# Exhibit 219

in the case of:

**People of the Republic of Texas**
**and the**
**Sovereign Nation of the Republic of Texas**

**v.**

**UNITED NATIONS**
**(and all it's Political Subdivisions)**
**and**
**UNITED STATES**
**(and all it's Political Subdivisions)**

***Under the Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct copies from the book entitled "A Modern Introduction to International Law" by Michael Akehurst; M.A., LL.B. (Cantab.). The pages were scanned from an original published copy of the book and scanned was witnessed by one party signing below. This attestation made on July 28, 1998, at 2:00 PM.***

***Attest:*** _____

D. A. West

***Witness to scan and above signature***

Merle Ann West

***Witness to above signatures***

# A MODERN INTRODUCTION TO INTERNATIONAL LAW

MICHAEL AKEHURST

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*Docteur de luniversite de Paris,*
*of the Inner Temple, Barrister-at-Law,*
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FOURTH EDITION

London

GEORGE ALLEN AND UNWIN
Boston Sydney

***The following Exhibit and cites are taken from a book on international law. This book was chosen since it was written and published outside the United States, giving a broader opinion of international as related to nations, other than the United States. The author is from France, giving experience and documentation from a nation with a background in international relations and law for well over a thousand years. United States published works can only carry experiences of about 200 years and are limited in scope to United States opinions, rather than world and international opinion.***

***attached are scan copies of the pages directly from the book and the same pages retyped for clarity and ease of reading.***

Chapter 2 page 16:
*Theory of Sovereignty*

In 1923 the Permanent Court of International Justice said: 'The Court declines to see, in the conclusion of any treaty by which a state undertakes to perform or refrain from performing a particular act, an abandonment of its sovereignty . . . . [The right of entering into international engagements is an attribute of state sovereignty' *(Wimbledon* case, PCIJ, series A, no. 1, p. 25). Of course, one can imagine treaties containing such far-reaching obligations as to deprive a state of its independence - for instance, a treaty whereby one state becomes a protectorate of another state (see below, p. 56). But there is no fixed dividing-line between independence and loss of independence; it is a matter of degree and opinion; even Independence' shares some of the emotive qualities of the word 'sovereignty'. For instance, the idea of joining a supranational Organisation like the European Economic Community (Common Market), which would have been regarded as an intolerable restriction upon independence a century ago, is nowadays discussed in more realistic terms of economic advantages and disadvantages.

Chapter 5 page 56:
*Governments*

A state cannot exist for long, or at least cannot come into existence, unless it has a government. But the state must not be identified with its government; the state's international rights and obligations are not affected by a change of government. Thus the postwar governments of West Germany and Italy have paid compensation for the wrongs inflicted by the Nazi and Fascist regimes. The same principle is also illustrated by the *Tinoco* case. I Tinoco, the dictator

Chapter 11 page 142:

*Cession*

Cession is the transfer of territory, usually by treaty, from one state to another. If there were **defects in the ceding state's title, the title of the state to which the territory is ceded will be vitiated by the same defects- this is expressed by the Latin maxim, *nemo dat quod non habet.*** For instance, in the *Island of Palmas* case (1928, *UNRIAA 11* 829), Spain ceded the Philippine islands to the USA by the Treaty of Paris 1898; the treaty described the island of Palmas as forming part of the Philippines. But, when the United States went to take possession of the island of Palmas, they found it under Dutch control. In the ensuing arbitration between the USA and the Netherlands, the USA claimed that the island had belonged to Spain before 1898, and that the USA had acquired the island from Spain by cession. The arbitrator, Max Huber, held that, even if Spain had originally had sovereignty over the island (a point which he left open), the Netherlands had administered it since the early eighteenth century, thereby supplanting Spain as the sovereign over the island (see below, p. 145). Since Spain had no title to the island in 1898, the USA could not acquire title from Spain.

Granting independence to a colony may be regarded as a sort of 'quasi-cession', when the grant constitutes a single act and not a gradual process.

Chapter 11 Page 146:

*Conquest*

Normally a state defeated in a war used to cede territory to the victor by treaty, but conquest alone, without a treaty, could also

**The right of self-determination is the right of a people living in a territory to determine the political and legal status of that territory, for example, by setting up a state of their own or by choosing to become part of another state.** Before 1945 this right was conferred by a few treaties on the inhabitants of a few territories (for instance, the Treaty of Versailles 1919 provided for a plebiscite in Upper Silesia, to determine whether it should form part of Germany or of Poland); but there was probably no legal right of self-determination in the absence of such treaty provisions. Since 1945 resolutions passed by the United Nations General Assembly have attributed a wider scope to the right of self-determination, and have brought about major changes in international law.

*Mandated territories*

After the First World War, some of the Allies wanted to annex Germany's colonies and certain Arabic-speaking areas of the Turkish Empire; but their **plans were opposed by President Wilson, who wished to secure recognition for the ideal of self-determination.** Eventually a compromise was reached; each of the territories in question was to be administered by one of the Allies, under the supervision of the League of Nations. This was known as the mandate system. **Article 22 of the League of Nations Covenant implied that the peoples inhabiting the mandated territories would be allowed to exercise a right of self-determination** at some time in the future, but it did not fix a date for the exercise of that right *(Namibia case, ICJ Reports,* 1971, pp. 16, 28-32).

confer title on the victor under the traditional law. However, **acquisition of territory by conquest was not lawful unless the war had come to an end.** If the defeated state entered into a peace treaty which ceded territory to the victor, or which recognised the victor's title, it was clear that the war had come to an end. **In the absence of a peace treaty, it was necessary to prove that the war had come to an end in a different way, by producing clear evidence that all resistance by the enemy state *and by its allies* had ceased;** thus the German annexation of Poland during the Second World War was 'Invalid, because Poland's allies continued the struggle against Germany. I In addition, the conqueror only acquired territory if he intended to do so; in 1945 the Allies expressly disclaimed the intention of annexing Germany, although they had occupied all of Germany's territory and defeated all her allies.

Chapter 16 Pages 240-241
*The Legality of Civil Wars*
There is no rule in international law against civil wars. Article 2(4) of the United Nations Charter prohibits the use or threat of force *in international* relations only. It is possible that each side will regard the other side as traitors from the point of view of municipal law, but neither the insurgents nor the established authorities are guilty of any breach of international law.
There may, however, be one exception to this principle. **The use of force to frustrate the exercise of a legal right of self-determination is generally regarded as illegal** nowadays, but it is uncertain whether such wars (wars of national liberation) should be classified as international wars or as civil wars (see below, pp. 256-7).

Chapter 17 Page 248:
*Self-Determination*

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[1] (1923), *UN Reports of International Arbitral Awards* I 375. But see above, p. 18, for the communist theory about class revolutions. For further discussion of the *Tinoco* case, see below, pp. 60–1.

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See also below, pp. 146–8, on treaties of cession imposed by force.

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# Self-Determination

The right of self-determination is the right of a people living in a territory to determine the political and legal status of that territory, for example, by setting up a state of their own or by choosing to become part of another state. Before 1945 this right was conferred by a few treaties on the inhabitants of a few territories (for instance, the Treaty of Versailles 1919 provided for a plebiscite in Upper Silesia, to determine whether it should form part of Germany or of Poland); but there was probably no legal right of self-determination in the absence of such treaty provisions. Since 1945 resolutions passed by the United Nations General Assembly have attributed a wider scope to the right of self-determination, and have brought about major changes in international law.

## Mandated Territories, Trust Territories and Non-Self-Governing Territories

*Mandated territories*

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