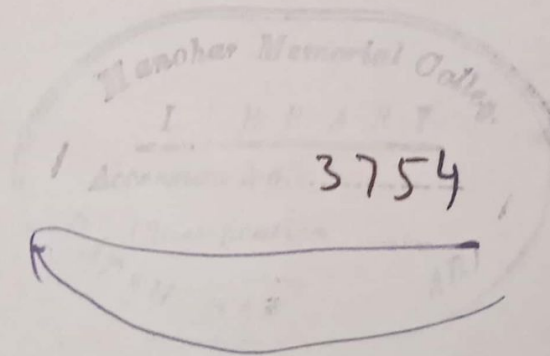


PUBLIC INTERNATIONAL LAW

3754

by
VIDYA DHAR MAHAJAN,
M. A. (Hons.), LL. B., Ph. D.

Author of : Constitution of India, English Constitutional Law, Principles of
Jurisprudence, Autobiographies of Chief Justice P. B. Gajenragadkar,
Chief Justice K. Subba Rao & Chief Justice Mahajan, Commentaries
on the General Clauses Act and the Sale of Goods Act, etc.



EASTERN BOOK COMPANY
LAW PUBLISHERS AND BOOKSELLERS
34, LALBAGH, LUCKNOW—226 001

PUBLIC INTERNATIONAL LAW

CONTENTS

PART I—INTRODUCTORY

	<i>Pages</i>
Chapter I—NATURE AND BASIS OF PUBLIC INTERNATIONAL LAW ...	1—34
(a) Definition of public international law ...	1—4
(b) Public International Law and Private International law ...	4—5
(c) Subject-matter of Public International Law ...	5—7
(d) Is International Law True Law ? ...	7—12
(e) Shortcomings of International Law ...	12—13
(f) How to Improve International Law ? ...	13—14
(g) Basis of International Law ...	14—21
(h) The Naturalist School ...	14—15
(i) The Consent Theory and Positivist School ...	15—16
(j) Criticism of Consent Theory ...	16—18
(k) The Soviet Union and International Law ...	21—24
(l) Attitude of Less Developed Nations Towards International Law ...	24—27
(m) Future of International Law ...	27—30
Chapter II—HISTORY OF INTERNATIONAL LAW ...	35—53
(a) The Jews ...	35
(b) The Hindus ...	35—36
(c) The Muslims ...	36
(d) The Greeks ...	36
(e) The Romans ...	36—37
(f) Three Periods of Growth of International Law ...	38—50
(g) Hugo Grotius ...	39—44
(h) Zouche ...	44
(i) Naturalist School ...	44
(j) The Positivist School ...	44—5
(k) The Grotian School ...	45—6
(l) Vattel ...	46—7
(m) Growth of International Law during nineteenth Century ...	47—8
(n) The World War I ...	48—9
(o) Second World War ...	49—50
(p) Schools of International Law ...	50—2
(q) Philosophical Schools ...	50—1
(r) Juridical Schools ...	51—2
(s) National Schools ...	52
Chapter III—LAW OF NATURE AND INTERNATIONAL LAW ...	54—60
(a) The Greeks ...	54—5
(b) The Stoics ...	55

PUBLIC INTERNATIONAL LAW		Pages
	...	55-6
	...	56-7
	...	57-8
	...	58
	...	58
	...	58
(c) The Romans	...	58
(d) The Middle Ages	...	58
(e) The Modern Times	...	58
(f) Zouche	...	58
(g) Bynkershoek	...	58
(h) Vattel	...	58
Chapter IV—CODIFICATION OF INTERNATIONAL LAW	...	61-71
(a) Advantages of Codification	...	61-4
(b) History of Codification	...	64-71
(c) Declaration of Paris	...	64
(d) Codification by Individuals	...	64-5
(e) Hague Conferences	...	65
(f) League of Nations	...	65-6
(g) United Nations International Law Commission and Codification	...	66-71
Chapter V—SOURCES OF INTERNATIONAL LAW	...	72-91
(a) Introductory	...	72
(b) Formal and material sources of International Law	...	72
(c) International Custom	...	74-9
(d) Treaties	...	79-80
(e) Judicial decisions	...	80-84
(f) Juristic works	...	84-6
(g) General Principles of Law	...	86-7
(h) International Comity	...	87-8
(i) Reason	...	88
(j) International State Papers other than Treaties	...	88-9
(k) Diplomatic relations between States	...	89
(l) International Legislation	...	89-91
Chapter VI—INTERNATIONAL LAW AND MUNICIPAL LAW	...	92-106
(a) Relation between International Law & Municipal Law	...	92-5
(b) Theories regarding Relationship between International Law and Municipal law :	...	95
(i) Monistic Theory	...	95-7
(ii) Dualistic Theory	...	97-8
(iii) Transformation Theory	...	98
(iv) Delegation Theory	...	98-104
(c) Practice of States :	...	98-101
(i) Great Britain	...	101-2
(ii) The United States	...	102
(iii) Germany	...	102
(iv) France	...	102
(v) Belgium and Poland	...	103

CONTENTS		vii
		Pages
(vi) Soviet Union	...	103
(vii) India	...	103-4
(d) Fenwick on relationship between International Law and Municipal Law	...	105-6
PART II—LAW OF PEACE		
Chapter VII—SUBJECTS OF INTERNATIONAL LAW	...	109-115
Chapter VIII—STATES IN GENERAL	...	116-150
(a) Definition of a State	...	116
(b) Fundamental rights of a state :	...	116-125
(i) Right to existence and self-preservation	...	117-9
(ii) Right to equality	...	119-20
(iii) Right to independence	...	120-22
(iv) Right to respect or dignity	...	122-3
(v) Right to territory	...	123
(vi) International Law Commission on rights and duties of States	...	123-5
(c) Obligations of States	...	125-7
(d) Classification of States	...	127-130
(e) Independent States	...	127
(f) Dependent States	...	127
(g) Composite International Person	...	127-8
(h) Real Union	...	128
(i) Federal State	...	128
(j) Federation and Confederation	...	128-9
(k) Personal Union	...	129
(l) Vassal States	...	129-30
(m) Protectorates	...	130-137
(n) Spheres of influence	...	137-8
(p) Commonwealth of Nations	...	138-142
(p) Condominium	...	142
(q) Neutralized States	...	142-3
(r) Belgium and Switzerland	...	143
(s) The Holy See and the Vatican	...	143-4
(t) The Mandate System	...	144-6
(u) Trusteeship System	...	146-9
(v) Principle of Self-determination	...	149-50
Chapter IX—STATE TERRITORY	...	151-192
(a) Significance of Territory	...	151
(b) State Boundary	...	152-154
(c) International waterways	...	154-7
(d) Rivers	...	157-9
(e) Territorial waters or territorial sea	...	159-63
(f) The Contiguous Zone	...	163-6
(g) The Straits	...	166
(h) Continental shelf	...	167-70
(i) Canals	...	170-172
(i) The Suez Canal	...	170-1
(ii) The Kiel Canal	...	171-2

	Pages
(iii) The Panama Canal	... 172
(iv) The Corinth Canal	... 172
(j) Lakes and land-locked Areas	... 172-3
(k) Gulfs and Bays	... 173-4
(l) State Servitudes	... 174
(m) Kinds of Servitudes	... 174
(n) Loss of Servitudes	... 175-185
(o) Modes of Acquiring State Territory	... 175-9
(i) Occupation	... 172-82
(ii) Cession	... 182
(iii) Accretion	... 182-4
(iv) Annexation	... 184
(v) Prescription	... 184
(vi) Adjudication or award	... 184-5
(vii) Leases	... 185-6
(p) Loss of State Territory	... 186
(q) Polar Regions	... 186-7
(r) Sovereignty over the air	... 187-8
(s) Paris Convention of 1919	... 188
(t) Havana Convention (1928)	... 188-9
(u) Warsaw Convention (1929)	... 189
(v) Convention of Rome (1933)	... 189-90
(w) Chicago Convention (1944)	... 190
(x) Radio Communication	... 193-214
Chapter X—RECOGNITION	... 193-4
(a) Definition of recognition	... 194-8
(b) Theories of recognition	... 194-6
(i) Constitutive theory	... 196-8
(ii) Declaratory or evidentiary theory	... 198-9
(c) Methods of Recognition	... 199
(d) Express or Implied Recognition	... 199-200
(e) Conditional Recognition	... 200
(f) Single and Collective Recognition	... 200-201
(g) Recognition of head of state or new Government	... 201
(h) Recognition of Government in exile	... 201
(i) Withdrawal of Recognition	... 201-4
(j) <i>De facto</i> and <i>de jure</i> recognition	... 204-5
(k) Disabilities of unrecognized states or governments	... 205
(l) Consequences of recognition	... 205-6
(m) Stimson's Doctrine	... 206-7
(n) The Estrada Doctrine	... 207-9
(o) Retroactive effect of Recognition	... 209
(p) The League of Nations and Recognition	... 209-210
(q) United Nations and Recognition	... 210
(r) Recognition of Government in Exile	... 210-2
(s) Recognition of Belligerency	... 212
(t) Co-belligerency	... 212-4
(u) Recognition of insurgency	... 215-248
Chapter XI—JURISDICTION	... 215-6
(a) Introductory	... 215-6

	Pages
(b) Principle of Territorial Jurisdiction	... 216-7
(c) The "Floating Island" theory	... 217
(d) Ports	... 217-8
(e) Extension of territorial jurisdiction	... 218-9
(f) Jurisdiction over Foreigners	... 218-20
(g) Exemptions from Territorial Jurisdiction	... 220-1
(h) Foreign States and Their Heads	... 221-6
(i) Diplomatic Representatives	... 226-7
(j) Jurisdiction over Vessels	... 227
(k) Private Merchant Vessels	... 227-31
(l) Foreign Public Vessels	... 225-33
(m) Public Commercial Vessels	... 233-5
(n) Jurisdiction over foreign armed forces	... 235-7
(o) Tribunals established by International Agreement	... 237-8
(p) Personal Jurisdiction	... 238
(q) The High Seas	... 238-41
(r) Doctrine of hot pursuit	... 241-3
(s) Piracy	... 243-5
(t) Distinction between piracy at International law and Municipal Law	... 245
(u) Air Piracy (Hijacking)	... 246-7
Chapter XII—INTERVENTION	... 249-266
(a) Definition of intervention	... 249-250
(b) Kinds of Intervention	... 250
(c) Oppenheim on grounds of intervention	... 250-1
(d) Grounds of Intervention	... 252-7
(i) Intervention for self-preservation and self-defence	... 252-5
(ii) Intervention against an Immoral Act	... 255
(iii) Intervention on ground of humanity	... 255
(iv) Intervention to preserve balance of power	... 255-6
(v) Intervention for Financial Reasons	... 256
(vi) Intervention in Civil Wars	... 256-7
(e) Starke on Intervention	... 257-9
(f) The Monroe doctrine	... 259-60
(g) British and Japanese Monroe Doctrine	... 260-1
(h) Importance of the Monroe Doctrine	... 261
(i) The Drago Doctrine	... 261-3
(j) Russian Intervention in Hungary	... 263
(k) Russian Intervention in Czechoslovakia	... 263-5
(l) Chinese Intervention in Tibet	... 267-277
Chapter XIII—STATE SUCCESSION	... 267
(a) Kinds of Succession	... 267-73
(b) Consequences of absorption of a State	... 268
(i) Political rights and duties of the extinct state	... 268
(ii) Local rights and duties	... 269
(iii) Fiscal property and funds of the extinct state	... 269-70
(iv) Contracts	... 270-1
(v) Unliquidated damages for torts or delicts	... 271-2
(vi) Private or municipal law rights	... 272

(c) Succession on the suppression of a revolt	273
(d) Succession in case of Dismemberment	273-5
(e) Succession in case of Separation or Cession	275-6
(f) Succession in International Organization	276-7
Chapter XIV—RESPONSIBILITY OF STATES	278—282

(a) Responsibility of a State	278
(b) Responsibility in a Federal State	278-9
(c) Superiority of International Law over Municipal Law	279
(d) State Responsibility for acts of Insurgents	279-80
(e) International Delinquencies	281-2
(f) Protection of Citizens Abroad	283
(g) The Fault Theory	283
(h) Responsibility for Breach of Contract	284
(i) Nationalisation	284-5
(j) Calvo Clause	285-86
(k) Responsibility for Debts	286-7
(l) Criminal Responsibility of States	287
(m) Responsibility for Internationally Injurious Acts of Heads of the States	287
(n) Responsibility for Acts of Diplomatic Envoys	287
(o) Responsibility for Acts of Parliament	87-88
(p) Responsibility for Acts of Administrative Officials	288-90
(q) International Torts	290
(r) Claims	290
(s) Extinctive Prescription	290-1
(t) Damages	290-1

Chapter XV—THE INDIVIDUAL IN INTERNATIONAL LAW ... 293—335

(a) Position of Individual in International Law	293-7
(b) Nationality	297
(c) Definitions of Nationality	297-8
(d) Determination of Nationality	298-9
(e) Incidents of Nationality	299
(f) Nationality and Domicile	299
(g) Acquisition of Nationality	299-301
(i) By birth	300
(ii) By naturalization	300-301
(iii) By readintegration or resumption	301-2
(iv) By subjugation	302
(v) By cession	302
(h) Loss of Nationality	302-3
(i) Double Nationality	303-4
(k) Statelessness	304-7
(l) Nationality of Corporations	307
(m) Admission of Aliens	307-8
(n) Position of Resident Aliens	308-11
(o) Expulsion of Aliens	311-12
(p) Law of Extradition	312-22
(q) Definition of Extradition	312

CONTENTS

(v) Necessity of Extradition	312-3
(vi) Development of Law of Extradition	313
(vii) Extraditable Persons	313-5
(viii) Extradition Crimes	315-7
(ix) Arrest Clause	317-8
(x) Principle of Double Criminality	318
(xi) Principle of Speciality	318-9
(xii) Case of Savarkar	319
(xiii) Case of Dr. Ram Babu Saxena	319-20
(xiv) Asylum	320-22
(xv) Ex-territorial Asylum	322-4
(xvi) Extradition and Expulsion	324
(xvii) Problems of Extradition and Asylum	324-5
(xviii) Protection of Minorities	325
(xix) International Labour Organization	325-7
(xx) Slavery and the Slave Traffic	327
(xxi) Abolition of forced Labour	327
(xxii) Protection of Fundamental Human Rights	327-8
(xxiii) Universal Declaration of Human Rights, 1948	328-32
(xxiv) The European Convention of Human Rights, 1950	332-333
(xxv) The Genocide Convention	333-4

Chapter XVI—AGENTS OF INTERNATIONAL BUSINESS ... 336—360

(a) Introductory	336-7
(b) Diplomatic Business	337
(c) State having Right of Legation	337-8
(d) Kinds of Diplomatic Envoys	338-9
(e) Diplomatic Corps	339
(f) Qualifications of Diplomatic Envoys	339-40
(g) Grounds of Refusal of Diplomatic Envoys	340-1
(h) When Privileges of Envoys begin	341
(i) Functions of Diplomatic Envoys	342
(j) Privileges of Diplomatic Envoys	342-51
(i) Privilege of Inviolability	343-4
(ii) Privilege of Ex-Territoriality	344-6
(iii) Privilege of Diplomatic Asylum	346
(iv) Exemption from the jurisdiction of civil and criminal courts of the receiving state	346-8
(v) Exemption from sub-poena as witnesses	348-9
(vi) Exemption from authority of police of receiving state	349
(vii) Exemption from payment of all kinds of taxes	349
(viii) Right of Chapel	349
(ix) Right of self jurisdiction within certain limits	349-50
(k) Diplomatic envoys and Third States	351-2
(l) Retinue of Diplomatic Envoys	352-3
(m) Termination of Diplomatic Missions	353-4
(n) Privileges of Non-diplomatic Persons	354

	Pages
(o) Consuls	... 355-6
(p) Functions of Consuls	... 356-7
(q) Position of Consuls	... 357-8
(r) Termination of office of Consuls	... 358-9
(s) Agents of International Organisations	... 359-60
Chapter XVII—TREATIES	... 361-396
(a) Definition of Treaties	... 361
(b) Treaties and Contracts	... 361-2
(c) Documents other than treaties	... 362-4
(i) Memoire or memorandum	... 362
(ii) Proposal	... 363
(iii) Note verbal	... 363
(iv) Process-verbal	... 363
(v) Protocol	... 363
(vi) Final Act	... 363
(vii) General Act	... 363
(viii) Agreement	... 363
(ix) <i>Modus Vivendi</i>	... 363
(x) Exchange of notes	... 364
(xi) Statute	... 364
(xii) Declaration	... 364
(xiii) Convention	... 364-7
(d) Kinds of Treaties	... 364
(i) Political	... 365
(ii) Commercial	... 365
(iii) Social	... 365
(iv) Relating to Civil Justice	... 365
(v) Relating to Criminal Justice	... 365
(vi) Promulgating written rules of International Law	... 365
(e) Validity of Treaties	... 367-9
(f) Binding Force of Treaties	... 369-70
(g) Parties to Treaties	... 370-3
(h) Third Parties	... 373-4
(i) Form of Treaties	... 374-5
(j) Making of Treaties	... 375-6
(k) Ratification of Treaties	... 376-9
(l) Registration of Treaties	... 379-80
(m) Invalid Treaties	... 380-1
(n) Voidance of Treaties	... 381-3
(o) Termination of Treaties	... 383-6
(p) <i>Pacta Sunt Servanda</i> and <i>Clausula Rebus Sic Stantibus</i>	... 386-88
(q) Means of securing performance of Treaties	... 388-9
(r) Principles of Interpretation of Treaties	... 389-92
(s) Oppenheim on Interpretation of Treaties	... 392-3
(t) Grotius on Interpretation of Treaties	... 393-4
(u) Wright on Interpretation of Treaties	... 394
(v) View of Vattel on Interpretation of Treaties	... 394
(w) Schwarzenberger on Interpretation of Treaties	... 395

	Pages
... 397-413	... 397-413
Chapter XVIII—THE LEAGUE OF NATIONS	... 397-99
(a) Origins of League of Nations	... 399
(b) Membership of League	... 399-400
(c) Legal Status of League	... 400
(d) The Assembly of League of Nations	... 400-1
(e) The Council of League of Nations	... 401
(f) Secretariat of League of Nations	... 401-2
(g) Permanent Court of International Justice	... 402
(h) International Labour Office	... 403-8
(i) Functions of League of Nations	... 408-11
(j) Causes of failure of League of Nations	... 411-2
(k) Work of the League of Nations	... 414-469
(l) Estimate of League of Nations	... 414
Chapter XIX—THE UNITED NATIONS	... 414-5
(a) Origins of United Nations	... 415
(b) The Atlantic Charter	... 415-6
(c) The Preamble of United Nation's Charter	... 416-7
(d) Purposes of United Nations	... 417-9
(e) Principles of United Nations	... 419
(f) Legal Nature of United Nations	... 419-22
(g) Law of the United Nations	... 422-424
(h) United Nations and League of Nations	... 424-42
(i) Membership of United Nations	... 424-8
(j) Principal Organs of United Nations	... 428-38
(i) The General Assembly	... 438-40
(ii) Security Council	... 440-1
(iii) Economic and Social Council	... 441
(iv) Trusteeship Council	... 441-2
(v) International Court of Justice	... 442-7
(vi) The Secretariat	... 447-8
(k) Regional Arrangements	... 448-50
(l) Economic and Political Cooperation	... 450
(m) Provisions regarding Non-Self-governing Territories	... 450-1
(n) Limitations on functions of United Nations	... 451-6
(o) Revision of Charter of United Nations	... 456-9
(p) Suggestions for amendment of Charter	... 460-66
(q) Criticism of United Nations	... 466-8
(r) Work of United Nations	... 466-8
(s) Estimate of United Nations	... 470-479
Chapter XX—COLLECTIVE SECURITY UNDER LEAGUE AND UNITED NATIONS	... 470-479
(a) Collective Security under League of Nations	... 470-4
(b) Collective Security under United Nations	... 474-8
(c) Co-existence and collective Security	... 478
Chapter XXI—PROBLEM OF DISARMAMENT	... 480-498
(a) Introductory	... 480-2
(b) The League of Nations and Disarmament	... 482-6

(c) The Disarmament Conference	...	482
(d) Disarmament Efforts Outside League of Nations	...	484-6
(e) Washington Conference	...	485-9
(f) Second Naval Conference (1927)	...	487
(g) London Naval Conference (1930)	...	487
(h) Naval Conference of 1935	...	487
(i) The Atlantic Charter	...	488
(j) United Nations Charter and Disarmament	...	488
(k) Nuclear Non-Proliferation Treaty (1968)	...	493-94
(l) Outer Space Treaty	...	495
(m) U.S.—Soviet Arms Limitation Treaty	...	495-6

Chapter XXII—SPECIALIZED AGENCIES

(a) World Health Organization	...	499
(b) Food and Agriculture Organization	...	499
(c) International Monetary Fund	...	499-500
(d) International Bank for Reconstruction and Development	...	500-1
(e) Bank for International Settlements	...	501
(f) United Nations Educational, Scientific and Cultural Organization (UNESCO)	...	501
(g) International Labour Organization	...	501-2
(h) International Civil Aviation Organization	...	502-3
(i) Inter-Governmental Maritime Consultative Organization	...	503-4
(j) Universal Postal Union	...	404
(k) World Meteorological Organization	...	504-5
(l) International Tele-communication Union	...	505
(m) International Union of Official Travel Organizations	...	505-6
(n) International Refugee Organization	...	506
(o) International Finance Corporation	...	506
(p) International Atomic Energy Agency	...	506
(q) International Law Commission	...	507
(r) Economic Commission for Asia and the Far East	...	507
(s) International Trade Organisation	...	507

Chapter XXIII—INTERNATIONAL TRIBUNALS

(a) Permanent Court of Arbitration	...	508-9
(b) Permanent Court of International Justice	...	509-12
(c) International Court of Justice	...	512-519
(d) Some Decided Cases	...	520-6

Chapter XXIV—SETTLEMENT OF INTERNATIONAL DISPUTES

(a) Amicable Means of settlement of Disputes	...	529-36
(i) Negotiation	...	529
(ii) Good Offices and Mediation	...	529-30
(iii) Conciliation	...	531-2
(iv) Arbitration	...	532-4
(v) Judicial Settlement	...	534
(vi) Settlement through League and United Nations	...	534-6

(b) Coercive methods of settlement	...	537-47
(i) Retorsion	...	537-8
(ii) Reprisals	...	538-42
(iii) Embargo	...	542-3
(iv) Pacific Blockade	...	543-5
(v) Intervention	...	545-6
(vi) Compulsive Settlement under the United Nations	...	546-7
(vii) Boycott	...	547

PART III—LAW OF WAR

Chapter XXV—WAR IN GENERAL

(a) Definition of War	...	551-3
(b) Kinds of war	...	553-7
(c) Civil war	...	554-5
(d) Guerilla war	...	555-6
(e) Total War	...	556-7
(f) The Locale of War	...	557-8
(g) Irregular force	...	558
(h) <i>Levy en masse</i>	...	558
(i) Privateers	...	558-9
(j) Laws of War	...	558-9

Chapter XXVI—ENEMY CHARACTER

(a) What is enemy character?	...	561
(b) Enemy character of individuals	...	561-3
(c) Enemy character of corporations	...	563-4
(d) Enemy character of vessels	...	564-5
(e) Transfer of enemy vessels	...	565
(f) Enemy cargo	...	565-6
(g) Enemy Property	...	566
(h) Enemy Territory	...	596-7

Chapter XXVII—OUTBREAK OF WAR

(a) Commencement of War	...	569
(b) Declaration of War	...	569-72
(c) Ultimatum	...	572-3
(d) Acts commencing war	...	573
(e) Effects of the outbreak of War	...	573-87
(i) Diplomatic Intercourse	...	574
(ii) Subjects of the belligerents	...	574-7
(iii) Commercial relations between subjects of belligerents	...	577-8
(iv) Contracts	...	578-9
(v) Property of belligerent in enemy country	...	579-81
(vi) Merchantmen	...	581-2
(vii) Treaties	...	582-7

Chapter XXVIII—WARFARE ON LAND

(a) Aims and Means of Land Warfare	...	588
(b) Rules of Warfare	...	588-90
(c) Development of Laws of Land Warfare	...	590-1

(d) Violence against Enemy Persons	...	591
(e) Treatment of Wounded and Dead Persons	...	594
(f) Prisoners of war	...	596
(g) Appropriation and Utilization of Enemy Property	...	600
(h) Destruction of Enemy Property	...	601
(i) Assault, Siege and Bombardment	...	602
(j) Espionage	...	603
(k) Ruses	...	604
Chapter XXIX—BELLIGERENT OCCUPATION	...	606—13
(a) Introductory	...	606
(b) Meaning of Belligerent Occupation	...	606—7
(c) Consequences of Belligerent Occupation	...	607—11
(d) Termination of Belligerent Occupation	...	611—2
(e) Distinction between Belligerent occupation and Annexation	...	612—3
Chapter XXX—WARFARE ON SEA	...	614—33
(a) Object of Sea Warfare	...	614
(b) Private Property on Sea	...	614
(c) Attacks on Enemy Vessels	...	614—8
(d) Neutral Merchant Ships in Enemy Service	...	618
(e) Bombardment	...	618
(f) Submarine Contact Mines	...	618—9
(g) Submarines	...	619—21
(h) Geneva Convention of 1949	...	621—3
(i) Ruses in sea warfare	...	623
Chapter XXXI—PRIZE COURTS	...	624—32
(a) Definition of a Prize Court	...	624
(b) Growth of Prize Courts	...	624
(c) Duties of Prize Courts	...	624—5
(d) Seat of a Prize Court	...	625
(e) Jurisdiction of Prize Courts	...	625—6
(f) Procedure of Prize Courts	...	626—7
(g) Effect of decision of Prize Courts	...	627—8
(h) Law applied by Prize Courts	...	628—9
(i) Destruction of Enemy Prizes	...	629—30
(j) Trial of neutral vessels	...	630
(k) Establishment of International Prize Court	...	630—1
(l) Aircraft and Prize Law	...	631—2
Chapter XXXII—LAWS OF AIR WARFARE	...	633—8
(a) Brussels Conference	...	633
(b) Hague Conference	...	633
(c) Washington Conference	...	634
(d) Position of non-combatants	...	634—6

(e) Atomic Energy Commission	...	636—7
(f) Attack on Enemy Civil Aircraft	...	637—8
Chapter XXXIII—CRIMES UNDER INTERNATIONAL LAW	...	639—652
(a) War Crimes	...	639—41
(b) Trial of War Criminals	...	641—2
(c) Nuremberg Trial	...	642—7
(d) Tokyo Trial	...	647—9
(e) International Criminal Court	...	649
(f) Genocide	...	650
(g) Geneva Conventions of 1949	...	650—1
(h) Killing of Hostages	...	651
(i) Quislings and Traitors	...	651
Chapter XXXIV—TERMINATION OF WAR	...	653—7
(a) How war may terminate?	...	653—6
(i) Cessation of Hostilities	...	653
(ii) Subjugation	...	653—4
(iii) Treaty of Peace	...	654
(b) Principle of Uti Possidetis	...	654—5
(c) Suspension of Arms	...	656
(d) Truce	...	656
(e) General and Local Armistice	...	656—7
Chapter XXXV—DOCTRINE OF POSTLIMINIUM	...	658—60
(a) Doctrine under the Romans	...	658
(b) Definition of the Doctrine	...	658
(c) Effect of the Doctrine on Movable Property	...	659
(d) Effect on Immovable Property	...	659
(e) Effect on Payment of debts	...	660
(f) Acts done during occupation	...	660
(g) Effect on Sovereignty and Territory	...	660
(h) Limitations of the Doctrine	...	660
PART IV—LAW OF NEUTRALITY		
Chapter XXXVI—NEUTRALITY	...	663—691
(a) Definition	...	663
(b) Main Features of Neutrality	...	663—4
(c) Development of the Idea of Neutrality	...	634—70
(d) Covenant of the League of Nations and Neutrality	...	670
(e) Kellogg-Briand Pact (1928)	...	670—1
(f) Neutrality during Second World War	...	672—5
(g) Neutrality under U. N. Charter	...	675—6
(h) Kinds of Neutrality	...	676—8
(i) Duties of Neutral States	...	678—84
(j) Rights of Neutral States	...	684—9
(k) Concept of non-belligerency	...	689—90

	Pages
Chapter XXXVII—RIGHT OF ANGARY	692—4
(a) Essential Features	692—3
(b) Franco-Prussian War	693
(c) U. S. Naval War Code	693
(d) The Hague Regulations	693
(e) Convention V of the Hague Conference	693—4
(f) First World War	694
(g) Second World War	694
(h) Submarine Cables	694
(j) Leading cases on Right of Angary	694
(k) Right of Angary and Land Warfare	694
Chapter XXXVIII—BLOCKADE	695—704
(a) Definition	695
(b) Special Features of Modern Blockade	695
(c) Declarations of Paris & London	695—6
(d) Forms of Blockade	696—7
(e) Essentials of a Binding Blockade	697—8
(f) End of Blockade	699
(g) Breach of Blockade	699—701
(h) Consequences of Breach of Blockade	701—2
(i) Law of Blockade during First and Second World Wars	702—4
Chapter XXXIX—CONTRABAND	705—716
(a) Definitions	705
(b) Classification of Commodities	706—7
(c) Absolute and Conditional Contraband	707—10
(d) Contraband and Hostile Destination	710—11
(e) Essentials of the guilt of Contraband	711
(f) Penalty for Carriage of Contraband	711—2
(g) Contraband and Blockade	712
(h) Doctrine of Continuous Voyage	712—5
(i) Rule of War of 1756	716
(j) Navicert System	716
(k) Doctrine of Infection	716
Chapter XL—UNNEUTRAL SERVICE	717—20
(a) Definition	717
(b) Declaration of London on Unneutral Service	717
(c) Kinds of Unneutral Service	717—8
(d) Hostile and Unneutral Service	718
(e) Consequences of Unneutral Service	718
(f) Case Law on Unneutral Service	718—20
(g) Distinction between Contraband and Unneutral Service	720
Chapter XL—RIGHT OF VISIT AND SEARCH	721—723
(a) Right to Visit	721
(b) Right to Search	721—2
(c) Convoys	722—3
(d) Case Law	723

PART V

Chapter XLII—LEADING CASES ON INTERNATIONAL LAW	727—792
(1) <i>Chung Chi Cheung v. The King</i> (1939)	727—8
(2) <i>West Rand Central Gold Mining Co. Ltd. v. The King</i> (1905)	728—9
(3) <i>The Paquete Habana and Lola</i> (1899)	729—30
(4) <i>The Charkieh</i> (1873)	731
(5) <i>The Ionian Ships</i> (1855)	730—1
(6) <i>The Palmas Island Case</i> (1909)	731
(7) <i>Continental Shelf in the North Sea</i>	731—2
(8) <i>Comodia v. Thailand (Temple of Preah Vihear)</i>	732
(9) <i>Civil Air Transport Incorporated v. Central Air Transport Corporation</i> (1953)	732—4
(10) <i>The S. S. Arantzazu Mendi v. The Government of Republican Spain</i> (1939)	734
(11) <i>Duff Development Co. Ltd. v. Government of Kelantan</i> (1924)	734—5
(12) <i>Emperor Haile Selassie v. Cable and Wireless Ltd.</i> (1931)	735—7
(13) <i>The United States of America v. McRae</i> (1869)	737
(14) <i>Bank of China v. Wells Fargo Bank and Union Trust Co.</i>	737—8
(15) <i>Cook v. Sir James Gordon Sprigg</i> (1899)	738
(16) <i>The Lusitania</i> (1923)	738—9
(17) <i>Walker v. Baird</i>	739
(18) <i>The S. S. Wimbledon</i> (1923)	739—40
(19) <i>The Parlement Belge</i> (1880)	740—1
(20) <i>Mighell v. Sultan of Johore</i> (1894)	741
(21) <i>Sultan of Johore v. Abu Bakar Tunku Aris Bendahar</i>	741—2
(22) <i>The Cristina</i>	742—3
(23) <i>Indian National Steamship Co. v. Maux Faulbaum</i> (1955)	743—4
(24) <i>Rahimtolla v. H.E.H. The Nizam of Hyderabad</i> , (1957) 3 All E.R. 441	744
(25) <i>Juan Ysmael and Co. Inc. v. The Indonesian Government</i> (1955)	745
(26) <i>Curran v. City of New York</i> (1947)	745—6
(27) <i>Casanova v. Fitzpatrick</i>	746
(28) <i>Republic Arabe Unie v. Dame X</i>	746—7
(29) <i>Amand v. Secretary of State for Home Affairs</i> (1943)	747
(30) <i>Hirota v. McArthur</i> (1948)	747
(31) <i>Gudder Singh v. The State</i> (1954)	748
(32) <i>Reeves v. Deane Freeman</i> (1952)	748
(33) <i>The Case Concerning Rights of Nationals of The United States of America in Morocco</i> (1952)	748—50
(34) <i>The S. S. Lotus</i> (1927)	750—2
(35) <i>Case of Eichman</i>	752—3
(36) <i>The Schooner Exchange v. McFaddon</i> (1812)	753—4
(37) <i>The Virginius</i> (1873)	754—5

	Pages
(38) The Direct United States Cable Co. Ltd. v. The Anglo-American Telegraph Co. Ltd., and the New York, Newfoundland and London Telegraph Co. Ltd. Consolidated with and Merging into the Said American Telegraph Co. Ltd. (1876-77)	... 755-6
(39) The Corfu Channel Case (1949)	... 756-7
(40) The Caroline (1839)	... 757-8
(41) Stoeck v. Public Trustee (1921)	... 758
(42) Kramer v. Attorney-General (1923)	... 758-9
(43) The U. S. A. v. Rauscher (1886)	... 759
(44) In Re Castioni (1890)	... 759-60
(45) In Re Meunier (1894)	... 760
(46) Case of Savarkar (1911)	... 760-1
(47) Rex v. Godfrey (1923)	... 761-2
(48) Case of Eisler (1949)	... 762
(49) Case of the Extradition of Haya De La Torre (1951)	... 762-3
(50) Re Kolczynski and others	... 763
(51) Extradition case of a citizen of Yugoslavia	... 763-4
(52) Zacharia v. Republic of Cyprus (1962) 2 All. E.R. 438	... 764-5
(53) Government of India and Mubarak Ali Ahmed (1952)	... 765
(54) The State of Madras v. C. G. Menon (1954)	... 765=6
(55) The case of Extradition of Tarasov	... 766
(56) State of West Bengal v. Jugal Kishore More (A.I.R. 1969 S. C. 1171)	... 766-8
(57) Rex v. Kent (1941)	... 768
(58) The Amazone (1939)	... 768-9
(59) Bergman v. De Sieyes (1946)	... 769
(60) Affairs of the Trent (1862)	... 769-70
(61) The Anglo-Iranian Oil Dispute (1954)	... 770-1
(62) Case concerning Right of Passage over Indian Territory (Portugal v. India)	... 771-4
(63) Daimler Co. Ltd. v. Continental Tyre and Rubber Co. Ltd. (1916)	... 774-5
(64) R. V. Bottrill, <i>ex-parte</i> Kuechenmeister (1947)	... 775-6
(65) The Zamora (1915)	... 776-777
(66) Schiffahrt Treuhand, G. M. B. H. v. H. M.'s Procurator General (1953)	... 777-8
(67) The Scuttled U-boats (1946)	... 778
(68) The Essen Lynching Case (1945)	... 778-9
(69) Rev. Mons. Sebastiao Francisco Xavier Dos Remedios Monteiro v. State of Goa (A.I.R. 1970 S.C. 329)	... 779-81
(70) The Appam (1916)	... 781
(71) The Stigstad (1919)	... 782
(72) The Altmark (1940)	... 782-3
(73) The Asama Maru (1940)	... 783-4
(74) The Alabama Claims (1871)	... 784-5
(75) The Washington (1940)	... 785
(76) The LENA (1904)	... 785-6
(77) The Franciska (1855)	... 786

	Pages
(78) The Peterhoff (1866)	... 786-7
(79) The Orozambo (1807)	... 787
(80) Dalmia Dabri Cement Co. Ltd. v. Commissioner of Income-Tax	... 787-9
(81) State of Madras v. Rajagopalan	... 789-90
(82) Ravji Amar Singh v. State of Rajasthan	... 790-1
(83) Mubarak Ali v. State of Bombay	... 791-2
	... 793-808

Index