

DEPARTMENT OF INTERNATIONAL STUDIES OF THE
LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE
(UNIVERSITY OF LONDON)

ANNUAL DIGEST AND REPORTS OF PUBLIC INTERNATIONAL LAW CASES

Being a Selection from the Decisions of International and
National Courts and Tribunals given during the

YEARS 1933 and 1934

EDITED

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PREFACE

THE present volume of the *Digest* appears under the altered title of "Annual Digest and Reports of Public International Law Cases". The change indicates that a further step has been taken in the direction of accomplishing the object which was inherent in the purpose of the *Digest* from its inception, namely, the publication of International Law Reports proper. This object has been gradually realised with the appearance of each successive volume. Whenever possible, the paraphrasing of decisions has given place to a literal reproduction of the relevant parts of judgments and awards; at the same time the length of the verbatim extracts has been considerably increased.

International Law Reports on the same or similar lines as the regular reports of national courts published in the various countries have for a long time been considered by many to be a desirable piece of apparatus in the academic study of international law. Their usefulness to persons engaged in preparing and presenting cases before courts and tribunals has been repeatedly brought to the attention of the Editors. The technical and other difficulties surrounding an undertaking of this nature have made it necessary to proceed by stages. It is now more than ten years since the appearance of the first volume of the *Digest*, and the experience gained in these years suggests that the time is now ripe for making the major change which marks in a bolder manner than before the transition from digests to law reports.

In appearance the present volume does not differ appreciably from its predecessors. It has been thought

useful to follow the previous form of " digests ", distinguishing so far as possible between the facts underlying the case and the actual decision. Similarly, as in previous volumes, editorial policy has aimed, by means of insertion of headings and cross-references, at drawing the attention of the reader to the circumstance that in many cases a decision covers more than one point of law. The notes at the end of the reports have been retained. Moreover, in the case of decisions the importance of which did not justify a full or verbatim report, the original form of a digest has been adhered to. The method of digests, accompanied by verbatim extracts, has also been retained with regard to the bulky and easily accessible Judgments and Opinions of the Permanent Court of International Justice and voluminous arbitral awards like those given by the Special Boundary Tribunal in the dispute between Honduras and Guatemala or by the Arbitrator in the case of the Finnish Vessels. Cases which did not appear to warrant a digest have been retained in the form of a note or even a bare footnote reference—the underlying reason for that attempt at completeness being that even a seemingly insignificant or purely domestic decision may on occasions become of importance to the specialist and that, unless the case is recorded in the *Digest* in some form, it may easily become lost for the purposes of international law.

However, on the whole the editorial policy has been to replace digests by full or abridged reports suitably edited and annotated. The result is that in most cases the volume is no longer an index to sources, but that its contents form a primary source of decisions either in their original form or in translation. At the same time the wishes of those users of the *Digest* who seek for a short statement of the underlying legal rule are to some extent met by the headings, the sub-titles and by the expedient of inserting the operative part of the

decision at the beginning of the report or digest. But full or abridged verbatim reports fulfil an obvious purpose which overrides any passing inconvenience. In addition to their other uses in the field of international law, they show how—by apparently divergent mental processes and in spite of differences in judicial method, approach and terminology—tribunals and judges of various countries reach identical results, demonstrating in a significant manner the essential unity of the law of nations.

It would have been impossible to publish these volumes without the encouragement and most generous support of the Carnegie Endowment for International Peace. The Advisory Committee and the Editor avail themselves of this opportunity to express once more their gratitude to the Trustees of that Endowment.

The *Digest* has been associated from the very beginning with the Department of International Studies of the London School of Economics and Political Science, under whose auspices it has been published, and with which the present Editor had the privilege of being connected for many years. The present volume marks the termination of that association, and the Advisory Committee and the Editor place on record their sense of gratitude to the Governors and the Director of the London School of Economics and Political Science for their ungrudging support in many directions.

The Committee and the Editor have also to acknowledge the generosity with which the Incorporated Council for Law Reporting for England and Wales has given permission to reproduce fully or in part decisions appearing in the *Law Reports*.

As in the case of previous volumes, I have had the whole-hearted and patient co-operation of contributors from numerous countries, a list of whom appears in the opening pages of this volume, and to whom I am much indebted. It is probable that, with the gradual

transition of the "Digest" into "Reports", it will be found convenient to prepare and translate in England some of the reports and digests, but it is clear that the advice and, in many cases, the active collaboration of the contributors will continue to be as important and indispensable as before.

In editing the present volume I have had to rely to a substantial degree on the ever ready assistance and guidance of the Advisory Committee, who have now been joined by M. López Oliván, Registrar of the Permanent Court of International Justice. The latter has filled the place of the late M. Åke Hammarskjöld, whose premature death has robbed the *Digest* of a steadfast and devoted collaborator. I am particularly grateful to my former co-editors, Sir John Fischer Williams and Dr. McNair, with whom I have been in constant touch in the matter both of general policy and of administrative detail.

I am indebted to Mr. C. Parry, LL.B., and Mr. A. B. Lyons, LL.B., who, in addition to other useful assistance, took over the task of translating most of the cases in the French, German and Italian languages. Mrs. A. B. Lyons, B.Sc.(Econ.), has been responsible for the compilation of the Tables of Cases and of the Index. I am also greatly indebted to her for reading the proofs and for efficient secretarial assistance in the preparation of the volume.

H. LAUTERPACHT.

TRINITY COLLEGE, CAMBRIDGE
December, 1939

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¹ [References are to pages.]

¹ As in some countries it is not the practice to state the names of the parties in reporting cases, I have ventured to invent titles for these cases in the interest of convenience of citation.—[Ed.]