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THE INTERNATIONAL COURT OF JUSTICE AS SEEN FROM BAR AND BENCH*

By JUDGE SIR HUMPHREY WALDOCK

Late President of the International Court of Justice

THE International Court of Justice has probably seemed to many of you—at any rate until today—a somewhat remote and esoteric tribunal, almost like some body in outer space. The work of the Court, by its very nature, is unlikely to make any meaningful impact in the day-to-day practice of the average solicitor or member of the Bar. Certainly when I was called to the Bar by Gray's Inn, between the wars, it never occurred to me that the work of the International Court might touch me personally.

The Court, although designated by Article 7 of the Charter as one of the six principal organs of the United Nations, and by Article 92 as its principal judicial organ, has its seat not at the main centres of United Nations activity in New York but some 3,000 miles away in The Hague. This may help to insulate the Court from the political pressures to which it might be exposed in New York but it has the drawback that, except when electing judges, the General Assembly and the Security Council all too easily forget the existence of the Court and the use that might be made of it in the handling of disputes. The tendency to view the Court as something extraterrestrial also stems from the fact that under Article 34 of the Court's Statute only sovereign States or intergovernmental organizations may appear before it. Inevitably, lawyers do not as a matter of course think of the International Court as an integral part of their own legal systems even in the way that European lawyers are increasingly beginning to think of the E.E.C. Court in Luxembourg and the Human Rights Commission and Court in Strasbourg as part of their own legal systems.

The main difficulty comes from the categorical provision in Article 34 of our Statute that only States may be parties in cases before the Court and from a provision in Article 96 of the Charter which restricts use of the Court's advisory jurisdiction to the General Assembly, Security Council and certain other bodies authorized by the General Assembly. As a result of these provisions neither individuals nor companies, however multi-national these may be, can either institute or defend proceedings in this Court. This is not, however, to say that the interests of individuals or companies may not be the subject of proceedings here. On the contrary,

 The text which is printed originally formed an address given by Waldock in The Hague to a group of English lawyers on 11 April 1980. The copy found in his papers does not bear a title, and the Editors have supplied the title which appears at the head of this page. This title in fact appears at the head of a slightly different text of the same address which was also with Waldock's papers.

the interests of individuals or companies have constituted the subject-matter of a large proportion of the cases. The true victims of direct violations of a State's rights under treaties or general international law have, not infrequently, been individuals or companies, when the principal object of the international proceedings is naturally to obtain redress for their injuries rather than for that of the State itself. The same is the case even more obviously when the claim is one for denial of justice, that is for an injury to a foreign national or foreign company by treatment incompatible with minimum standards as these are laid down by general international law. But in all these cases, although the true victim is the individual or the company, in law it is the State's own rights that are involved, and it is the international claim of the State itself that alone may be made the subject of the proceedings before the Court. As examples of cases concerning the interests of individuals, I may mention the *Ambatielos* case involving a claim by Greece against the United Kingdom on behalf of a Greek businessman; the *Nottebohm* case involving an attempt by Liechtenstein to bring a claim on behalf of an alleged Liechtenstein national, and a case between the Netherlands and Sweden concerning the guardianship of a Dutch infant girl. Company cases have been numerous and include the *Anglo-Iranian Oil Company*, the *Barcelona Traction Company* and *Interhandel* cases. I may add that the claims of individuals have been the whole object of some of the cases submitted to the Court's advisory jurisdiction. These have been claims by international civil servants for wrongful dismissal or some similar injury which have already been before either the United Nations or the I.L.O. Administrative Tribunal, and the reference to the Court's advisory jurisdiction is really a delicately worked-out form of appeal. I say delicately worked out because the procedure has to skate round the individual's lack of any *locus standi* before the Court.

States before the Court, even when litigating in the interest or on behalf of their nationals, are normally represented by their Foreign Office Legal Advisers, their government Law Officers, and by counsel who, when they doff their robes, prove to be professors of international law. International organizations, on the few occasions they have appeared in Court, have always been represented by officials from their Legal Departments. The Court's Rules, I must make clear, contain no provisions regulating the qualifications of the person entitled to appear before the Court, and it has never been called on to pronounce on the question. Manley Hudson, in his book on the Permanent Court, said that it had at one time considered the desirability of regulating the question but had concluded that it would be impossible to frame provisions which would take account of the varying conditions of practice in the different countries. Truth to tell, this is no real problem at The Hague as self-interest and a sense of responsibility to the Court alike ensure that governments and organizations choose only persons with adequate qualifications to appear on their behalf.

True, Article 42 of the Statute speaks of the agents of the parties having the assistance of 'counsel or advocates', and these words may seem to indicate specifically *legal* qualifications. But the provision is broadly interpreted and parties not infrequently include political or scientific advisers in their lists of persons appearing in the case; moreover, on occasion scientific advisers have even addressed the Court, not as expert witnesses, but pleading as counsel. In the *Icelandic Fisheries* cases, for example, a German fisheries expert, speaking from counsel's podium, gave us a fascinating account of the methods of procreation of the various fish stocks around Iceland; and I can well recall Commander Kennedy, R.N., in the *Anglo-Norwegian Fisheries* case, similarly trying—though in vain—to get the Court to understand the geometrical method by which mariners have always determined the seaward boundary of the territorial sea. Naturally, however, the great majority of those who plead before the Court are highly qualified lawyers; and these, by custom, appear either in the professional dress of their own countries, wigs included where these form part of it, or in academic robes.

My own introduction to the Peace Palace was in 1948 in the *Corfu Channel* case, the very first case before the present Court; and it was at any rate made in good company. Richard, now Lord, Wilberforce and Hersch Lauterpacht were my fellow Juniors and we were led by Eric Beckett, Legal Adviser to the Foreign Office, and Hartley Shawcross, then Attorney-General. Those proceedings were—characteristically!—on a preliminary objection by the respondent, Albania, and Wilberforce and I also appeared for the United Kingdom at the second stage of that case, and again in the *Anglo-Norwegian Fisheries* case. In the *Anglo-Iranian Oil Company* case I shared the position of Junior with Harry Fisher, now President of Wolfson College, and afterwards acted as Counsel for India, Spain, Denmark and the Netherlands in cases before the Court as well as for other countries in arbitrations outside the Court. These are, as it were, my credentials for speaking to you today. I would emphasize, however, that it is the Court's own custom and discipline which governs appearance before the Court, not the rules or custom of any individual country. This you will easily understand when I say that so far as this Court is concerned, a solicitor has just as good a right of audience as a member of the Bar. Francis Mann of Herbert Smith & Co. proved that by addressing the Court in the *Barcelona Traction Company* case in 1969, when it so happens I appeared against him. Whether any significance is to be attached to the fact that, on the one occasion a solicitor has addressed the Court, he did so on behalf of the Belgian, not the British, Government I must leave to you.

A factor which inevitably affects the choice of counsel is the provision in Article 39 of the Statute that French and English shall be the official languages of the Court. Although, upon request, the Court will authorize the use of another language, proficiency in one of the official languages is almost a *sine qua non* for counsel. However, the majority of international

lawyers perforce acquire such a proficiency at conferences or in meetings with foreign colleagues; and, even if there has been some disposition to employ lawyers from French- or English-speaking countries, this factor is not so restrictive as might at first sight appear. What does certainly count is experience in international cases, and some counsel tend to be found on one side or another in several cases so that there is the making of an international Bar. Indeed, the number of foreign counsel sometimes instructed by governments almost breeds a suspicion that the primary object may be to ensure that they will not be found on the other side.

International litigation has its own special features. In our domestic proceedings the written pleading is brief and economical to the point of being uninformative as to the parties' cases, which are fully exposed only in the oral arguments of counsel. In international proceedings, on the other hand, the written pleadings are usually somewhat long, and are full to the point of disclosing virtually the whole of each party's case; but even so, there is full oral argument which not infrequently repeats much of what is contained in the written pleadings. Clearly, this may involve some waste of time as judges are not so obtuse as some counsel appear to think. But both as counsel and judge I have been struck by the way in which the successive stages of the pleading have helped to clarify and crystallize the issues. The cases are, moreover, usually of considerable importance legally or politically and governments not unnaturally tend to leave no stone unturned in their arguments. You must also remember that counsel find themselves confronted by no less than fifteen inscrutable figures on the Bench, coming from different parts of the world and with different legal backgrounds. Counsel's position, therefore, is a little like that of a salmon fisherman: he can never be quite sure what legal fly will attract each judge and tends to try them all.

Do not be deceived by the somewhat theatrical *mise-en-scène* of the Peace Palace. It conceals a thoroughly professional Court, with some fifty years' experience of arbitral litigation behind it, and a markedly efficient staff and organization. It is fully capable, if given sufficient opportunities, to make a valuable contribution both to the settlement of disputes and to the development of international law.

The contribution of the Court to the modern law of the sea has, for example, been both considerable and, in the idiom of today, progressive, without departing from the Court's judicial character. This is true conspicuously of the *Corfu Channel*, *Anglo-Norwegian Fisheries* and *North Sea Continental Shelf* cases. In its judgments in those cases the Court performed the classic function of a court in determining and clarifying what it conceived to be the existing law. In doing so, however, it threw fresh light on the considerations and the principles on which the law was based in a manner to suggest the path for its future development. In that way and by those judgments the Court has materially influenced the actual development of the modern law of the sea, and not merely its formulation.

In short, although the major factors in determining the shape of the new law of the sea may have been the immense developments in technology of recent years and the aspirations of the newly independent States, the judicial role of the International Court of Justice has also played its part.

The Court's task, as you will appreciate, can be a somewhat delicate one in these times, when many branches of international law are undergoing rapid evolution. In the *Icelandic Fisheries* case, for example, the Court itself recognized that its pronouncements on the law might prove to have only transient value and thought it necessary to underline that it was not its function to anticipate the law before the legislature had laid it down.

Clearly, the Court cannot make its full contribution to the development of international law and the settlement of international disputes until greater use is made of it by States and by the United Nations. As you know, the jurisdiction of the Court in any given case depends on the consent of the States concerned, given either *ad hoc* or in some instrument beforehand. States, unfortunately, still remain extremely shy of submitting themselves to judgment by the Court. Regrettable as this may be, it is one of the facts of international life at the present time. We in the Peace Palace do not live in an ivory tower, we are aware of the turmoil and change going on in almost every part of the world. We are aware of the new social problems, the economic aspirations, and conflicts of interests which advances of science and technology are bringing. We also recognize the prejudicial effects of the general tension in the international community on the willingness of governments to come before the Court. Accordingly, we may have to accept that the Court will not be able to play its full role until a larger measure of stability has been achieved in the world's affairs. This I believe makes it all the more important that use of the judicial process should never be lost sight of whenever an appropriate opportunity presents itself. Ultimately, the effective working of the international judicial process is surely essential to the achievement and maintenance of a peaceful world order. It would be disastrous if in the turmoil of our present times we lost the habit of its use.

THE CALLING OF THE INTERNATIONAL LAWYER: SIR HUMPHREY WALDOCK AND HIS WORK*

By IAN BROWNLIE[1]

I. INTRODUCTION

HUMPHREY WALDOCK was the only international lawyer to have been at one time or another the President of the International Court of Justice at The Hague, Chairman of the International Law Commission in Geneva, President of the European Commission of Human Rights at Strasbourg and President of the European Court of Human Rights at Strasbourg. His high professional standards and capacity for hard work carried him through a career which covered every aspect of international legal experience except that of Legal Adviser in the Foreign Office—though his wartime service at the Admiralty involved responsibilities which were similar.

The purpose of the present study is to pay tribute to a friend and colleague and to do so by building upon the variety and substance of Waldock's professional life in order to produce a useful picture of the roles which international law and those who practise it may play. All too often the novice and the layman find public international law mysterious and remote and lack a ready means of correcting such impressions. Waldock was always sensitive to the need to make the subject more fathomable for the non-specialist, not least because, as common lawyer (and a pupil of Stallybrass), he understood the sceptical attitudes of those whose paths lie outside the confines of government, foreign policy and the small international law Bar. Thus no other means of commemoration of Sir Humphrey Waldock and his work could be more appropriate than a sort of geography of the terrain of international law based upon his career.

II. BEGINNINGS

Claud Humphrey Meredith Waldock was born in Ceylon, as it was then known, on 13 August 1904. He was educated at Uppingham School and Brasenose College, Oxford, where he was a pupil of a common lawyer, W. T. S. Stallybrass, who was best known as the editor of the seventh to the tenth editions of *Salmond on Torts*, and was reputed to be a good tutor.[2] There can be no doubt that Waldock's professional formation was within

[1] Q.C., D.C.L., F.B.A.; Chichele Professor of Public International Law in the University of Oxford.

[2] See Lawson, *The Oxford Law School 1850–1965* (1968), pp. 121, 129–30.

the common law, and in this respect his subsequent career was in keeping with the English tradition that an international lawyer should be in the first instance a *lawyer*, who had come to specialize in a certain area of problems. Such a background produced a professional attitude which did not see public international law as wholly set apart from the general stock of legal concepts and techniques.

At Oxford Waldock completed Classical Moderations (1925), the Final Honour School of Jurisprudence (1927) and the Degree of Bachelor of Civil Law (1928). He was called to the Bar at Gray's Inn in 1928, joined the Midland Circuit and practised for a time. However, in 1930 he was elected a Fellow of Brasenose College and, apart from the war years, remained a college tutor until 1947, when he was elected to the Chichele Chair of Public International Law at Oxford, and consequently became a Fellow of All Souls College.

The apparently well-established pattern of academic life was to be disturbed by the outbreak of war and Waldock's work at the Admiralty in the years 1940–5. That translation was to bring him into constant contact with international law, but in the years before the war Waldock's interests lay within the subjects of equity, real property and the law of mortgages. However, he taught international law in tutorials attended by Brasenose and Oriel men. In 1938 there was published *The Law of Mortgages*, which Waldock had written in conjunction with Harold Greville Hanbury, subsequently to succeed to the Vinerian Chair of English Law. In a generous supplement to the preface, Hanbury recorded the fact that the part dealing with mortgages of land (three-quarters of the whole) had been written by Waldock. The book was very well received, appeared in a second edition in 1950 over Waldock's name alone,[3] and remains to this day as a classic account and a testament of its author's craftsmanship.

Soon after the outbreak of war Waldock went to work in Military Branch I, a branch of the Admiralty, and his duties involved heavy and continuous involvement with international relations and matters of international law. The connection with international law was continued and reinforced in the decade after the end of the war. Waldock went back to Oxford,[4] but continued to carry out commissions for the United Kingdom Government. In 1947 he was elected to the Chichele Chair of Public International Law at Oxford.[5] In 1950 he was elected an *Associé* of the Institute of International Law, such election constituting recognition of the candidate's professional standing by the international fraternity of senior colleagues. In the same year Waldock returned to practice at the

[3] See the reviews of the second edition in the *Law Quarterly Review*, 67 (1951), p. 112 (S. J. Bailey) and the *Modern Law Review*, 13 (1950), p. 533 (A. D. Hargreaves).

[4] It is interesting to note that in the academic year 1946–7 Waldock lectured in each term, twice weekly, on real property: he gave no other lectures.

[5] The first Professor was elected in 1859, and until 1947 the Chair was described as of 'International Law and Diplomacy'. Waldock's predecessors were Mountague Bernard (1859–74), Thomas Erskine Holland (1874–1911), Sir Henry Erle Richards (1911–22) and James Leslie Brierly (1922–47).

English Bar and went into chambers in the Temple at 2 Hare Court. In this period his practice quickly developed, a good deal of work coming from the British Foreign Office, and in 1951 he was appointed Queen's Counsel.

Thus by the early 1950s Waldock's course was set. The pattern was visible and important elements in it were the practical experience of international law and the regular provision of professional services to his own government, always referred to in lectures and in conversation as 'H.M.G.'[6] At the same time Waldock continued to play an active role in the affairs of the Oxford Law Faculty, the University,[7] Gray's Inn[8] and All Souls College. His home circumstances were favourable: his beloved wife, Beattie, shared his life and his thoughts for over fifty years, and was an abiding source of strength.

III. The Royal Navy's Foreign Relations: The Admiralty, 1939–45

In the war years Waldock joined a branch of the Admiralty called Military Branch I, of which he became the head, and attained the grade of Principal Assistant-Secretary.[9] This role called for heavy and continuous service advising on both legal matters and matters of an administrative nature. The work related to the highest levels of policy-making and involved the Cabinet Office. Advice was proffered to the First Sea Lord, the professional head of the Service, but in fact the questions in issue were of political significance and concerned the First Lord of the Admiralty, an important cabinet post held from September 1939 until May 1940 by Mr. Winston Churchill. The issues were often of critical importance and the war at sea, and problems with neutrals, were prominent features of the darkest days of the war. The early phase of the war saw France defeated, Dunkirk, the campaign in Norway and the struggle for control of Atlantic shipping routes. The United States and the Soviet Union remained on the sidelines.[10]

This period in Waldock's life has been well described by Judge Sir Robert Jennings, as he now is:[11]

I did not know Waldock then, but a colleague of mine, Professor C. H. Wilson, who worked in Military Branch I under Waldock, has told me how Humphrey,

[6] He was awarded the O.B.E. (1942), and C.M.G. (1946), and was in due course knighted (1961).

[7] He was a member of Hebdomadal Council, 1949–61, and Assessor of the Chancellor's Court, 1947–72. In the years 1967 to 1970 he was Chairman of the Commission of Inquiry into the University Press, which produced important proposals for the future of the Press.

[8] Of which Waldock became a Bencher in 1957 and Treasurer in 1971.

[9] At the end of 1945 he was invited to remain in the Admiralty as an Under-Secretary, but elected to return to Oxford.

[10] See, generally, Captain S. W. Roskill, *The War at Sea 1939–1945*, I: *The Defensive* (1954); Martin Gilbert, *Finest Hour: Winston S. Churchill 1939–1941* (1983).

[11] An address delivered on the occasion of the Memorial Service at the University Church of St. Mary the Virgin, Oxford, 17 October 1981.

whose family was then in the United States, slept in a bunk in the Admiralty air raid shelters, rose at 7 or 7.10, and, except for a short lunchtime walk in St. James's Park, and an occasional dinner at the United Universities Club, worked till 2 or 3 every morning; though every *other* Sunday, he would have what he called 'a long lie in' till 10.30 or 11.00, before rising to work all day Sunday and into the night. He abandoned all other interests till the war was over. His concentration on his department was total. Whereas Military Branch I might so easily have been just another of many Admiralty sub-departments, under Waldock it became of the first importance and was respected, admired, and sometimes feared, throughout Whitehall; or, at least, the Head of it was. The department occupied one small room overlooking Horse Guard's Parade, next to the First Lord's own room and Private Office. It was badly damaged by bombs twice; once when they were there and once when they were not.

The work was, in a word, the Royal Navy's foreign relations; and Waldock realized that what the Navy was doing would need to be explained to the world, not just as an Admiralty matter, but as part of Britain's foreign policy in the widest sense. This work inescapably involved questions of international law of the first importance; neutral waters, the *Altmark*, the French fleet at Alexandria, the disputes over French passage via Gibraltar, various cases of hot pursuit, rights over Gulf oil. And what better way could there be of becoming an international lawyer, than through the exigencies of practical situations of grave importance where often an irreversible answer had to be given within hours? I remember his telling me years later how over and over again, faced with a question of the right action to take in a practical situation, the only real help he found was in the rules propounded in old international law text books on the laws of war, supposed in the mid-30s to have been obsolete.

This long immersion in high State affairs and international law revealed to Waldock the interest and significance which attached to a subject previously outside his ken. His career in international law had begun.

There was at least one other lawyer heavily engaged in naval matters at this time. Gerald Fitzmaurice, subsequently to be first Legal Adviser at the Foreign Office and a Judge of the International Court, was seconded from the Foreign Office, where he was third Legal Adviser, to the Ministry of Economic Warfare from 1939 to 1943. In this office Fitzmaurice became an expert on contraband control and his duties involved co-operation with the Admiralty, and in that connection with Mr. Waldock of Military Branch I.[12] Both Fitzmaurice and Waldock produced articles for the *British Year Book* which stand as memorials of these episodes in their professional lives. The work of the former provided the basis of a major article on 'Some Aspects of Modern Contraband Control and the Law of Prize',[13] and the latter produced an account[14] of the facts and legal issues attending the release of British prisoners on board the *Altmark*, a German Naval Auxiliary, steaming through Norwegian territorial waters at a time when Norway was neutral, by the action of British destroyers under

[12] Reference to the period occurs in the obituary of Waldock written by Master Sir Gerald Fitzmaurice for *Graya*, 85 (1981), p. 54 at p. 55.

[13] See this *Year Book*, 22 (1944), p. 73.

[14] Ibid. 24 (1947), p. 216.

Captain Vian.[15] The First Sea Lord and the Foreign Secretary were directly concerned in the decision-making at the most critical juncture.[16] Apart from illustrating the foreign policy implications of naval operations, the *Altmark* incident had a considerable emotional impact and caught the public imagination. As Roskill puts it: '. . . the cry of the *Cossack*'s boarding party to the prisoners confined in the ship's holds, "The Navy is here", rang throughout the length and the breadth of the nation.'[17]

To regard the work that advisers like Waldock and Fitzmaurice were called upon to do during a particularly dramatic period of British naval history as exceptional, like the history of those years itself, would be a gross error. It is, however, the kind of error likely to be made by those ignorant of the role of law in naval staff planning and thus in the designing of the rules of engagement supplied to naval operational commanders. This role has been described in some detail by the late Professor O'Connell,[18] who was able to build upon experience in advising the naval staffs of two nations at least. The ability to appreciate the role of law in naval staff planning, and in the decision- and policy-making of governments overall, is adversely affected by the fashionable views of the academic world, views the narrowness and myopia of which are preserved by the fluent complacency of the legal theory which pervades law schools. Legal theory commonly produces models which, however refined, assume that *in fact* law is an *external* phenomenon both in terms of formulation and efficacy. In so far as such models are based upon actual legal experience, a very narrow range of decision-making is referred to and vast areas of experience are totally ignored.

The legal theorist does not trouble to get the facts right and there is at times the strong suspicion that he is not interested in facts which might invalidate his suppositions about 'law', in terms of his preferred theoretical model. In many contexts of decision-making by governments international law provides the syntax, the very fabric, of the subjects to which decisions relate. The law is in practice not external, coercive and alien, but internal, logically necessary and familiar.[19] In Military Branch I Waldock the official had to deal with a range of topics, many of which involved categories and definitions to which only legal sources had given attention.[20]

[15] The incident took place on 16 February 1940.

[16] See Captain S. W. Roskill, op. cit. above (p. 9 n. 10), pp. 151–3; W. S. Churchill, *The Second World War*, vol. 1 (1st edn., 1948), pp. 443–6. See further, James Cable, *Gunboat Diplomacy* (1971), pp. 23–32, 235–6 (bibliography); *Correspondence between His Majesty's Government in the United Kingdom and the Norwegian Government respecting the German Steamer 'Altmark', London, 17th February–15th March, 1940* (H.M.S.O.), Cmd. 8012 (Norway, No. 1 (1950)); and MacChesney, *Northwestern University Law Review*, 52 (1957), p. 320.

[17] Roskill, op. cit. above (p. 9 n. 10), p. 153.

[18] See this *Year Book*, 44 (1970), p. 19; *The Influence of Law on Sea Power* (1975).

[19] See further the present writer, this *Year Book*, 52 (1981), p. 1 at p. 5.

[20] For example: neutral rights, merchant ships, contraband, prisoners of war, questions of surrender and armistice.

IV. The Settlement of International Disputes

(a) *The Commission of Experts for the Investigation of the Italo-Yugoslav Boundary, 1946*

In the nature of things the professional international lawyer will in his practice be concerned with the peaceful settlement of disputes, and more especially the more 'legal' and 'formal' methods of settlement by means of adjudication and arbitration. These more formal methods, involving the settlement of specified issues in accordance with the principles of international law, are but part of a spectrum, a set of options, of methods for the settlement of disputes between States.[21] The options include negotiation, mediation and good offices and conciliation. These labels are but a poor guide to the range of procedural possibilities revealed by diplomatic history. Thus the term 'mediation' has been used in respect of a variety of proceedings. Negotiation and its fellows are often described as 'political' methods of settlement and so they are. At the same time such proceedings, like the process of decision-making by individual governments, necessitate consideration of legal issues or, at least, the use of legal expertise in order to analyse and structure the issues, making them more manageable and ensuring that definitional and like problems are confronted at the right time.

Waldock's association with the British government service, and his success in his work at the Admiralty, meant that he was at times called upon to play a role in the settlement of international disputes in the political forum. The preparation of the Italian Peace Treaty by the Council of Foreign Ministers in 1945 and 1946 involved the question of the status of Trieste and the determination of an appropriate Italo-Yugoslav boundary in the region of Venezia Giulia.[22] The Council of Foreign Ministers set up a Commission on which Waldock was a representative of the United Kingdom: the Commission of Experts for the Investigation of the Italo-Yugoslav Boundary.[23]

The task of the Commission was to prepare a report and recommendations for the Foreign Ministers' Deputies on fixing the boundary, which was to be 'in the main an ethnic line leaving a minimum population under

[21] For a survey, see the David Davies Memorial Institute for International Studies, *International Disputes: The Legal Aspects* (1972).

[22] For the background, see Arnold and Veronica M. Toynbee (eds.), *Survey of International Affairs 1939–46: The Realignment of Europe* (R.I.I.A. 1955), pp. 463–76; Donelan and Grieve, *International Disputes: Case Histories 1945–1970* (David Davies Memorial Institute, 1973), pp. 23–7; *Foreign Relations of the United States 1946*, vol. 2 (1970); Whiteman, *Digest of International Law*, vol. 3 (1964), pp. 50–109.

[23] Waldock was also appointed to the Special Commission on the Statute of the Free Territory of Trieste: see *Foreign Relations of the United States 1946*, vol. 4 (1970), pp. 844–7. At this time his path ran parallel to that of Fitzmaurice, who was legal adviser to the U.K. Delegation to the Paris Peace Conference: see Fitzmaurice, *Graya*, 85 (1981), p. 54 at p. 56, who remarks that 'they shared a common admiration and affection for that best of men, Ernest Bevin, then Foreign Secretary'. See further Fitzmaurice, 'The Juridical Clauses of the Peace Treaties', *Recueil des cours*, 73 (1948–II), pp. 259–367.