

99

Volume

INTERNATIONAL  
LAW REPORTS

Vol. 17–23 Edited by Sir Hersch Lauterpacht, Q.C., LL.D., F.B.A.  
 Vol. 24 Edited by Sir Hersch Lauterpacht, Q.C., LL.D., F.B.A., and E. Lauterpacht  
 Vols. 25–66 and Consolidated Tables and Index to Vols. 1–35 and 36–45 Edited by E. Lauterpacht, Q.C.

### INTERNATIONAL LAW REPORTS

*Volumes published under the title:*

Vols. 1 and 2 Edited by Sir John Fischer Williams, K.C. and H. Lauterpacht, LL.D.  
 Vols. 3 and 4 Edited by Arnold D. McNair, C.B.E., LL.D., and H. Lauterpacht, LL.D.  
 Vols. 5–16 Edited by H. Lauterpacht, Q.C., LL.D., F.B.A.

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

*Volumes published under the title:*

1984  
GROTIUS PUBLICATIONS LIMITED  
CAMBRIDGE

A PUBLICATION OF  
THE RESEARCH CENTRE FOR INTERNATIONAL LAW,  
UNIVERSITY OF CAMBRIDGE

FELLOW OF MAGDALENE COLLEGE, CAMBRIDGE  
C. J. GREENWOOD,  
*with the assistance of*

FELLOW OF TRINITY COLLEGE, CAMBRIDGE  
BENCHER OF GRAY'S INN;  
E. LAUTERPACHT, Q.C.

BY  
EDITED

66  
Volume

INTERNATIONAL  
LAW REPORTS

CAMBRIDGE  
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
4843/24, 2nd Floor, Ansari Road, Daryaganj, Delhi – 110002, India  
79 Anson Road, #06–04/06, Singapore 079906

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[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9780521464116](http://www.cambridge.org/9780521464116)

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First published by Grotius Publications Ltd 1984

Reprinted by Cambridge University Press 2007

Reprinted 2017

Printed in Singapore by Markono Print Media Pte Ltd

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

ISBN 978-0-521-46411-6 hardback

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TRINITY COLLEGE,  
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 June 1984

## E. LAUTERPACHT

The collection and preparation of the cases for this volume was carried out by Mr C. J. Greenwood, with the assistance of Mrs J. Paton, Miss S. Morris, Mr R. Edmonds, Mr R. Pirrie, Mr B. Wolfe and Mr R. Yocheison. The Index and Table of Cases have been compiled by Mrs J. Kornhauser. The Table of Treaties is the work of Mr H. Schade who also gave much general assistance in putting the volume through the press. Mrs S. Rainbow, my secretary, and Mrs S. Greenwood have spent many hours preparing the typescripts. The volume has been printed, with their usual care, by the Gomer Press. To all the above, I express my warmest thanks.

The remainder of the present volume is devoted to the award—of Kuwait and the American Independent Oil Company—in the arbitration between the Government of Kuwait and the American Independent Oil Company. The decisions of the State courts, the Federal District Courts and the Federal Court of Appeals in the United States have been photographic-ally reproduced by kind permission of the West Publishing Company, to whom we are most grateful. We also extend our thanks to the Lawyers Co-operative Publishing Company for their permission to reproduce the judgments of the Supreme Court of the United States.

Volumes 63-65 of these *Reports* were devoted exclusively to decisions concerning sovereign immunity. While Volume 63, containing the decisions of the United States courts on that subject, was in preparation, it became apparent, for reasons stated in the Preface to that volume, that it would not be possible to include many decisions concerning the act of State doctrine. Their exclusion was a matter of regret since some of these decisions, such as that of the Supreme Court in *Alfred Dunhill Inc. v. Republic of Cuba*, have important repercussions for the doctrine of sovereign immunity. Instead, it was decided to publish these decisions in Volume 66. The present volume therefore contains some 500 pages of decisions on the United States act of State doctrine, ranging in date from 1968 to 1982. Later decisions concerning sovereign immunity or the act of State doctrine will appear in subsequent volumes. In addition, the present volume contains certain decisions of the United States courts which are connected with the decisions on the act of State doctrine, or which raise points concerning that doctrine, even though their main importance is in relation to other aspects of international law.

## PREFACE

## 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 of 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 or a case on a similar point or under an independent heading.

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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.]

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