

Cambridge University Press
978-0-521-46410-9 - International Law Reports: Volume 65
Edited by Elihu Lauterpacht
Frontmatter
[More information](#)

INTERNATIONAL
LAW REPORTS

Volume
65

Cambridge University Press
 978-0-521-46410-9 - International Law Reports: Volume 65
 Edited by Elihu Lauterpacht
 Frontmatter
[More information](#)

Volumes published under the title:

**ANNUAL DIGEST AND REPORTS
 OF PUBLIC INTERNATIONAL LAW CASES**

- | | |
|-------------------|---|
| Vol. 1 (1919-22) | Edited by Sir John Fischer Williams, K.C.,
and H. Lauterpacht, LL.D. |
| Vol. 2 (1923-24) | |
| Vol. 3 (1925-26) | Edited by Arnold D. McNair, C.B.E., LL.D.,
and H. Lauterpacht, LL.D. |
| Vol. 4 (1927-28) | |
| Vol. 5 (1929-30) | |
| Vol. 6 (1931-32) | |
| Vol. 7 (1933-34) | |
| Vol. 8 (1935-37) | |
| Vol. 9 (1938-40) | |
| Vol. 10 (1941-42) | Edited by H. Lauterpacht, Q.C., LL.D., F.B.A. |
| Vol. 11 (1919-42) | |
| Vol. 12 (1943-45) | |
| Vol. 13 (1946) | |
| Vol. 14 (1947) | |
| Vol. 15 (1948) | |
| Vol. 16 (1949) | |

Volumes published under the title:

INTERNATIONAL LAW REPORTS

- | | |
|---|--|
| Vol. 17 (1950) | |
| Vol. 18 (1951) | |
| Vol. 19 (1952) | |
| Vol. 20 (1953) | Edited by Sir Hersch Lauterpacht, Q.C., LL.D.,
F.B.A. |
| Vol. 21 (1954) | |
| Vol. 22 (1955) | |
| Vol. 23 (1956) | |
| Vol. 24 (1957) | Edited by Sir Hersch Lauterpacht, Q.C., LL.D.,
F.B.A., and E. Lauterpacht |
| Vol. 25 (1958-I) | Edited by E. Lauterpacht, Q.C. |
| Vol. 26 (1958-II) | |
| Vols. 27—68 and Consolidated Tables and Index to Vols. 1—35 and 36—45 | Edited by E. Lauterpacht, Q.C. |
| Vols. 69—118 and Consolidated Index and Consolidated Tables of Cases and
Treaties to Vols. 1—80 and Vols. 81—100 | Edited by Sir Elihu Lauterpacht, C.B.E., Q.C.,
and C. J. Greenwood, Q.C. |

Cambridge University Press
978-0-521-46410-9 - International Law Reports: Volume 65
Edited by Elihu Lauterpacht
Frontmatter
[More information](#)

*Lauterpacht Research Centre for International Law
University of Cambridge*

INTERNATIONAL LAW REPORTS

VOLUME
65

Edited by

ELIHU LAUTERPACHT, CBE QC
*Honorary Professor of International Law, University of Cambridge
Bencher of Gray's Inn*

GROTIUS PUBLICATIONS



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-0-521-46410-9 - International Law Reports: Volume 65
Edited by Elihu Lauterpacht
Frontmatter
[More information](#)

CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo,
Delhi, Mexico City
Cambridge University Press
The Edinburgh Building, Cambridge CB2 8RU, UK
Published in the United States of America by Cambridge University Press, New York
www.cambridge.org
Information on this title: www.cambridge.org/9780521464109

© Elihu Lauterpacht 1984

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without
the written permission of Cambridge University Press.

First published 1970
3rd printing 2012

Printed and bound by CPI Group (UK) Ltd, Croydon CR0 4YY

A catalogue record for this publication is available from the British Library

ISBN 978-0-521-46410-9 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy
of URLs for external or third-party internet websites referred to in this publication,
and does not guarantee that any content on such websites is, or will remain,
accurate or appropriate.

PREFACE

This volume completes the series of three volumes of the *International Law Reports* (63, 64 and 65) devoted exclusively to questions of State immunity. Between them, these volumes go a long way to bringing the *Reports* relatively up to date on one of the most heavily litigated topics in the field of international law.

The specialist nature of the volumes should not, however, lead to the assumption that they contain an exhaustive presentation of all State immunity cases. It should be recalled that previous volumes of the *International Law Reports* contain many earlier decisions on this topic rendered during the period covered by those volumes—as can readily be seen from a perusal of their indexes. Moreover, additional cases decided since the beginning of 1983 are already coming to hand. These will, of course, be reported in later volumes of these *Reports*. But so far as we have been able, we have sought to make this volume complete for the periods which it covers. These periods differ from country to country, though for all, except one decision from the German Federal Constitutional Court of 12 April 1983, the cut-off date has been 1 January 1983.

It will be observed that a number of cases are reported rather summarily. This is due either to our inability to secure a full original report or to the difficulty of obtaining a full translation of the original. In these cases our choice was, quite simply, between, on the one hand, omitting the item because the report falls short of the standard of completeness for which we strive and, on the other, printing the case in its short, albeit imperfect, form. We concluded that our readers would find it helpful to have some, rather than no, reference to the decision and we have acted accordingly. As we have had occasion to note in the past, the use of truncated versions of decisions appears to be acceptable in some jurisdictions and we have taken the pragmatic view that in such situations we must accept a compromise solution.

Assistance in the collection, translation and preparation of material for the volume has come from many sources.

- Mr Alan Arntsen translated the Argentine and Chilean cases from the Spanish;
- Mr Allen Hertz, Mr Michael Montgomery, Mr Horst Schade, Mr Christoph von Katte and Mr Tony Weir have between them translated most of the judgments delivered in the German language, whether from Austria, the Federal Republic of Germany or Switzerland. The British Foreign and Commonwealth Office also provided the translation of a German decision. Part of the *Charkow* case has been reprinted from *European Transport Law* with the kind consent of the Editor, Robert H. Wijffels.

- Mr Philippe Ollivier and Mr Peter Xuereb have translated many of the judgments, originally rendered in French, from Belgium, France, Greece, Switzerland and Togo. Professor Joë Verhoeven provided the translation of one decision from Belgium originally given in Flemish.
- Mr Hilmar Foss translated the case from Iceland.
- Professor Antonio Cassese and his colleagues, Professor R. Barsotti, Dr A. Calamia and Mrs J. Manco have selected, translated and summarized the Italian cases. The exception was the *Bulli* case, of which the translation was provided by the British Foreign and Commonwealth Office.
- The Netherlands judgments were prepared by Mr Alan Stephens and Miss Klaske Visser on the basis of the English texts already published in the *Netherlands Yearbook of International Law* and the *Netherlands International Law Review*. This was done with the kind consent of the T.M.C. Asser Institute in The Hague and its Director, Dr C. C. A. Voskuil.

We have been led to a number of cases, or been provided with important clarifications, by correspondence with Mr Georges R. Delaume, Professor H. Eek, Professor Rosalyn Higgins, Mr B. Nilsson, Professor P. Sanders, Professor Gunnar Schramm, Professor I. Seidl-Hohenveldern, Sir Ian Sinclair, Professor H. Steinberger, Mr A. D. Watts, Professor Prosper Weil and Dr Gillis Wetter.

The present volume has absorbed great editorial effort, more indeed than any other that the present Editor can recollect. Not only did special care have to be taken to identify and collect as many cases as possible from non-English language jurisdictions, but also much work was required to ensure that the translations should be of as high a quality as possible. The principal part of this additional burden has been borne by Mr Andrew Oppenheimer, M.A. (Cantab.), Barrister-at-Law, who has spent many weeks in making a large number of the translations from French and German, revising translations made by others, preparing virtually all the summaries in the volume, readying the work for the press, proofreading and, finally, making a highly detailed and informative index. All users of this volume will be much indebted to him for the great pains which he has taken over this labour. Mrs J. Oppenheimer prepared the Tables of Cases and of Treaties.

In addition, much time has been spent on the volume by members of the staff of the Research Centre for International Law in the University of Cambridge who are regularly engaged on the work of the *International Law Reports*, namely, Mr S. R. Pirrie, Research Fellow of Hughes Hall, Cambridge, Barrister-at-Law, and Mr Horst Schade,

PREFACE

vii

LL.M. (Lond.). Mrs S. Rainbow has provided essential secretarial help here in Cambridge. The volume has been set and printed by the Gomer Press, Llandysul, Dyfed.

My thanks to all of these persons and others whom I may perhaps have unwittingly failed to mention are profuse. This has been a truly international collective undertaking reflecting a generosity of intellectual contribution on a high scale fully in accord with the traditions of the subject.

E. LAUTERPACHT

November 1984

TRINITY COLLEGE,
CAMBRIDGE

Cambridge University Press

978-0-521-46410-9 - International Law Reports: Volume 65

Edited by Elihu Lauterpacht

Frontmatter

[More information](#)

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.

Cambridge University Press
978-0-521-46410-9 - International Law Reports: Volume 65
Edited by Elihu Lauterpacht
Frontmatter
[More information](#)

ADVISORY COMMITTEE

JUDGE SIR ROBERT JENNINGS, Q.C.

DR. SHABTAI ROSENNE

PROFESSOR CHARLES ROUSSEAU

PROFESSOR J. H. W. VERZIJL

Cambridge University Press

978-0-521-46410-9 - International Law Reports: Volume 65

Edited by Elihu Lauterpacht

Frontmatter

[More information](#)

TABLE OF CONTENTS

	PAGE
PREFACE	v
EDITORIAL NOTE	ix
ADVISORY COMMITTEE	xi
TABLE OF CASES (alphabetical)	xv
TABLE OF CASES (according to countries)	xviii
TABLE OF TREATIES	xxiii
DECISIONS OF THE COURTS OF—	
ARGENTINA	1
AUSTRIA	3
BELGIUM	23
CHILE	29
FRANCE	32
FEDERAL REPUBLIC OF GERMANY	100
GREECE	247
ICELAND	258
ITALY	262
THE NETHERLANDS	348
SWEDEN	383
SWITZERLAND	385
TOGO	439
DECISIONS OF ARBITRAL TRIBUNALS	443
—	
INDEX	455

Cambridge University Press

978-0-521-46410-9 - International Law Reports: Volume 65

Edited by Elihu Lauterpacht

Frontmatter

[More information](#)

TABLE OF CASES

[ALPHABETICAL]

- Arab Republic of Egypt *v.* Cinetelevision International Registered Trust and Another, **425**
- Arms Sales Commission Agreement Case, **119**
- Association of Italian Knights of the Order of Malta *v.* Piccoli, **308**
- “Atlantic” Algemene Verzekering Maatschappij NV *v.* Union of Soviet Socialist Republics, **377**
- Banque Centrale de la République de Turquie *v.* Weston Compagnie de Finance et d’Investissement SA and Another, **417**
- Banque Commerciale Arabe SA Case, **412**
- Benvenuti et Bonfant SARL *v.* Government of the People’s Republic of the Congo, **88**
- Blagojevic *v.* Bank of Japan, **63**
- Blagojevic *v.* Japanese State, **86**
- Brinkhof NV *v.* NV Nederlandse Spoorwegen and Deutsche Bundesbahn, **354**
- British Embassy Driver Case, **20**
- Bruno *v.* United States, **316**
- Bulli *v.* Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland, **343**
- Caisse d’Assurance Vieillesse des Non-Salariés *v.* Caisse Nationale des Barreaux Français, **70**
- Campione *v.* Peti-Nitrogenmuvék NV and Hungarian Republic, **287**
- Central Bank of Nigeria Case, **131**
- Charkow, The*, **100**
- Church of Scientology Case, **193**
- Church of Scientology in The Netherlands Foundation and Others *v.* (1) Herold and (2) Heinrich Bauer Verlag, **380**
- Ciniglio *v.* Indonesian Embassy and Compagnia di Assicurazioni Intercontinentali, **268**
- Clerget *v.* Banque Commerciale pour L’Europe du Nord and Others, **54**
- Conrades *v.* United Kingdom of Great Britain and Northern Ireland, **205**
- Consorzio Agrario della Tripolitania *v.* Federazione Italiana Consorzi Agrari and Cassa di Risparmio della Libia, **256**
- Corporacion del Cobre *v.* Braden Copper Corporation and Société Groupement d’Importation des Métaux, **57**
- Danish Cultural Institute and Krogh *v.* Hansen, **325**
- De Ritis *v.* United States, **283**
- De Sousa *v.* Republic of Portugal, **378**
- Embassy Eviction Case, **248**
- Embassy of the Kingdom of Morocco *v.* Societa’ Immobiliare Forte Barchetto, **331**
- Enterprise Pérignon and Others *v.* United States of America, **39**
- Far Eastern Steamship Company *v.* General Maritime Concern Company, **364**
- Foreign Trade Institute Bank Account Case, **209**
- France *v.* Banque de L’Afrique de L’Ouest, **439**
- Gootjes *v.* Kingdom of Belgium, **372**
- Hungarian Embassy Case, **110**
- ICC Handel Maatschappij *v.* Union of Soviet Socialist Republics, **368**
- Italian Republic, Italian Ministry of Transport and Italian State Railways *v.* Beta Holding SA and Another, **394**
- Italian Trade Union for Embassy and Consular Staff *v.* United States, **338**
- Kingdom of Morocco *v.* Stichting Revalidatie Centrum “De Trappenbergh”, **375**
- Land Purchase Broker’s Commission Case, **125**
- Land Sale Authorisation Case, **122**

- Luna v. Socialist Republic of Romania*, 313
- Malagasy Republic v. Société Bruynzeel (Netherlands)*, 51
- Mallaval v. French Ministry of Foreign Affairs*, 303
- Minister for Public Education of Portugal v. Di Vittorio Associates*, 32
- Ministry of Finance v. Association of Italian Knights of the Order of Malta*, 320
- Ministry of Foreign Affairs v. Federici and Japanese State*, 275
- National Iranian Oil Company Legal Status Case*, 199
- National Iranian Oil Company Pipeline Contracts Case*, 212
- National Iranian Oil Company Revenues from Oil Sales Case*, 215
- Neustein v. Republic of Indonesia*, 3
- NV Exploitatie-Maatschappij Bengkalis v. Bank Indonesia*, 348
- NV Filmpartners*, 26
- Oder-Neisse Property Expropriation Case*, 127
- Oppenlander de Soska v. Embassy of Ecuador*, 2
- Parravicini v. Commercial Bureau of the People's Republic of Bulgaria*, 282
- Parsons v. Republic of Malta*, 371
- Philippine Embassy Bank Account Case*, 146
- Pontificia Opera di Assistenza v. INPS and Smith*, 333
- Prefect of Milan v. Federici and Savoldi*, 270
- Preliminary Award in Case No. 2321*, 450
- Prince of X Road Accident Case*, 13
- Procureur de la République and Others v. LIAMCO and Others*, 78
- Procureur de la République v. SA Ipi-trade International*, 75
- Prosecution v. Valentales*, 258
- Purchase of Embassy Staff Residence Case*, 255
- Red Nacional de Ferrocarriles Espanoles v. Mrs Cavaillé and Another*, 41
- Republic of Ghana Case*, 404
- Republic of Iran and Others v. Sociétés Eurodif and Sofidif and Commissariat à l'Énergie Atomique*, 93
- Republic of Italy v. Chambre des Recours Pénaux du Tribunal d'Appel du Canton du Tessin*, 407
- Sale of British Embassy Building Case*, 247
- Senerman Rapaport v. Republic of Cuba*, 29
- Socialist Federal Republic of Yugoslavia v. Société Européenne d'Études et d'Entreprises*, 46
- Société Algérienne de Commerce Alco and Others v. Sempac and Others*, 73
- Société Civile Particulière dar el Ourida Marseille v. State of The Netherlands*, 370
- Société des Éts. Poclain and Cie. d'Assurances la Concorde v. Morflot USSR and Others*, 67
- Société des Grands Travaux de Marseille v. East Pakistan Industrial Development Corporation*, 445
- Société Européenne d'Études et d'Entreprises en Liquidité Volontaire v. Socialist Federal Republic of Yugoslavia*, 356
- Société Jean Dessès v. Prince Farouk and Mrs Sadek*, 37
- Société Nationale des Tabacs et Allumettes v. Chaussois and Others*, 44
- Société Nationale des Transports Routiers v. Compagnie Algérienne de Transit et d'Affrètement Serres et Pilaire and Another*, 83
- Société Paul Liegard v. Captain Serdjuk and Magne*, 38
- Spanish Consular Bank Accounts Case*, 114
- Spanish State v. Société Anonyme de l'Hôtel George V*, 61
- Spanish State Tourist Office Case*, 140
- Steinmetz v. Hungarian People's Republic*, 15
- Szczesniak v. Backer and Others*, 23
- Tekno-Pharma AB v. State of Iran*, 383
- Townshend de Briochetto v. Office of the Department of Commerce of Canada*, 1
- United Arab Republic v. Mrs X*, 385
- United States Government v. Bracale Bicchierai*, 273

Cambridge University Press
978-0-521-46410-9 - International Law Reports: Volume 65
Edited by Elihu Lauterpacht
Frontmatter
[More information](#)

TABLE OF CASES

xvii

United States Government <i>v.</i> Irsa, 262	Yugoslav Military Mission Case, 108
Universal Oil Trade Inc. <i>v.</i> Islamic Republic of Iran, 436	Zucca and Others <i>v.</i> Fondazione Internazionale Premio Balzan nad Swiss Confederation, 280
Velloso <i>v.</i> Borla and Others, 328	
X <i>v.</i> Federal Republic of Germany, 10	

TABLE OF CASES REPORTED

[ARRANGED ACCORDING TO COUNTRIES]

I. DECISIONS OF MUNICIPAL COURTS

<p>Argentina 1949 Townshend de Briochetto <i>v.</i> Office of the Department of Commerce of Canada, 1</p> <p>1951 Oppenlander de Soska <i>v.</i> Embassy of Ecuador, 2</p> <p>Austria 1958 Neustein <i>v.</i> Republic of Indonesia, 3</p> <p>1963 X <i>v.</i> Federal Republic of Germany, 10</p> <p>1964 Prince of X Road Accident Case, 13</p> <p>1970 Steinmetz <i>v.</i> Hungarian People's Republic, 15</p> <p>1978 British Embassy Driver Case, 20</p> <p>Belgium 1955 Szczesniak <i>v.</i> Backer and Others, 23</p> <p>1971 NV Filmpartners, 26</p> <p>Chile 1975 Senerman Rapaport <i>v.</i> Republic of Cuba, 29</p> <p>France 1955 Minister for Public Education of Portugal <i>v.</i> Di Vittorio Associates, 32</p> <p>1963 Société Jean Dessès <i>v.</i> Prince Farouk and Mrs Sadek, 37</p>	<p>1964 Enterprise Pérignon and Others <i>v.</i> United States of America, 39 Société Paul Liegard <i>v.</i> Captain Serdjuk and Magne, 38</p> <p>1968 Red Nacional de Ferrocarriles Espanoles <i>v.</i> Mrs Cavaille and Another, 41</p> <p>1969 Société National des Tabacs et Allumettes <i>v.</i> Chaussois and Others, 44</p> <p>1970 Socialist Federal Republic of Yugoslavia <i>v.</i> Société Européenne d'Études et d'Entreprises, 46</p> <p>1971 Clerget <i>v.</i> Banque Commerciale pour l'Europe du Nord and Others, 54 Malagasy Republic <i>v.</i> Société Bruynzeel (Netherlands), 51</p> <p>1972 Corporacion del Cobre <i>v.</i> Braden Copper Corporation and Société Groupement d'Importation des Métaux, 57</p> <p>1973 Spanish State <i>v.</i> Société Anonyme de l'Hôtel George V, 61</p> <p>1976 Blagojevic <i>v.</i> Bank of Japan, 63</p> <p>1977 Caisse d'Assurance Vieillesse des Non-Salariés <i>v.</i> Caisse Nationale des Barreaux Français, 70 Société des Éts. Poclairn and Cie. d'Assurances la Concorde <i>v.</i> Morflot USSR and Others, 67</p> <p>1978 Procureur de la République <i>v.</i> SA Ipi-trade International, 75</p>
---	---

TABLE OF CASES

xix

Société Algérienne de Commerce Alco and Others <i>v.</i> Sempac and Others, 73	1976 Central Bank of Nigeria Case, 131, 138
1979 Procureur de la République and Others <i>v.</i> LIAMCO and Others, 78	1977 Philippine Embassy Bank Account Case, 146
Société Nationale des Transports Routiers <i>v.</i> Compagnie Algérienne de Transit et d'Affrètement Serres et Pilaire and Another, 83	Spanish State Tourist Office Case, 140
1980 Blagojevic <i>v.</i> Japanese State, 86	1978 Church of Scientology Case, 193
1981 Benvenuti et Bonfant SARL <i>v.</i> Government of the People's Republic of the Congo, 88	1980 National Iranian Oil Company Legal Status Case, 199
1982 Republic of Iran and Others <i>v.</i> Sociétés Eurodif and Sofidif and Commissariat à l'Énergie Atomique, 93	1981 Conrades <i>v.</i> United Kingdom of Great Britain and Northern Ireland, 205
Germany, Federal Republic of	Foreign Trade Institute Bank Account Case, 209
1959 <i>Charkow, The</i> , 100, 101	1982 National Iranian Oil Company Pipeline Contracts Case, 212
1962 <i>Charkow, The</i> , 100, 105	1983 National Iranian Oil Company Revenues from Oil Sales Case, 215
1969 Hungarian Embassy Case, 110	Greece
Yugoslav Military Mission Case, 108	1962 Sale of British Embassy Building Case, 247
1971 Spanish Consular Bank Accounts Case, 114	1965 Embassy Eviction Case, 248
1972 Arms Sales Commission Agreement Case, 119	1967 Purchase of Embassy Staff Residence Case, 255
1973 Land Sale Authorisation Case, 122	Iceland
1974 Land Purchase Broker's Commission Case, 125	1964 Prosecution <i>v.</i> Valentales, 258
1975 Central Bank of Nigeria Case, 131, 133	Italy
Oder-Neisse Property Expropriation Case, 127	1963 United States Government <i>v.</i> Irsa, 262
	1966 Ciniglio <i>v.</i> Indonesian Embassy and Compagnia di Assicurazioni Intercontinentali, 268

- Consorzio Agrario della Tripolitania *v.*
 Federazione Italiana Consorzi Agrari
 and Cassa di Risparmio della Libia,
 265
- 1968
 Ministry of Foreign Affairs *v.* Federici
 and Japanese State, 275
 Prefect of Milan *v.* Federici and Savoldi,
 270
 United States Government *v.* Bracale
 Bicchierai, 273
- 1969
 Parravicini *v.* Commercial Bureau of
 the People's Republic of Bulgaria,
 282
 Zucca and Others *v.* Fondazione Inter-
 nazionale Premio Balzan and Swiss
 Confederation, 280
- 1971
 De Ritis *v.* United States, 283
- 1972
 Campione *v.* Pesti-Nitrogenmuvek NV
 and Hungarian Republic, 287
- 1974
 Association of Italian Knights of the
 Order of Malta *v.* Piccoli, 308
 Luna *v.* Socialist Republic of Romania,
 313
 Mallaval *v.* French Ministry of Foreign
 Affairs, 303
- 1977
 Bruno *v.* United States, 316
- 1978
 Ministry of Finance *v.* Association of
 Italian Knights of the Order of Malta,
 320
- 1979
 Danish Cultural Institute and Krogh *v.*
 Hansen, 325
 Embassy of the Kingdom of Morocco *v.*
 Societa' Immobiliare Forte Barchetto,
 331
 Pontificia Opera di Assistenza *v.* INPS
 and Smith, 333
 Velloso *v.* Borla and Others, 328
- 1981
 Bulli *v.* Foreign and Commonwealth
 Office of the United Kingdom of
 Great Britain and Northern Ireland,
 343
 Italian Trade Union for Embassy and
 Consular Staff *v.* United States, 338
- The Netherlands**
- 1963
 NV Exploitatie-Maatschappij Bengkalis
v. Bank Indonesia, 348
- 1969
 Brinkhof NV *v.* NV Nederlandse Spoor-
 wegen and Deutsche Bundesbahn,
 354
- 1972
 Société Européenne d'Études et d'Entre-
 prises en Liquidité Volontaire *v.*
 Socialist Federal Republic of Yugo-
 slavia, 356, 357
- 1973
 Société Européenne d'Études et d'Entre-
 prises en Liquidité Volontaire *v.*
 Socialist Federal Republic of Yugo-
 slavia, 356, 360
- 1976
 Far Eastern Steamship Company *v.*
 General Maritime Concern Company,
 364
 ICC Handel Maatschappij *v.* Union of
 Soviet Socialist Republics, 368
 Société Civile Particulière dar el Ourida
 Marseille *v.* State of The Netherlands,
 370
- 1977
 Parsons *v.* Republic of Malta, 371
- 1978
 Gootjes *v.* Kingdom of Belgium, 372
 Kingdom of Morocco *v.* Stichting Revali-
 datie Centrum "De Trappenberg",
 375
- 1979
 "Atlantic" Algemene Verzekering
 Maatschappij NV *v.* Union of Soviet
 Socialist Republics, 377
 De Sousa *v.* Republic of Portugal, 378

TABLE OF CASES

xxi

<p>1980 Church of Scientology in The Netherlands Foundation and Others <i>v.</i> (1) Herold and (2) Heinrich Bauer Verlag, 380</p> <p style="text-align: center;">Sweden</p> <p>1972 Tekno-Pharma AB <i>v.</i> State of Iran, 383</p> <p style="text-align: center;">Switzerland</p> <p>1960 United Arab Republic <i>v.</i> Mrs X, 385</p> <p>1966 Italian Republic, Italian Ministry of Transport and Italian State Railways <i>v.</i> Beta Holding SA and Another, 394</p> <p>1973 Republic of Ghana Case, 404</p> <p>1975 Republic of Italy <i>v.</i> Chambre des Recours Pénaux du Tribunal d'Appel du Canton du Tessin, 407</p>	<p>1977 Banque Commerciale Arabe SA Case, 412</p> <p>1978 Banque Centrale de la République de Turquie <i>v.</i> Weston Compagnie de Finance et d'Investissement SA and Another, 417</p> <p>1979 Arab Republic of Egypt <i>v.</i> Cinetelevision International Registered Trust and Another, 425</p> <p>1981 Universal Oil Trade Inc. <i>v.</i> Islamic Republic of Iran, 436</p> <p style="text-align: center;">Togo</p> <p>1961 France <i>v.</i> Banque de L'Afrique de L'Ouest, 439</p>
--	--

II. DECISIONS OF ARBITRAL TRIBUNALS

<p>1972 Société des Grands Travaux de Marseille <i>v.</i> East Pakistan Industrial Development Corporation, 445</p>	<p>1974 Preliminary Award in Case No. 2321, 450</p>
---	---

Cambridge University Press
978-0-521-46410-9 - International Law Reports: Volume 65
Edited by Elihu Lauterpacht
Frontmatter
[More information](#)

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.

The volume of *Materials on Jurisdictional Immunities of States and their Property*, published in the United Nations Legislative Series, 1982 (ST/LEG/SER. B/20), also contains in Part III, pp. 131-180, some extracts from and texts of a number of the bilateral and multilateral treaties listed below.

1882

- Feb. 6 France—Spain, Treaty on Commerce and Navigation (73 B.F.S.P. 252)
 Art. 3 42
- July 20 France—Spain, Convention for the Customs and Control Services on Certain Railways (9 Martens N.R.G., 2nd Ser. 684; 14 Traités 48)
 Art. 1 42, 43

1907

- Oct. 18 Hague Convention No. IV on the Laws and Customs of Warfare on Land (3 Martens N.R.G., 3rd ser. 461; 100 B.F.S.P. 338; 2 U.S. Treaties 2269; U.K.T.S. No. 9 (1910), Cd. 5030)
 Regulations annexed to the Convention
 Art. 23(g) 129
 Art. 23(h) 129

1921

- May 6 Germany—U.S.S.R., Provisional Agreement (*RGBl.*, 929)
 Art. 10 103

1922

- April 16 Germany—U.S.S.R. Agreement concerning Claims arising out of War and Diplomatic and Economic Relations (Rapallo Treaty) (19 L.N.T.S. 247; *RGBl.*, II 677) 103

1926

- April 10 Brussels Convention for the Unification of Certain Rules relating to the Immunity of State-Owned Vessels (176 L.N.T.S. 199; 3 Hudson 1837; 141 B.F.S.P. 482) 101, 165, 177, 293
 Art. 1 177
 Art. 2 177
 Art. 3 293, 294

1928

- Mar. 20 Germany—Great Britain, Convention regarding Legal Proceedings in Civil and Commercial Matters (*RGBl.*, II 623; U.K.T.S. No. 5 (1929), Cmd. 3286; 26 Martens N.R.G. 3rd ser. 759).....198

1929

- Feb. 11 Holy See—Italy, Lateran Treaty (Conciliation Treaty) (130 B.F.S.P. 791; 21 Martens N.R.G. 3rd ser. 18; 23 A.J.I.L.; (1929) Supp. 187)
 Art. 9.....335

1933

- May 21 Italy—The Netherlands, Agreement providing for less strict provisions for the Transport of Goods by Rail in accordance with the International Convention on the Transport of Goods by Rail, 23 October 1924 (Rome Agreement) (152 L.N.T.S. 247).....294

1934

- May 24 Additional Protocol to the Brussels Convention, 1926, for the Unification of Certain Rules relating to the Immunity of State-Owned Vessels (176 L.N.T.S. 199; 6 Hudson 868). 165, 177

1945

- June 26 Charter of the United Nations (U.K.T.S. No. 67 (1946), Cmd. 7015; 9 Hudson 327; U.S.T.S. No. 993; 145 B.F.S.P. 805)
 Art. 2(1).....191

- Aug. 2 U.K.—U.S.A.—U.S.S.R., Potsdam Agreement (U.K. Miscellaneous No. 6 (1947), Cmd. 7087; 145 B.F.S.P. 852; 39 A.J.I.L. (1945) Supp. 245)
 Art. 9(6).....130

1948

- Feb. 2 Italy—U.S.A., Treaty of Friendship, Commerce and Navigation (79 U.N.T.S. 171; T.I.A.S. 1965).....179

1949

- April 4 North Atlantic Treaty (34 U.N.T.S. 243; U.K.T.S. No. 56 (1949), Cmd. 7789; T.I.A.S. No. 1964).....263

- Nov. 4 France—Italy, Cultural Convention (155 B.F.S.P. 401)
 Art. 1.....306

1950

- Jan. 21 Ireland—U.S.A., Treaty of Friendship, Commerce and Navigation (206 U.N.T.S. 269; 1 U.S.T. 785; T.I.A.S. No. 2155).....179

1951

- June 19 Agreement regarding the Status of the Forces of Parties to the North Atlantic Treaty (199 U.N.T.S. 67; U.K.T.S. No. 3 (1955), Cmd. 9363; 4 U.S.T. 1792; T.I.A.S. No. 2846). 294, 318
 Art. 1(1)(b).....318
 Art. 3(3).....319

TABLE OF TREATIES

xxv

	Art. 3(4).....	319
	Art. 9(4).....	317, 320
Aug. 23	Israel—U.S.A., Treaty of Friendship, Commerce and Navigation (219 U.N.T.S. 237; 5 U.S.T. 550; T.I.A.S. No. 2948).....	179
Sept. 3	France—U.S.S.R., Trade Agreement (221 U.N.T.S. 92) Art. 10.....	180
1952		
May 26	Federal Republic of Germany—France—U.K.—U.S.A., Con- vention on the Settlement of Matters Arising out of the War and Occupation (332 U.N.T.S. 220; U.K.T.S. No. 13 (1959), Cmnd. 656; 6 U.S.T. 4411; T.I.A.S. No. 3425).....	112
Oct. 25	Berne International Convention (C.I.V.) concerning the Carriage of Passengers and Luggage by Rail (242 U.N.T.S. 354; U.K.T.S. No. 47 (1958), Cmnd. 565).....	43
	Art. 28.....	43
	Art. 43(4).....	43
1953		
April 2	Japan—U.S.A., Treaty of Friendship, Commerce and Navigation (206 U.N.T.S. 143; 4 U.S.T. 2063; T.I.A.S. No. 2863) Art. 18(2).....	179
1954		
Mar. 1	Hague Convention on Civil Procedure (286 U.N.T.S. 265; 87 <i>Clunet</i> (1960) 590) Art. 1(2).....	11
	Art. 4.....	11
Oct. 29	Germany—U.S.A., Treaty of Friendship, Commerce and Navi- gation (273 U.N.T.S. 3; 5 U.S.T. 1939; T.I.A.S. No. 3062) Art. 6.....	204
	Art. 18(2).....	179
1955		
July 23	Italy-Switzerland, Agreement on the Financing of Operations for the Development and Electrification of Certain Lines of the Italian State Railways entering Switzerland (284 U.N.T.S. 249; R.O. 1957, 199).....	396
	Art. 2.....	396
Oct. 17	Austria—U.S.S.R., Treaty of Trade and Navigation (240 U.N.T.S. 304) Annex, Art. 4.....	180
Oct. 20	Convention on the Establishment of “Eurofima”, (European Company for the Financing of Railway Equipment) (378 U.N.T.S. 225; <i>BGBI.</i> , 1956, II, 907).....	231, 396
	Preamble, para. 5.....	232
	Art. 1(a).....	403
	Art. 2(a).....	404
	Art. 3(1).....	231
	Additional Protocol.....	403

1956

- Oct. 2 Italy—Kingdom of Libya, Agreements. 267
 Nov. 4 Annex No. 1 to the Italy—France Cultural Agreement (1949). 306

1957

- Mar. 25 Treaty establishing the European Economic Community (Rome)
 (298 U.N.T.S. 11; U.K.T.S. No. 1 (1973), Cmnd. 5179-II;
 163 B.F.S.P. 206)
 Art. 85 354
 Art. 86 354

1958

- April 25 Federal Republic of Germany—U.S.S.R., Agreement on General
 Questions of Trade and Navigation (346 U.N.T.S. 71; *BGBL.*,
 1959, II, 469). 103
 Annex, Art. 2 180
 Annex, Art. 3. 103, 180
 Annex, Art. 4. 180, 187
 April 29 Convention on the High Seas (Geneva) (450 U.N.T.S. 82;
 U.K.T.S. No. 5 (1963), Cmnd. 1929; 13 U.S.T. 2312;
 T.I.A.S. No. 5200). 177
 Art. 9 178
 April 29 Convention on the Territorial Sea and the Contiguous Zone
 (Geneva) (516 U.N.T.S. 205; U.K.T.S. No. 3 (1965), Cmnd.
 2511; 15 U.S.T. 1606; T.I.A.S. No. 5639). 177, 178
 Art. 21 178

- June 10 Convention on the Recognition and Enforcement of Foreign
 Arbitral Awards (New York) (330 U.N.T.S. 38; 21 U.S.T.
 2517; T.I.A.S. No. 6997)
 Art. 1(1). 357, 358, 360
 Art. 1(2). 362, 363
 Art. 1(3). 358
 Art. 2 362
 Art. 2(1). 362, 363
 Art. 3 362
 Art. 4 363
 Art. 5(1). 363
 Art. 5(1)(e). 358
 Sept. 22 Federal Republic of Germany—Austria, Treaty on Judicial Assist-
 ance in Criminal Matters
 Art. 7(2). 21

1959

- April 20 European Convention on Mutual Assistance in Criminal Matters
 (R.O. 1967, 871; 472 U.N.T.S. 185)
 Art. 2 409
 Art. 5 409
 Art. 5(1). 408

TABLE OF TREATIES

xxvii

1960

- Dec. 31 Protocol to the Federal Republic of Germany—U.S.S.R. Agreement on General Questions of Trade and Navigation (1958) (*BGBL.*, 1961, II, 1085).....180

1961

- April 18 Vienna Convention on Diplomatic Relations (500 U.N.T.S. 95; U.K.T.S. No. 19 (1965), Cmnd. 2565; 23 U.S.T. 3229; 55 A.J.I.L. (1961) 1062)..... 116, 148, 254
 Art. 1 249
 Art. 1(1) 254
 Art. 3 126, 187, 211
 Art. 14 126, 187, 211
 Art. 22 30, 161-162, 187, 249
 Art. 22(1) 254
 Art. 22(3) 152
 Art. 31 30, 249, 307, 254, 305
 Art. 31(1) 22
 Art. 31(1)(a) 109, 123, 124
 Art. 31(3) 22, 254
 Art. 37 21
 Art. 37(2) 22
 Art. 38 21, 22
- May 2 Federal Republic of Germany—U.K., Agreement providing for Mutual Assistance in Criminal Matters (414 U.N.T.S. 3; U.K.T.S. No. 66 (1961), Cmnd. 1446)..... 197
- Nov. 27 Austria—Federal Republic of Germany, Treaty on Finance and Compensation (*BGBL.*, 1962, II, 1041)
 Art. 8(1)..... 12, 13

1963

- Mar. 24 Vienna Convention on Consular Relations (596 U.N.T.S. 261; U.K.T.S. No. 14 (1971), Cmnd. 5219; 21 U.S.T. 77; 57 A.J.I.L. (1963) 993)..... 76, 116
 Art. 7 373
 Art. 43 373

1965

- Mar. 18 Convention on the Settlement of Investment Disputes between States and Nationals of Other States (World Bank) (575 U.N.T.S. 159; U.K.T.S. No. 25 (1967), Cmnd. 3255; 4 *Int. Leg. Materials* (1965) 532)
 Art. 54 90, 91
 Art. 54(2) 90
 Art. 55 91

1966

- Feb. 1 Association of Italian Knights of the Order of Malta—Italy, Convention 310

1967

- Austria—People's Republic of Hungary, Property Treaty (*BGBL.*, 1967, 293).....17, 19
 Art. 1(1)(a).....18

1968

- Sep. 27 Brussels Convention on Jurisdiction and Enforcement of
 Judgments in Civil and Commercial Matters (E.E.C.) (O.J.
 1978, L 304/77; Encyclopaedia of European Community
 Law B 11 235)
 Art. 5 373

1969

- May 28 The Netherlands—U.S.S.R., Agreement on Merchant Shipping
 (Trb. 1969, No. 115).....369
 Art. 16 367, 369
 Art. 16(1)..... 365, 366, 367
 Art. 16(2)..... 365, 366, 367

1972

- May 16 European Convention on State Immunity (Basle) (U.K.T.S.
 No. 74 (1979), Cmnd. 7742; 11 *Int. Leg. Materials* (1972), 470;
 European Treaty Series No. 74)..... 155, 419, 421, 422, 424, 426
 430, 431
 Arts. 1-14 178, 426, 431
 Arts. 4 *et seq.* 164
 Art. 4 421, 422
 Art. 5 336, 421
 Art. 5(1) 336
 Art. 5(2) 336
 Art. 15 431
 Art. 20 178, 431
 Art. 21 178, 431
 Art. 23 155, 178, 423, 431
 Art. 24 179
 Art. 26 179
 Art. 27 417, 421, 422, 426
 Art. 37 431
 Optional Protocol
 Arts. 4 *et seq.* 178
 Additional Protocol 178

Cambridge University Press
978-0-521-46410-9 - International Law Reports: Volume 65
Edited by Elihu Lauterpacht
Frontmatter
[More information](#)

I.—DECISIONS OF MUNICIPAL COURTS