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INTERNATIONAL LAW REPORTS

Volume
56

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PREFACE

The most recent item in the present volume is the interesting and valuable arbitral award delivered in 1978 in the *Revere Copper* case. For the rest, the volume brings together a number of important decisions from international and national tribunals in the period 1970-75.

The printing here of the substantive orders and judgments of the International Court of Justice in the *Fisheries Jurisdiction* case between the Federal Republic of Germany and Iceland (1972-74) is deemed desirable because of the significant differences between this case and the comparable one brought by the United Kingdom against Iceland (printed in Volume 55).

The judgments of the European Court of Human Rights in the *Belgian Vagrancy* cases (1970-72) and the *Ringeisen* case (1971-73) are also included. All the remaining decisions of this Court up to the end of 1979 will be printed together in Volume 58. The jurisprudence of the Court of Justice of the European Communities is represented here only by two decisions of specialist interest on the effect of successive treaties and the extent of the immunity from taxation of the officials of the Communities.

The main body of judgments of national tribunals consists of decisions of courts of the United States of America in 1970. A steady flow of these decisions will be maintained until we gradually succeed in coming up to date—a process which will extend over the next twelve to fourteen volumes and take some three to four years. At the same time, we shall try to ensure that a satisfactory balance is maintained between this material and decisions from other national jurisdictions.

Our indebtedness to those who permit us to reproduce material photographically is evident: to the International Court of Justice and the Court of Justice of the European Communities for the decisions which appear in their official reports; to the European Court of Human Rights in respect of the stages of the *Belgian Vagrancy* cases decided in 1970 and 1971 and reported while that Court still published its own official reports; and to the West Publishing Company for decisions from the United States. We also much appreciate the helpfulness of Mr G. W. Haight in kindly providing us with the text of the Order of the United States District Court for the District of Columbia rejecting the petitioner's motion to vacate the arbitral award in the *Revere Copper* case.

I am grateful to the following for their varied but always important and helpful contributions: Mr L. Collins, for selecting the European Communities case; Mr C. H. R. Thornberry for preparing the

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vi

PREFACE

summaries of the decisions of the European Court of Human Rights; Professor Alona Evans for selecting, and Mr H. Paton, Miss Julia Buchanan and Miss Sally Morris for assisting with the summaries of, the United States cases; and Mr S. Sarkar for contributing the Malaysian and Singapore cases. Mr Paton also prepared the Scottish cases.

The production of this volume owes a great deal to the work of Mr C. J. Greenwood. Mr Fergal Martin has provided much general editorial assistance and has prepared the Table of Treaties. Mr M. G. Cowling has made the Index and Miss E. E. Jansen has prepared the Tables of Cases. My warmest thanks are offered to all of them, as well as to my secretary, Mrs S. Rainbow and to the printers, Gomer Press Ltd.

E. LAUTERPACHT

TRINITY COLLEGE,
CAMBRIDGE
March 1980

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. Where the lay-out of the photographically reproduced material prevents the introduction of editorial notes at the foot of the page, such notes will be found at the end of the case.

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 margin 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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TABLE OF CONTENTS

[See also CLASSIFICATION]

	PAGE
PREFACE	v
EDITORIAL NOTE	vii
ADVISORY COMMITTEE	ix
CLASSIFICATION	xiii
TABLE OF CASES (alphabetical)	xxv
TABLE OF CASES (according to courts and countries) . .	xxvii
TABLE OF TREATIES	xxix
PART I	
INTERNATIONAL LAW IN GENERAL	1
PART II	
STATES AS INTERNATIONAL PERSONS	3
PART III	
STATE TERRITORY	49
PART IV	
JURISDICTION	54
PART V	
STATE RESPONSIBILITY	257
PART VI	
THE INDIVIDUAL IN INTERNATIONAL LAW	336
PART VII	
DIPLOMATIC AND CONSULAR INTERCOURSE AND PRIVILEGES	518
PART VIII	
TREATIES	532
PART IX	
INTERNATIONAL ORGANIZATION AND ADMINISTRATION	565

TABLE OF CONTENTS

	PAGE
PART X	
DISPUTES	580
PART XI	
WAR AND NEUTRALITY	582
—————	
INDEX	585

CLASSIFICATION

PART I

INTERNATIONAL LAW IN GENERAL

	<i>Page</i>
I. NATURE AND BINDING FORCE	—
II. SOURCES (<i>See also</i> Part X: A, I, ii.)	—
III. SUBJECTS OF INTERNATIONAL LAW (<i>See also</i> Part VI: A; <i>and</i> Part VIII: B, VII.)	—
IV. RELATION TO MUNICIPAL LAW (<i>See also</i> Part VIII: B, VII; <i>and</i> Part VI: A.)	1
V. INTERNATIONAL COMITY	—
VI. MISCELLANEOUS	—

PART II

STATES AS INTERNATIONAL PERSONS

A. IN GENERAL	3
I. THE BEGINNING OF STATE EXISTENCE (<i>For Recognition see below, D.</i>)	—
II. SOVEREIGNTY AND INDEPENDENCE	3
i. In Foreign Relations (<i>See also below, IV; Part IV; and Part VIII: D, II.</i>)	—
ii. In Matters of Domestic Jurisdiction	—
iii. Conduct of Foreign Relations. Conclusiveness of Statements of the Executive	3
iv. Waiver of Rights. Estoppel	—
III. EQUALITY OF STATES	—
IV. RECOGNITION OF ACTS OF FOREIGN STATES AND GOVERN- MENTS (<i>See also below, D; and Part IV; A, I.</i>)	30
V. CONTINUITY OF STATES (<i>See also below, E.</i>)	40
VI. EXTINCTION OF STATES	—
B. COMPOSITE AND DEPENDENT STATES AND TERRITORIES	48
I. UNIONS OF STATES	
i. Federal States and Confederations	48
ii. Other Unions (including Customs Unions)	—
II. BRITISH COMMONWEALTH OF NATIONS	—
III. PROTECTED STATES AND PROTECTORATES. DEPENDENT STATES	—

xiv	CLASSIFICATION	<i>Page</i>
	IV. MANDATED AND TRUST TERRITORIES	—
	i. Sovereignty over Mandated and Trust Territories. Status of Mandated and Trust Territories	—
	ii. Rights and Duties of the Administering Authority	—
	iii. Rights and Duties of the Supervisory Authority	—
	iv. Equality of Opportunity	—
	v. Nationality in Mandated and Trust Territories	—
	vi. Other Matters	—
	C. NEUTRALIZATION AND DEMILITARIZATION	—
	D. RECOGNITION	—
	(See also above, A, IV; and Part IV: A, I.)	—
	I. OF STATES	—
	II. OF GOVERNMENTS	—
	III. OF INSURGENCY	—
	IV. OF BELLIGERENCY	—
	V. OF ANNEXATION	—
	VI. CONDITIONAL RECOGNITION	—
	VII. IMPLIED RECOGNITION	—
	VIII. WITHDRAWAL OF RECOGNITION	—
	E. STATE SUCCESSION	48
	I. SUCCESSION TO RIGHTS	48
	II. SUCCESSION WITH REGARD TO CONTRACTUAL AND OTHER OBLIGATIONS AND CONCESSIONS	—
	III. THE PUBLIC DEBT. PENSIONS	—
	IV. SUCCESSION WITH REGARD TO OBLIGATIONS FOR DELIN- QUENCIES (TORTS)	—
	V. RESPECT FOR PRIVATE RIGHTS	—
	VI. UPON TERMINATION OF A REBELLION	—
	VII. INTERNATIONAL CONVENTIONS	—
	VIII. IN MATTERS OF ADMINISTRATION. OFFICIALS	—
	IX. CONTINUITY OF THE LAW. JUDGMENTS OF COURTS. PEND- ING ACTIONS	—
	X. IN MATTERS OF EXTRADITION	—
	F. SUCCESSION OF GOVERNMENTS	—
	I. IN GENERAL	—
	II. UPON TERMINATION OF A REBELLION	—
	G. MISCELLANEOUS	—

CLASSIFICATION	xv
PART III	
STATE TERRITORY	
	<i>Page</i>
A. IN GENERAL	49
I. NATURE OF TERRITORIAL SOVEREIGNTY	—
II. ACQUISITION OF TERRITORIAL SOVEREIGNTY	
i. Accretion and Accession	—
ii. Occupation. Discovery. The Principle of Contiguity	—
iii. Cession	—
iv. Prescription	—
v. Conquest and Annexation	—
III. LOSS OF TERRITORIAL SOVEREIGNTY	—
IV. EFFECTS OF CHANGES OF SOVEREIGNTY	—
(See also Part II: E.)	
V. OCCUPATION OF FOREIGN TERRITORY IN TIME OF PEACE	—
VI. INTERNATIONAL LEASES AND GRANTS IN PERPETUITY	49
VII. SOVEREIGNTY OVER THE AIR	—
i. Air Navigation Conventions	—
ii. Wireless Telegraphy, Telephony, etc.	—
(See also Part XI: D.)	
B. PARTS OF STATE TERRITORY	53
I. BOUNDARIES	
i. Land Boundaries	—
ii. Water Boundaries	—
II. RIVERS	
i. National Rivers	—
ii. Multi-national Rivers	—
iii. International Rivers	
(a) The Principle of Freedom of Navigation on Inter- national Rivers	—
(b) Functions and Competence of International Commissions on International Rivers	—
iv. Utilization of the Flow of Non-National and International Rivers	—
III. TERRITORIAL WATERS	
i. Nature of the Maritime Belt	—
ii. Breadth and Delimitation of the Maritime Belt. Base Lines. Islands. Subsoil of Territorial Waters	53
iii. Jurisdiction in the Maritime Belt	—
iv. Innocent Passage	—
v. Coasting Trade and Fisheries	53
(See also Part IV: A, I.)	
IV. NATIONAL WATERS	—
V. CONTINENTAL SHELF	53
VI. STRAITS	—
VII. BAYS	—
VIII. INTERNATIONAL CANALS	—
IX. LAKES AND LAND LOCKED SEAS	—
X. ISLANDS	—
XI. STATE SERVITUDES	53

xvi	CLASSIFICATION	Page
XII. DEMILITARIZED ZONES		—
C. MISCELLANEOUS		—
PART IV		
JURISDICTION		
A. IN GENERAL. TERRITORIAL AND PERSONAL		54
I. TERRITORIAL		
i. Over Territory in general and Persons and Property Situated therein. Territorial Limits of Jurisdiction. Expropriation of Alien Property		54
(See also Part II: A, IV, and D.)		
ii. Jurisdiction over Foreigners		—
iii. Over Ports and National Waters		—
(See also Part III: B, III.)		
iv. At the Maritime Frontier. Hovering Laws		—
(See also below, C.)		
v. Coasting Trade		—
vi. Fisheries		65
vii. Continental Shelf		—
(See also Part III: B, V.)		
viii. Exemptions from and Restrictions upon Territorial Jurisdiction		222
(a) Foreign States		222
(See also Part II: A, II, iii.)		
(b) Heads of Foreign States		—
(c) Public Ships and Other Property of Foreign States		—
(d) Foreign Armed Forces		—
(e) International Organizations		—
ix. Irregular Apprehension		—
II. PERSONAL		229
i. Over Nationals in respect of Crimes Committed Abroad		229
ii. Over Nationals Abroad or on the High Seas and their Property Abroad		234
B. EXTRATERRITORIAL JURISDICTION: CONSULAR JURISDICTION. REGIME OF CAPITULATIONS		—
C. HIGH SEAS		243
I. CONCEPTION OF THE HIGH SEAS AND FREEDOM OF THE SEA		243
II. JURISDICTION ON THE HIGH SEAS		243
i. For Ensuring the Safety of Traffic. Collisions. Salvage. Pollution of the High Seas		243
ii. For Enforcement of International Conventions. Slave Trade		—
iii. Visit, Search and Arrest by Men-of-War in Time of Peace		—
iv. The Law Governing the Flag. Ship's Papers		—
v. The Right of Pursuit		—
vi. For Enforcement of Hovering, Revenue and Other Municipal Laws		—
vii. Piracy		243
(See also Part III: B, III, VI and VII.)		
III. SUBMARINE CABLES		—
D. THE AIR SPACE		—
E. MISCELLANEOUS		—

CLASSIFICATION	xvii
PART V	
STATE RESPONSIBILITY	
	<i>Page</i>
A. NATURE AND KINDS OF STATE RESPONSIBILITY	257
I. IN GENERAL. ABSOLUTE RESPONSIBILITY AND RESPONSIBILITY BASED ON FAULT	—
II. FOR BREACHES OF TREATY OBLIGATIONS	—
III. FOR TAKING OF, OR INTERFERENCE WITH, PROPERTY	257
IV. FOR REVOCATION OF, OR INTERFERENCE WITH, CONCESSIONS OR CONCESSIONARY CONTRACTS	—
V. FOR DEBTS	—
VI. FOR OTHER BREACHES OF CONTRACTUAL OBLIGATIONS	258
VII. FOR WRONGS UNCONNECTED WITH CONTRACTUAL OBLIGATIONS	
i. Acts and Omissions of State Organs and Officials	
(a) Denial of Justice. Exhaustion of Legal Remedies	—
(b) Executive Action or Inaction	—
(c) Connected with Legislation	—
(d) Plea of Non-discrimination against Foreigners	—
(See also Part IV: A, I, i.)	
ii. Acts of Insurgents, Rioters and Private Individuals in general	—
VIII. FOR ACTS OR OMISSIONS OF REVOLUTIONARY OR DE FACTO GOVERNMENTS	—
IX. MISCELLANEOUS	—
B. CLAIMS	331
I. IN GENERAL	—
II. NATIONALITY OF CLAIMS	—
III. ASSIGNMENT OF CLAIMS	—
IV. STATE CONTROL OVER PRIVATE CLAIMS	331
V. MISCELLANEOUS	331
C. PRESCRIPTION (EXTINCTIVE PRESCRIPTION)	
I. BEFORE INTERNATIONAL TRIBUNALS	—
II. EFFECT OF MUNICIPAL STATUTES OF LIMITATION	—
III. EFFECT OF WAR	—
D. DAMAGES (MEASURE OF DAMAGES)	335
I. AWARD OF DAMAGES IN GENERAL. GROUNDS FOR AWARDING DAMAGES	335
II. INDIRECT DAMAGES AND DAMAGES FOR LOSS OF PROFITS	—
III. PUNITIVE AND EXEMPLARY DAMAGES	—
E. INTEREST	
I. IN GENERAL	—
II. RATE OF INTEREST. COMPOUND INTEREST	—
III. THE <i>DIES A QUO</i> . THE <i>DIES AD QUEM</i>	—
F. MISCELLANEOUS	—

PART VI	
THE INDIVIDUAL IN INTERNATIONAL LAW	
	<i>Page</i>
A. IN GENERAL	336
I. POSITION OF INDIVIDUALS IN INTERNATIONAL LAW HUMAN RIGHTS AND FREEDOMS	336
<i>(See also Part I: IV; and Part VIII: B, VII.)</i>	
II. BEFORE INTERNATIONAL TRIBUNALS	—
B. NATIONALITY	511
I. IN GENERAL. PROOF OF NATIONALITY	—
II. ACQUISITION OF NATIONALITY. NATIONALITY AS AFFECTED BY CHANGE OF SOVEREIGNTY	—
III. AS DETERMINING THE RIGHT OF PROTECTION OF CITIZENS ABROAD	—
<i>(See also Part V: A, and B, II.)</i>	
IV. PROTECTED PERSONS AND DE FACTO SUBJECTS	—
V. NATURALIZATION	—
VI. EXPATRIATION. LOSS OF NATIONALITY	—
VII. DENATIONALIZATION	—
VIII. DOUBLE NATIONALITY	511
IX. NATIONALITY OF MARRIED WOMEN	—
X. OPTION	—
XI. STATELESSNESS	—
XII. NATIONALITY OF CORPORATIONS	—
<i>(See also Part XI: A, VI.)</i>	
C. ALIENS	511
I. ADMISSION OF ALIENS	—
II. POSITION OF ALIENS	511
i. Subjection to Territorial Sovereignty of the Receiving State	—
ii. Protection by the National State	—
iii. Treatment by and Responsibilities of the Receiving State	—
<i>(See also Part V.)</i>	
iv. Plea of Non-discrimination	511
<i>(See also Part V.)</i>	
v. Respect for Property. Expropriation	512
<i>(See also Part IV: A, I.)</i>	
III. EXPULSION OF ALIENS	
i. Right of Expulsion	—
ii. Procedure of Expulsion	—
D. EXTRADITION	512
I. IN GENERAL	—
II. EXTRADITION OF NATIONALS	512
III. CONDITIONS OF EXTRADITION. EXTRADITABLE CRIMES	—

CLASSIFICATION	xix
	<i>Page</i>
IV. PROCEDURE OF EXTRADITION	512
V. POLITICAL CRIMES	—
VI. MISCELLANEOUS	—
E. MINORITIES (PROTECTION OF MINORITIES)	—
F. MISCELLANEOUS	—

PART VII

DIPLOMATIC AND CONSULAR INTERCOURSE AND PRIVILEGES

A. PERMANENT DIPLOMATIC ENVOYS.	518
I. APPOINTMENT AND RECEPTION OF DIPLOMATIC ENVOYS	—
II. POSITION AND FUNCTIONS OF DIPLOMATIC ENVOYS	518
III. PRIVILEGES AND IMMUNITIES OF	528
i. Diplomatic Envoys and their Staff	528
ii. Subordinate Members of the Diplomatic Staff	—
iii. The Family and Retinue of Diplomatic Envoys	—
iv. Diplomatic Premises	—
B. SPECIAL ENVOYS. DELEGATES AT INTERNATIONAL CONFERENCES. TRADE DELEGATIONS	—
C. RIGHT OF OTHER PERSONS TO PRIVILEGES AND IMMUNITIES	
I. OFFICIALS OF THE UNITED NATIONS	—
II. REPRESENTATIVES SENT BY OR ACCREDITED TO THE UNITED NATIONS	—
III. DELEGATES OF STATES ATTENDING INTERNATIONAL CONFERENCES	—
IV. OFFICIALS OF INTERNATIONAL ORGANIZATIONS	—
V. JUDGES AND OFFICIALS OF THE INTERNATIONAL COURT OF JUSTICE AND OTHER INTERNATIONAL TRIBUNALS	—
D. CONSULS	528
I. APPOINTMENT AND EXEQUATUR	—
II. POSITION AND FUNCTIONS OF CONSULS	—
III. PRIVILEGES AND IMMUNITIES OF CONSULS	528
E. MISCELLANEOUS	—

PART VIII

TREATIES

	<i>Page</i>
A. IN GENERAL	—
I. CONCEPTION AND FUNCTION OF TREATIES	—
II. FORMS OF INTERNATIONAL AGREEMENTS: TREATIES. CONVENTIONS. GOVERNMENTAL AGREEMENTS EXCHANGES OF NOTES. OTHER FORMS OF TREATIES	—
B. CONCLUSION AND OPERATION OF TREATIES	532
I. SIGNATURE. ACCESSION AND ADHESION. TACIT RENEWAL	532
II. CONDITIONS OF VALIDITY OF TREATIES. REGISTRATION OF TREATIES	532
III. PARTIES TO TREATIES. RIGHT TO CONCLUDE TREATIES: COMPOSITE AND DEPENDENT STATES AND TERRITORIES; INTERNATIONAL ORGANIZATIONS	—
IV. CONSTITUTIONAL LIMITATIONS	—
V. RESERVATIONS	—
VI. RATIFICATION OF TREATIES. ENTRY INTO FORCE	—
VII. OPERATION AND ENFORCEMENT OF TREATIES. NECESSITY FOR MUNICIPAL LEGISLATION (See also Part I: IV; and Part VI: A.)	532
VIII. EFFECT OF TREATIES ON THIRD PARTIES	534
IX. EFFECT OF MUNICIPAL LEGISLATION	—
X. MISCELLANEOUS	547
C. TERMINATION OF TREATIES	547
I. BY OPERATION OF LAW	
i. In general	547
ii. Extinction and Dismemberment of Contracting Party	—
iii. Outbreak of War (See also Part XI.)	—
II. BY ACT OF PARTY	
i. In general	—
ii. Mutual Consent. Revision of Treaties	—
iii. Unilateral Denunciation. Result of Non-performance by the Other Party	548
D. INTERPRETATION OF TREATIES	—
I. AGENCIES OF INTERPRETATION	—
II. PRINCIPLES AND RULES OF INTERPRETATION	—
III. BILINGUAL TREATIES. MULTILINGUAL TREATIES	—
IV. CONSIDERATION OF PREPARATORY WORK	—
V. MISCELLANEOUS	—
E. SPECIAL KINDS OF TREATIES	548

CLASSIFICATION

xxi

PART IX

INTERNATIONAL ORGANIZATION AND
ADMINISTRATION

	<i>Page</i>
A. INTERNATIONAL ORGANIZATION IN GENERAL	—
B. THE UNITED NATIONS	—
I. LEGAL NATURE OF THE UNITED NATIONS. MEMBERSHIP	—
II. THE GENERAL ASSEMBLY	—
III. THE SECURITY COUNCIL	—
IV. OTHER ORGANS OF THE UNITED NATIONS	—
V. INTERPRETATION OF THE CHARTER OF THE UNITED NATIONS	—
C. SPECIALIZED AGENCIES OF THE UNITED NATIONS	—
D. OTHER INTERNATIONAL ORGANIZATIONS AND ORGANS OF INTERNATIONAL ADMINISTRATION	—
E. INTERNATIONAL OFFICIALS	565
F. MISCELLANEOUS	—

PART X
DISPUTES

A. ARBITRATION	—
I. IN GENERAL	
i. Conception and Function of Arbitration	—
ii. The Law Applied by Arbitral Tribunals	—
iii. The Arbitration Treaty. Appointment and Withdrawal of Arbitrators	—
II. PROCEDURE	
i. Procedure before the Tribunal (Oral and Written Arguments)	—
ii. Competence. Competence to Determine Jurisdiction	—
iii. Intervention	—
iv. Procedure. Appeals	—
III. EVIDENCE	—
IV. THE AWARD	
i. Scope and Binding Force of the Award	—
ii. Appeal and Revision	—
V. MISCELLANEOUS	—

	<i>Page</i>
B. INTERNATIONAL COURT OF JUSTICE	580
I. ORGANIZATION OF THE COURT	580
II. CONTENTIOUS JURISDICTION	580
i. Competence	581
ii. Procedure	581
iii. The Law Applicable	581
iv. Judgment	—
III. ADVISORY JURISDICTION	—
i. Competence	—
ii. Procedure	—
iii. The Law Applicable	—
iv. Opinion	—
C. OTHER INTERNATIONAL COURTS	—
D. CONCILIATION	—
E. UNILATERAL MEANS OF REDRESS SHORT OF WAR: RETORSION. REPRISALS. PACIFIC BLOCKADE. INTERVENTION	—
F. NEGOTIATION	581
G. MISCELLANEOUS	—

PART XI

WAR AND NEUTRALITY

A. WAR IN GENERAL	582
I. DEFINITION AND TECHNICAL MEANING OF WAR. BELLIGERENCY AND INSURGENCY	—
II. COMMENCEMENT OF WAR	—
III. REGION OF WAR	—
IV. BELLIGERENT FORCES	—
V. EFFECTS OF OUTBREAK OF WAR	—
i. In general	—
ii. On Treaties	—
iii. On Private Contracts	—
iv. On Enemy Subjects with regard to	—
(a) Their Personal Status in the Territory of the Belligerent. <i>Persona standi in judicio</i>	—
(b) Their Property and Other Rights	—
v. On Enemy Merchant Ships in Port	—
vi. On Neutral Persons and Property. The Right of Angary	—
vii. Trading with the Enemy	—
VI. ENEMY CHARACTER	—
i. Of Individuals	—
ii. Of Corporations	—
iii. Of Ships	—
iv. Of Goods	—

CLASSIFICATION	xxiii
	<i>Page</i>
VII. THE BINDING FORCE OF THE LAWS OF WAR	—
VIII. ENFORCEMENT OF THE LAWS OF WAR	
i. Reprisals	—
ii. Punishment of War Crimes and Crimes against Humanity. Defence of Superior Orders	—
iii. Compensation and Reparation	—
IX. PRISONERS OF WAR	—
X. TREATMENT OF WOUNDED	—
XI. NON-HOSTILE RELATIONS BETWEEN BELLIGERENTS, ESPECIALLY ARMISTICES.	—
XII. TERMINATION OF WAR	—
XIII. EFFECTS OF TREATIES OF PEACE	
i. In general	—
ii. Amnesty	—
iii. <i>Postliminium</i>	—
iv. Miscellaneous	—
XIV. PERFORMANCE OF TREATIES OF PEACE	—
XV. MISCELLANEOUS	—
B. WARFARE ON LAND	—
I. MEASURES AND INSTRUMENTS OF FORCE	—
II. APPROPRIATION, UTILIZATION AND DESTRUCTION OF ENEMY PROPERTY	—
III. OCCUPATION OF ENEMY TERRITORY	—
i. Nature and Effects of the Occupation	—
ii. Legislative, Judicial and Administrative Functions of the Occupant	—
iii. Respect for Private Property. The Public Property of the Enemy State. Requisitions and Contributions	—
iv. Inhabitants. Services. Deportations. Hostages	—
C. WARFARE AT SEA	
I. MEASURES AND INSTRUMENTS OF FORCE	—
II. VISIT, SEARCH, CAPTURE AND DESTRUCTION	
i. Of Enemy Merchantmen	—
ii. Of Neutral Merchantmen	—
III. RESTRICTIONS ON THE RIGHT OF CAPTURE (HOSPITAL SHIPS, ETC., POSTAL CORRESPONDENCE, PROPERTY UNDER NEUTRAL FLAG)	—
IV. PRIZE LAW	
i. Nature and Extent of Jurisdiction of Prize Courts	—
ii. Procedure	—
iii. Indemnities and Damages	—
D. CONTRABAND	
I. CONCEPTION OF CONTRABAND. ABSOLUTE AND CONDITIONAL CONTRABAND	—
II. CARRIAGE OF CONTRABAND AND DOCTRINE OF CONTINUOUS VOYAGE	—
III. PENALTY FOR CARRIAGE OF CONTRABAND	—

	<i>Page</i>
E. BLOCKADE	
I. ESTABLISHMENT OF BLOCKADE. CONDITIONS OF VALIDITY	—
II. BREACH AND PENALTY	—
III. BLOCKADE AND THE DOCTRINE OF CONTINUOUS VOYAGE .	—
F. AIR WARFARE	—
G. NEUTRALITY	
I. NATURE AND DUTIES OF NEUTRALITY	—
II. NEUTRAL AND MILITARY AND NAVAL OPERATIONS AND PREPARATIONS	—
III. NEUTRAL ASYLUM.	—
IV. SUPPLIES, LOANS AND SERVICES TO BELLIGERENTS .	—
V. EFFECT OF THE CHARTER OF THE UNITED NATIONS .	—

TABLE OF CASES REPORTED

[ALPHABETICAL]

(The figures in heavier type indicate the page numbers of the actual reports. The ordinary type indicates pages containing notes or relevant cross-references.)

- Aris Gloves Inc. *v.* United States, 2,
30, 331, **536**, 584
- Artwohl *v.* United States, **518**, 528
- Batson Yarn and Fabrics Machinery
Group Inc. *v.* Saurer-Allma Gmbh-
Allgauer Maschinenbau, 1
- Belgian Vagrancy Cases (De Wilde,
Ooms and Versyp Cases), **336**
Question of Procedure, **347**
Merits, **351**
Question under Article 50, **415**
- Berk *v.* Laird, **21**
- Bjarsch *v.* Di Falco, **3**, 48, 511
- Callemeyn *v.* Belgium State (Case
187/73), **532**
- Cameron *v.* H.M. Advocate, 64, **243**
- Commonwealth *v.* White, **58**
- De Wilde, Ooms and Versyp Cases
(Belgian Vagrancy Cases), **336**
Question of Procedure, **347**
Merits, **351**
Question under Article 50, **415**
- Fisheries Jurisdiction Case (Federal Re-
public of Germany *v.* Iceland), 2, 53,
65, 243, 335, 532, 547, 548, 580, 581
Interim measures, **76**
Time-limits, **91**
Jurisdiction of the Court, **97**
Continuance of interim measures,
140
Merits, **146**
- Fraenkel *v.* United States, **331**
- Germany *v.* Iceland (Fisheries Juris-
diction Case), 2, 53, **65**, 243, 335,
532, 547, 548, 580, 581
Interim measures, **76**
Time-limits, **91**
Jurisdiction of the Court, **97**
Continuance of interim measures,
140
Merits, **146**
- Horman, *In re* Estate of, **14**, 48, 511
- Interamerican Refining Corp. *v.* Texaco
Maracaibo Inc., **30**
- Kita *v.* Matuszak, **528**
- Oliner *v.* Canadian Pacific Railway
Company, 64, **222**
- Public Prosecutor *v.* Loh Ah Hoo, **61**
- Revere Copper and Brass Inc. and
Overseas Private Investment Cor-
poration, 257, **258**, 335, 511, 512
- Ringeisen Case, **434**
Merits, **442**
Application of Article 50, **493**
Interpretation of Previous Judg-
ment, **501**
- Schieffelin and Co. *v.* United States,
548
- Simon *v.* Taylor and Another, **40**, 48,
243
- South African Airways *v.* New York
State Division of Human Rights, **25**,
39, 48, 229
- Stegeman *v.* United States, **54**
- Switkes *v.* Laird, 30, **582**
- United States *v.* Matthews, **49**, 65
- Van Nidek *v.* Inspecteur der Registratie
en Successie (Case 7/74), **565**
- Vazquez *v.* Attorney General of the
United States *et al.*, 511, **557**
- Wan Ping Nam *v.* Minister of Justice
of German Federal Republic, 512,
512
- Williams *v.* Blount, 2, **234**, 532, 547
- Williamson *v.* Alldridge, 65, **229**

TABLE OF CASES REPORTED

[ARRANGED ACCORDING TO COURTS AND TRIBUNALS
 (INTERNATIONAL CASES) AND COUNTRIES (MUNICIPAL CASES).]

(The figures in heavier type indicate the page numbers of the actual reports. The ordinary type indicates pages containing notes or relevant cross-references.)

I. DECISIONS OF INTERNATIONAL TRIBUNALS

Arbitration Tribunal

(Haight, Wetzel and Bergan, Members)
 1978

Revere Copper and Brass Inc. and Overseas Private Investment Corporation,
 257, **258**, 335, 511, 512

Court of Justice of the European Communities 1974

Case 187/73: *Callemeyn v. Belgium State* **532**

Case 7/74: *Van Nidek v. Inspecteur der Registratie en Successie* **565**

European Court of Human Rights 1970/1971/1972

De Wilde, Ooms and Versyp Cases (Belgian Vagrancy Cases), **336**
 Question of Procedure, **347**
 Merits, **351**
 Question under Article 50, **415**

1971/1972/1973

Ringeisen Case, **434**
 Merits, **442**
 Application of Article 50, **493**
 Interpretation of Previous Judgment, **501**

International Court of Justice 1972/73/74

Fisheries Jurisdiction Case (Federal Republic of Germany *v.* Iceland), 2, 53, **65**,
 243, 335, 532, 547, 548, 580, 581
 Interim measures, **76**
 Time-limits, **91**
 Jurisdiction of the Court, **97**
 Continuance of interim measures, **140**
 Merits, **146**

II. DECISIONS OF MUNICIPAL COURTS

<p style="text-align: center;"><i>Malaysia</i> 1974</p> <p>Public Prosecutor <i>v.</i> Loh Ah Hoo, 61</p> <p style="text-align: center;"><i>Scotland</i> 1971</p> <p>Cameron <i>v.</i> H.M. Advocate, 64, 243</p> <p style="text-align: center;">1972</p> <p>Wan Ping Nam <i>v.</i> Minister of Justice of German Federal Republic, 512, 512</p> <p style="text-align: center;"><i>Singapore</i> 1974</p> <p>Simon <i>v.</i> Taylor and Another, 40, 48, 243</p> <p style="text-align: center;"><i>United States of America</i> 1970</p> <p>Aris Gloves Inc. <i>v.</i> United States, 2, 30, 331, 536, 604</p> <p>Artwohl <i>v.</i> United States, 518, 528</p> <p>Batson Yarn and Fabrics Machinery Group Inc. <i>v.</i> Saurer-Allma GmbH-Allgauer Maschinenbau, 1</p>	<p>Berk <i>v.</i> Laird, 21</p> <p>Bjarsch <i>v.</i> Di Falco, 3, 48, 511</p> <p>Commonwealth <i>v.</i> White, 58</p> <p>Fraenkel <i>v.</i> United States, 331</p> <p>Horman, <i>In re</i> Estate of, 14, 48, 511</p> <p>Interamerican Refining Corp. <i>v.</i> Texaco Maracaibo Inc., 30</p> <p>Kita <i>v.</i> Matuszak, 528</p> <p>Oliner <i>v.</i> Canadian Pacific Railway Company, 64, 222</p> <p>Revere Copper and Brass Inc. and Overseas Private Investment Corporation, 257, 258, 335, 511, 512</p> <p>Schieffelin and Co. <i>v.</i> United States, 548</p> <p>South African Airways <i>v.</i> New York State Division of Human Rights, 25, 39, 48, 229</p> <p>Stegeman <i>v.</i> United States, 54</p> <p>Switkes <i>v.</i> Laird, 30, 582</p> <p>United States <i>v.</i> Matthews, 49, 65</p> <p>Vazquez <i>v.</i> Attorney General of the United States <i>et al.</i>, 511, 557</p> <p>Williams <i>v.</i> Blount, 2, 234, 532, 547</p> <p>Williamson <i>v.</i> Alldridge, 65, 229</p>
---	--

TABLE OF TREATIES

[This table contains a list, in chronological order according to the date of signature, of the treaties referred to in the decisions printed in the present volume. It has not been possible to draw a helpful distinction between treaties judicially considered and treaties which are merely cited.]

In the case of bilateral treaties, the names of the parties are given in alphabetical order. Multilateral treaties are referred to by the name by which they are believed commonly to be known, *e.g.* Hague Convention No. 1 of 1899; Treaty of Versailles, 1919. References to the texts of treaties have been supplied including, wherever possible, at least one reference to a text in the English language. The full titles of the abbreviated references will be found in the List of Abbreviations printed in the volume containing the Consolidated Tables and Index to Vols. 1–35.]

1815

July 3 U.K.—U.S.A., Convention to Regulate Commerce. 548-9, 551-2

1853

Argentina—U.S.A., Treaty of Friendship, Commerce and Navigation (10 Stat. 1005; T.S.4; 5 Bevans 61). 511, 557-8, 560-3
Art. X. 557, 559, 564

1921

Dec. 3 Germany—Switzerland, Treaty on Arbitration and Conciliation (12 L.N.T.S. 272)
Art. 10. 420, 424, 430

1928

Sept. 26 General Act for the Pacific Settlement of International Disputes (93 L.N.T.S. 343; 4 Hudson 2529; U.K.T.S. No. 32 (1931))
Art. 32. 420, 424

1929

Oct. 12 Warsaw Convention relating to International Carriage by Air (137 L.N.T.S. 11; 5 Hudson 100; 4 U.S. Treaties 5250; U.S.T.S. No. 876; U.K.T.S. No. 11 (1933) Cmd. 4284). 26

1930

Nov. 1 Protocol Relating to Military Obligations in Certain Cases of Double Nationality (112 L.N.T.S. 399). 560
Art. 1. 561
Art. 2. 561

1944

Dec. 7 Convention on International Civil Aviation (Chicago) (15 U.N.T.S. 295; 148 B.F.S.P. 20; U.K.T.S. No. 8 (1953); T.I.A.S. No. 1591; 9 Hudson 168)
Art. 13. 28
Annex 9, sec. 30. 28

1945

June 26 Charter of the United Nations (9 Hudson 327; U.K.T.S. No. 67 (1946); 145 B.F.S.P. 805; U.S.T.S. No. 993). 69, 107, 172, 181, 184-5
Art. 1. 184

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Frontmatter

[More information](#)

xxx

TABLE OF TREATIES

	Art. 2 (3).....	184
	Art. 2 (7).....	197
	Art. 33.....	165, 172, 184-5
	Art. 102.....	106
June 26	Statute of the International Court of Justice (9 Hudson 510; U.K.T.S. No. 67 (1946); U.S.T.S. No. 993).....	70, 78, 90, 97, 100-1, 150, 181
	Art. 31 (3).....	99, 149
	Art. 31 (5).....	99
	Art. 35.....	101
	Art. 35 (2).....	128
	Art. 36.....	152
	Art. 36 (1).....	78, 97-8, 102, 115, 216
	Art. 36 (6).....	114, 123
	Art. 37.....	152
	Art. 38.....	193, 209
	Art. 38 (1) b.....	188, 217
	Art. 40.....	202-3
	Art. 40 (2).....	98, 147
	Art. 40 (3).....	98, 147
	Art. 41.....	76-80, 84, 89, 98, 140, 144, 147, 173, 212
	Art. 43 (2).....	94
	Art. 48.....	76, 91, 140
	Art. 53.....	71, 88, 94-7, 102, 114, 146, 150-2, 176, 178, 208, 213
	Art. 53 (1).....	151-2
	Art. 53 (2).....	88
1946		
Jan. 14	Paris Agreement on Reparations, the Establishment of an Inter- Allied Reparation Agency and Tripartite Commission for Restitution of Monetary Gold (U.K.T.S. No. 56 (1947); T.I.A.S. No. 165; 40 A.J.I.L. (1946) Supp. 117; 148 B.F.S.P. 96; 9 Hudson 535).....	2, 537, 544, 584
1947		
Oct. 30	General Agreement on Tariffs and Trade (55 U.N.T.S. 187; 148 B.F.S.P. 759; U.K. Cmd. 7258 and 8048; T.I.A.S. No. 1700)	548-9, 553-6
	Art. II.....	554
	Art. III.....	554-6
	Protocol of Provisional Application (55 U.N.T.S. 308).....	554
1950		
Sept. 14	Ireland—U.S.A., Treaty of Friendship, Commerce and Navi- gation (206 U.N.T.S. 269).....	548-9, 552-3
	Art. XVI.....	552-3
	XXI.....	552-3
Nov. 4	European Convention for the Protection of Human Rights and Fundamental Freedoms (213 U.N.T.S. 221; 156 B.F.S.P. 915; U.K.T.S. No. 71 (1953)) Art. 2 (1).....	380
	Art. 3.....	338, 342, 345, 356, 359, 366, 374, 385-6, 399, 402

TABLE OF TREATIES

xxxii

Art. 4.	338, 342, 345, 356, 361, 366, 374, 383-6, 397
Art. 4 (2).	336, 399
Art. 4 (3).	399
Art. 4 (3) (a).	345, 383
Art. 5.	338, 342-3, 361, 372, 374-5, 382, 384-5, 409, 412, 437, 472
Art. 5 (1).	336, 338, 342, 366, 372, 374, 376, 378-9, 382, 399, 411, 416, 432
Art. 5 (1) (a).	378-80, 483, 488, 490
Art. 5 (1) (b).	380
Art. 5 (1) (c).	343, 378, 481, 488-90
Art. 5 (1) (e).	336, 343-5, 376-9, 383, 397, 403, 416, 422, 431-2
Art. 5 (3).	336, 338, 342-3, 366, 374, 378, 386, 434, 437-9, 441-2, 473, 480-1, 483-5, 488-93, 497-503, 506, 510
Art. 5 (4).	336, 338, 342-6, 366, 374, 378-86, 397, 399, 401-12, 416, 421-4, 428, 432-3
Art. 5 (5).	405, 409, 418, 425, 494
Art. 5 (6).	442
Art. 6.	338, 344, 383, 385-6, 402, 412, 434, 437, 439, 472, 479
Art. 6 (1).	338, 342, 366, 374, 380, 399, 434, 437-40, 472-4, 477-80, 484-5, 489
Art. 6 (2).	404, 490
Art. 6 (3).	338, 348, 366
Art. 6 (3) (b).	342, 359, 366, 374, 399
Art. 6 (3) (c).	342, 359, 361, 366, 374, 399
Art. 7.	336, 338, 342, 344-5, 348, 366, 374, 383, 385-6, 399, 437, 472
Art. 8.	336, 338, 342, 345, 366, 374, 384-6, 398
Art. 8 (1).	384
Art. 8 (2).	345, 384
Art. 9.	338, 359
Art. 10.	437, 472
Art. 11.	437, 472
Art. 13.	337-9, 342, 345, 358, 366, 374, 379, 385-6, 399, 403, 425
Art. 14.	385, 437, 472
Art. 18.	385
Art. 19.	389, 391, 394, 409
Art. 24.	408
Art. 25.	344, 351, 388, 393, 408-9, 419, 422, 437, 440, 442, 495
Art. 25 (1).	408
Art. 25 (4).	389
Art. 26.	336-7, 339-40, 344-5, 366-72, 379, 388, 390-5, 399-400, 419-20, 430, 434, 438-9, 473-7, 486-7, 498
Art. 27.	369, 389-90, 392-3, 399-400, 419
Art. 27 (3).	339, 366-7, 388, 392, 419-20, 486
Art. 28.	369, 388, 395, 400
Art. 29.	369, 389, 395, 400
Art. 31.	352, 369, 388, 391, 395-6, 400, 438, 442, 473
Art. 31 (2).	369, 395-6
Art. 32.	388, 391
Art. 32 (1).	352, 396, 442
Art. 43.	442, 496
Art. 44.	348-50, 395-6, 442
Art. 45.	340-1, 352, 368, 388, 391-2, 394, 396, 400
Art. 46.	442

	Art. 46 (1).....	368, 391
	Art. 47.....	352, 368, 442, 495
	Art. 48.....	340, 352, 368, 388, 391, 396, 400, 405, 418, 442, 495
	Art. 49.....	400
	Art. 50... 337, 339, 345-6, 409, 415-22, 424-30, 434-5, 440-1, 493-8,	500, 502, 507
	Art. 51 (2).....	349, 387, 423, 485, 507
	Art. 52.....	389, 495-6, 505
	Art. 53.....	425, 428, 472
	Art. 54.....	423, 425, 504-5
	Art. 60.....	410
	First Protocol (20 March 1952) (213 U.N.T.S. 262; 159 B.F.S.P.	
	355; U.K.T.S. No. 46 (1954))	
	Art. 1.....	437, 472
	Art. 2.....	437, 472
	Art. 3.....	437, 472
1951		
Sept. 8	Treaty of Peace with Japan (136 U.N.T.S. 45; U.K.T.S. No. 33	
	(1952); 3 U.S.T. 3169; 46 A.J.I.L. (1952) Supp. 71).....	65, 229-30
	Art. 3.....	230, 232
1952		
May 9	International Convention for the High Seas Fisheries of the North	
	Pacific Ocean (205 U.N.T.S. 65).....	193n.
1953		
Dec. 11	European Interim Agreement on Social Security Schemes (218	
	U.N.T.S. 153).....	532-4
	Art. 2.....	535
	Art. 3.....	535
	Art. 5.....	533, 535
1954		
Oct. 29	Germany (F.R.)—U.S.A., Treaty of Friendship, Commerce and	
	Navigation (273 U.N.T.S. 3; 5 U.S.T. 1939; T.I.A.S. No. 3593)....	1
	Art. VI (2).....	1-2
1956		
May 14	Japan—U.S.S.R., Convention concerning the High Seas Fisheries	
	of the North-West Pacific Ocean (53 A.J.I.L. (1959) 763;	
	Japanese Annual of International Law, No. 1 (1957), 119-24)....	193n.
1957		
Mar. 25	European Economic Community, Protocol on the Stat. of the	
	Court of Justice (298 U.N.T.S. 256; U.K.T.S. No. 1 (1973)	
	Cmnd. 5179-II, p. 141; 5 <i>European Yearbook</i> (1957), p. 439)	
	Art. 20.....	566-8
	Treaty establishing the European Economic Community (296	
	U.N.T.S. 11; U.K.T.S. No. 1 (1973) Cmnd. 5179-II).....	535
	Art. 51.....	536
	Art. 177.....	533, 565