frank Griffith Dawson	39
Ernest L. Kerley	41
Address, "The Taking of Property-Evaluation of Damages: A Com-	
ment," by Burns H. Weston	43
Comments:	
Hans W. Baade	47
Norman Mintz	49
Discussion	53
Reporter: Sheldon E. Hochberg	

Second Session

THURSDAY, APRIL 25, 1968, AT 8:15 P.M.

PANEL: AGGRESSION, WAR, AND NEUTRALITY UNDER THE UNITED NATIONS CHARTER

Address, "The Legal Irrelevance of the 'State of War'" by Elihu	
Lauterpacht	58
Address, "The Legal Consequences of the Unlawful Use of Force Un-	
der the Charter," by R. R. Baxter	68

PAGE

Comments:	
Carl F. Salans	75
Richard A. Falk	76
James F. Hogg	77
Richard S. Miller	78
Discussion	79
Reporter: Hope B. Ehrlich	

PANEL: THE UNITED NATIONS HUMAN RIGHTS COVENANTS: PROBLEMS OF RATIFICATION AND IMPLEMENTATION

Address, "The United Nations Human Rights Covenants: Problems of	
Ratification and Implementation," by Clarence Clyde Ferguson, Jr.	83
Address, "Human Rights Covenants," by George W. Haight	96
Comments:	
John Carey	103
Max Chopnick	105
William Korey	108
Egon Schwelb	110
Frank C. Newman	115
Address, "International Criminal Law and Human Rights: the Sharp	
Edge of the Sword," by Robert K. Woetzel	117
Discussion	11 8
Reporter: Stephen M. Boyd	

Third Session

FRIDAY, APRIL 26, 1968, AT 9:15 A.M.

PANEL: SECURITIES REGULATION: CONFLICT AND COMPARISON

Address, "Security Regulation: Economic Purposes," by Daniel H.	
Brill 1	124
Address, "Securities Regulation-A Comparison of Practice and Pur-	
pose," by Robert L. Knauss 1	131
Comments:	
Allan R. Roth 1	
Yvesandré Istel 1	147
William J. Schrenk, Jr 1	148
W. Arthur Stimpson 1	149
Discussion 1	153
Reporter: Patrick Heininger	

PANEL: THE PARTICIPATION OF MINISTATES IN INTERNATIONAL AFFAIRS

Address, "The Participation of Ministates in International Affairs,"	
by Jacques G. Rapoport	155
Address, "The Participation of Microstates in International Affairs,"	
by Roger Fisher	164

Comments:	
Moshen S. Esfandiary	170
Elizabeth Brown	179
Stanley de Smith	181
Discussion	184
Reporter: Alden L. Doud	

Fourth Session

FRIDAY, APRIL 26, 1968, AT 2:15 P.M.

PANEL:	T_{HE}	IMPACT	OF	FIFTY	YEARS	OF	Soviet	THEORY	AND	PRACTICE	ON
INTERNATIONAL LAW											

Address, "The Impact of Fifty Years of Soviet Theory and Practice	
on International Law," by Evgeny N. Nasinovsky	189
Address, "The View from Without," by George Ginsburgs	196
Comments :	
Alexander Yankov	203
Alwyn V. Freeman	208
Jerome A. Cohen	210
Discussion	212
Reporter: Eugene A. Massy	

PANEL: WHOSE IS THE BED OF THE SEA?

(Joint Session with the American Branch of the International Law Association)

Address by Ambassador Arvid Pardo	216
Address, "The Limits of the Continental Shelf-and Beyond," by	
Richard Young	229
Comments:	
Claiborne Pell	236
Francis T. Christy, Jr.	240
Ivan L. Head	241
Louis Henkin	243
Cecil J. Olmstead	246
Discussion	247
Reporter: Peter L. Wallin	

Fifth Session

SATURDAY, APRIL 27, 1968, AT 9:30 A.M.

Business Meeting

In memoriam	252
Report of Executive Director	257
Report of Committees:	
Annual Awards	257

	PAGE
Selection of Honorary Member	. 257
Publications of Department of State and United Nations	.258
Nominations	. 259
Election of Officers	. 259
,	

SATURDAY, APRIL 27, 1968, AT 2:15 P.M.

PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION: CASE CONCERNING PASSAGE THROUGH THE GULF OF AQABA

Judges: The Honorable Eric H. Hager, of the New York Bar; Leo Gr	·oss,
of the Fletcher School of Law and Diplomacy; Majid Khadduri, of	the
Johns Hopkins School of Advanced International Studies	
Finalists: Duke International Law Society v. Miami International Law	
Society	261

Annual Dinner

FRIDAY, APRIL 26, 1968, AT 7:15 P.M.

DIGE

	PAGE
Remarks of Toastmaster	262
Address by the President of the Society	263
Address by Ambassador Edvard Hambro	269
Address by the Honorable Nicholas deB. Katzenbach	274

Appendix

Report of Committee on Department of State and United Nations	
PUBLICATIONS	282
Report of Association of Student International Law Societies	295
Index	299