

INTERNATIONAL LAW REPORTS

Volume

55

EDITED

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PREFACE

With this volume we achieve our aim of publishing four volumes of the *International Law Reports* in 1979. In the fiftieth year of the series, we take pride in being able to provide for our readers so large and varied a body of valuable decisions.

Bearing in mind the constant need to catch up with older material as well as to present new material, we have devoted a large part of this volume to a number of interesting decisions from the courts of Australia, Canada, Ireland, Kenya, Lesotho, Malaysia, Papua and New Guinea, Sierre Leone, Singapore and South Africa decided in the years 1969—1974. The collection of these decisions and the preparation of the summaries are the work of Mr Sudipto Sarkar. We have also included a number of decisions of the courts of Japan and we are grateful to the International Law Association of Japan for kindly permitting us to use English translations which originally appeared in the *Japanese Annual of International Law*.

Much of the rest of the volume is taken up with the orders and judgments of the International Court of Justice given in the various stages of the *Fisheries Jurisdiction* case between the United Kingdom and Iceland in the period between 1972 and 1974. The next volume of these *Reports* will contain the decisions in the parallel case between the Federal Republic of Germany and Iceland. After careful consideration, we concluded that it is right to publish both sets of decisions in full because, despite the fact that there is much in common between them, they also differ significantly. It was not possible, in a manner which would properly reflect the decisions in the case brought by the Federal Republic of Germany, to print only those parts which differed from the decisions in the case brought by the United Kingdom.

We also print one decision of the Court of the European Communities given in 1974. As is pointed out in the Editorial Note in this and earlier volumes, we intend to print only those decisions of this Court which involve broader questions of public international law. Most of the decisions given by this tribunal deal exclusively with narrower, but nevertheless important, points of Community law and their volume is such that they must be left to the reports which specialize in European law. We are grateful to Mr L. Collins for his assistance in selecting those cases which are likely to be of particular interest to our readers.

We wish to acknowledge with our warmest thanks the permission given by various persons and bodies to reprint photographically in this volume decisions from the series of reports which appear in parentheses after each name: the International Court of Justice

(*I.C.J. Reports*); the Court of Justice of the European Communities (*E.C.R.*); Butterworths (Australia), (*A.L.R.*); Canadian Law Book Company (*D.L.R.*); the Incorporated Council of Law Reporting (the English *Law Reports*); the Incorporated Council of Law Reporting for Ireland (*Irish Reports*); the Papua New Guinea Council for Law Reporting (*P.N.G.L.R.*); Dr Alan Milner (*African Law Reports*); and Juta and Co. (*S.A.*).

The extensive summary of the *Fisheries Jurisdiction* case has been prepared by Mr Christopher Greenwood, who has also been responsible for much of the sub-editorial work on the volume. His continuing and extensive participation in the preparation of this series is such that I now have pleasure in including his name on the title page. Much aid has also been given by Miss Julia Buchanan (who has prepared the summary of the decision of the Court of the European Communities) and by Miss Sally Morris. Mr Fergal Martin has prepared the Table of Treaties and provided other general assistance. Mr M. G. Cowling has made the Index and Miss E. E. Jansen has compiled the Table of Cases. To all of them, as well as to my secretary, Mrs S. Rainbow, and to our admirable printers, the Gomer Press, I extend my warmest thanks.

E. LAUTERPACHT

TRINITY COLLEGE,
CAMBRIDGE
December 1979

EDITORIAL NOTE

The *International Law Reports* endeavour to provide within a single series of volumes comprehensive access in English to judicial materials bearing on public international law. On certain topics it is not always easy to draw a clear line between cases which are essentially ones of public international law interest and those which are primarily applications of special domestic rules. For example, in relation to extradition, the *Reports* will include cases which bear on the exception of "political offences" or the rule of double criminality, but will restrict the number of cases dealing with purely procedural aspects of extradition. Similarly, while the general rules relating to the admission and exclusion of aliens, especially of refugees, are of international legal interest, cases on the procedure of admission usually are not. In such borderline areas, and sometimes also where there is a series of domestic decisions all dealing with a single point in essentially the same manner, only one illustrative decision will be printed and references to the remainder will be given in an accompanying note.

DECISIONS OF INTERNATIONAL TRIBUNALS

The *Reports* seek to include so far as possible the available decisions of every international tribunal, e.g. the International Court of Justice or *ad hoc* arbitrations between States. There are, however, some jurisdictions to which full coverage cannot be given, either because of the large number of decisions (e.g. the European Commission of Human Rights or the Administrative Tribunal of the United Nations) or because not all the decisions bear on questions of public international law (e.g. the Court of the European Communities). In these instances, those decisions are selected which appear to have the greatest long-term value.

DECISIONS OF NATIONAL TRIBUNALS

A systematic effort is made to collect from all national jurisdictions those judicial decisions which have some bearing on international law.

EDITORIAL TREATMENT OF MATERIALS

The basic policy of the Editor is, so far as possible, to present the material in its original form. It is no part of the editorial function to impose on the decisions printed in these volumes a uniformity of approach or style which they do not possess. Editorial intervention is limited to the introduction of the summary and of the bold-letter rubric at the head of each case. This is followed by the full text of the original decision or of its translation. Normally, the only passages which will be omitted are those which contain either statements of fact having no bearing on the points of international law involved in

the case or discussion of matters of domestic law unrelated to the points of international legal interest. The omission of material is usually indicated either by a series of dots or by the insertion of a sentence in square brackets noting the passages which have been left out.

PRESENTATION OF MATERIALS

The material in this volume is of two kinds, material reproduced photographically and material which has been freshly set for this volume.

Material photographically reproduced. This consists exclusively of reports originally printed in the English language. The material can usually be recognized by the differences between its type-style and the Baskerville type otherwise used in these *Reports*. The source of the material is identified by the reference to "Report" in square brackets at the end of the case. Where more than one citation is given, the report used is the one first listed. The bold type figures in square brackets in the inner margin of each page refer to the pagination of the original report. The smaller figures in square brackets in the margins of these cases are the indicators of footnotes which have been editorially introduced.

Other material. The remaining material in the volume has been typeset for this volume. This includes all material specially translated into English for these *Reports* as well as some material in English which in its original form was not suitable for photo-reproduction. The source of all such material is indicated by the reference to the "Report" in square brackets at the end of the case. The language of the original decision is also mentioned there. The bold figures in square brackets in the body of the text indicate the pagination of the original report. Small figures in square brackets within the text are indicators of footnotes which have been editorially introduced.

NOTES

Footnotes. Footnotes enclosed in square brackets are editorial insertions. All other footnotes are part of the original report.

Other notes. References to cases deemed not to be sufficiently substantial to warrant reporting will occasionally be found in editorial notes either at the end of a report of a case on a similar point or under an independent heading.

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