REPORTS OF INTERNATIONAL ARBITRAL AWARDS

RECUEIL DES SENTENCES ARBITRALES

Index

VOLUME XI
INDEX

A

ACTIONS: see LIMITATION OF ACTIONS

Amiable compositor
  Functions of: 360, 367-368

ANALOGY
  Interpretation by: 94

ANTICRESIS
  Definition of: 365

ARBITRAL AWARD
  Binding effect of: 238
  Effects of, in regard to third parties: 22, 359, 543
  Effect of the nullity of a part of an, on the remaining parts of this award: 240, 543
  Excess of jurisdiction and essential error, as vices involving the nullity of an: 238 ff., 543
  Interpretation of: 540 ff.
  Invalidity of, alleged, for equivocality and uncertainty of its terms and impossibility of accomplishment: 341-342
  Invalidity of, alleged, for departure from the terms of the compromis: 335
  Revision of: 238-239

ARBITRATOR: see JURISDICTION OF ARBITRATOR OR TRIBUNAL

ASSIGNMENT OF DEBT
  Effect of, to a foreigner: 408
  Omission to notify an: 240

B

BAYS
  Legal status of: 196-197

Bona fide: see GOOD FAITH

BOUNDARY RIVERS
  Boundary continues notwithstanding modification of the course of the river: 320
  Effect of natural changes in the course of the: 320 ff., 338

C

CESSION OF DEBT: see ASSIGNMENT OF DEBT

CLAIM
  For undue collection of taxes: 419-420
INDEX

For unlawful detention of ship: 460-461, 475-476
For wrongful deprivation of mining rights: 364 ff.

CLAIMANT
Claim of State on behalf of individual victims of war: 433-434

COMPETENCY: see JURISDICTION OF ARBITRATOR OR TRIBUNAL

CONFISCATION OF PROPERTY
Claim based on: 9, 385

CONSULAR JURISDICTION: see JURISDICTION

CONTINUITY OF STATES
Principle of: 209

CONTRACTS
Binding force of: 78, 373
Concluded by government authorities, alleged to be null and void for lack of legislative approval: 79-80

CORPORATION
Nationality of: 406

COUNSEL FEES
Indemnification of, allowed: 240

DAMAGES
Measure of, as results of breach of contracts: 81

DEBT: see also ASSIGNMENT OF DEBT
Of State to State: 433-434

DEMAND IN DUE FORM OF LAW
As prerequisite to claim interest for delayed payment of debt: 442

DIPLOMATIC PROTECTION: see CLAIMANT

DOMINION
Meaning of the word: 196, 203

ECONOMIC RIGHT
Liberty of fishery as: 192

EFFECTIVE NATIONALITY
Principle of: 406

EFFECTIVENESS
Principle of: see INTERPRETATION OF TREATIES

EQUITY
As basis of award: 10, 145, 238-239, 508

EROSION: see BOUNDARY RIVERS

ERROR: see ARBITRAL AWARD

EVIDENCE: see also: INTERPRETATION OF TREATIES
Direct knowledge of the facts: 303
Maps as: 114-115
Official and private maps as: 503
INDEX

Rules of, in international proceedings: 302 ff.
Value of hearsay: 303

Excess of jurisdiction: see Jurisdiction

Expenses of litigation
Indemnification of, allowed: 241
Expressio unius, exclusio alterius
Principle of, rejected: 185

Extradition
No obligation on a receiving State to restore prisoner irregularly delivered: 254

F

Fault: see also State responsibility
Of consular agents: 129

Fees: see Counsel fees

Fishery
Liberty of, as economic right: 192
Protection and preservation of fisheries as duty of Sovereign: 187
Renunciation of natural right to fish on the High Seas: 195

Flag
Use of: see Sovereignty

Fluvial boundary: see Boundary rivers

Force majeure
Exception of, rejected: 443

Frontier delimitation: see also Boundary rivers
According to reason of historical right, of equity and of geographical nature: 115
According to the equity: 145
Acts of sovereign authority as basis of: 68
Administrative and ecclesiastical division, prior to independence, as test for delimiting frontier territories between sovereign States: 113
Effect of unilateral demarcation of boundary: 308
In accordance with natural lines: 22
Of maritime territory: 160

G

Good faith
Execution of obligation contracted by treaty: 186-188

H

High seas: see Fishery

Hinterland doctrine
Reference to: 306

Historic bays
Reference to: 205 ff.
INDEX

HYPOTHEC: see Sovereignty

I

INTEREST
From the date of award: 37, 81
From the date of the claim: 241
Moratory or compensatory: 439-440
On monetary debt, from the date of delay: 442-443
Rate of: 9

INTERNATIONAL LAW
Duty to fulfil obligations arising out of treaties freely concluded, as principle of: 558
General principles of: 496 ff., 558
Intertemporal law: 159-160
Retroactivity of laws and treaties discussed: 325, 343

INTERNATIONAL RIVERS: see Boundary rivers

INTERNATIONAL SERVITUDES: see Servitudes

INTERPRETATION OF TREATIES
Absence of objection to the interpretation of a prior treaty: 262
Accepted by other States: 262
Antecedent circumstances must be considered: 294
Attendant circumstances must be examined: 569
Broad interpretation: 54
By analogy: 94
General principles of law applicable: 294
General term preceding or following specific term must be presumed to embrace only things of the kind designated in the latter: 336
Grammatical value of the words: 294
Intention of the Parties: 200, 325, 497
Principle of effectiveness: 198, 418 ff., 497
Principle of expressio unius, exclusio alterius: 185
Usual ordinary sense of the words: 198-199
Value of unguarded expressions contained in diplomatic correspondence: 186, 325-326

J

JURISDICTION
Conflict of, between consular and military authorities: 128 ff.

JURISDICTION OF ARBITRATOR OR TRIBUNAL
Based on protocol: 294, 540 ff., 332-333
Excess of jurisdiction as vice involving partial nullity of an arbitral award: 238 ff., 543
Facts considered as constituting excess of: 239
Power of the arbitrator to determine his own competence: 307
Strictly limited by terms of the compromis: 334-335

Jus soli AND jus sanguinis
Conflict between: 406
INDEX

L

LIABILITY OF STATES: see STATE RESPONSIBILITY

LIMITATION OF ACTIONS
  Principle of: applicability between sovereign States: 370

Locus standi
  Of partners of a company in liquidation: 359-360

M

MAPS
  As evidence: 114-115, 503

MARITIME TERRITORY
  As essential appurtenance of land territory: 159
  Delimitation of: 160

MILITARY JURISDICTION: see JURISDICTION

MILITARY OCCUPATION
  Effect of, on treaties in force in occupied territory: 362-363

MORTGAGE: see SOVEREIGNTY

N

NATIONALITY
  Principle of "effective nationality" in cases of double: 406

NATIONALITY OF CORPORATION: 406

NATIONALITY OF SHIPS: 92 ff.

NEUTRAL SHIPS: see SHIPPING

NOTES: see SECRET NOTES

NULLITY OF AWARDS: see ARBITRAL AWARDS

O

OCCUPATION: see TERRITORIAL OCCUPATION

OCULAR INSPECTION BY THE ARBITRATOR
  Reference to: 294

P

PLATEAU
  Meaning of the word: 294 ff.

POSSESSION
  As prescriptive title to territorial sovereignty: 328

PRESCRIPTION: see also POSSESSION
  Interruption of, in International Law: 329

PRINCIPLES OF LAW AND EQUITY
  As basis of award: 79
INDEX

PROOF
Burden of: 180, 200

PROPERTY
Arcifiinus and limited lands: 320, 343

PROTECTION OF CITIZENS BY GOVERNMENTS: see Claimant

Protégé
Definition of the term: 94

R

RENUNCIATION OF A RIGHT
Cannot be presumed: 55
Renunciation of natural right to fish on the High Seas: 195

Res judicata
Exception of, rejected: 444

RETROACTIVITY: see INTERNATIONAL LAW

S

SANCTIONS
In International Law: 186

SECRET NOTES
Validity of, relating to the subject matter of a treaty, and not included in ratification: 372

SERVITUDES
International, discussed: 182, 187

SHIPPING
Capture and detention of neutral ships: 459, 474-475
Legal status of foreign ships in territorial sea: 95
Nationality of ships: 92 ff.
Right of visit and search: 459, 474

SOVEREIGNTY: see also Possession
Claim in respect of violation of: 252
Limitation of exercise of, only on the ground of express stipulation: 187
Limitation of, by treaties: 93
Right of State to permit the use of its flag: 93
Right to hypothecate customs as attribute of: 363
Right to regulate liberties as attribute of: 180
Territorial Sovereignty
Acts constituting effective occupation: 306
Discovery of new channels of trade cannot confer right to the acquisition of: 21
No contradicted and successive development of jurisdiction and authority, as basis to claim: 22
Occupation of terra nullius in name of State, as basis to acquire: 21
Peaceful display of sovereignty as basis of title to: 161-162

STATES:
Principle of continuity of: 209
INDEX

STATE RESPONSIBILITY
    Delay in the payment of a monetary debt: 438 ff.
    Fault imputable to Government: 80
    Illegal acts of military authorities: 560
    Transfer of liability by agreement: 368 ff.
    Withdrawal of concessions granted by State: 80

STATE SUCCESSION
    In the matter of obligations: 373

TECHNICAL OBJECTIONS
    Disregarded: 367-368
    Terra nullius: 21

TERRITORIAL OCCUPATION
    Requisites of, to acquire sovereignty: 21

TERRITORIAL SEA
    Breadth of: 195 ff., 204-205, 208 ff.
    Thalweg: 160

THIRD PARTY: see ARBITRAL AWARD

TRANSACTION
    Binding force of: 78-79

TREATY: see also INTERPRETATION OF TREATIES
    Binding force of: 419
    Effect of, in regard to third parties: 371
    Effects of war upon: 187
    Execution in good faith of obligations contracted by treaty: 186-188, 558

V

VISIT
    Right of: see SHIPPING

W

WAR: see also MILITARY OCCUPATION
    Effects of, upon treaties: 181
    Respect of private rights by conqueror: 366-367

WAR INDEMNITY: see CLAIMANT