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THIS VOLUME
IS DEDICATED TO THE MEMORY
OF
SIR HERSCH LAUTERPACHT
Q.C., LL.D., F.B.A.

August 16, 1897—May 8, 1960

PREFACE

IN dedicating this volume of the *International Law Reports* to the memory of my father, I believe I have done as would any other new editor. He made a unique contribution to the development of these *Reports* and, through them, to the sources and literature of international law. He participated, in conjunction with Lord (then Dr. Arnold) McNair, in the preparation of the first two volumes (which covered the years 1925-1926 and 1927-1928) and then joined Sir John Fischer Williams in the production of the volumes for 1919-1922 and 1923-1924. But from 1933 onwards, when the preparation of the volume for 1929-1930 began, my father alone bore the burden of producing the series. During this period, as the changes in their title indicate, the volumes gradually grew from a system of digests into a series of reports. They now constitute as full a collection of decisions bearing on international law as is practicable, having regard to the available resources of time, money and assistance. They demonstrate, also, as my father hoped from the beginning that they would, the validity of his belief that international law is not simply "book law" but rests upon a substantial and growing body of case law.

It is not really necessary, nor would it be appropriate, for me to attempt to recall the character of my father's achievement in relation to the *Reports*. I can perhaps do no more than record the deep devotion which he felt for them and his conviction that they, perhaps more than anything else he did, would stand as his memorial. I can mention too his constant preoccupation with the preparation of the individual volumes. For example, the Preface to the 1956 volume was dictated by him to me from his sick-bed in The Hague within ten days of his first heart attack in October 1959. Again, though I was responsible for the routine correspondence involved in collecting the material for the present volume, it was he who, during the few weeks of activity he enjoyed after his recovery from that illness, did the essential editorial work of reading and selecting the copy, revising the headings and generally preparing the cases for the printer. Only after his death did I become fully responsible for the volume.

It was one of my father's last expressed wishes that I should succeed him as Editor; and I am grateful that the Advisory Committee have felt able to implement it. But I doubt if he would have felt justified in voicing such a wish if he had not been confident that the true strength of the *Reports* lay as much in the contributors and in those who had helped him over

the years as in the person of the editor. I have certainly found this confidence justified. During recent months I have turned frequently to Lord McNair for guidance. Upon Mrs. Gladys Lyons, as well as upon her husband, Mr. A. B. Lyons, whose names have for so many years appeared in these Prefaces, I have placed the greatest reliance. I also owe a particular debt to Professor R. R. Baxter who, besides preparing what as usual is the heaviest contribution, namely, the decisions of courts of the United States of America, has done much to lighten my task and to guide and encourage me in other ways. In addition, I have received from each of the contributors who worked with my father the most heartening assurances of their willingness to continue their association with the *Reports*. I am immensely grateful for their response to the situation, which, I am sure, will be as much appreciated by the users of these volumes as it is by me.

It is my intention to continue my father's policy of developing the *Reports* into the fullest possible collection of judicial decisions in the field. Ideally, the volumes should be so complete that there should be no need for the reader to go outside them or even to refer to the original source. At the present time, however, this object cannot be achieved. Although minor changes can be introduced, such as the printing in the text of decisions of page numbers in heavy type which reflect the pagination in the original source, it is still impossible to reproduce every decision of every tribunal, whether international or municipal. One difficulty lies in obtaining translations of decisions in foreign languages. The *Reports* are fortunate to have contributors such as Mr. Lyons and Dr. Honig who, besides the other work which they do for these volumes, carry so admirably much of the heavy burden of translation. Nevertheless, limitations of time occasionally compel the omission of some foreign material such as, from the present volume, the dissenting opinions rendered in the Franco-Italian Conciliation Commission.

The principal new feature of the contents of the present volume is the series of decisions of the European Commission of Human Rights, which begins in 1955. I much appreciate the patient work which has been done by Mr. P. A. Allott in translating all but two of these decisions and in preparing them for publication.

In addition, the number of decisions of the Italian-United States Conciliation Commission has increased. Also, as a result of the efforts of Dr. K. Skubiszewski, some gaps in the reports of Polish decisions over the last decade have been filled. I am grateful to Dr. Skubiszewski not only for finding these cases but also for the careful translations of them which he has prepared.

A number of the decisions in the present volume were given in years prior to that to which the volume is nominally devoted. As stated above, the Polish cases reach back to 1948. Forty out of the fifty-eight decisions of the European Commission of Human Rights were given in 1955 and 1956. The same is true of some of the Dutch and Italian decisions, of a few of the decisions of the Italian-United States Conciliation Commission, and of the arbitral award of MM. Ripert and Panchaud in the case of *Société Européenne d'Études et d'Entreprises*. Even with the interval which now exists between the title-year of a volume and the date of its publication, it is by no means easy to gather in all the relevant material in due time.

The 1956 volume contained a report of the award in the *Ambatielos Arbitration*, but the Dissenting Opinions were, unfortunately, omitted. They are now printed in the present volume.

Professor J. H. W. Verzijl has indicated that he will no longer be able to prepare the Dutch cases for these *Reports*. I should, therefore, like to take this opportunity of thanking Professor Verzijl most warmly on behalf of the Advisory Committee and myself for all the devotion which he has shown to these *Reports* since his first participation in them exactly thirty years ago. His association with those volumes was, I know, most highly valued by my father.

As has now been the case for a number of years, this volume owes much to the grants made by the Ford Foundation and by the International Law Fund. To them, once more, I should like to express the gratitude of the Advisory Committee and myself.

I am indebted to Professor B. Goldman for his help in providing the text of the arbitral award given by MM. Ripert and Panchaud in the case mentioned above; and to Professor M. Bartos, Legal Adviser, and Dr. L. Serb, Senior Counsellor, of the Yugoslav Foreign Office, for providing the information which appears in the note appended to that decision.

I am also grateful to Mr. J. F. McMahon for assuming responsibility for the preparation of the Index.

Mrs. E. E. Jansen, has, as in the past, given valuable secretarial assistance and has prepared the Tables of Cases.

Finally, I would wish to express my appreciation of the consideration shown and help given by Messrs. Butterworth & Co. and their printers and compositors during this period of transition.

E. LAUTERPACHT

TRINITY COLLEGE,
CAMBRIDGE.

April 1961.

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LIST OF ABBREVIATIONS

OF TITLES OF COLLECTIONS OF DECISIONS, LAW
REPORTS, PERIODICALS, ETC., QUOTED IN THE TEXT

A.C.	=British House of Lords and Judicial Committee of the Privy Council
A.I.R.	=The All India Reporter
A.J.	=American Journal of International Law
All E.R.	=The All England Law Reports
A.L.R.	=American Law Reports
App. D.C.	=Reports of the United States Court of Appeals for the District of Columbia Circuit
B.G.E.	=Entscheidungen des Bundesgerichts (Switzerland)
BGH St.	=Entscheidungen des Bundesgerichtshofes in Strafsachen (Germany)
BGHZ	=Entscheidungen des Bundesgerichtshofes in Zivilsachen (Germany)
B Verf GE	=Entscheidungen des Bundesverfassungsgerichts (Germany)
B Verw GE	=Amtliche Entscheidungssammlung des Bundesverwaltungsgerichts (Germany)
Cal.App.	=Reports of Cases Determined in the District Courts of Appeal of the State of California (United States)
C.C.P.A.	=United States Court of Customs and Patent Appeals Reports
Ch. (or Ch.D.)	=Chancery Division of the English High Court of Justice
Clunet	=Clunet, Journal du Droit international
C.M.R.	=Court-Martial Reports (United States)
Cong. Rec.	=Congressional Record (United States)
Ct. Cl.	=Court of Claims Reports (United States)
Dalloz	=Recueil périodique et critique de Jurisprudence, de Législation et de Doctrine (founded by Dalloz)
D.L.R.	=Dominion Law Reports (Canada)
Documents and Decisions	=European Commission of Human Rights: Documents and Decisions, 1955-1956-1957
F.2d	=Federal Reporter, Second Series (United States)
Fed.	=Federal Reporter (United States)
F.Supp.	=Federal Supplement (United States)
I.C.J. Reports	=International Court of Justice: Reports of Judgments, Advisory Opinions and Orders
J.B.	=Juristische Blätter (Austria)
K.B. (or K.B.D.)	=King's Bench Division of the English High Court of Justice

L.Ed.	=United States Supreme Court Reports, Lawyers' Edition
L.R.	=Law Reports (England)
Misc.	=Reports of Selected Cases decided in the Courts of the State of New York other than the Court of Appeals and the Appellate Division of the Supreme Court (United States)
N.E.2d	=North Eastern Reporter, Second Series (United States)
N.J.	=Nederlandse Jurisprudentie (Holland)
N.J.W.	=Neue Juristische Wochenschrift (Germany)
N.W.	=North Western Reporter (United States)
N.Y.Supp.	=New York Supplement (United States)
N.Y.S. 2d	=New York Supplement, Second Series
Ob.	=Oberster Gerichtshof (Austria)
ÖR.	=Österreichische Richterzeitung (Austria)
P.	=Pacific Reporter (United States)
Q.B. (or Q.B.D.)	=Queen's Bench Division of the English High Court of Justice
R.G.Z.	=Entscheidungen des Reichsgerichts in Zivilsachen
R.S.C.	=Rules of the Supreme Court, 1883, as subsequently amended (England)
Rt.	=Norsk Rettstidende (Norway)
Sirey	=Recueil général des Lois et des Arrêts (founded by Sirey)
Stat.	=United States Statutes at Large
Sup. Ct.	=Supreme Court Reporter (United States)
SZ	=Sammlung der Entscheidungen des Obersten Gerichtshofes in Zivil- und Justizverwaltungssachen (Austria)
T.I.A.S.	=Treaties and Other International Acts Series (United States)
U.S.	=United States Reports
U.S.Av.	=United States Aviation Reports
U.S. & C.Av.R.	=United States and Canadian Aviation Reports
U.S.C.[A.]	=United States Code [Annotated]
U.S.C.M.A.	=Decisions of the United States Court of Military Appeals
Zl	=Unpublished judgments of the Austrian Administrative Court (Verwaltungsgerichtshof)

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II. FORMS OF INTERNATIONAL AGREEMENTS: TREATIES. CONVENTIONS. GOVERNMENTAL AGREEMENTS. EXCHANGES OF NOTES. OTHER FORMS OF TREATIES.

B. CONCLUSION AND OPERATION OF TREATIES

I. SIGNATURE. ACCESSION AND ADHESION. TACIT RENEWAL.