ratified by the United States and the United Kingdom. Whether and when they will be ratified by France and the Federal Republic and whether and when the European Defense Community Treaty will be ratified by the six participating states, particularly by the Federal Republic, and more particularly by France, is, at this time, still on the knees of the gods.

JOSEF L. KUNZ

ANGLO-IRANIAN OIL CO. CASE (JURISDICTION)

The judgment of the International Court of Justice in the case of *The United Kingdom* v. *Iran,* rendered on July 22, 1952,[1] holds several points of interest for students of international law and international judicial settlement, although it inevitably constituted, as do all decisions denying or forswearing jurisdiction, something of an anticlimax. The judgment may not amount to the last word of the Court on this problem moreover, just as it had been preceded by an earlier action of the Court in the form of an order of provisional measures (July 5, 1951) under Article 41 of the Statute of the Court.[2]

The case arose in general, as is well known, out of action taken by the state of Iran in the spring of 1951 designed to confiscate the properties of the Anglo-Iranian Oil Company and the efforts of Great Britain to protect the company, its national. In the provisional measures case an effort was made to preserve the *status quo* pending a decision on the merits in the substantive question. The instant case was argued in the month of June, 1952, and the judgment rendered on July 22. The Court, by a vote of nine to five, found that it had no jurisdiction in the case; it also accordingly ruled that its order of provisional measures ceased to be operative.

The Iranian argument in denial of the jurisdiction of the Court rested upon a provision adopted at the time of their acceptance of the obligatory jurisdiction of the Court (1932),[3] appearing to stipulate that such jurisdiction should only apply to disputes arising after the ratification of their acceptance "with regard to situations or facts relating directly or indirectly to treaties or conventions accepted by Persia and (*sic*) subsequent to" that acceptance.[4] No treaty had been concluded with Great Britain subsequent to the acceptance; the crucial item was the Anglo-Iranian concession of April 29, 1933. The British claimed that earlier (1857, 1903) treaties giving them most-favored-nation treatment brought into play a treaty between Iran and Denmark of 1934 protecting nationals of the parties

[1] I.C.J. Reports, 1952, p. 93; this JOURNAL, Vol. 46 (1952), p. 737. To be cited as in the title of this comment.

[2] I.C.J. Reports, 1951, p. 89; this JOURNAL, Vol. 45 (1951), p. 789; commented on *ibid.*, p. 723.

[3] At that time the Permanent Court of International Justice; see Statute of the present Court, Art. 36 (5).

[4] I.C.J. Reports, 1952, p. 98.

against any violation of international law.[5] There was also some attempt made to portray the concession of 1933 as a treaty.

The Court did not feel able to admit that the combination of the treaties of 1857 and 1903 with that of 1934 could serve to avert the Iranian reservation and it could not regard the concession as a treaty. Sir Arnold McNair, who yielded the Presidency of the Court, under Article 13 of its Rules, to Sr. Guerrero, filed an individual opinion which sustained the Court's denial of the British demands, though for slightly different reasons. Judge Hackworth rendered a minority opinion in favor of the British case, as did Judges Alvarez, Carneiro, and Reed.

It is not our task to commend or criticize at length the decision of the Court or its reasoning. They both seem rather orthodox. Judge Hackworth's main point was that the Iranian Government had not formally filed, at the time of its acceptance of the obligatory jurisdiction of the Court, a reservation in terms of its public law of June 14, 1931, confining application of its acceptance to later disputes, thus leaving other states to learn such reservation from other sources. This point undoubtedly has some weight, but the Court did not feel that, under all the circumstances, it was sufficient; the type of reservation was very familiar at the time and was not invariably made part of the deposit of acceptance. Judge Hackworth also argued that the treaty of 1857 really became operative, or at least operated, in 1934 and therefore post-dated the acceptance, but this idea likewise failed to win the approval of the Court.

From a juridical viewpoint this seems to be a rather commonplace and technical decision and a sound one. The highly political circumstances surrounding the case cannot alter this fact. Even if, as is hoped in some quarters, it proves possible to secure Iranian consent to voluntary submission of the case on its merits, there do not promise to emerge any very novel or sensational legal principles or rulings. There might, indeed, eventuate a decision in favor of fair compensation for nationalized property, but this would be nothing new, nor would Iranian reluctance to comply with such a decision. This is, of course, wholly conjectural. In the instant case the Court behaved normally and encourages a belief in its growing stability and authority.

PITMAN B. POTTER

DR. SCHWARZENBERGER'S *POWER POLITICS*

The new, substantially rewritten and much enlarged edition of Dr. Schwarzenberger's *Power Politics*[1] raises issues much too fundamental to

[5] *Ibid.*, p. 100.

[1] *Power Politics. A Study of International Society.* (Second Revised Edition.) By Georg Schwarzenberger. Published under the auspices of the London Institute of World Affairs. New York: Frederick A. Praeger, Inc., 1951. pp. xxxi, 898. Bibliographies. Index. $12.75.