

**WORLD HEALTH
ORGANIZATION**

**ORGANISATION MONDIALE
DE LA SANTÉ**

SECOND WORLD HEALTH ASSEMBLY

A2/CM/4 ✓
21 June 1949

ORIGINAL: FRENCH

COMMITTEE ON CONSTITUTIONAL MATTERS

INFORMATION REGARDING THE REQUEST FOR ADMISSION OF SAN MARINO
(Provisional Agenda page 1, item 12)

1. Exchange of notes concerning the request for admission (First and Second World Health Assemblies) pages 1 - 12
2. Legal Documents (Note, Constitution, Diplomatic representation, Treaty between Italy and San Marino, opinions of jurists, etc.) pages 13 - 17

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page 2

CONSULATE OF THE REPUBLIC OF SAN MARINO IN LIECHTENSTEIN

San Remo Hotel Royal

9.3.48

M. Zarb
c/o WHO
Palais des Nations 420
Geneva

Sir,

Referring to our conversation of November, 1947, I have the honour to inform you that the Government of the Republic of San Marino, to which I forwarded all the details you were kind enough to give me as well as the documents, has been dealing with the question of admission to the World Health Organization in the course of its last session.

My Government has a very high opinion of the aims pursued by your organization and the Republic of San Marino is extremely anxious to form part.

Unfortunately San Marino is not a large country and only has a rather limited budget.

His Excellency the Minister for Foreign Affairs has written to me concerning the above-mentioned matter as follows:

"L'organizzazione mondiale della Sanita à certamente una iniziativa di grande rilievo per i fini sociali che si propone.

"Ragioni di prestigio e di praticà opportunità consigliamo l'adesione anche della nostro Republica, da farsi a tempo debito, conforme alla procedura de Lei accennata, stabilita per gli Stati che non fanno parte dell'ONU.

"L'unica difficoltà che si presenta potrebbe essere il contributo che gli Stati aderenti sono tenuti a pagare annualmente e che, a norma dell'art. 56 sono fissato su basi proporzionali; e quindi ad evitare torprese, ritengo opportuno che Ella assuma informazioni precise a tale riguardo."

I should be very grateful if you would be good enough to give me some more precise information which might serve to relieve my Government's anxiety.

Will you please be good enough to send your reply to the above address.

I have the honour to be, etc.

(Signed) Lifschitz
Consul

19 April 1948

Sir,

I did not reply earlier to your letter of 9 March 1948 regarding the candidature of the Republic of San Marino for admission to the World Health Organization, because I thought the information I could give you would be more complete once the Constitution of our Organization had come into force. Events have proved me right.

It was on 7 April 1948 that the Constitution entered into force in accordance with the provisions of Article 80, after 26 Members of the United Nations had deposited the instruments of ratification of this diplomatic Act.

As a result, the Interim Commission of the World Health Organization - entrusted with preparing the way for this specialized agency of the United Nations - has fixed 24 June 1948 as the date for the opening of the first session of the Health Assembly, which will take place in the Palais des Nations at Geneva.

According to the terms of Article 6 of the aforementioned Constitution, States which have not become Members of the Organization in accordance with Articles 4 and 5 of the Constitution - which is the case as regards the Republic of San Marino - may apply to become Members and shall be admitted as Members when their application has been approved by a simple majority vote of the Health Assembly.

You might therefore suggest to the Government you represent that it should submit an application for admission to the World Health Organization which could be examined at our next Assembly.

If the candidature of the Republic of San Marino were to be accepted, official advice of this would be sent to its Government, and it would then devolve on the latter, in accordance with the provisions of Article 79 of the Constitution, to deposit the instrument of acceptance of the Constitution with the Secretary-General of the United Nations. Membership, with all its attendant rights and privileges, is acquired on the day of such deposit.

Pending completion of the above-mentioned formalities I have the honour to request you to inform the Government you represent that it is permissible for it to designate one or more observers who, as such, will be able to follow the work of the First Session of our Assembly. If a decision is taken to do so I should be very much obliged to you to inform me as soon as possible of the name or names of the observers selected. I should also tell you that the status of observer does not confer the right to participate in the debates or to take part in the voting, and that no provision is made for the repayment of the expenses of this category of participant.

Monsieur B. Lifschitz
Consul of the Republic of San Marino
Schauplatzgasse 11
Berne

I attach to this letter a document prepared by the Interim Commission indicating in particular the rules that will doubtless govern the fixing of the amount of the contribution of the States Members. You will observe that the lowest figure shown in this document corresponds to .04% of the annual budget, which provides for a sum of about \$6,000,000.

It is scarcely necessary for me to emphasise that this document, which is by no means final, may be modified, perhaps substantially. The only reason why it is sent is to allow the responsible authorities to determine approximately the annual financial burden (about \$2,500 - or Sw.fr. 10,000) which the Treasury would have to bear should the Republic of San Marino be admitted to membership of the Organization.

In order to give fuller information to the Government you represent, and to yourself, I take the liberty of attaching to this letter a copy of the Constitution of our Organization, as well as a copy of a circular letter showing the present position regarding ratifications of the Constitution.

Documents concerning the various subjects to which the Health Assembly will be devoting itself at its first session will be forwarded to you if you think it desirable to send observers.

I am at your entire disposal for any additional information that you may care to ask for.

I have the honour to be, etc..

Dr. Brock CHISHOLM
Executive Secretary

B. LIFSCHITZ
Barrister and Consul

San Remo, Royal
22.iv.48

To Dr. Brock Chisholm
Executive Secretary
Palais des Nations
Geneva

Ref. San Marino
11-1.9

Sir,

I desire to thank you warmly for your very full letter of 19 April 1948, which has been sent on to me here.

I had it immediately translated into Italian and I have sent it to my Government at San Marino. As soon as I get there reply I will write to you again.

My personal view is that San Marino will not be in a position to pay 10,000 Swiss francs annually. She is a small republic, but would very much like to participate in all international organizations and institutions. She has, however, only 12,000 citizens and a very modest budget. Again, it must not be forgotten that San Marino is one of the soft currency areas (Italian lire). Of the 12,000 inhabitants that make up

the population of San Marino 90% are peasants and labourers.

This being so, one might more readily expect San Marino to become an "Associate Member" if that entailed less heavy financial sacrifices. But if I am not mistaken, Article 8 of the Constitution refers to non-independent territories, whereas San Marino is a completely sovereign State (the oldest republic in the world; she has been in existence now for 1,647 years). I take the liberty of attaching herewith a number of documents regarding San Marino so that you may be able to appreciate the position. (These documents were not attached - Registry note).

I should be grateful if you would be kind enough to give me your advice on the matter.

I have the honour to be, etc.,

Dr. B. LIFSCHITZ, Consul

3-2-65

13 May 1948

Sir,

I have the honour to acknowledge receipt of your letter of 22 April 1948, in which, in reply to my letter of 19 April 1948, you were good enough to give me your personal opinion about the problem of the financial participation of the Republic of San Marino in the expenses connected with the World Health Organization.

It is the responsibility of the Government of the Republic of San Marino alone to determine the consequences which the making of an application for admission to the World Health Organization would entail.

Today I should merely like to give you some guidance about one passage in your letter. In it you visualize the possibility of the Republic of San Marino becoming an "Associate Member" of our Organization. This idea, and the articles of the Constitution relating thereto, namely, Articles 8 and 47, are only applicable to those territories or groups of territories which are "not responsible for the conduct of their international relations"; your personal feelings seem moreover, to be wholly in line with this point of view.

You will readily understand that it is impossible for me, owing to the very nature of the office I hold, to give you any kind of advice capable of influencing your Government's decision.

I have the honour to be, etc.,

Dr. Brock CHISHOLM
Executive Secretary

Monsieur B. Lifschitz
Consul of the Republic
of San Marino
Schauplatzgasse 11
BERNE

FIRST WORLD HEALTH ASSEMBLY

A/L/1
28 June 1948

ORIGINAL:
FRENCH

12.5.7. Considerations of Applications for Membership
(Off.Rec.WHO, 10, page 127)

DOCUMENT SUBMITTED BY THE
DELEGATION OF THE REPUBLIC OF SAN MARINO

Vaduz, June 23rd, 1948.

Mr. President,

Gentlemen,

San Marino, the smallest but eldest republic in Europe, founded in 301 A.D., has appointed me Observer at your World Health Assembly which will be held in Geneva from June 24, 1948 onwards,

Besides the usual duties of an Observer, my Government has also entrusted me with the following mission:

"The Consul General, Dr. B. LIFSCHITZ, is instructed to endeavour to obtain the admission of the Republic of San Marino as an ordinary member of the WHO, on condition however that the annual contribution should be within its means,"

To this end I am submitting the following

MEMORANDUM

since a mere observer, unlike a delegate, is not entitled to speak at meetings,

It is the earnest desire of the Republic of San Marino to be accepted as an ordinary member of your great and valuable organization. It sincerely admires the ideals which inspire you and the objectives you have set yourselves.

Your Secretariat has informed us that the Republic of San Marino should pay an annual contribution of \$2,500 or 10,000 Swiss francs, in order to have the honour of becoming an ordinary member of your institution. Unfortunately the country I represent cannot assume so heavy a burden. The Republic of San Marino is an entirely independent sovereign State with an area of 60 square kilometres and a population of 19,000, of which 12,000 live at home and 7,000 abroad. 80% are engaged in agriculture. San Marino has, therefore, a sort of self supporting economy. She could not exist otherwise, for there are no taxes and her industry is in its infancy.

Her principal source of revenue consists in the sale of stamps, telegrams and so on, together with the customs duties paid by the Italian Government in accordance with the Convention concluded by the two States in 1939. These contributions amount to 90 million lire, which is not a very great sum considering the present value of Italian currency in the world market. In addition, San Marino, which was neutral

during the last war, suffered from Allied bombs and acts of war which resulted in the death of thirty people and very considerable material damage. Moreover, the only railway line between San Marino and Rimini was completely destroyed and San Marino was thereby cut off from the Italian railway system. Since the air attack, all passengers must be conveyed by motor coach and goods by lorry. Any impartial observer will realize the consequences of this state of affairs for a tiny country which is economically and financially rather weak. With the best will in the world, this small state could not pay such a large annual contribution.

Furthermore the following point which concerns all the so-called small states deserves consideration; The lofty aims incorporated in the statutes and the programme of the WHO are universal and can only be achieved if every single state in the world belongs to the organization and helps in the common task. I should like to raise one point in this connection.

One of your aims is to fight and, implicitly, to forestall epidemics. What will the WHO do if it does not accept us as members and if an epidemic breaks out in our country? Even if we are not members, the WHO will be obliged to use every means in its power to put a stop to this epidemic if it does not desire the infection to spread to neighbouring member States. This applies with even greater force to the prevention of infectious diseases in men and animals. I could go on quoting examples from your programme but I will not try your patience. I think the above-mentioned example will have shown that the membership of small States is even more in the interest of the WHO than in that of the States themselves.

The idea of great and small is relative like everything else in the world and if the principles of justice are to be observed, I believe that we cannot apply the same yardstick to all our judgements and decisions. There must be some latitude.

The position of each country should therefore be examined before its yearly contribution is assessed. First, enquiries should be made as to its area, population, budget, and the composition of its income; its financial and economic position, etc. should also be ascertained.

A fair solution of the problem is impossible until such an examination has been made and each State has been shown to be solvent. What use would it be for a small State to exert itself to the utmost to pay a given sum if it compromises its finances so far as to leave nothing for sanitary and health equipment, which is nevertheless indispensable in the fight against epidemics?

As a mere observer, I presume that I am not entitled to submit proposals direct to your Assembly. I therefore venture to make the following

SUGGESTION

in the hope that amongst you there will be some members who will understand the position of the so-called small States and will espouse the cause of San Marino so far as to submit my suggestion on the form of a motion to the Assembly.

1. The Constitution of the WHO shall be amended so as to fix a maximum but not a minimum limit to annual contributions.

2. The conception of a small State shall be circumscribed and defined.
3. Special rules shall be drawn up for the admission of new member States under which contributions shall be assessed according to the area of the territory, the population, the economic and financial position and the solvency of the respective States.
4. Such decisions shall be taken in every case by a special Committee appointed by you to this effect.
5. Small States shall be entitled, if necessary, to appeal to the next General Assembly against the decision of the aforesaid committee, giving the reasons for their appeal. The General Assembly would then take a final decision by vote.

I have deliberately expressed my petition in general terms in the interest of all small States in the world even though my instructions come solely from the Republic of San Marino, for I am convinced that other States are or might be in the same position as San Marino.

These small States should also be allowed a "place in the sun" so that they may develop and prosper in the interests of all mankind.

I hope that you will comply with my request or at least that you will accept it as a basis for discussion at the next session due to begin on June 24, 1948.

Sgd: The Observer of the Republic of
San Marino.

Dr. B. LIFSCHITZ,
Consul General.

World Health Organization,
Geneva.

Consulate General of the Republic of San Marino
in Liechtenstein

Vaduz (Geneva)
26.6.1948

Professor Andrija Stampar,
President of the first World Health Assembly,
Geneva.

Sir,

I beg to acknowledge receipt of your letter of June 25, 1948, for which I cordially thank you.

I have taken note of the information you have sent me, and I shall enter into communication with the Chairman of the Committee on Administration and Finance of the World Health Organization.

I also thank you for the opportunity you give me of speaking when item 10 of the agenda is discussed. As Consul of Nicaragua I am also taking part in the International Telecommunications Conferences and the debates of the Provisional Committee on Frequencies, but I am anxious to place this matter personally before the World Health Organization and not through my secretaries.

On this occasion I am taking the liberty of sending you a copy of my memorandum of today's date addressed to the Committee on Administration and Finance of the World Health Organization and I should like especially to draw your attention to my withdrawal of items 4 and 5 which are still included in my memorandum of June 23, 1948.

Thanking you for your kindness, I remain, etc.

Dr. B. Lifschitz

Consul General, Observer from the
Republic of San Marino.

ANNEX

Geneva, June 26, 1948

Mr. President,

Gentlemen,

Professor Andrija Stampar, President of the World Health Assembly in Geneva, was good enough to communicate to me in his letter of the 25th instant that my request for admission to the WHO dated June 23, 1948, and made on behalf of the Republic of San Marino, has been transferred to you for consideration.

Unfortunately, when the request was drafted, I did not notice that, as regards your Commission, the WHO has the final word on the instrument which I mentioned in items 4 and 5 of my request.

I should like to make the following correction. No account is to be taken of items 4 and 5. Would you kindly take note of this decision ?

(Signed) Dr. B. Lifschitz,
Consul-General of San Marino
Observer to the World
Health Assembly

To the Committee on Administration
and Finance,
World Health Organization,
Geneva.

1 July 1948

ORIGINAL: FRENCH

FIRST WORLD HEALTH ASSEMBLY

12.5.7. Consideration of applications for Membership

LETTER FROM THE OBSERVER FOR THE REPUBLIC
OF SAN MARINO

Geneva, 30 June 1948

Mr. President,

On 23 June 1948 I ventured to submit to you an application for membership of your great and esteemed organization.

In this communication I wrote inter alia:

"In addition to the normal tasks of an observer, my Government has entrusted me with the following mission:

"The Consul-General, Dr. B. Lifschitz, has been instructed
"to ensure that the Republic of San Marino is admitted as
"an ordinary member of the World Health Organization,
"provided that it is not called upon to pay too heavy
"annual contribution."

In your letter of 25 June 1948 you informed me that my request had been transmitted to the Committee on Administration and Finance of the World Health Organization.

From Document A/AF/3, dated 28 June 1948 and distributed to the members of the World Health Organization by the Committee on Administration and Finance, I learn that the Assembly will devote its careful attention to the question of the currency in which the contributions of the various nations shall be paid. It further appears that the Assembly will also discuss the amount of the annual subscriptions to be paid by each member and that important decisions will be taken in this matter.

Mr. President, you have seen from my letter of 23 June 1948 and from our previous correspondence that I am under definite instructions from my Government to apply for admission to the World Health Organization as an ordinary member, on condition, however, that my Government is informed beforehand of the contribution it will have to pay. This attitude would appear to be justifiable on the part of a small country of limited financial means. Unfortunately, no such resolution has so far been adopted. On the other hand, the question of the admission to membership of San Marino will probably be considered during the session which is to take place on Saturday next, 3 July.

In these circumstances, to avoid any difficulties that might arise from a financial burden too heavy for the budget of my small country, I am authorized by my Government to ask you to be kind enough to consider our request for admission dated 23 June 1948 as applicable to the second Assembly of the World Health Organization, which is to take place in 1949.

I ask you, therefore, to take note of this and to remove the question of the admission of the Republic of San Marino from the agenda for the meeting of 3 July 1948.

Thanking you for your kindness,

I have the honour to be,

Mr. President,

your obedient servant,

Dr. B. Lifschitz,
Consul-General, Observer for the
Republic of San Marino at the
First World Health Assembly.

A2/CM/4
page 12
3-2-65

25 June 1948

Sir,

I thank you for your communication of 23 June 1948, in which you were good enough to inform me that you are empowered to take the necessary steps to secure admission of the Republic of San Marino to the World Health Organization. The question of payment which you raise in your letter will be referred to the Committee on Administration and Finance, and all further observations which you think should be addressed to this Committee will be welcome.

If, in your capacity as Observer of the Republic of San Marino, you desire to make any statement, I would ask you to be good enough to do so when Item 10 on the Agenda comes up for discussion, and to submit a request to me to this effect.

I have the honour to be, etc.,

Professor Adrija Stampar,
President of the
First World Health Assembly.

Dr. Lifschitz
Consul General
Observer of the
Republic of
San Marino

N.0416/A/471

San Marino,
10 July 1948

Sir,

Our Consul-General, Grand Officer, Dr. Boris LIFSCHITZ, has communicated to me the substance of the conversation which he had with you on 1 July 1948.

I must express to you the sincere gratitude of my Government and of myself for the friendly reception you gave to our representative and for what you told him.

It is our earnest desire to participate in your Organization, and we were therefore very happy to learn that you consider that, after our admission as a Member of your World Organization (which will take effect, we hope, during the next General Assembly), means will be found for reaching an understanding on the question of the annual contribution.

I have the honour to be, etc.,

(G. GIACOMINI)
Secretary of State for Foreign Affairs

Professor Andrija Stampar
President of First General Assembly of WHO
Geneva

N.0399/A/471

San Marino
10 January 1949/1648d.F.R.

Mr. President,

We refer to various requests previously made to you by our observer, Dr. B. LIFSCHITZ, Grand Officer, and Consul-General of San Marino at Vaduz (Principality of Liechtenstein).

As would appear from the provisional minutes of the Legal Committee of 30 June 1948, the request seems to have been presented too late.

Our observer withdrew this request in a letter of 30 June 1948, asking that it should be considered as valid for the Second General Assembly of the WHO that was to take place in 1949.

We venture herewith to repeat our request for the Second World Health Assembly, and again ask you that the Republic of San Marino may be admitted as a Member of your Organization.

We should be grateful if you would kindly acknowledge receipt of this request.

I have the honour to be, etc.,

(signed) (G. Giacomini)
Secretary of State

His Excellency
Professor Andrija STAMPAR
President of the WHO
GENEVA

Office of the Director-General
3-2-65

2 February 1949

To the Secretary of State

Sir,

The President of the World Health Assembly has forwarded to me your letter of 10 January 1949 (v/ref. N.0399/A/471) in which you were good enough to renew on behalf of the Republic of San Marino, a request for admission as a Member of the World Health Organization.

I have not failed to bring this request to the knowledge of the States Members of this Organization in order that it may be examined during the Second World Health Assembly, whose opening date has been fixed for the 13 June and which will take place at Rome.

Whilst awaiting a decision on the admission of your country, will you be good enough to designate one or more observers to follow the labours of this next Assembly, under the same conditions as those under which they participated in the previous Assembly?

I have the honour to be, etc.,

Dr. Brock CHISHOLM
Director-General

Secretary of State for Foreign Affairs
Of the Republic of San Marino
SAN MARINO

SAN MARINO

founded in the IVE Century. Treaty with Italy di Amicicia e buon Vitinato (June 28, 1887); new treaty on March 21, 1939.

The Republic is governed by a council of 60 of whom 2 are elected as regents for 6 months (1 April and 1 October) being thereafter ineligible for office for 3 years.

A Council of twelve forms a supreme court of justice.

The area is 38 square miles, the population 15,545.

There is an army of about 1,000.

(Treaty of extradition concluded between Great Britain and San Marino on October 1899).

Party to the International Sanitary Convention of 1926.

Member of the Opium Commission.

CONSTITUTION OF SAN MARINO

Leges Statutae Reipublicae Sancti Marini

Text in latin (of the 16 century)

DIPLOMATIC REPRESENTATION OF THE REPUBLIC OF SAN MARINO
IN VARIOUS COUNTRIES AND OF THE LATTER IN SAN MARINO

SAN MARINO LEGATIONS

Accredited to the French Government in Paris
" " Italian Government in Rome
" " Swiss Government in Berne

CONSULATES GENERAL OF SAN MARINO

Denmark	Copenhagen
England	London
France	Paris
Italy	Rome
Liechtenstein	Vaduz
Netherlands	Amsterdam
Portugal	Lisbon
Sweden	Stockholm
Switzerland	Berne
United States of America	New York

SAN MARINO CONSULATES

France	Marseilles
Italy	Ancona Bologna Florence Genoa Milan Naples Turin Venice
Monaco	Monaco

REPRESENTATIVES OF FOREIGN COUNTRIES ACCREDITED TO THE GOVERNMENT
OF THE REPUBLIC OF SAN MARINO

Consulates General and Consulates with jurisdiction in the
territory of the Republic of San Marino.

Great Britain
Italy
Monaco
Switzerland
United States of America

AGREEMENT OF FRIENDSHIP AND GOOD NEIGHBOURLINESS
BETWEEN THE KINGDOM OF ITALY AND THE REPUBLIC OF
SAN MARINO (31st MARCH 1939)

EXTRACTS

Chapter I - General Provisions

Art. 1. The relations between the Kingdom of Italy and the Republic of San Marino shall be inspired with sentiments of reciprocal friendship and good neighbourliness.

The Republic of San Marino, believing that the protective friendship of His Majesty the King of Italy, will never fail in its support of her ancient liberty and independence, declares that she will not accept that of any other power.

Art. 2. The two contracting Parties, while noting that neither of them has as yet been obliged to have recourse to diplomatic representation for the purpose of their mutual intercourse, reserve the right to do so at such time when, by common consent, they deem this to be necessary.

The position of diplomatic representatives, once these have been nominated, and of consular representatives of each of the contracting Parties in regard to the other, shall be controlled, in regard to their status and functions, by international law, and, subject to reciprocity, shall not be less favourable than in the case of consular and diplomatic representatives of the most favoured Nation.

Art. 3. On the territory of a third State, in regard to which the Republic of San Marino has not concluded, and will not conclude, true diplomatic representation, and, equally, outside the circumscribed area of the consular representation of the Republic, the Italian consular authorities shall give assistance to citizens of San Marino who shall ask for it.

Art. 4. The citizens of each of the two States shall be admitted to the territory of the other for the exercise of any industry, commerce, profession or art, and shall have access to any public employment on the same conditions as the nationals.

- Chapter II - Judicial Aid in Civil Affairs (Art. 5, to 11)
- Chapter III - Judicial Aid in Penal Affairs (Art. 12 to 35)
- Chapter IV - Administrative Aid (Art. 35 to 41)
- Chapter V - Copyrights and trade licences (Art. 42 and 43)
- Chapter VI - Financial conditions (Art. 44 to 52)
- Chapter VII - Miscellaneous and final conditions.

PHILLIMORE - International Law - p.112

San Marino is also a very small but independent Republic in the North East of Italy, encircled by Provinces formerly belonging to the Pontifical States..... In 1797 it declined the offer of an increase of country made to it by Napoleon, who appears to have scrupulously respected its neutrality.

OPPENHEIM - International Law - Seventh Edit.

176..... The Republic of San Marino, an enclave of Italy, formerly under the protectorate of the papal States, is now under the protectorate of Italy.

See, however, SOTTILE, *La République de St. Marin*, (1924) who maintains that S. Marino is a fully sovereign state, citing a declaration of the Italian Government to this effect. See also FAUCHILLE par. 181 (1922) who classified San Marino as being under the protectorate of Italy.

Opinion of Judge Anzilotti in the Austro-German Customs Regime

Permanent Court of International Justice - Series A/B 40 contains some interesting observations on the independence of a State in relation to obligations entered into by it with other States:

"The conception of independence, regarded as the normal characteristic of States as subjects of international law, cannot be better defined than by comparing it with the exceptional and, to some extent abnormal class of States known as "dependent states". These are States subject to the authority of one or more other States. The idea of dependence therefore necessarily implies a relation between a superior state (suzerain, protector, etc.) and an inferior "or subject State" (vassal, protégé, etc.); the relation between the State which can legally impose its will and the State which is legally compelled to submit to that will. Where there is no such relation of superiority and subordination it is impossible to speak of dependence within the meaning of international law.

It follows that the legal conception of independence has nothing to do with a State's subordination to international law or with the numerous or constantly increasing status of de facto dependence which characterise the relations of one country to other countries.

It also follows that the restrictions upon a State's liberty, whether arising out of ordinary international law or contractual engagements, do not as such in the least affect its independence. As long as these restrictions do not place the State under the legal authority of another State, the former remains an independent State however extensive and burdensome those obligations may be."