

methods, privileges, etc. In 1927 a large degree of reciprocity in treatment of diplomatic representatives was introduced, even extending to transit of representatives accredited to third states, freedom for cipher messages, couriers, and other exemptions in conformity with international law and custom. While the inviolability of the diplomatic agents' *hôtel* may be somewhat less complete than sometimes assumed, it seems adequate.

The extension of functions and immunities of consuls as representatives of the business affairs is a normal attitude when the state itself, as in the case of the U. S. S. R., conducts the business as well as the political affairs and in many respects does not distinguish between these, but the extension of consular authority to fields ordinarily considered political may, nevertheless, give rise to problems requiring special consideration.

At the Genoa Conference of 1922, it was affirmed by the Soviet delegation that,

from the point of view of law, Russia is in no wise obliged to pay the debts of the past, to restore property, or to compensate their former owners, nor is she obliged to pay indemnities for other damages suffered by foreign nationals, whether as a result of legislation adopted by Russia in the exercise of her sovereignty, or as a result of the revolutionary events.¹

There was, in fact, some relaxing of the rigid maintenance of this position, for in a letter to the Prime Minister of Great Britain, it was said,

The Russian Delegation wish also to make it clear, although it seems to be self-evident, that the Russian Government could not admit liability for the debts of its predecessors until it has been formally recognized *de jure* by the Powers concerned.²

To some extent it has now been recognized by the U. S. S. R. that as regards foreign property, the correlative rights and obligations of former governments should be recognized, though to what degree might be a matter of negotiation.

While in most respects the established technique of international relations has recently been in form followed by the Union of Soviet Socialist Republics, it remains to be seen how far the obligations usually assumed as operative under the conditions of normal diplomatic relations between states will be accepted as actually binding.

GEORGE GRAFTON WILSON

BRITISH RECOGNITION *DE FACTO* AND *DE JURE* OF THE U. S. S. R.

The British Government made a distinction between recognition *de facto* and recognition *de jure* in entering upon its relations with what is now the Union of Soviet Socialist Republics. The trade agreement of March 16, 1921, between Great Britain and the R. S. F. S. R., was signed by R. S. Horne, President of the Board of Trade, and L. Krassin, the official agent of the Rus-

¹Papers relating to International Economic Conference, Genoa, April-May, 1922. Cmd. 1667, p. 43.

²*Ibid.*, p. 26.

sian Soviet. In reply to questions in the House of Commons on March 22, 1921, the Prime Minister said,

This is purely a trading agreement, recognising the Soviet Government as the *de facto* Government of Russia, which undoubtedly it is. I do not suppose anyone looking at the facts of the last two or three years could possibly challenge that. They have as complete control over that vast territory as any Government could possibly have under present conditions, and therefore they have to be recognised as the *de facto* Government of that Empire.¹

The agreement of March 16, 1921, between the Soviet Government and Great Britain was repeatedly referred to as "a trade agreement" to promote commercial relations, the "question of political relations being postponed."

To a question on March 21, 1921, in the House of Commons as to whether the Soviet official agents in Great Britain would be recognized as diplomatic representatives and be treated like the personnel of the Polish legation, the Parliamentary Under-Secretary of State replied: "The answer to the first part of the question is in the negative. The second part does not therefore arise."²

On May 14, 1923, the question was raised as to which states had "recognised the Russian Government *de facto* and *de jure* respectively." The Under-Secretary of State replied:

So far as His Majesty's Government are aware, the following countries have extended *de jure* recognition to the Soviet Government: Afghanistan, Esthonia, Finland, Germany, Latvia, Lithuania, Persia, Poland, Turkey (Government of the Grand National Assembly).

De facto recognition is understood to have been given by the following countries, in addition to Great Britain: Austria, Czecho-Slovakia, Denmark, Italy, Norway.³

In a note of February 1, 1924, Mr. Hodgson, the British representative in Moscow under the Trade Agreement of March 16, 1921, stated to the U. S. S. R.:

I have the honour, by direction of my Government, to inform Your Excellency that they recognize the Union of Socialist Soviet Republics as the *de jure* rulers of those territories of the old Russian Empire which acknowledge their authority. . . .

I have been given the status of *Chargé d'Affaires* pending the appointment of an Ambassador; and I am to state that his Majesty's Government will be glad similarly to receive a Russian *Chargé d'Affaires* representing the Government of the Union at the Court of St. James.

The reply, February 8, 1924, signed by M. Rakovski, stated:

I have the honour, on behalf of the Government of the Union of Soviet Socialist Republics, to inform your Excellency that my Government has

¹ 139 House of Commons Debates (1921), 2506.

² 139 *Ibid.*, 2198.

³ 164 *Ibid.* (1923), 22.

taken cognizance with satisfaction of the contents of the British note of February 1, 1924, in which the British Government recognizes *de jure* the Government of the Union of Soviet Socialist Republics, whose authority extends throughout all the territories of the former Russian Empire, with the exception of those which have been severed with the consent of the Soviet Government and in which independent States have been constituted. . . .

My Government has learned with pleasure of the appointment of Mr. Hodgson as British *Chargé d'Affaires* in Moscow, and has instructed me to inform your Excellency that, pending the appointment of an Ambassador, I have been given the status of *Chargé d'Affaires* of the Union of Soviet Socialist Republics at the Court of St. James.

On February 12, 1924, the Prime Minister in reply to a question said, "His Majesty's Government, as my hon. Friend is doubtless aware, granted *de jure* recognition to the Soviet Government on 1st of February."

GEORGE GRAFTON WILSON

THE EFFECT OF PROHIBITION REPEAL UPON THE LIQUOR TREATIES

It has been suggested currently in the columns of the press and elsewhere that the so-called liquor treaties, more accurately described as conventions concluded between the United States and other Powers for prevention of smuggling of intoxicating liquors,¹ may have lapsed with the repeal of Amendment XVIII to the Constitution of the United States. The suggestion must be quite uninspired, for it is clear enough that repeal has had no such effect.

In the first place, as Chief Justice Taft observed, in construing the convention with Great Britain in the case of *Ford v. United States*, "no particular laws by title or date were referred to in the treaty but only the purpose and effect of them."² Indeed those who drafted the treaties would appear to

¹ Conventions for prevention of smuggling of intoxicating liquors are now in force between the United States and Great Britain, signed Jan. 23, 1924 (43 U. S. Stat. L. 1761); Norway, signed May 24, 1924 (43 *ibid.*, 1772); Denmark, signed May 29, 1924 (43 *ibid.*, 1809); Germany, signed May 19, 1924 (43 *ibid.*, 1815); Sweden, signed May 22, 1924 (43 *ibid.*, 1830); Italy, signed June 3, 1924 (43 *ibid.*, 1844); Panama, signed June 6, 1924 (43 *ibid.*, 1875); Netherlands, signed Aug. 21, 1924 (44 *ibid.*, 2013); Cuba, signed March 4, 1926 (44 *ibid.*, 2395); Spain, signed Feb. 10, 1926 (44 *ibid.*, 2465); France, signed June 30, 1924 (45 *ibid.*, 2403); Belgium, signed Dec. 9, 1925 (45 *ibid.*, 2456); Greece, signed Apr. 25, 1928 (45 *ibid.*, 2736); Japan, signed May 31, 1928 (46 *ibid.*, 2446); Poland, signed June 19, 1930 (46 *ibid.*, 2773); and Chile, signed May 27, 1930 (46 *ibid.*, 2852). Most of these conventions are also printed in the Supplements to this JOURNAL, Vol. 18 (1924), pp. 127, 186, 197; Vol. 19 (1925), pp. 6, 8, 9, 113, 115; Vol. 21 (1927), pp. 72, 116; Vol. 22 (1928), p. 167; and Vol. 23 (1929), p. 61.

The text quoted in this comment is that of the convention with Great Britain. In so far as the articles relevant to this comment are concerned, the several conventions are drafted in substantially identical terms. See this JOURNAL, Vol. 20 (1926), p. 340. See also this JOURNAL, Vol. 20 (1926), pp. 111, 444; Vol. 21 (1927), p. 505; and Vol. 27 (1933), p. 305.

² 273 U. S. 593, 618; Annual Digest, 1925-1926, Case No. 110; commented on in this JOURNAL, Vol. 21 (1927), p. 505.