

significance. It certainly contains no threat of danger to the rest of the world, as some students of international organization have feared would result from the setting up of any European union; this alone may reveal something concerning the nature of this effort.

PITMAN B. POTTER

#### THE PRESENT STATUS OF FOREIGN PERIODICAL LITERATURE OF INTERNATIONAL LAW

At the recent annual meeting of the Board of Editors of this JOURNAL in Washington some colleagues urged this writer to dedicate his next editorial comment to a survey of foreign periodical publications of international law during and after the second World War. To comply with this request, these lines have been written. They are based on this writer's studies, on his continuous perusal of all these publications, on his knowledge of all the languages involved.<sup>1</sup> This writer is personally acquainted and in correspondence with many of the editors, and has been and is a collaborator of most European and many American periodicals of international law. A check was made in February at the Harvard Law School Library, when this writer attended the discussion conference on international law at Cambridge, convoked by Judge Manley O. Hudson. In the course of recent investigations on the problem of the legal status of occupied Germany, this writer has made a special study of German publications of international law. These lines, however, do not pretend to give an exhaustive picture. They only serve to furnish an orientation to international lawyers in the Americas and they may also, perhaps, be found helpful in Europe.

Only foreign periodical publications, *i.e.*, those not published in the United States, are included. Information is restricted to periodical publications of public international law, excluding publications exclusively or primarily devoted to private international law (conflict of laws). Official publications are in general not mentioned; the same is true of the publications of the United Nations.

Attention may be directed, however, to the fact that the *Bulletin of the Pan American Union* will be replaced by two periodicals,<sup>2</sup> the more popular *Americas* and the important *Annals of the Organization of American States*.<sup>3</sup> This new publication, an outcome of the complete reorganization of the inter-American system under the Bogotá Charter,<sup>4</sup> will constitute a long step toward improving the hitherto fully inadequate documentation on the inter-American system. Equally important will be the new *Inter-American Juridical Yearbook*.

<sup>1</sup> Unfortunately, this writer does not know Russian; that is why periodical publications of international law in the Soviet Union could not be included.

<sup>2</sup> See the note in this JOURNAL, Vol. 43 (April, 1949), p. 348.

<sup>3</sup> Vol. I, No. 1 (Washington, 1949, pp. 151). The *Annals* will be published in separate editions in the four Pan American languages (Spanish, English, Portuguese and French).

<sup>4</sup> See the writer's study in this JOURNAL, Vol. 42 (July, 1948), pp. 568-589.

In Canada there is no periodical publication exclusively devoted to international law; but articles on international law can be found in general legal periodicals, in the *Toronto Law Journal* and the *Canadian Bar Review*.<sup>5</sup> A new official publication, *External Affairs*,<sup>6</sup> was started at the end of 1948.

In Latin America, as in Canada, the situation has not been disturbed by the war. But there is an appearance of new, a disappearance of older periodicals. The former *Revista Mexicana de Derecho Internacional* was published only for a short time; but articles on international law may be found in general legal periodicals, e.g., the *Revista de la Escuela Nacional de Jurisprudencia*<sup>7</sup> (Mexico City). Some years ago this writer was informed by Professor Luis Eduardo Nieto Arteta of Bogotá that a new *Revista Colombiana de Derecho Internacional* would be published; but he has not heard or seen anything of this review. Articles on international law can be found, however, in the general review, *Universidad Nacional de Colombia*.<sup>8</sup> A publication in Portuguese was started in 1945 in Brazil.<sup>9</sup>

Occasional articles on international law may be found in a number of Latin American general legal periodicals. There are, at the present time, three regularly published Latin American periodicals of international law, all in Spanish. There is, first, the well-known *Revista de Derecho Internacional*.<sup>10</sup> There is also the *Revista Argentina de Derecho Internacional*. Two volumes of this review were published in 1921 and 1922. Then, after an interval of sixteen years, the review reappeared in a second series in 1938 and has since been published regularly during and following the second World War.<sup>11</sup> There is, finally, the *Revista Peruana de Derecho Internacional*, the first volume of which was published in 1941. This review has since been published regularly.<sup>12</sup>

As to those parts of the world directly involved in the fighting, the *Japanese Journal of International Law and Diplomacy* continued throughout the war.<sup>13</sup>

In Egypt a new journal in French was started in 1945;<sup>14</sup> a second volume

<sup>5</sup> Vol. 26 (1948).

<sup>6</sup> *External Affairs*, A Monthly Bulletin of the Department of External Affairs, Ottawa, Canada, Vol. I (December, 1948, pp. 41).

<sup>7</sup> Vol. X (1948).

<sup>8</sup> *Revista trimestral de cultura moderna* (Bogotá), Vol. 7 (1948).

<sup>9</sup> *Boletim da Sociedade Brasileira de Direito Internacional* (Rio de Janeiro), Vol. I (1945); Vol. II (1946).

<sup>10</sup> Havana, Cuba. The latest number which this writer has seen is Vol. 53, No. 106 (June, 1948).

<sup>11</sup> Buenos Aires. Vol. I (1938); Vol. XI (1948).

<sup>12</sup> Lima, Peru. The latest number which this writer has seen is Vol. VIII (January-April, 1948).

<sup>13</sup> See the note by G. A. Finch in this JOURNAL, Vol. 42 (July, 1948), p. 633.

<sup>14</sup> *Revue Égyptienne de Droit International*, Vol. I (1945); Vol. II (1946). See the note by G. A. Finch in this JOURNAL, Vol. 40 (April, 1946), pp. 407-408.

appeared in 1946, but since that time this writer has heard nothing more of this review.

The greatest disruption of periodical publications, as a consequence of the war, took place, of course, in Europe. It is interesting to note, first, the rise of journals dealing with the wider range of international relations and international politics, although containing also articles on international law,<sup>15</sup> but sometimes rather opposed to international law.<sup>16</sup> In London there is the journal *World Affairs*.<sup>17</sup> In Italy the *Rivista di Studi Politici Internazionali*<sup>18</sup> came to an end in 1944, whereas the publication *Relazioni Internazionali*<sup>19</sup> continues. Recently a new quarterly, *Études Internationales—Internationale Studien*, was started at The Hague and Brussels.<sup>20</sup>

Of publications of private associations for the United Nations we mention the *Mitteilungen der Schweizerischen Gesellschaft für die Vereinten Nationen*.<sup>21</sup> There are many new periodical publications in Europe on world government<sup>22</sup> and especially on Pan Europe.<sup>23</sup> The well-known publication, *La Paix par le Droit*,<sup>24</sup> continues; the same is true of the *Bulletin Interparlementaire*.<sup>25</sup> The Interparliamentary Union continues also to publish the reports of its conferences.<sup>26</sup> The *Annuaire de l'Institut de Droit Inter-*

<sup>15</sup> The same trend can be seen in this country. In Canada there is the *International Journal* (published quarterly by the Canadian Institute of International Affairs, Toronto), Vol. I (1946); in Cuba there is the journal *Diplomacia* (No. 26, January, 1949).

<sup>16</sup> As, in this country, the new journal, *World Politics* (published quarterly by the Yale Institute of International Studies), Vol. I, No. 1 (1948); latest number, Vol. I, No. 3 (April, 1949).

<sup>17</sup> Published by the London Institute of World Affairs. Editors, George W. Keeton and Georg Schwarzenberger. Vol. I of the New Series was published in 1947, Vol. III in 1949.

<sup>18</sup> Florence. Vol. XII (1944).

<sup>19</sup> *Settimanale dell'Istituto di Studi Internazionali* (Milan), Series II, Year XII (1948).

<sup>20</sup> See the note by P. B. Potter in this JOURNAL, Vol. 43 (January, 1949), p. 216.

<sup>21</sup> Glarus, Switzerland. Vol. III (1948).

<sup>22</sup> One World (London, National Peace Council), Vol. III (1949); Federal News (London), No. 158 (May, 1948); *Mitteilungsblätter der Liga für Weltregierung* (Cologne), No. 15/16 (March, 1948); *Der Weltstaat* (Munich, edited by Joe J. Heydecker), Vol. II (1948).

<sup>23</sup> See the writer's editorial comment in this JOURNAL, Vol. 42 (October, 1948), pp. 868-877; *Stati Uniti d'Europa* (Rome), Vol. I (1947); *Europa (Organ der Europa Union)* (Basle), Vol. XV (1948); *L'Action Fédéraliste Européenne* (Neuchâtel), Vol. III (1948); *Neues Europa* (Hann-Münden, Editor Franz Nowack), Vol. III (1948); *Europa Archiv* (Frankfurt, edited by W. Cornides), Vol. III (1948). See also the new German periodical, *Die Wandlung*, which deals with world organization and other problems of international law (Heidelberg), Vol. III (1948).

<sup>24</sup> Nîmes. Vol. LII (1948).

<sup>25</sup> Geneva. Vol. XXVIII (1948).

<sup>26</sup> The latest is: *Union Interparlementaire: Compte rendu de la XXXVII<sup>e</sup> Conférence tenue à Rome du 6 au 11 septembre 1948* (Lausanne, 1949, pp. XII, 893).

*national*<sup>27</sup> has been revived. In the neutral countries of Europe the situation of periodical publications was not affected by the war. That is why the *Nordisk Tidsskrift for International Ret* (*Acta Scandinavica Juris Gentium*), which stood in its tenth volume in 1939, continued throughout the war.<sup>28</sup> Equally, in Switzerland, the *Revue de Droit International, de Sciences diplomatiques et politiques* (Sottile) was not interrupted by the war.<sup>29</sup> The same is true of the valuable *Revue Internationale de la Croix Rouge*.<sup>30</sup> Hans Wehberg has carried on indefatigably, and nearly single-handed, his *Die Friedens-warte*<sup>31</sup> under great difficulties throughout the war; this journal has, especially immediately after the end of fighting, given invaluable service to the German-speaking part of Europe, cut off for many years from all international contacts, by articles on new developments and documents in German translation. Many articles on international law can be found in Swiss general legal periodicals and even in daily newspapers. But Switzerland, physically untouched by the war, permanently neutral, strongly international and peaceful, in thought and in action a model of an international attitude, strictly in conformity with international law, not only carried on, but has strengthened its status with regard to periodical publications of international law by the new and excellent *Swiss Year Book of International Law*,<sup>32</sup> the first volume of which was published in 1944. It has a documentary part and offers studies by such eminent Swiss authorities on international law as Max Huber, the late Dietrich Schindler, Habicht, and Sauser-Hall, to quote a few.

In the United Kingdom the *Transactions of the Grotius Society* were continued until 1944,<sup>33</sup> although in small volumes. It is to be hoped that they will reappear and that the International Law Association (London) will continue the publication of its reports. The well-established and highly valuable *British Year Book of International Law* was in its twenty-first volume in 1941. Then the war forced an interruption of four years. Now the publication has been continued, although the volumes are one to two years late.<sup>34</sup> The immensely important *Annual Digest of Public Interna-*

<sup>27</sup> Latest publication: *Session de Lausanne*, August, 1947 (Brussels, 1947, pp. LII, 325).

<sup>28</sup> One volume for each subsequent year. However, the latest volume, XVIII, covers the years 1947-1948.

<sup>29</sup> Vol. XXVI (1948).

<sup>30</sup> Geneva. Vol. XXX (1948).

<sup>31</sup> Vol. XLIX (1949).

<sup>32</sup> *Schweizerisches Jahrbuch für Internationales Recht* (*Annuaire Suisse de Droit International*) (Zurich, Edited by the Swiss Association for International Law), Vol. IV (1947, pp. 330).

<sup>33</sup> Vols. XXVI (1940) (London, 1941); XXVII (1941), XXVIII (1942), XXIX (1943), XXX (1944).

<sup>34</sup> Vol. XXII (1945); Vol. XXIII (1946) (London, Oxford University Press, 1948). Vol. XXIV (1947) has been published recently.

*tional Law Cases*, edited by H. Lauterpacht, is being continued. Occasionally, excellent articles on problems of international law may be found in general legal periodicals, such as the *Law Quarterly Review*, the *Juridical Review* and the *Modern Law Review*. Also the *Journal of Comparative Legislation and International Law*, which in 1948 was in its thirtieth volume, has continued. Great progress was achieved by the foundation of a new periodical, the *International Law Quarterly* (British Journal of Public and Private International Law)<sup>35</sup> in 1947. While, therefore, publications did suffer from the war, the situation in the United Kingdom is not only on the way back to normalcy, but has improved, as compared with the pre-war period.

In the majority of countries on the European Continent, however, the war has had a devastating effect. It is true that a new publication of international law was recently started in Greece, the *Revue Hellénique de Droit International*.<sup>36</sup> To the three Latin American periodical publications in Spanish the mother country has now added the new *Revista Española de Derecho Internacional*.<sup>37</sup> The first number of this review, presented in an agreeable forum, has a rich content. Special attention is given to the classic Spanish school of international law, as the articles on Suárez (Legaz y Lacambra), on Baltasar de Ayala (M. Fraga Iribarne) and on Luis de Molina (L. García Arias) show.

The *Yugoslav Year Book of International Law*, as well as a similar publication in Czechoslovakia, has, as far as this writer knows, been killed by the war. Of the postwar lectures delivered at the Hague Academy of International Law only one volume has been published so far.<sup>38</sup> In Belgium the war not only stopped the publication of the *Revue de Droit International et de Législation Comparée*, but up to the present, it has not been found possible to revive this oldest and at the same time one of the most distinguished periodicals on international law, a fact particularly to be regretted.

The war also caused great damage in France.<sup>39</sup> The *Revue de Droit International*, edited by de La Pradelle, came to an end with its twenty-fifth volume in 1940 and has not been revived, presumably because of a lack of funds. Two other publications were interrupted by the war for several years, but have been revived. The *Revue Internationale Française du Droit*

<sup>35</sup> See the note by G. A. Finch in this JOURNAL, Vol. 41 (July, 1947), pp. 659-660. The latest number which this writer has seen is Vol. II, No. 2 (Summer 1948).

<sup>36</sup> Vol. I, Nos. 1, 2 (1948) (Athens, Edited by J. Spiropoulos and P. Vallindas). See the writer's note in this JOURNAL, Vol. 43 (April, 1949), pp. 345-346.

<sup>37</sup> Vol. I, No. 1 (Madrid, Edited by the Instituto Francisco de Vitoria, 1948, pp. 291). The editorial board includes all the well-known Spanish international lawyers, such as C. Barcia Trelles, L. Legaz y Lacambra, J. M. Trias de Bes, A. Truyol Sierra, J. de Yanguas Messia.

<sup>38</sup> *Recueil de Cours*, Tome 70, 1947, I (Paris, pp. 611).

<sup>39</sup> See the note by John B. Whitton in this JOURNAL, Vol. 43 (April, 1949), p. 340.

*des Gens*, edited by Raoul Genet, was revived in 1947.<sup>40</sup> The *Revue Générale de Droit International Public*, edited by Marcel Sibert, ceased publication after the fall of France; but it was revived, under the same editor, after the liberation. The volume for 1940<sup>41</sup> was published in 1945, followed by the volumes for 1941-1945.<sup>42</sup>

Great damage was also done in Italy. The Institute of Legislative Studies in Rome, under the direction of Salvatore Galgano, now continues its valuable publications, which are also of interest to the international lawyer. The *Italian Year Book of International Law*<sup>43</sup> was not continued. The *Rivista di Diritto Internazionale*, founded by Dionisio Anzilotti, continued through the early years of the war, but came to an end at the beginning of 1943.<sup>44</sup> Up to the present, this valuable journal has not been revived. A new periodical publication, different in character, *La Comunità Internazionale*,<sup>45</sup> has been started in Rome.

Austria suffered severely as far as periodical publications are concerned. The distinguished *Jahrbuch der Österreichischen Konsularakademie* has definitely come to an end, as the Consular Academy itself has been closed. The *Revue Internationale de la Théorie du Droit*, devoted to a great extent to international law, later edited by the Austrian, R. A. Métall of the International Labor Office, and printed in Czechoslovakia, removed to Copenhagen and came to a definitive end after the German occupation of Denmark. The distinguished *Zeitschrift für Öffentliches Recht*, edited by Alfred Verdross and largely devoted to international law, continued through the early years of the war, but then came to an end. After the liberation, Verdross revived the journal as the *Austrian Journal of Public Law* in 1946.<sup>46</sup> It has again the same high standard and is again strongly devoted to international law. Articles on international law may also be found in Austrian general legal periodicals, such as the *Juristische Blätter*.<sup>47</sup>

The most devastating effect of the war on periodical publications on international law was, of course, in Germany. The journal *Völkerbund und*

<sup>40</sup> Year XII, Vol. 16 (1947).

<sup>41</sup> 3rd series, Vol. XIV.

<sup>42</sup> The latest issue which this writer has seen is Vol. XIX (1948), Nos. 1-2, which contains, among others, articles by Kelsen, by A. Gervais (on French prize law during the second World War) and by G. Héraud (on the present Statute of the Saar).

<sup>43</sup> *Diritto Internazionale* (Edited by the Istituto per gli Studi di Politica Internazionale, Director, G. Balladore Pallieri), Vol. I (1937); Vol. II (1938).

<sup>44</sup> Vol. XIX (1940); Vol. XX (1941); Vol. XXI (1942); last appearance, Vol. XXII (1943), Nos. 1-2.

<sup>45</sup> *Rivista trimestrale della Società Italiana per l'Organizzazione Internazionale*, Vol. I (1946); Vol. II (1947); Vol. III (1948).

<sup>46</sup> *Österreichische Zeitschrift für Öffentliches Recht* (Vienna). (See the note by E. Borchard in this JOURNAL, Vol. 41 (January, 1947), p. 145.) Vol. I (pp. 526) was published in five numbers, 1946-1948. Vol. II, No. 1 (pp. 162) appeared at the beginning of 1949; the second number of Vol. II is now due.

<sup>47</sup> Vienna. Vol. 71 (1949).

*Völkerrecht* was terminated. All the great German periodicals of international law were continued through the first years of the war, but sooner or later came to an end. This was the case of *Niemeyer's Zeitschrift für Internationales Recht*, and of the *Zeitschrift für Völkerrecht*.<sup>48</sup> The very important *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* came to an end in 1939.<sup>49</sup> None of these great German periodicals has been revived up to now. Immediately after Germany's total defeat and during 1946 and even 1947 there were no periodical publications of international law. Studies on international law appeared during this period in small articles in the daily newspapers licensed by the different occupying states, and small, mimeographed *Opinions* by official authorities or private scholars. During and after the latter part of 1946 new German general legal periodicals were started<sup>50</sup> which often also contained articles on international law. This also holds true today.<sup>51</sup> Since 1948 a certain revival of periodical publications primarily devoted to international law can be seen in Germany. Two new and important periodical publications were started during that year. The first one is the *Jahrbuch für internationales und ausländisches öffentliches Recht*.<sup>52</sup> The first volume for 1948 concentrates nearly exclusively on the problem of the legal status of Germany under the occupation. Different in character, devoted to general international law, to international organization, the United Nations and Pan America, although by no means neglecting the very special problems of occupied Germany, is the *Archiv des Völkerrechts*.<sup>53</sup>

JOSEF L. KUNZ

#### THE JURAL PERSONALITY OF THE UNITED NATIONS

In an editorial comment in this Journal on "Responsibility for Injuries to United Nations Officials," written in connection with the assassination of Count Bernadotte, the present writer concluded "The United Nations would seem justified in making demands upon the Israeli Government" in accordance with the principles there developed. That discussion dealt with the principles under which the Israeli Government would be responsible, and

<sup>48</sup> Vol. XXIII (1939). No volume in 1940; but Vols. XXIV and XXV were published in 1941. No. 1 of Vol. XXVI appeared in 1942; Nos. 2 and 3 of that volume were published in 1944.

<sup>49</sup> Berlin, 1939. Vol. VIII (1938).

<sup>50</sup> The most important ones are: *Deutsche Rechtszeitschrift*, Vol. I (1946); *Monatszeitschrift für Deutsches Recht*, Vol. I (1947); *Neue Juristische Wochenschrift*, Vol. I (1947); *Neue Justiz*, Vol. I (1947); *Süddeutsche Juristenzeitung*, Vol. I (1946).

<sup>51</sup> See the *Archiv des öffentlichen Rechts* (Tübingen, 1948), Vol. 74.

<sup>52</sup> Hamburg. Edited by Rudolf Laun and H. von Mangoldt. Vol. I (1948, pp. 280).

<sup>53</sup> Edited by W. Schätzel (Mainz), H. Wehberg (Geneva) and H. J. Schlochauer (Cologne). Of Vol. I the first three numbers were published in 1948; the last one has just appeared.