

# INTERNATIONAL LAW REPORTS

Volume

66

EDITED

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## PREFACE

Volumes 63-65 of these *Reports* were devoted exclusively to decisions concerning sovereign immunity. While Volume 63, containing the decisions of the United States courts on that subject, was in preparation it became apparent, for reasons stated in the Preface to that volume, that it would not be possible to include many decisions concerning the act of State doctrine. Their exclusion was a matter of regret since some of these decisions, such as that of the Supreme Court in *Alfred Dunhill Inc. v. Republic of Cuba*, have important repercussions for the doctrine of sovereign immunity. Instead, it was decided to publish these decisions in Volume 66. The present volume therefore contains some 500 pages of decisions on the United States act of State doctrine, ranging in date from 1968 to 1982. Later decisions concerning sovereign immunity or the act of State doctrine will appear in subsequent volumes. In addition, the present volume contains certain decisions of the United States courts which are connected with the decisions on the act of State doctrine, or which raise points concerning that doctrine, even though their main importance is in relation to other aspects of international law.

The remainder of the present volume is devoted to the award—of wide ranging importance—in the arbitration between the Government of Kuwait and the American Independent Oil Company.

The decisions of the State courts, the Federal District Courts and the Federal Court of Appeals in the United States have been photographically reproduced by kind permission of the West Publishing Company, to whom we are most grateful. We also extend our thanks to the Lawyers Co-operative Publishing Company for their permission to reproduce the judgments of the Supreme Court of the United States.

The collection and preparation of the cases for this volume was carried out by Mr C. J. Greenwood, with the assistance of Mrs J. Paton, Miss S. Morris, Mr R. Edmonds, Mr R. Pirrie, Mr B. Wolfe and Mr R. Yochelson. The Index and Table of Cases have been compiled by Mrs J. Kornhauser. The Table of Treaties is the work of Mr H. Schade who also gave much general assistance in putting the volume through the press. Mrs S. Rainbow, my secretary, and Mrs S. Greenwood have spent many hours preparing the typescripts. The volume has been printed, with their usual care, by the Gomer Press. To all the above, I express my warmest thanks.

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*June 1984*

## EDITORIAL NOTE

The *International Law Reports* endeavour to provide within a single series of volumes comprehensive access in English to judicial materials bearing on public international law. On certain topics it is not always easy to draw a clear line between cases which are essentially ones of public international law interest and those which are primarily applications of special domestic rules. For example, in relation to extradition, the *Reports* will include cases which bear on the exception of "political offences" or the rule of double criminality, but will restrict the number of cases dealing with purely procedural aspects of extradition. Similarly, while the general rules relating to the admission and exclusion of aliens, especially of refugees, are of international legal interest, cases on the procedure of admission usually are not. In such borderline areas, and sometimes also where there is a series of domestic decisions all dealing with a single point in essentially the same manner, only one illustrative decision will be printed and references to the remainder will be given in an accompanying note.

### DECISIONS OF INTERNATIONAL TRIBUNALS

The *Reports* seek to include so far as possible the available decisions of every international tribunal, e.g. the International Court of Justice or *ad hoc* arbitrations between States. There are, however, some jurisdictions to which full coverage cannot be given, either because of the large number of decisions (e.g. the European Commission of Human Rights or the Administrative Tribunal of the United Nations) or because not all the decisions bear on questions of public international law (e.g. the Court of the European Communities). In these instances, those decisions are selected which appear to have the greatest long-term value.

### DECISIONS OF NATIONAL TRIBUNALS

A systematic effort is made to collect from all national jurisdictions those judicial decisions which have some bearing on international law.

### EDITORIAL TREATMENT OF MATERIALS

The basic policy of the Editor is, so far as possible, to present the material in its original form. It is no part of the editorial function to impose on the decisions printed in these volumes a uniformity of approach or style which they do not possess. Editorial intervention is limited to the introduction of the summary and of the bold-letter rubric at the head of each case. This is followed by the full text of the original decision or of its translation. Normally, the only passages which will be omitted are those which contain either statements of

fact having no bearing on the points of international law involved in the case or discussion of matters of domestic law unrelated to the points of international legal interest. The omission of material is usually indicated either by a series of dots or by the insertion of a sentence in square brackets noting the passages which have been left out.

#### PRESENTATION OF MATERIALS

The material in this volume is of two kinds, material reproduced photographically and material which has been freshly set for this volume.

*Material photographically reproduced.* This consists exclusively of reports originally printed in the English language. The material can usually be recognized by the differences between its type-style and the Baskerville type otherwise used in these *Reports*. The source of the material is identified by the reference to "Report" in square brackets at the end of the case. Where more than one citation is given, the report used is the one first listed. The bold type figures in square brackets in the inner margin of each page refer to the pagination of the original report. The smaller figures in square brackets in the margins of these cases are the indicators of footnotes which have been editorially introduced.

*Other material.* The remaining material in the volume has been typeset for this volume. This includes all material specially translated into English for these *Reports* as well as some material in English which in its original form was not suitable for photo-reproduction. The source of all such material is indicated by the reference to the "Report" in square brackets at the end of the case. The language of the original decision is also mentioned there. The bold figures in square brackets in the body of the text indicate the pagination of the original report. Small figures in square brackets within the text are indicators of footnotes which have been editorially introduced.

#### NOTES

*Footnotes.* Footnotes enclosed in square brackets are editorial insertions. All other footnotes are part of the original report.

*Other notes.* References to cases deemed not to be sufficiently substantial to warrant reporting will occasionally be found in editorial notes either at the end of a report of a case on a similar point or under an independent heading.

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# TABLE OF CONTENTS

[See also CLASSIFICATION]

	PAGE
PREFACE .....	v
EDITORIAL NOTE.....	vii
ADVISORY COMMITTEE.....	ix
CLASSIFICATION .....	xiii
TABLE OF CASES (alphabetical).....	xxv
TABLE OF CASES (according to courts and countries).....	xxvii
TABLE OF TREATIES.....	xxix
PART I	
INTERNATIONAL LAW IN GENERAL.....	1
PART II	
STATES AS INTERNATIONAL PERSONS.....	4
PART III	
STATE TERRITORY.....	486
PART IV	
JURISDICTION.....	487
PART V	
STATE RESPONSIBILITY.....	514
PART VI	
THE INDIVIDUAL IN INTERNATIONAL LAW.....	629
PART VII	
DIPLOMATIC AND CONSULAR INTERCOURSE AND PRIVILEGES...	—
PART VIII	
TREATIES .....	—
PART IX	
INTERNATIONAL ORGANIZATION AND ADMINISTRATION.....	—

	<i>Page</i>
PART X	
DISPUTES.....	630
PART XI	
WAR AND NEUTRALITY.....	631
<hr/>	
INDEX.....	633



# CLASSIFICATION

## PART I

### INTERNATIONAL LAW IN GENERAL

	<i>Page</i>
I. NATURE AND BINDING FORCE . . . . .	1
II. SOURCES . . . . .	1
(See also Part X: A, I, ii.)	
III. SUBJECTS OF INTERNATIONAL LAW . . . . .	—
(See also Part VI: A; and Part VIII: B, VII.)	
IV. RELATION TO MUNICIPAL LAW . . . . .	2
(See also Part VIII: B, VII; and Part VI: A.)	
V. INTERNATIONAL COMITY . . . . .	2
VI. MISCELLANEOUS . . . . .	—

## PART II

### STATES AS INTERNATIONAL PERSONS

A. IN GENERAL . . . . .	4
I. THE BEGINNING OF STATE EXISTENCE . . . . .	—
(For Recognition see below, D.)	
II. SOVEREIGNTY AND INDEPENDENCE . . . . .	4
i. In Foreign Relations . . . . .	—
(See also below, IV; Part IV; and Part VIII: D, II.)	
ii. In Matters of Domestic Jurisdiction . . . . .	4
iii. Conduct of Foreign Relations. Conclusiveness of Statements of the Executive . . . . .	4
iv. Waiver of Rights. Estoppel . . . . .	—
III. EQUALITY OF STATES . . . . .	—
IV. RECOGNITION OF ACTS OF FOREIGN STATES AND GOVERN- MENTS . . . . .	5
(See also below, D; and Part IV; A, I.)	
V. CONTINUITY OF STATES . . . . .	—
(See also below, E.)	
VI. EXTINCTION OF STATES . . . . .	484
B. COMPOSITE AND DEPENDENT STATES AND TERRITORIES . . . . .	485
I. UNIONS OF STATES . . . . .	
i. Federal States and Confederations . . . . .	—
ii. Other Unions (including Customs Unions) . . . . .	—
II. BRITISH COMMONWEALTH OF NATIONS . . . . .	—
III. PROTECTED STATES AND PROTECTORATES. DEPENDENT STATES . . . . .	485

	<i>Page</i>
IV. MANDATED AND TRUST TERRITORIES . . . . .	—
i. Sovereignty over Mandated and Trust Territories. Status of Mandated and Trust Territories . . . . .	—
ii. Rights and Duties of the Administering Authority . . . . .	—
iii. Rights and Duties of the Supervisory Authority. . . . .	—
iv. Equality of Opportunity . . . . .	—
v. Nationality in Mandated and Trust Territories . . . . .	—
vi. Other Matters . . . . .	—
C. NEUTRALIZATION AND DEMILITARIZATION . . . . .	—
D. RECOGNITION	
<i>(See also above, A, IV; and Part IV: A, I.)</i> . . . . .	—
I. OF STATES . . . . .	—
II. OF GOVERNMENTS . . . . .	—
III. OF INSURGENCY . . . . .	—
IV. OF BELLIGERENCY . . . . .	—
V. OF ANNEXATION . . . . .	—
VI. CONDITIONAL RECOGNITION . . . . .	—
VII. IMPLIED RECOGNITION . . . . .	—
VIII. WITHDRAWAL OF RECOGNITION . . . . .	—
E. STATE SUCCESSION . . . . .	485
I. SUCCESSION TO RIGHTS . . . . .	—
II. SUCCESSION WITH REGARD TO CONTRACTUAL AND OTHER OBLIGATIONS AND CONCESSIONS . . . . .	485
III. THE PUBLIC DEBT. PENSIONS . . . . .	—
IV. SUCCESSION WITH REGARD TO OBLIGATIONS FOR DELIN- QUENCIES (TORTS) . . . . .	—
V. RESPECT FOR PRIVATE RIGHTS . . . . .	—
VI. UPON TERMINATION OF A REBELLION . . . . .	—
VII. INTERNATIONAL CONVENTIONS . . . . .	—
VIII. IN MATTERS OF ADMINISTRATION. OFFICIALS . . . . .	—
IX. CONTINUITY OF THE LAW. JUDGMENTS OF COURTS. PENDING ACTIONS . . . . .	—
X. IN MATTERS OF EXTRADITION . . . . .	—
F. SUCCESSION OF GOVERNMENTS . . . . .	—
I. IN GENERAL . . . . .	—
II. UPON TERMINATION OF A REBELLION . . . . .	—
G. MISCELLANEOUS . . . . .	—

### PART III

## STATE TERRITORY

	<i>Page</i>
A. IN GENERAL . . . . .	—
I. NATURE OF TERRITORIAL SOVEREIGNTY . . . . .	—
II. ACQUISITION OF TERRITORIAL SOVEREIGNTY . . . . .	—
i. Accretion and Accession . . . . .	—
ii. Occupation. Discovery. The Principle of Contiguity . . . . .	—
iii. Cession . . . . .	—
iv. Prescription . . . . .	—
v. Conquest and Annexation . . . . .	—
III. LOSS OF TERRITORIAL SOVEREIGNTY . . . . .	—
IV. EFFECTS OF CHANGES OF SOVEREIGNTY . . . . .	—
(See also Part II: E.)	
V. OCCUPATION OF FOREIGN TERRITORY IN TIME OF PEACE . . . . .	—
VI. INTERNATIONAL LEASES AND GRANTS IN PERPETUITY . . . . .	—
VII. SOVEREIGNTY OVER THE AIR . . . . .	—
i. Air Navigation Conventions . . . . .	—
ii. Wireless Telegraphy, Telephony, etc. . . . .	—
(See also Part XI: D.)	
B. PARTS OF STATE TERRITORY . . . . .	486
I. BOUNDARIES . . . . .	—
i. Land Boundaries . . . . .	—
ii. Water Boundaries . . . . .	—
II. RIVERS . . . . .	—
i. National Rivers . . . . .	—
ii. Multi-national Rivers . . . . .	—
iii. International Rivers . . . . .	—
(a) The Principle of Freedom of Navigation on International Rivers . . . . .	—
(b) Functions and Competence of International Commissions on International Rivers . . . . .	—
iv. Utilization of the Flow of Non-National and International Rivers . . . . .	—
III. TERRITORIAL WATERS . . . . .	—
i. Nature of the Maritime Belt . . . . .	—
ii. Breadth and Delimitation of the Maritime Belt. Base Lines. Islands. Subsoil of Territorial Waters . . . . .	486
iii. Jurisdiction in the Maritime Belt . . . . .	—
iv. Innocent Passage . . . . .	—
v. Coasting Trade and Fisheries . . . . .	—
(See also Part IV: A, I.)	
IV. NATIONAL WATERS . . . . .	—
V. CONTINENTAL SHELF . . . . .	486
VI. STRAITS . . . . .	—
VII. BAYS . . . . .	—
VIII. INTERNATIONAL CANALS . . . . .	—
IX. LAKES AND LAND LOCKED SEAS . . . . .	—
X. ISLANDS . . . . .	—
XI. STATE SERVITUDES . . . . .	—

XII. DEMILITARIZED ZONES . . . . .	—
C. MISCELLANEOUS . . . . .	486

## PART IV

### JURISDICTION

A. IN GENERAL. TERRITORIAL AND PERSONAL . . . . .	487
I. TERRITORIAL . . . . .	487
i. Over Territory in general and Persons and Property Situated therein. Territorial Limits of Jurisdiction. Expropriation of Alien Property . . . . .	487
(See also Part II: A, IV, and D.)	
ii. Jurisdiction over Foreigners . . . . .	—
iii. Over Ports and National Waters . . . . .	—
(See also Part III: B, III.)	
iv. At the Maritime Frontier. Hovering Laws . . . . .	—
(See also below, C.)	
v. Coasting Trade . . . . .	—
vi. Fisheries . . . . .	—
vii. Continental Shelf . . . . .	—
(See also Part III: B, V.)	
viii. Exemptions from and Restrictions upon Territorial Jurisdiction . . . . .	505
(a) Foreign States . . . . .	505
(See also Part II: A, II, iii.)	
(b) Heads of Foreign States . . . . .	—
(c) Public Ships and Other Property of Foreign States . . . . .	—
(d) Foreign Armed Forces . . . . .	—
(e) International Organizations . . . . .	—
ix. Irregular Apprehension . . . . .	—
II. PERSONAL . . . . .	513
i. Over Nationals in respect of Crimes Committed Abroad . . . . .	513
ii. Over Nationals Abroad or on the High Seas and their Property Abroad . . . . .	—
B. EXTRATERRITORIAL JURISDICTION: CONSULAR JURISDICTION. REGIME OF CAPITULATIONS . . . . .	—
C. HIGH SEAS . . . . .	—
I. CONCEPTION OF THE HIGH SEAS AND FREEDOM OF THE SEA . . . . .	—
II. JURISDICTION ON THE HIGH SEAS . . . . .	—
i. For Ensuring the Safety of Traffic. Collisions. Salvage. Pollution of the High Seas . . . . .	—
ii. For Enforcement of International Conventions. Slave Trade . . . . .	—
iii. Visit, Search and Arrest by Men-of-War in Time of Peace . . . . .	—
iv. The Law Covering the Flag. Ship's Papers . . . . .	—
v. The Right of Pursuit . . . . .	—
vi. For Enforcement of Hovering, Revenue and Other Municipal Laws . . . . .	—
vii. Piracy . . . . .	—
(See also Part III: B, III, VI and VII.)	
III. SUBMARINE CABLES . . . . .	—
D. THE AIR SPACE . . . . .	—
E. MISCELLANEOUS . . . . .	—

## PART V

### STATE RESPONSIBILITY

	<i>Page</i>
<b>A. NATURE AND KINDS OF STATE RESPONSIBILITY</b>	<b>514</b>
I. IN GENERAL. ABSOLUTE RESPONSIBILITY AND RESPONSIBILITY BASED ON FAULT . . . . .	—
II. FOR BREACHES OF TREATY OBLIGATIONS . . . . .	—
III. FOR TAKING OF, OR INTERFERENCE WITH, PROPERTY . . . . .	514
IV. FOR REVOCATION OF, OR INTERFERENCE WITH, CONCESSIONS OR CONCESSIONARY CONTRACTS . . . . .	518
V. FOR DEBTS . . . . .	—
VI. FOR OTHER BREACHES OF CONTRACTUAL OBLIGATIONS . . . . .	—
VII. FOR WRONGS UNCONNECTED WITH CONTRACTUAL OBLIGATIONS	
i. Acts and Omissions of State Organs and Officials	
(a) Denial of Justice. Exhaustion of Legal Remedies . . . . .	—
(b) Executive Action or Inaction . . . . .	—
(c) Connected with Legislation . . . . .	—
(d) Plea of Non-discrimination against Foreigners . . . . .	—
(See also Part IV: A, I, i.)	
ii. Acts of Insurgents, Rioters and Private Individuals in general . . . . .	—
VIII. FOR ACTS OR OMISSIONS OF REVOLUTIONARY OR DE FACTO GOVERNMENTS . . . . .	—
IX. MISCELLANEOUS . . . . .	—
<b>B. CLAIMS</b>	
I. IN GENERAL . . . . .	—
II. NATIONALITY OF CLAIMS . . . . .	—
III. ASSIGNMENT OF CLAIMS . . . . .	—
IV. STATE CONTROL OVER PRIVATE CLAIMS . . . . .	—
V. MISCELLANEOUS . . . . .	—
<b>C. PRESCRIPTION (EXTINCTIVE PRESCRIPTION)</b>	
I. BEFORE INTERNATIONAL TRIBUNALS . . . . .	—
II. EFFECT OF MUNICIPAL STATUTES OF LIMITATION . . . . .	—
III. EFFECT OF WAR . . . . .	—
<b>D. DAMAGES (MEASURE OF DAMAGES)</b>	
I. AWARD OF DAMAGES IN GENERAL. GROUNDS FOR AWARDING DAMAGES . . . . .	628
II. INDIRECT DAMAGES AND DAMAGES FOR LOSS OF PROFITS . . . . .	—
III. PUNITIVE AND EXEMPLARY DAMAGES . . . . .	—
<b>E. INTEREST</b>	
I. IN GENERAL . . . . .	628
II. RATE OF INTEREST. COMPOUND INTEREST . . . . .	628
III. THE <i>DIES A QUO</i> . THE <i>DIES AD QUEM</i> . . . . .	628
<b>F. MISCELLANEOUS</b> . . . . .	—

## PART VI

## THE INDIVIDUAL IN INTERNATIONAL LAW

	<i>Page</i>
A. IN GENERAL . . . . .	—
I. POSITION OF INDIVIDUALS IN INTERNATIONAL LAW. HUMAN RIGHTS AND FREEDOMS . . . . .	—
(See also Part I: IV; and Part VIII: B, VII.)	
II. BEFORE INTERNATIONAL TRIBUNALS . . . . .	—
B. NATIONALITY . . . . .	—
I. IN GENERAL. PROOF OF NATIONALITY . . . . .	—
II. ACQUISITION OF NATIONALITY. NATIONALITY AS AFFECTED BY CHANGE OF SOVEREIGNTY . . . . .	—
III. AS DETERMINING THE RIGHT OF PROTECTION OF CITIZENS ABROAD . . . . .	—
(See also Part V: A, and B, II.)	
IV. PROTECTED PERSONS AND DE FACTO SUBJECTS . . . . .	—
V. NATURALIZATION . . . . .	—
VI. EXPATRIATION. LOSS OF NATIONALITY . . . . .	—
VII. DENATIONALIZATION . . . . .	—
VIII. DOUBLE NATIONALITY . . . . .	—
IX. NATIONALITY OF MARRIED WOMEN . . . . .	—
X. OPTION . . . . .	—
XI. STATELESSNESS . . . . .	—
XII. NATIONALITY OF CORPORATIONS . . . . .	—
(See also Part XI: A, VI.)	
C. ALIENS . . . . .	629
I. ADMISSION OF ALIENS . . . . .	—
II. POSITION OF ALIENS . . . . .	629
i. Subjection to Territorial Sovereignty of the Receiving State . . . . .	—
ii. Protection by the National State . . . . .	—
iii. Treatment by and Responsibilities of the Receiving State . . . . .	—
(See also Part V.)	
iv. Plea of Non-discrimination . . . . .	629
(See also Part V.)	
v. Respect for Property. Expropriation . . . . .	—
(See also Part IV: A, I.)	
III. EXPULSION OF ALIENS . . . . .	—
i. Right of Expulsion . . . . .	—
ii. Procedure of Expulsion . . . . .	—
D. EXTRADITION . . . . .	—
I. IN GENERAL . . . . .	—
II. EXTRADITION OF NATIONALS . . . . .	—
III. CONDITIONS OF EXTRADITION. EXTRADITABLE CRIMES . . . . .	—

	<i>Page</i>
IV. PROCEDURE OF EXTRADITION . . . . .	—
V. POLITICAL CRIMES . . . . .	—
VI. MISCELLANEOUS . . . . .	—
E. MINORITIES (PROTECTION OF MINORITIES) .	—
F. MISCELLANEOUS . . . . .	—

## PART VII

### DIPLOMATIC AND CONSULAR INTERCOURSE AND PRIVILEGES

A. PERMANENT DIPLOMATIC ENVOYS . . . . .	—
I. APPOINTMENT AND RECEPTION OF DIPLOMATIC ENVOYS .	—
II. POSITION AND FUNCTIONS OF DIPLOMATIC ENVOYS .	—
III. PRIVILEGES AND IMMUNITIES OF	
i. Diplomatic Envoys and their Staff . . . . .	—
ii. Subordinate Members of the Diplomatic Staff . . . . .	—
iii. The Family and Retinue of Diplomatic Envoys . . . . .	—
iv. Diplomatic Premises . . . . .	—
B. SPECIAL ENVOYS. DELEGATES AT INTERNATIONAL CONFERENCES. TRADE DELEGATIONS .	—
C. RIGHT OF OTHER PERSONS TO PRIVILEGES AND IMMUNITIES .	
I. OFFICIALS OF THE UNITED NATIONS . . . . .	—
II. REPRESENTATIVES SENT BY OR ACCREDITED TO THE UNITED NATIONS . . . . .	—
III. DELEGATES OF STATES ATTENDING INTERNATIONAL CONFERENCES . . . . .	—
IV. OFFICIALS OF INTERNATIONAL ORGANIZATIONS . . . . .	—
V. JUDGES AND OFFICIALS OF THE INTERNATIONAL COURT OF JUSTICE AND OTHER INTERNATIONAL TRIBUNALS .	—
D. CONSULS . . . . .	—
I. APPOINTMENT AND EXEQUATUR . . . . .	—
II. POSITION AND FUNCTIONS OF CONSULS . . . . .	—
III. PRIVILEGES AND IMMUNITIES OF CONSULS . . . . .	—
E. MISCELLANEOUS . . . . .	—

## PART VIII

## TREATIES

	<i>Page</i>
A. IN GENERAL . . . . .	—
I. CONCEPTION AND FUNCTION OF TREATIES . . . . .	—
II. FORMS OF INTERNATIONAL AGREEMENTS: TREATIES. CON- VENTIONS. GOVERNMENTAL AGREEMENTS. EXCHANGES OF NOTES. OTHER FORMS OF TREATIES . . . . .	—
B. CONCLUSION AND OPERATION OF TREATIES . . . . .	—
I. SIGNATURE. ACCESSION AND ADHESION. TACIT RENEWAL . . . . .	—
II. CONDITIONS OF VALIDITY OF TREATIES. REGISTRATION OF TREATIES . . . . .	—
III. PARTIES TO TREATIES. RIGHT TO CONCLUDE TREATIES: COMPOSITE AND DEPENDENT STATES AND TERRITORIES; INTERNATIONAL ORGANIZATIONS . . . . .	—
IV. CONSTITUTIONAL LIMITATIONS . . . . .	—
V. RESERVATIONS . . . . .	—
VI. RATIFICATION OF TREATIES. ENTRY INTO FORCE . . . . .	—
VII. OPERATION AND ENFORCEMENT OF TREATIES. NECESSITY FOR MUNICIPAL LEGISLATION . . . . . (See also Part I: IV; and Part VI: A.)	—
VIII. EFFECT OF TREATIES ON THIRD PARTIES . . . . .	—
IX. EFFECT OF MUNICIPAL LEGISLATION . . . . .	—
X. MISCELLANEOUS . . . . .	—
C. TERMINATION OF TREATIES . . . . .	—
I. BY OPERATION OF LAW . . . . .	—
i. In general . . . . .	—
ii. Extinction and Dismemberment of Contracting Party . . . . .	—
iii. Outbreak of War . . . . . (See also Part XI.)	—
II. BY ACT OF PARTY . . . . .	—
i. In general . . . . .	—
ii. Mutual Consent. Revision of Treaties . . . . .	—
iii. Unilateral Denunciation. Result of Non-performance by the Other Party . . . . .	—
D. INTERPRETATION OF TREATIES . . . . .	—
I. AGENCIES OF INTERPRETATION . . . . .	—
II. PRINCIPLES AND RULES OF INTERPRETATION . . . . .	—
III. BILINGUAL TREATIES. MULTILINGUAL TREATIES . . . . .	—
IV. CONSIDERATION OF PREPARATORY WORK . . . . .	—
V. MISCELLANEOUS . . . . .	—
E. SPECIAL KINDS OF TREATIES . . . . .	—



**PART IX****INTERNATIONAL ORGANIZATION AND  
ADMINISTRATION**

	<i>Page</i>
A. INTERNATIONAL ORGANIZATION IN GENERAL	—
B. THE UNITED NATIONS	—
I. LEGAL NATURE OF THE UNITED NATIONS. MEMBERSHIP	—
II. THE GENERAL ASSEMBLY	—
III. THE SECURITY COUNCIL	—
IV. OTHER ORGANS OF THE UNITED NATIONS	—
V. INTERPRETATION OF THE CHARTER OF THE UNITED NATIONS	—
C. SPECIALIZED AGENCIES OF THE UNITED NATIONS	—
D. OTHER INTERNATIONAL ORGANIZATIONS AND ORGANS OF INTERNATIONAL ADMINISTRATION	—
E. INTERNATIONAL OFFICIALS	—
F. MISCELLANEOUS	—

**PART X****DISPUTES**

A. ARBITRATION	630
I. IN GENERAL	
i. Conception and Function of Arbitration	—
ii. The Law Applied by Arbitral Tribunals	630
iii. The Arbitration Treaty. Appointment and Withdrawal of Arbitrators	—
II. PROCEDURE	
i. Procedure before the Tribunal (Oral and Written Arguments)	—
ii. Competence. Competence to Determine Jurisdiction	—
iii. Intervention	—
iv. Procedure. Appeals	630
III. EVIDENCE	—
IV. THE AWARD	
i. Scope and Binding Force of the Award	—
ii. Appeal and Revision	—
V. MISCELLANEOUS	—