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Situation, Documents, and Commentary on Recent Developments in the International Law of the
Sea

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The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. Government,
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FOREWORD

A major purpose in the compilation of the materials in this volume has been to provide a collection of treaties, laws and other materials dealing with recent developments in the international law of the sea, and air law developments related thereto, which might be of value to the officers and other personnel of the U.S. Navy. It is hoped that officials in other departments of the U.S. Government, and in other governments, as well as teachers and students of international law, may also find it useful.

An International Law Situation, drawn from a problem used in the curriculum of the Naval War College, was included in this volume in the hope that it would serve to encourage later writers in this Blue Book Series to revive the custom that was inaugurated so many years ago by the late Professor George Grafton Wilson. The present writer is deeply indebted to Professors Jessup, Lissitzyn, Tucker, Gross, Baxter, Briggs, and McDougal for helpful comments on the Situation in draft form, but these gentlemen are not to be held responsible for the final conclusions therein. The Situation, with minor revision, has been published also in 52 *Northwestern University Law Review* 320 (1957).

The volume was essentially completed in the summer of 1956. So far as possible, information on developments throughout the volume was checked through October 1956, before the completed volume was delivered to the Naval War College in December 1956. On receipt of the galley proofs in August 1957, every effort was made to bring treaty information up to date through search of *Treaties in Force* (State Department Publication No. 6427), the *Bulletin of the Department of State*, and British Government lists. It was not possible to make a similar revision with respect to *Treaties* not in the above lists, nor with the national claims in Part II, Section VI, nor with statutory or administrative changes affecting the laws cited in Part III.

The writer is grateful to many institutions and people for assistance in the preparation and collection of material. His greatest debt is to L. Anthony Zega, Esq., of the New York Bar, who served as an assistant during his tour of duty at the Naval War College. Many other individuals at that institution, too

numerous to mention here, were most helpful. Similarly, the libraries of Brown University and Yale University School of Law were courteous and helpful on numerous occasions. Oscar Schachter, and Chafic Malek, as well as other members of the Legal Division of the United Nations Secretariat, were most generous in making materials available, and assisting in other ways. Officials of the Pan American Union were similarly helpful. The Department of State's Office of Legal Adviser as well as other offices of that and other departments were of great assistance. Willard Cowles, then Deputy Legal Adviser, was a most gracious guide in this aspect of the work. Arnold W. Knauth, Esq., of the New York Bar, was of great assistance in the preparation of Section VII of Part II. Commander Mitchell P. Strohl, U.S.N., of the Naval War College, was most helpful throughout the preparation of the book. The assistance of Miss Elaine Teigler of the Northwestern University Law School Library staff with documents, and Mrs. Angela Henzler, my secretary, with typing and proofreading, is gratefully acknowledged.

BRUNSON MACCHESNEY

Northwestern University School of Law,
Chicago, Illinois,
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PREFACE

The publication of this series was inaugurated by the Naval War College in 1894. This is the fifty-first volume in the series, as numbered for index purposes. The titles vary slightly from year to year. The preceding volume is entitled *International Law Studies 1955, The Law of War and Neutrality at Sea*, by Professor Robert W. Tucker.

The post-World War II period has been one of decidedly increased interest in that portion of International Law dealing with jurisdiction and sovereignty over water areas of the world. Exploitation of offshore mineral resources; increased international competition in the fishing industry; and the enormously destructive potential of new weapons systems have prompted many of the coastal and maritime states to review their policies with respect to the territorial sea, the high seas, the continental shelf and superjacent air spaces. This volume on the International Law of the Sea is particularly directed to recent developments in these categories of interest. It was edited by Professor Brunson MacChesney of the Northwestern University School of Law, the 1955-56 occupant of the Naval War College Chair of International Law.

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Newport, 1 January 1957.

