

D. J. HARRIS

Cases and Materials on International Law

Second Edition



Sweet & Maxwell

CASES AND MATERIALS ON INTERNATIONAL LAW

By
D. J. HARRIS, LL.M., PH.D.

*Senior Lecturer in Law at the
University of Nottingham*

SECOND EDITION

LONDON
SWEET & MAXWELL
1979

First Edition - - - 1973
 Second Impression - 1976
Second Edition - - - 1979

*Published in 1979 by
Sweet & Maxwell Limited of
11 New Fetter Lane, London
and printed in Great Britain
by The Eastern Press Limited
of London and Reading*

ISBN Hardback 0 421 23820 8
 Paperback 0 421 23830 5

©
D. J. Harris
1979

PREFACE

THIS second edition is very much the mixture as before. Most changes have been made in the chapter on the Law of the Sea. Although the Geneva Conventions are still used as its basis, parts of the 1977 negotiating text are included where appropriate. The present book comes too soon to record whether, after the high seas and doldrums it has been through, the U.N.C.L.O.S. will finally be shipwrecked or make port. A lot of changes have been made in the chapter on human rights as a result of the increased activity of the European Court of Human Rights. The sovereign immunity part of the chapter on jurisdiction has been re-edited in view of the *Philippine Admiral* and *Trendtex* cases. The Sovereign Immunity Act came too late to be included other than as an appendix. Changes elsewhere have been made to accommodate the I.C.J.'s pronouncements on self-determination, on fish, and on the binding effect of unilateral statements. (The diminutive 1977 volume of the Court's reports has required no such changes.) There are also re-edited sections on hijacking, reprisals, the defence of nationals abroad and expropriation, while the chapter on judicial settlement has been enlarged. All this has left no room for the new chapter on the United Nations which, at one time, it had been hoped to include.

Permission has been sought and obtained in respect of the extracts used in this second edition. I wish to thank those writers, or their representatives, who have given me permission to include extracts from their writings. I wish also to thank the following publishers and institutions for giving me permission to print extracts from publications in which they have copyright: American Law Institute; American Society of International Law; Butterworths; Cambridge University Press; Clarendon Press; Columbia University Press; Common Law Reports Ltd.; Council of Europe; Hague Academy of International Law; H.M.S.O.; Alfred A. Knopf Inc.; Longmans; David McKay Inc.; Manchester University Press; Martinus Nijhoff; Pall Mall Press; Praeger Publishers Inc.; A. W. Sijthoff; United Nations; U.S. Government Printing Office. I wish also to thank the Foreign Office for the considerable assistance they have given me in providing information and material. In addition, I am grateful to the American Society of International Law and the authors concerned for permission to reprint passages from *The Future of the International Court of Justice*,

published by Oceana Publications Inc. I wish also to thank the publishers for their considerable assistance during preparation of the second edition and for arranging compilation of the tables and index.

It is hoped that the book is up-to-date to June 1978. It has been possible to include materials and comment beyond this date in some cases.

*Department of Law,
University of Nottingham,
October 1978.*

D. J. HARRIS.

TABLE OF ABBREVIATIONS

A.D.	Annual Digest of Public International Law Cases.
A.J.C.L.	American Journal of Comparative Law.
A.J.I.L.	American Journal of International Law.
Annuaire Français	Annuaire Français de Droit International.
B.D.I.L.	British Digest of International Law.
B.F.S.P.	British and Foreign State Papers.
B.P.I.L.	British Practice in International Law.
B.Y.I.L.	British Yearbook of International Law.
Brierly	The Law of Nations, 6th Ed., 1963.
Brownlie	Principles of Public International Law, 1966.
C.Y.I.L.	Canadian Yearbook of International Law.
C.D.E.C.H.R.	Collection of Decisions of the European Commission of Human Rights.
Col.L.R.	Columbia Law Review.
C., Cd., Cmd., Cmnd.	U.K. Command Papers.
C.M.L.R.	Common Market Law Reports.
C.M.L.Rev.	Common Market Law Review.
C.P.U.K.I.L.	Contemporary Practice of the U.K. in International Law.
C.E.	Council of Europe.
C.L.P.	Current Legal Problems.
De Visscher	Theory and Reality in Public International Law, 3rd Ed., 1960 (Translation by Corbett).
Ed.	Editor.
E.T.S.	European Treaty Series.
Eur. Court H.R.	European Court of Human Rights.
G.A.O.R.	General Assembly Official Records.
Hackworth	Digest of International Law.
Hague Recueil	Recueil des cours de l'Académie de droit international.
J.O.	Official Journal of the European Communities.
I.C.L.Q.	International and Comparative Law Quarterly.
Int.Conc.	International Conciliation.
I.L.C.	International Law Commission.
I.L.Q.	International Law Quarterly.
I.L.R.	International Law Reports.
I.L.M.	International Legal Materials.
Int.Leg.	Hudson, International Legislation.
Int.Org.	International Organisation.
Lauterpacht, <i>Development</i>	The Development of International Law by the International Court, 1958.

L. & C.P.	Law and Contemporary Problems.
L.N.T.S.	League of Nations Treaty Series.
L.N.O.J.	League of Nations Official Journal.
Malloy	Treaties, Conventions, etc., between the U.S.A. and Other Powers.
McNair	International Law Opinions.
McNair, <i>Treaties</i>	The Law of Treaties, 1961.
Moore	Digest of International Law.
Moore, <i>Int.Arb.</i>	International Arbitrations.
Neth.I.L.R.	Netherlands International Law Review.
N.Y.U.L.R.	New York University Law Review.
N.Z.T.S.	New Zealand Treaty Series.
Oppenheim, Vol. 1	International Law, Vol. 1, 8th Ed., 1955.
Proc.A.S.I.L.	Proceedings of the American Society of International Law.
Rec.Acad.	See Hague Recueil, above.
R.I.A.A.	United Nations Reports of International Arbitral Awards.
Schwarzenberger	International Law, Vol. 1, 3rd Ed., 1957.
S.C.O.R.	Security Council Official Records.
Trans.Grot.Soc.	Transactions of the Grotius Society.
U.K.T.S.	U.K. Treaty Series.
U.N.T.S.	United Nations Treaty Series.
U.S.For.Rel.	Foreign Relations of the U.S.
U.S.T.S.	U.S. Treaty Series.
U.S.T.I.A.S.	U.S. Treaties and Other International Agreements.
Verzijl	Jurisprudence of the World Court, 2 Vols., 1965, 1966.
Whiteman	Digest of International Law.
Wisc.L.R.	Wisconsin Law Review.
Y.B.E.C.H.R.	Yearbook of the European Convention on Human Rights.
Y.B.I.L.C.	Yearbook of the International Law Commission.
Y.B.W.A.	Yearbook of World Affairs.
Z.A.O.R.V.	Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht.

CONTENTS

<i>Preface</i>	<i>page</i> v
<i>Table of Cases</i>	xi
<i>Table of Statutes</i>	xvii
<i>Table of Treaties</i>	xix
<i>Charter of the United Nations</i>	xxvii
<i>Table of Other Documents</i>	xxix
<i>Table of Abbreviations</i>	xxxi
 1. INTRODUCTION	 1
1. International Law as "Law"	1
2. The Development of International Law	12
 2. THE SOURCES OF INTERNATIONAL LAW	 22
1. Generally	22
2. Custom	24
3. Treaties	41
4. General Principles of Law	43
5. Judicial Decisions	50
6. Writers	53
7. General Assembly Resolutions	55
8. Codification and Progressive Development of International Law	57
 3. INTERNATIONAL LAW AND MUNICIPAL LAW	 60
1. Monism and Dualism	60
2. Municipal Law in International Law	63
3. International Law in Municipal Law	65
4. The Executive Certificate	87
 4. PERSONALITY	 89
1. Generally	89
2. States	89
3. Mandated and Trust Territories	110
4. Other Legal Persons	132
5. Recognition of States and Governments	143
6. The Effect of Recognition in Municipal Law	152

5. TERRITORY	174
1. Title to Territory	174
2. Polar Regions	205
3. Airspace	210
4. Outer Space	213
5. Rights in Foreign Territory	220
6. International Protection of the Environment	229
6. STATE JURISDICTION	235
1. Introductory Note	235
2. Criminal Jurisdiction	235
3. Hijacking	259
4. Sovereign Immunity	266
5. Diplomatic Immunity	290
7. THE LAW OF THE SEA	307
1. Introductory Note	307
2. The Territorial Sea	309
3. The High Seas	340
4. The Exclusive Economic Zone	368
5. The Continental Shelf	378
6. The Deep Sea-Bed	387
8. STATE RESPONSIBILITY	395
1. Introductory Note	395
2. The Theory of Responsibility	396
3. The Treatment of Aliens	420
9. HUMAN RIGHTS	499
1. Introduction	499
2. European Convention on Human Rights 1950	500
3. The United Nations	565
4. Human Rights and International Criminal Law	575
10. THE LAW OF TREATIES	584
1. Introductory Note	584
2. General Considerations	585
3. The Making of Treaties	595
4. Observance and Application of Treaties	614
5. Treaty Interpretation	617
6. Third States	628
7. Amendment and Modification	632
8. Validity of Treaties	633

10. THE LAW OF TREATIES— <i>continued</i>	
9. Termination of, Suspension of and Withdrawal from Treaties	642
10. General Provisions on the Invalidity, Termination and Suspension of Treaties	651
11. Registration of Treaties	657
12. State Succession to Treaties	658
11. THE USE OF FORCE BY STATES	662
1. The Unilateral Use of Force by States	662
2. The Right of Self-Defence	676
3. Collective Measures through the United Nations	689
12. ARBITRATION AND JUDICIAL SETTLEMENT OF DISPUTES	730
1. Introductory Note	730
2. Arbitration	730
3. The World Court	732
APPENDIX I	776
Charter of the United Nations	776
Statute of the International Court of Justice	797
APPENDIX II	809
Members of the United Nations	809
APPENDIX III	811
General Assembly Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations 1970	811
APPENDIX IV	816
State Immunity Act	816
<i>Index</i>	819

TABLE OF CASES

Aaland Islands Case (1920)	42, 103, 222
Abu Dhabi Arbitration (1951) ...	46, 47, 380, 424
Admissibility of Hearings of Petitioners by the Committee on South West Africa Case (1956)	112
Admissions Case (1948)	621, 770
Aegean Sea Continental Shelf Case ...	49, 775
Aerial Incident of 27 July, 1955, Case (1955)	496, 742, 757
Agbor v. Metropolitan Police Commissioner (1969)	300, 301
Alabama Claims Arbitration (1872) ...	63, 731
Al-Fin Corporation's Patent, <i>Re</i> (1970) ...	147, 171
Ambatielos Arbitration (1952) ...	493, 619, 624
American Bible Society Case (1885)	409
Amerkrane Case (1973)	530
Anglo-Iranian Oil Co. Case (1952) ...	453, 454, 464, 465, 522, 588, 626, 733, 741, 742, 744, 758, 775
Anglo-Norwegian Fisheries Case (1951) ...	24, 26, 38, 39, 52, 183, 193, 309, 311, 321, 323
Annette, The (1919)	289
Antarctica Cases (1956)	206, 742
Appeal Relating to the Jurisdiction of the I.C.A.O. Case (1972)	746, 771, 775
Arantzazu Mendi, The (1939)	158
Argentina v. Chile (1977). <i>See</i> Beagle Channel Arbitration.	
Argoud, <i>Re</i> (1964)	255, 408
Asakura v. City of Seattle (1924)	83
Asylum Case (1950)	24, 52, 127, 299
Att.-Gen. for Canada v. Att.-Gen. for Ontario (1937)	76
— v. Cain (1906)	430
✓ Att.-Gen. of the Government of Israel v. Eichmann (1961) ...	81, 249, 255, 256, 258, 408, 583
Australia v. France (1974). <i>See</i> Nuclear Tests Case.	
Austro-German Customs Union Case (1931)	93, 94
Bacardi Corp. v. Domenech (1940)	83
Bacuss S.R.L. v. Servicio Nacional Del Trigo (1957) ...	269, 271, 276, 282, 285, 287, 290
Banco de Bilbao v. Sancha (1938) ...	157, 162, 167
Banco Nacional de Cuba v. Sabbatino (1964)	455
Bank of Ethiopia v. National Bank of Egypt and Liguori (1937)	156, 157
Barbuit's Case. <i>See</i> Buvot v. Barbuit.	
Barcelona Traction Case (1964) ...	49, 52, 398, 466, 480, 486, 490, 492, 574, 583, 735
Beagle Channel Arbitration (1977)	731
Belgian Linguistics Case (1968) ...	515, 554, 556
Belgium v. Spain (1937). <i>See</i> Borchgrave Case.	
— v. — (1970). <i>See</i> Barcelona Traction Co. Case.	
Ben Tillet's Case (1898)	431
Benin v. Whimster (1976)	81, 449
Bhajan Singh Case (1976)	79
Birdi v. Secretary of State for Home Affairs (1976)	79
Boffolo Claim (1903)	430
Bolivar Railway Company Claim (1903) ...	417
Borchgrave Case (1937)	420
Brazilian Loans Case (1929)	64
Breger's (Dr.) Case (1961)	430
British Claims Arbitration (1926). <i>See</i> Cayuga Indians Case.	
British Guiana v. Venezuela Boundary Arbitration (1897)	194
Buvot v. Barbuit (1737)	66, 70
C. (an infant). <i>Re</i> (1959)	305
Caire Claim (1929)	400, 409
Cameron v. H.M. Advocate (1971)	351
Canada v. United States (1933-35). <i>See</i> The I'm Alone.	
Canevaro Case (1912) ...	476, 477, 478, 480
Carl Zeiss Stiftung v. Rayner and Keeler Ltd. (No. 2) (1967)	164, 170
Caroline Case, The (1842) ...	676, 677, 684
Cassell v. Broome (1972)	79
Cayuga Indians Case (1926)	47
Certain Expenses of the United Nations Case (1964) ...	12, 620, 707, 715, 720, 722, 764, 774
Certain German Interests in Polish Upper Silesia Case (1925)	417, 453
Charkieh, The (1873)	268
Chevreau Claim (1931)	425, 437
Chile v. Peru (1925). <i>See</i> Tacna-Arica Arbitration.	
Chong Boon Kim v. Kim Yong Shik and David Kim (1964)	282
Chorzow Factory Case (1927) ...	43, 306, 417, 432, 433, 454, 456, 741
Chung Chi Cheung v. The King (1939) .	70
City of Berne v. Bank of England (1804) .	152
Civil Air Transport Inc. v. Central Air Transport Corporation (1953)	160
Civilian War Claimants' Association Ltd. v. R. (1932)	423
Clark v. Allen (1947)	83
Clipperton Island Case (1931)	183, 731
Colombia v. Peru (1950). <i>See</i> Asylum Case.	
Colquhoun v. Brooks (1888)	623
Compania Naviera Vascongado v. S.S. Cristina (1938)	162

- Competence of the I.L.O. with respect to Agricultural Labour Case (1922) 621, 622
- Conditions of Admission of a State to Membership in the United Nations Case (1948) 764
- Congreso del Partido, The (1977) 272
- Cook *v.* U.S. (1933) 84
- Corfu Channel Case (1948) ... 6, 11, 19, 44, 233, 259, 323, 330, 331, 331, 396, 402, 404, 420, 620, 666, 686, 737, 738, 742, 775
- Costa Rica Packet Case (1897) 243
- Cotesworth and Powell Case 427
- Cristina, The (1938) ... 269, 270, 271, 272, 285
- Curran *v.* City of New York (1947) 83
- Czarnikow Ltd. *v.* Centrala Handlu Zagranicznego Rolimpex (1977) 287
- D.P.P. *v.* Doot (1973) 248
- Damage to Portuguese Colonies in South Africa Arbitration (1928) 49
- David, The (1933) 335
- De Becker Case (1958) 515, 516, 550, 615
- Delagoa Bay Case (1889) 491
- Delcourt Case (1970) 543
- Denmark *v.* Norway (1933). *See* Eastern Greenland Case.
- Deutsche Continental Gas-Gesellschaft *v.* Polish State (1929-30) 90, 151
- Dickinson *v.* Del Solar (1930) 304, 305
- Dickson Car Wheel Company Case (1931) . 475
- Donnelly *v.* United Kingdom (1973) ... 527
- Duff Development Co. *v.* Government of Kelantan (1924) 87, 288, 290
- East African Asian Cases (1970) 433, 531
- Eastern Carelia Case (1923) ... 765, 768, 769, 770, 771
- Eastern Greenland Case (1933) . 186, 190, 191, 590, 592, 595, 598, 623, 634
- Egypt *v.* U.S. (1932). *See* Salem Case.
- Egyptian Delta Rice Mills Co. *v.* Comisaria General de Madrid (1943-45) . 280
- Eichmann Case. *See* Att.-Gen. of the Government of Israel *v.* Eichmann.
- Eisler Case (1949) 339
- Ekbatana *v.* West-Hinder (1914) 245
- El Salvador *v.* Nicaragua (1917) 322
- Ellerman Lines *v.* Murray (1931) 80
- Elliott, *Ex p.* (1949) 254
- Employment of Women Case (1932) 626
- Empson *v.* Smith (1966) 303, 305
- Engel and Others Case (1976) ... 502, 503, 515, 554
- Engelke *v.* Musmann (1928) 305
- Escheuzier Claim (1931) 48
- Estonia *v.* Lithuania (1939). *See* Panevezys-Saldutiskis Case.
- Ethiopia *v.* South Africa. *See* South West Africa Cases (1962), (1966).
- Exchange of Greek and Turkish Populations Case (1925) 63
- Fagernes, The (1927) 87
- Federal Republic of Germany *v.* Denmark (1969). *See* North Sea Continental Shelf Cases (1969).
- Federal Republic of Germany *v.* The Netherlands (1969). *See* North Sea Continental Shelf Cases (1969).
- Finland *v.* Great Britain (1934). *See* Finnish Ships Arbitration.
- Finnish Ships Arbitration (1934) 494, 496
- Firth Case (1949) 437
- Fisheries Jurisdiction Cases (1951) ... 33, 35, 49, 369, 585, 638, 649, 745, 747, 762, 763, 766, 771, 775
- Flegenhheimer Case (1958) 52, 475, 478
- Foster *v.* Neilson (1829) 82
- France *v.* Brazil (1929). *See* Brazilian Loans Case.
- *v.* Great Britain (1931). *See* Chevreau Claim.
- *v.* Mexico (1929). *See* Caire Claim.
- *v.* — (1931). *See* Clipperton Island Case.
- *v.* Norway (1957). *See* Norwegian Loans Case.
- *v.* Switzerland (1932). *See* Free Zones of Upper Savoy and the District of Gex Case.
- *v.* Turkey (1927). *See* The Lotus Case.
- *v.* U.K. (1953). *See* Minquiers and Ecréhos Case.
- France, Italy, Japan and the U.K. *v.* Germany (1923). *See* The Wimbledon Case.
- Free Zones of Upper Savoy and the District of Gex Case (1932) 628, 651
- Frontier Land Case (1959) 193
- Gdynia Ameryka Linie Zeglugowe Spolka Akcyjna *v.* Boguslawski (1953) 163
- Gelbrunk Claim (1902) 416, 425
- Gerliczy Case 101
- Germany *v.* Poland (1928). *See* Chorzów Factory Case.
- *v.* Roumania (1928). *See* Goldenberg Case.
- Gohoho *v.* Lintas Export Advertising Services (1964) 544
- Goldenberg Case (1928) 454
- Golder Case (1975) 512, 546, 553
- Great Britain *v.* Belgium (1898). *See* Ben Tillett's Case.
- *v.* Costa Rica (1923). *See* Tinoco Arbitration.
- *v.* Mexico (1931). *See* El Oro Mining and Railway Co. Case.
- *v.* The Netherlands (1897). *See* Costa Rica Packet Case.
- *v.* Spain (1925). *See* Spanish Zones of Morocco Claim.
- *v.* U.S. (1925). *See* Zafiro Claim.
- *v.* Venezuela (1903). *See* Bolivar Railway Company Claim.
- Greece *v.* Turkey. *See* Aegean Sea Continental Shelf Case.
- *v.* U.K. (1924). *See* Mavrommatis Palestine Concessions Case.
- *v.* — (1956). *See* Ambatielos Arbitration.

- Greek Case (1970) ... 500, 515, 527, 528, 562, 563, 564
- Grisbadarna Case (1909) 309
- Gudmundsson Case (1960) 512
- Haile Selassie *v.* Cable and Wireless Ltd. (No. 2) (1939) 145, 155
- Handyside Case (1976) 504
- Hanzalis *v.* Greek Orthodox Patriarchate Religious Court (1969) 202
- Harib Fort Incident (1964) 669, 681
- Haya de la Torre Case (1951) 127
- Head Money Cases: *Edye v. Robertson* (1884) 81, 82, 572
- Heathfield *v.* Chilton (1767) 70, 432
- Hesperides Hotels *v.* Aegean Holidays Ltd. (1977) 171
- Home Missionary Society Claim (1920) ... 399
- Huber Case (1971) 517
- I'm Alone, The (1933-35) 356, 357
- IMCO Case (1960) 346, 419, 420
- India *v.* Pakistan (1968). *See* Rann of Kutch Arbitration.
- Interhandel Case (1959) 750, 756
- International Registration of Trade-Mark (Germany) Case (1959) 151
- Interpretation of Peace Treaties Case (1950) 618, 767, 768, 770, 771
- Investigation of World Arrangements, *Re* (1952) 283
- I.R.C. *v.* Collico Dealings Ltd. (1962) ... 77
- Ireland *v.* United Kingdom (1972) ... 514, 515
- *v.* — (1976) 529
- *v.* — (1978) 517
- Island of Palmas Case (1928) ... 174, 181, 182, 183, 185, 189
- Italy *v.* Peru (1912). *See* Canevaro Case.
- *v.* Venezuela (1903). *See* Boffolo and Sambiaggio Claims.
- *v.* — (1930). *See* Martini Case.
- Jalapa Railroad and Power Co. Claim (1948) 461, 464
- Janes Claim (1926) 439, 446
- Johnson *v.* Browne (1907) 83
- Jordanian Case, The 672
- Joyce *v.* Director of Public Prosecutions (1946) 251, 256
- Kahan *v.* Pakistan Federation (1951) ... 290, 304
- Kjeldsen, Busk Madsen and Pedersen Case (Danish Sex Education Case) (1976) ... 512
- Klass Case (1978) 503
- Knetchl Case 515, 553
- König Case (1976) 515, 546
- Krajina *v.* Tass Agency (1949) 284, 285
- Lake Lanoux Arbitration (1957) 234
- Larivière *v.* Morgan (1872) 269
- Lawler Incident (1860) 259
- Lawless Case (1961) 516, 557, 562
- Legal Consequences Case 585, 646, 776
- Liberia *v.* South Africa. *See* South West Africa Cases (1962), (1966).
- Liechtenstein *v.* Guatemala (1955). *See* Nottebohm Case.
- Lindsay's Case (1862) 436
- Liquidators of the Maritime Bank of Canada *v.* Receiver-General of New Brunswick (1892) 286
- Losinger Case (1934) 464
- Lotus Case (1927) 31, 36, 52, 237, 253, 350, 351, 625
- Luigi Monta of Genoa *v.* Cechofracht Co. Ltd. (1956) 172, 173
- Luther *v.* James Sagor & Co. (1921) ... 52, 155, 156, 157, 168
- MacCartney *v.* Garbutt (1890) 305
- MacKenzie *v.* Germany (1922) 478
- Mallen Case (1927) 447
- Maret, The (1944) 170
- Maria Jeritza Seery *v.* U.S. (1955) 84
- Martini Case (1930) 419
- Matznetter Case (1969) 538
- Mavrommatis Palestine Concessions Case (1924) 421, 628, 741
- Mellinger *v.* New Brunswick Development Corporation (1971) 277, 285
- Mergé Claim (1955) 478
- Mexican Eagle Co. Case (1938) 491
- Mexico *v.* U.S. (1926). *See* Quintanilla Claim.
- Mighell *v.* Sultan of Johore (1894) ... 282, 288, 289
- Minquiers and Ecrehos Case (1953) ... 187, 191, 738
- Molefi *v.* Legal Adviser (1971) 661
- Molvan *v.* Att.-Gen. for Palestine (1948) 256
- Monetary Gold from Rome Case (1954) ... 737, 741
- Mortensen *v.* Peters (1906) 71, 73
- Naim Molvan *v.* Att.-Gen. for Palestine (1948) 346
- Nanni *v.* Pace and the Sovereign Order of Malta (1935-37) 141
- National Union of Belgian Police Case (1975) 505, 574
- Nationality Decrees in Tunis and Morocco Case (1923) 181, 468, 709
- Naulilaa Case (1928) 10, 11, 662, 669
- Neer Claim (1926) 399, 421, 423, 425
- Netherlands *v.* Belgium (1937). *See* Meuse Case, Diversion of Water from.
- *v.* U.S. (1928). *See* Island of Palmas Case.
- Neumeister Case (1968) 515, 539, 543
- New Zealand *v.* France. *See* Nuclear Tests Cases.
- Nielsen Case (1958-59) 53, 496
- Nissan *v.* Att.-Gen. (1970) 721
- North America Dredging Company Case (1925-26) 49
- North Atlantic Coast Fisheries Case (1910) 95, 220

North Sea Continental Shelf Cases (1969)	27, 28, 36, 220, 307, 372, 380, 383, 384, 614, 641, 737
Northern Cameroons Case (1963)	521
Norway <i>v.</i> Sweden (1909). <i>See</i> Grisbedarna Case.	
— <i>v.</i> U.S. (1922). <i>See</i> Norwegian Shipowners' Claims.	
Norwegian Loans Case (1957)	43, 751, 756
Norwegian Shipowners' Claims (1922)	419
Nottebohm Case (1955)	52, 53, 101, 117, 212, 345, 346, 468, 474, 475, 476, 479, 484, 490, 747
Noyes Claim (1933)	441, 445
Nuclear Tests Cases	344, 521, 592, 595, 745, 760, 762, 771, 775
Oeslner and Sellers Case (1949)	443
Oetjen <i>v.</i> Central Leather Co. (1918)	154
Ortigia <i>v.</i> Oncle-Joseph (1885)	245
Pakistan <i>v.</i> India. <i>See</i> Trial of Pakistani Prisoners of War Case.	
Pakistani Prisoners of War Case, Trial of	763
Palgrave Brown's Case (1949)	430
Palmas Case (1928)	50
Panevezys-Saldutiskis Railway Case (1939)	466, 497
Paquete Habana, The (1900)	83
Parkinson <i>v.</i> Potter (1885)	305
Parlement Belge, The (1878-79)	74, 75, 268, 269, 270, 271
Philippine Admiral <i>v.</i> Wallem Shipping (Hong Kong) Ltd. (1977)	267, 271, 272, 273, 275
Pope Case	436
Port of Kehl Case (1953)	598
Porter <i>v.</i> Freudenberg (1915)	76
Porto Alexandre, The (1920)	268, 269, 270, 271, 272, 273, 284, 285
Portugal <i>v.</i> Germany (1928). <i>See</i> Naulilaa Case.	
— <i>v.</i> India (1957). <i>See</i> Right of Passage over Indian Territory Case (1957), (1960).	
Post Office <i>v.</i> Estuary Radio Ltd. (1968)	81, 87, 322
Quintanilla Claim (1926)	441
R. <i>v.</i> Anderson (1868)	336
R. <i>v.</i> Bottrill, <i>Ex p.</i> Kuechenmeister (1947)	663
— <i>v.</i> Chandler (1964)	543
— <i>v.</i> Chief Immigration Officer, <i>Ex p.</i> Bibi (1976)	78
— <i>v.</i> Guildhall Magistrates Court, <i>Ex p.</i> Jarrett-Thorpe (1977)	296
— <i>v.</i> Immigration Officer, <i>Ex p.</i> Thakrar (1974)	432
— <i>v.</i> Kent Justices, <i>Ex p.</i> Lye (1967)	275
R. <i>v.</i> Keyn (1876)	66, 68, 70, 336
— <i>v.</i> Ndhlovu (1968)	100
— <i>v.</i> Phillips (1947)	538
— <i>v.</i> Secretary of State for the Home Department, <i>Ex p.</i> Phansopar (1976)	79
— <i>v.</i> Secretary of State for Home Affairs, <i>Ex p.</i> Bhajan Singh (1976)	79
Radwan <i>v.</i> Radwan (1973)	300
Rahimtoola <i>v.</i> Nizam of Hyderabad (1958)	267, 287
Rann of Kutch Arbitration (1968)	48
Renard Case (1778)	53
Reparation for Injuries Suffered in the Service of the United Nations Case (1949)	132, 138, 479, 604, 608, 620, 729, 774
Repatriation of Pakistani Prisoners of War Case	771
Republic of Peru <i>v.</i> Dreyfus (1888)	152
Reservations Case (1951)	41
Right of Passage over Indian Territory Case (1957)	25, 744, 745, 746, 775
— (1960)	194, 223
Rights of Minorities in Polish Upper Silesia Case (1928)	741
Rights of Nationals of the United States of America in Morocco Case (1952)	614
Ringeisen Case (1972)	515, 538, 544, 545, 546, 554
Robert E. Brown Case (1925)	497
Roberts Claim (1926)	424, 437
Romano-Americana Case (1925)	491
Rustomjee <i>v.</i> R. (1876)	77, 423
Salem Case (1932)	53, 476, 477, 478, 480, 496
Salomon <i>v.</i> Commissioners of Customs and Excise (1967)	80
Sambaggio Claim (1903)	416
Santa Maria, The (1961)	352
Savarkar Case (1911)	258, 419
Schmidt and Dahlström Case (1976)	505
Schooner Exchange <i>v.</i> McFaddon (1812)	267, 268, 339
Sei Fujii <i>v.</i> California (1950-52)	82
Sheikh of Abu Dhabi <i>v.</i> Petroleum Development (Trucial Coast) Ltd. (1951). <i>See</i> Abu Dhabi Arbitration.	
Shufeldt Claim (1930)	453
Sokoloff <i>v.</i> National City Bank (1924)	169, 170
South West Africa Case (1950)	44, 620, 623
— (1956)	620
— (1962)	620
— (1966)	14, 38, 45, 112, 115, 124, 574
Spanish Zones of Morocco Claims (1925)	54, 634
Standard Oil Company Tankers Case (1926)	628
Status of West Africa Case (1950)	770
Steiner and Gross <i>v.</i> Polish State (1927-28)	140
Stögmüller Case	515, 538
Suarez, <i>Re</i> (1918)	304
Sultan of Johore <i>v.</i> Abubakar Tunku Aris Bendahar (1952)	269, 271
Sun Yat Sen Incident (1896)	298
Sunday Times Case (1975)	504

- Swedish Engine Drivers' Union Case (1976) 505
- Swiss-Israel Trade Bank *v.* Govt. of Salta (1972) 269, 287
- Switzerland *v.* U.S.A. (1959). *See* Interhandel Case.
- Tacna-Arica Arbitration (1925) 645
- Tamlin *v.* Hannaford (1950) ... 276, 285, 286
- Taylor *v.* Best (1854) 305
- Temple Case (1962) 16, 635, 746
- Territorial Jurisdiction of the International Commission of the River Oder Case (1929) 626
- Territory of Hawaii *v.* Ho (1957) 83, 84
- Texaco Case (1978) 47, 57, 419, 460, 465
- Texas Cattle Claims (1948) 446
- Thai-Europe Tapioca Services Ltd. *v.* Government of Pakistan (1975) ... 71, 267, 278
- Thakrar *v.* Secretary of State for the Home Office (1976) 70
- Tinoco Arbitration (1923) 149, 152
- Torre Canyon, The (1967) 364, 365
- Trail Smelter Arbitration (1941) ... 230, 233, 496, 694
- Treacy *v.* D.P.P. (1971) 247
- Treatment in Hungary of Aircraft of the U.S.A. Cases (1954) 742
- Trendtex Trading Corporation Ltd. *v.* Central Bank of Nigeria (1977) ... 70, 272, 273, 281, 282, 432
- Triquet *v.* Bath (1764) 65, 66, 70
- Turner Claim (1927) 407, 443
- Tyrer Case (1974) 515, 529
- U.K. *v.* Albania (1949). *See* Corfu Channel Case.
- *v.* Argentina (1956). *See* Antarctica Cases.
- *v.* Chile. *See* Antarctica Cases.
- *v.* Iceland. *See* Fisheries Jurisdiction Case.
- *v.* Norway (1951). *See* Anglo-Norwegian Fisheries Case.
- *v.* Spain (1925). *See* Spanish Zones of Morocco Claims.
- U.N. Administrative Tribunal Case ... 771, 775
- Underhill *v.* Hernandez (1897) 154
- Union Bridge Company Claim (1924) ... 410
- Upright *v.* Mercury Business Machines Co. Inc. 169, 170
- U.S. *v.* Canada (1938 and 1941). *See* Trail Smelter Arbitration.
- *v.* Germany (1924). *See* Life Insurance Claims.
- *v.* Great Britain (1910). *See* North Atlantic Fisheries Arbitration.
- *v.* — (1920). *See* Home Missionary Society Claim.
- U.S. *v.* Great Britain (1923). *See* Robert E. Brown Case.
- *v.* — (1924). *See* Union Bridge Company Claim.
- *v.* Guatemala (1930). *See* Shufeldt Claim.
- *v.* Guy W. Capps Inc. (1953) 84
- *v.* Insurance Companies (1874) ... 169, 170
- *v.* Mexico (1911). *See* Chamizal Arbitration.
- *v.* — (1926). *See* Youmans Claim.
- *v.* — (1926). *See* Janes Claim.
- *v.* — (1926). *See* Neer Claim.
- *v.* — (1926). *See* Roberts Claim.
- *v.* — (1927). *See* Turner Claim; Mallen Case.
- *v.* — (1931). *See* Dickson Car Wheel Co. Case.
- *v.* Panama (1933). *See* Noyes Claim.
- *v.* Pink (1942) 84
- *v.* Reparation Commission (1926). *See* Standard Oil Company Tankers Case.
- *v.* Salvador (1902). *See* Gelbrunk Claim.
- U.S. and France *v.* Dollfus Mieg et Cie (1952) 272
- Vagrancy Cases (1970) 515, 516
- Victory Transport Inc. *v.* Comisaria General de Abastecimientos y Transportes (1965) 278, 281, 290
- Voting Procedures on Questions Relating to Reports and Petitions Concerning the Territory of South West Africa Case (1955) 112
- Waddington *v.* Miah (1974) 79
- Wemhoff Case (1968) 531, 538, 543, 549, 628
- West Rand Central Gold Mining Co. *v.* R. (1905) 69
- Western Sahara Case (1975) ... 105, 109, 182, 189, 765, 767, 775
- Wildenhus' Case (1887) 337
- Williams *v.* Bruffy 154
- Wimbledon, The S.S. (1923) ... 45, 222, 226, 624
- Wolff *v.* Oxholm (1817) 70
- Youmans Claim (1925–26) 411
- Yrisarri *v.* Clement 289
- Zafiro Claim (1925) 408, 413
- Zamora, The (1916) 71

TABLE OF STATUTES

1351 Treason Act (25 Edw. 3, c. 2) ...	251	1950 Reinstatement in Civil Employment Act (14 Geo. 6, c. 10), ss. 1, 3	173
1708 Diplomatic Privileges Act (7 Ann. c. 12)	66, 304	1952 Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 18, s. 1 (1), (a)	303
s. 3	304	1955 Finance (No. 2) Act (4 & 5 Eliz. 2, c. 17), s. 4 (2)	77
1824 Slave Trade Act (5 Geo. 4, c. 17), s. 9	351	1959 Obscene Publications Act (7 & 8 Eliz. 2, c. 66)	504
1858 Cornwall Submarine Mines Act (21 & 22 Vict. c. 109), s. 2	886	1964 Diplomatic Privileges Act (c. 18) ...	301, 302, 303, 305
1861 Offences against the Person Act (24 & 25 Vict. c. 100), s. 9	287	ss. 1, 2	302
s. 57	237	s. 3.	302, 306
1867 British North America Act (30 & 31 Vict. c. 3)	236	s. 4	87, 302, 303, 305
1870 Foreign Enlistment Act (33 & 34 Vict. c. 90)	172	s. 7	302, 306
ss. 4, 30	172	Continental Shelf Act (c. 29), ss. 1 (1), (3)	385
1878 Territorial Waters Jurisdiction Act (41 & 42 Vict. c. 73) ...	68, 74, 336	Fishery Limits Act (c. 72)	369, 370
s. 7	74	Obscene Publications Act (c. 74) ...	504
1889 Herring Fishery (Scotland) Act (52 & 53 Vict. c. 23)	71, 73	Diplomatic Privileges Act (c. 81) s. 7 (1) (a)	306
1895 Sea Fisheries Regulation (Scotland) Act (58 & 59 Vict. c. 42), s. 10 (4)	71	(b)	306
1911 Official Secrets Act (1 & 2 Geo. 5, c. 28), s. 10	237	1965 British Nationality Act (c. 34), s. 1 .	474
1920 Government of Ireland Act (10 & 11 Geo. 5, c. 67)	517	Southern Rhodesia Act (c. 76), s. 1 ...	100
1922 Civil Authorities (Special Powers) Act (N.I.)	517, 518	1967 Public Records Act (c. 44)	238
1939 Offences Against the State Act	560	Criminal Law Act (c. 58)	339, 340
1940 Offences Against the State (Amendment) Act	558, 559, 560	1968 Commonwealth Immigrants Act (c. 9)	434
Part II	557, 561	1970 Official Secrets Act, s. 8 (1)	237
1947 Crown Proceedings Act (10 & 11 Geo. 6, c. 44)	267	s. 3 (1)	433
s. 40 (2) (b)	287	1971 Recognition of Divorces and Legal Separations Act (c. 53)	301
1948 British Nationality Act (11 & 12 Geo. 6, c. 56)	474	Prevention of Oil Pollution Act (c. 60), s. 12	256
s. 2	474	Hijacking Act (c. 70)	262, 264
s. 13 (1)	474	Immigration Act (c. 77) ...	78, 79, 432, 434
s. 16	474	s. 3 (1)	433
1949 Patents Act (12, 13 & 14 Geo. 6, c. 62)—		1972 Northern Ireland Act (c. 10)	517
s. 24	172, 173	1976 Bank Act (c. 63), s. 3 (6)	543
(1)	171	Fisheries Limits Act (c. 86)	377
		1978 Internationally Protected Persons Act (c. 17)	448
		State Immunity Act (c. 33) ...	267, 816

TABLE OF TREATIES

1648 Treaty of Munster	181	1909 Boundary Waters Treaty	230
1714 Treaty of Utrecht	181	1912 Treaty of Fez	103
Art. X	203	1919 Covenant of the League of Nations	197
1794 Jay Treaty	731	Art. 14	115
1815 Final Act of the Congress of Vienna	42	15	663
1839 Anglo-French Fishery Convention ...	188	(8)	708, 709
1843 Boundary Convention, Concerning Sovereignty Over Certain Plots of Land in the Area of the Border Between Belgium and the Netherlands	193	16	663
1847 Treaty of Erzerum	599	18	657
1848 Treaty of Guadalupe Hidalgo ...	192, 193	22	110, 112, 122
1856 Declaration of Paris	75	Treaty of Versailles	227, 588, 626
General Treaty of Peace between France, Great Britain and Russia	222	Art. 260	628
1883 Paris Convention for the Protection of International Property	151	380	226
Treaty of Ancon, Art. 3	695	435	629
1884 Boundary Convention, concerning the Rio Grande and the Rio Colorado	193	Treaty of St. Germain, Art. 88 .	93, 94
Convention for the Protection of Submarine Cables	351	1920 League of Nations Treaty	12
1888 Convention Respecting Free Navigation of the Suez Canal ...	42, 227, 229	Art. 1	12
Art. 1	227	Treaty of Dorpat	765
4	227	Art. 10, 11	765
5	227	1922 Polish-German Convention	139
7	227	1923 U.S.-Mexican General Claims Convention, Art. V	498
8	227, 228	Treaty of Lausanne, Cmd. 1929	730
9	228	Art. 3 (2)	237, 238
10	227, 228	15	238
11	228	16	238
14	228	18	63
1898 Treaty of Paris	174, 176	1924 Anglo-American Liquor Convention	586
Art. III	177	Art. 1	586
1899 Hague Convention for the Pacific Settlement of International Disputes, Arts. 23, 24	732	1926 British-Mexican Convention	48
1901 Hay-Pauncefote Treaty on the Panama Canal, Cd. 1007	631	Art. 2	48
1906 Pan-American Convention	471	Brussels Convention for the Unification of Certain Rules Relating to the Immunity of State-Owned Vessels	267, 273
1907 Hague Convention for the Pacific Settlement of International Disputes, Cmd. 4575, Art. 37	731	Arts. 1-3	273
Art. 44	732, 792	Double Taxation Agreement	77
Art. 45	731	1928 General Treaty for the Renunciation of War (Pact of Paris). Cmd. 3410 ...	196, 197, 577, 663, 669, 682
Hague Convention on the Conversion of Merchant Ships into Warships, Cd. 5115, Arts. 3, 4	403	Arts. I, II	663
Hague Convention on Land Warfare	76, 577	1929 Geneva Convention	579
		Arts. 2, 3, 4, 46, 51	142
		Lateran Treaty	142
		1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws ...	467, 476, 478, 479
		Arts. 2, 3, 4	467
		5	467, 471
		1933 Montevideo Convention on Rights and Duties of States	25, 89
		Art. 1	89