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Further Studies in International Law

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Preface

Semper enim in his studiis laboribusque viventi non intelligitur quando obrepat senectus.

For he who lives always for his studies and work does not notice when old age creeps up.

Cicero, De Senectute, xi.38

When *Studies in International Law* appeared in 1973, it seemed unlikely that there would be enough life, time and material left to publish further studies in international law. In spite or, perhaps one should say, by reason of a mixture of good fortune and adversity and with the help of a benevolent publisher such an undertaking has now become possible.

The new volume is only in two respects a continuation of the earlier one. In 1984 the Hague Academy of International Law generously extended a fourth invitation for a course of lectures and thus rendered it possible to consider again the doctrine of international jurisdiction, a topic to which the 1964 Hague lectures, reprinted in 1973, were devoted and which, incidentally, five years later could again do with fresh investigation. The 1984 series of lectures now opens the present volume. The other work included in it which offends against the principle of *ne bis in idem* is the paper on the International Enforcement of Public Rights. It continues attempts first made in 1955 and published in *Studies* (p. 492) and resumed in Rec. 132 (1971 i) 115, 166. It originally appeared in an American journal whose editors not only 'americanized', but also edited, i.e. rewrote it in many respects. The present version is the original one, but takes care of the remarkable developments which since 1987 occurred both in England and the Commonwealth. This is the only article in the present volume, which has been brought up to date.

A word of explanation is necessary to justify the inclusion of the case notes on Judicial Recognition of an Unrecognised State and on the *Rumasa* litigation. Normally there would have been no place for case notes in this volume. But both topics are so important and show up what is believed to be such unfortunate developments of English law that it seemed appropriate to make an exception in the hope of stimulating discussion and, possibly, promoting reform.

My thanks are due to my grandson Mr. Martin Thomas B.A. who is responsible for the Tables of Cases and the Index.

London, 4 June 1989.

F.A.M.

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