

INTERNATIONAL
LAW REPORTS

VOLUME 185

Volumes published under the title:

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

- | | | |
|-------------------|---|---|
| Vol. 1 (1919-22) | } | Edited by Sir John Fischer Williams, KC,
and H. Lauterpacht, LLD |
| Vol. 2 (1923-24) | | |
| Vol. 3 (1925-26) | } | Edited by Arnold D. McNair, CBE, LLD,
and H. Lauterpacht, LLD |
| Vol. 4 (1927-28) | | |
| Vol. 5 (1929-30) | } | Edited by H. Lauterpacht, QC, LLD, FBA |
| Vol. 6 (1931-32) | | |
| Vol. 7 (1933-34) | | |
| Vol. 8 (1935-37) | | |
| Vol. 9 (1938-40) | | |
| Vol. 10 (1941-42) | | |
| 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) | } | Edited by Sir Hersch Lauterpacht, QC, LLD, FBA |
| Vol. 18 (1951) | | |
| Vol. 19 (1952) | | |
| Vol. 20 (1953) | | |
| Vol. 21 (1954) | | |
| Vol. 22 (1955) | | |
| Vol. 23 (1956) | | |
| Vol. 24 (1957) | | Edited by Sir Hersch Lauterpacht, QC, LLD, FBA,
and E. Lauterpacht |
| Vol. 25 (1958-I) | } | Edited by E. Lauterpacht, QC |
| Vol. 26 (1958-II) | | |
| Vols. 27-68 <i>and</i> Consolidated Tables and Index to Vols. 1-35 <i>and</i> 36-45
Edited by E. Lauterpacht, QC | | |
| Vols. 69-150 <i>and</i> Consolidated Index and Consolidated Tables of Cases and
Treaties to Vols. 1-80, Vols. 81-100 <i>and</i> Vols. 1-125
Edited by Sir Elihu Lauterpacht, CBE, QC,
and Sir Christopher Greenwood, CMG, QC | | |
| Vols. 151-68 <i>and</i> Consolidated Index and Consolidated Table of Treaties to
Vols. 1-160
Edited by Sir Elihu Lauterpacht, CBE, QC, LLD,
Sir Christopher Greenwood, CMG, QC, and K. L. Lee | | |
| Vols. 169-85 | | Edited by Sir Christopher Greenwood, GBE, CMG, QC,
and K. L. Lee |

*Lauterpacht Centre for International Law
University of Cambridge*

INTERNATIONAL LAW REPORTS

**VOLUME
185**

Edited by

SIR CHRISTOPHER GREENWOOD, GBE, CMG, QC
*Member of the Iran-United States Claims Tribunal
Bencher of Middle Temple
Formerly Judge of the International Court of Justice*

and

KAREN LEE
*Fellow of the Lauterpacht Centre for International Law, University of Cambridge
Vice-Mistress and Fellow of Girton College, Cambridge*



**CAMBRIDGE
UNIVERSITY PRESS**

Cambridge University Press
978-1-108-49768-8 — International Law Reports
Edited by Christopher Greenwood, Karen Lee
Frontmatter
[More Information](#)

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
314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi - 110025, India
79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.
It furthers the University's mission by disseminating knowledge in the pursuit of
education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781108497688
DOI: 10.1017/9781108596718

© Cambridge University Press 2020

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 2020

Printed in the United Kingdom by TJ International Ltd. Padstow Cornwall

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

ISBN 978-1-108-49768-8 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.

CONTENTS

	<i>Page</i>
PREFACE	vii
EDITORIAL NOTE	ix
TABLE OF CASES (alphabetical)	xiii
TABLE OF CASES (according to courts and countries)	xv
DIGEST (main headings)	xvii
DIGEST OF CASES REPORTED IN VOLUME 185	xix
TABLE OF TREATIES	xxxv
REPORTS OF CASES	1
INDEX	701
CONSOLIDATED TABLES OF CASES, VOLUMES 126-185	753

Cambridge University Press
978-1-108-49768-8 — International Law Reports
Edited by Christopher Greenwood , Karen Lee
Frontmatter
[More Information](#)

PREFACE

The present volume contains the 2017 order on provisional measures of the International Court of Justice in *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*. International jurisprudence is also reflected in the judgment of the Court of Justice of the European Union in *Bosphorus Queen Shipping Ltd Corp. v. Rajavartiolaitos*. National jurisprudence is reflected in decisions from the courts of Austria (*Russian National Extradition Case*), England (*Svenska Petroleum (No 2)*, *AA-R (Iran)*, *Ford, Gul, Lama, Nour, Pearl Petroleum* and *Youssef*), Estonia (*Martinson Case*), Norway (*SIA North Star Ltd*), the Russian Federation (*Judgment No 21-P/2015*), South Africa (*Tsebe, Fick and Law Society*) and the United States (*Helmerich, Jesner and Animal Science*).

The Editors wish to express their gratitude to the many people whose work has made this volume possible. Mr Max Dowbenko prepared the summaries of *Svenska Petroleum (No 2)*, *Pearl Petroleum*, *Tsebe* and *Fick*. Dr Massimo Lando summarized *Application of the ICSFT and CERD*. Ms Rosalind Elphick wrote the summaries of *Law Society* and *Jesner*. Ms Natalie Jones summarized *Gul, Youssef* and *Animal Science* and Dr Paschalis Paschalidis summarized *Bosphorus*. Dr Muin Boase prepared the summary of *Lama* and Mr Daniel Regan the summaries of *AA-R (Iran)*, *Ford* and *Nour*. Dr Ludovica Chiussi summarized the Norwegian case and Dr Stephen Tully summarized *Helmerich*. Ms Victoria Barausova, Mr Philipp Janig (under the supervision of Professor Dr Stephan Wittich) and Ms Andra Laurand prepared the summaries and unofficial translations of the cases from the Russian Federation, Austria and Estonia respectively. Ms Karen Lee saw the volume through the press. Thanks are also extended to Ms Maria Netchaeva, the ILR Editorial Assistant, who prepared the Tables of Cases, Digest and the Consolidated Tables of Cases, Miss Maureen MacGlashan, CMG, who compiled the Table of Treaties and Index, Mrs Diane Ilott who checked the copy and Mr Jack Webb who read the proofs.

The Editors are very grateful to the International Court of Justice, the Court of Justice of the European Union (which owns the copyright

in its material), the Norwegian and United States Supreme Courts, and the South African Constitutional Court for kindly permitting these *Reports* to use the electronic files of the relevant judgments posted on their official websites. They are also indebted to Brill publishers for kindly allowing the publication of the text of the unofficial translation prepared for the *Austrian Review of International and European Law*. The decisions from England published in this volume carry Crown copyright and contain public sector information licensed under the Open Government Licence v.3.0; the electronic files were sourced from the United Kingdom Supreme Court, and British and Irish Legal Information Institute websites.

Finally, our thanks go to all the others who have worked to complete this volume, particularly our publishers, Cambridge University Press, and typesetters, SPi, and their staff.

C. J. GREENWOOD

LAUTERPACHT CENTRE
FOR INTERNATIONAL LAW,
UNIVERSITY OF CAMBRIDGE

K. L. LEE

LAUTERPACHT CENTRE
FOR INTERNATIONAL LAW,
UNIVERSITY OF CAMBRIDGE

May 2019

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, for example, 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 Administrative Tribunal of the United Nations) or because not all the decisions bear on questions of public international law (e.g. the Court of Justice of the European Union). In these instances, those decisions are selected which appear to have the greatest long-term value.

Human rights cases. The number of decisions on questions of international protection of human rights has increased considerably in recent years and it is now impossible for the *Reports* to cover them all. As far as decisions of international jurisdictions are concerned, the *Reports* will continue to publish decisions of the European Court of Human Rights and of the Inter-American Court of Human Rights, as well as “views” of the United Nations Human Rights Committee. Decisions of national courts on the application of conventions on human rights will not be published unless they deal with a major point of substantive human rights law or a matter of wider interest to public

international lawyers such as the relationship of international law and national law, the extent of the right of derogation or the principles of the interpretation of treaties.

International arbitrations. The *Reports* of course include arbitral awards rendered in cases between States which involve an application of public international law. Beyond this, however, the selection of arbitral decisions is more open to debate. As these *Reports* are principally concerned with matters of public international law, they will not include purely private law commercial arbitrations even if they are international in the sense that they arise between parties of different nationality and even if one of them is a State. (For reports of a number of such awards, see *Yearbook Commercial Arbitration* (ed. Albert Jan van den Berg, under the auspices of the International Council for Commercial Arbitration).) But where there is a sufficient point of contact with public international law then the relevant parts of the award will be reported. Examples of such points of contact are cases in which the character of a State as a party has some relevance (e.g. State immunity, stabilization clauses, *force majeure*) or where there is a choice of law problem involving discussion of international law or general principles of law as possible applicable laws. The same criteria will determine the selection of decisions of national courts regarding the enforcement of arbitral awards.

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 Editors 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

For reproduction of material in this volume, electronic files have been used wherever possible and their source acknowledged in the Preface. Citations of the reports in which the case may be found are listed in the “Report” section 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 where included.

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.

DIGEST OF CASES

With effect from Volume 75 the decisions contained in the *Reports* are no longer arranged according to the traditional classification scheme. Instead a Digest of Cases is published at the beginning of each volume. The main headings of the Digest are arranged alphabetically. Under each heading brief details are given of those cases reported in that volume which contain points covered by that heading. Each entry in the Digest gives the name of the case concerned and the page reference, the name of the tribunal which gave the decision and an indication of the main points raised in the case which relate to that particular heading of the Digest. Where a case raises points which concern several different areas of international law, entries relating to that case will appear under each of the relevant headings in the Digest. A list of the main headings used in the Digest is set out at p. xvii.

CONSOLIDATED INDEX AND TABLES

A Consolidated Index and a Consolidated Tables of Cases and Treaties for volumes 1-80 were published in two volumes in 1990 and 1991. A further volume containing the Consolidated Index and Consolidated Tables of Cases and Treaties for volumes 81-100 was published in 1996. A Consolidated Index, a Consolidated Tables of Cases and a Consolidated Table of Treaties for volumes 1-125 were published in 2004. A Consolidated Index and a Consolidated Table of Treaties for volumes 1-160 were published in 2017. Volume 185 contains Consolidated Tables of Cases for volumes 126-185.

Cambridge University Press
978-1-108-49768-8 — International Law Reports
Edited by Christopher Greenwood , Karen Lee
Frontmatter
[More Information](#)

TABLE OF CASES REPORTED

ALPHABETICAL

(Cases which are reported only in a note are distinguished from cases which are reported in full by the insertion of the word “note” in parentheses after the page number of the report.)

- | | |
|--|---|
| AA-R (Iran) <i>v.</i> Secretary of State for the Home Department 403 | Martinson Case (Case No 3-3-1-58-02) 194 |
| Animal Science Products Inc. and Others <i>v.</i> Hebei Welcome Pharmaceutical Co. Ltd and Others 690 | Minister of Home Affairs and Others <i>v.</i> Tsebe and Others 241 |
| Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine <i>v.</i> Russian Federation) (Provisional Measures) 1 | Minister of Justice and Constitutional Development and Another <i>v.</i> Tsebe and Others 241 |
| Bolivarian Republic of Venezuela and Others <i>v.</i> Helmerich & Payne International Drilling Co. and Others 615 | Norwegian Snow Crab Case 199 |
| Bosphorus Queen Shipping Ltd Corp. <i>v.</i> Rajavartiolaivos (Case C-15/17) 123 | Nour Case 506 |
| Ford <i>v.</i> Malaysian Airline Systems Berhad 413 | Pearl Petroleum Co. Ltd and Others <i>v.</i> Kurdistan Regional Government of Iraq 523 |
| Government of the Republic of Zimbabwe <i>v.</i> Fick and Others 277 | R <i>v.</i> Gul 428 |
| Gul Case 428 | R <i>v.</i> Lama 450 |
| Jesner and Others <i>v.</i> Arab Bank PLC 628 | R (Nour) <i>v.</i> Secretary of State for Defence 506 |
| Judgment No 21-P/2015 217 | <i>Re</i> Review of Constitutionality of Article 1 of the Federal Law “On Ratifying the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols Thereto” (Judgment No 21-P/2015) 217 |
| Lama Case 450 | Russian National Extradition Case (Case 13Os27/15t (13Os30/15h)) 185 |
| Law Society of South Africa and Others <i>v.</i> President of the Republic of South Africa and Others 313 | SIA North Star Ltd <i>v.</i> Public Prosecuting Authority (Norwegian Snow Crab Case) 199 |
| | Svenska Petroleum Exploration AB <i>v.</i> Government of the Republic of Lithuania and Another (No 2) 348 |

Ukraine <i>v.</i> Russian Federation (Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination) (Provisional Measures) 1	Youssef <i>v.</i> Secretary of State for Foreign and Commonwealth Affairs 564
Venezuela and Others <i>v.</i> Helmerich & Payne International Drilling Co. and Others 615	Zimbabwe, Government of the Republic of <i>v.</i> Fick and Others 277

TABLE OF CASES REPORTED

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

(Cases which are reported only in a note are distinguished from cases which are reported in full by the insertion of the word “note” in parentheses after the page number of the report.)

I. DECISIONS OF INTERNATIONAL TRIBUNALS

<i>Court of Justice of the European Union</i>	<i>International Court of Justice</i>
2018 Bosphorus Queen Shipping Ltd Corp. v. Rajavartiolaivos (Case C-15/17) 123	2017 Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation) (Provisional Measures) 1

II. DECISIONS OF MUNICIPAL COURTS

<i>Austria</i>	<i>Russian Federation</i>
2015 Russian National Extradition Case (Case 13Os27/15t (13Os30/15h)) 185	2015 Re Review of Constitutionality of Article 1 of the Federal Law “On Ratifying the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols Thereto” (Judgment No 21-P/2015) 217
<i>Estonia</i>	<i>South Africa</i>
2002 Martinson Case (Case No 3-3-1-58-02) 194	2012 Minister of Home Affairs and Others v. Tsebe and Others; Minister of Justice and Constitutional Development and Another v. Tsebe and Others 241
<i>Norway</i>	
2019 SIA North Star Ltd v. Public Prosecuting Authority (Norwegian Snow Crab Case) 199	

<p style="text-align: center;">2013</p> <p>Government of the Republic of Zimbabwe <i>v. Fick and Others</i> 277</p> <p style="text-align: center;">2018</p> <p>Law Society of South Africa and Others <i>v.</i> President of the Republic of South Africa and Others 313</p> <p style="text-align: center;"><i>United Kingdom, England</i></p> <p style="text-align: center;">2006</p> <p>Svenska Petroleum Exploration AB <i>v.</i> Government of the Republic of Lithuania and Another (No 2) 348</p> <p style="text-align: center;">2013</p> <p>AA-R (Iran) <i>v.</i> Secretary of State for the Home Department 403</p> <p>Ford <i>v.</i> Malaysian Airline Systems Berhad 413</p> <p>R <i>v.</i> Gul 428</p> <p>Youssef <i>v.</i> Secretary of State for Foreign and Commonwealth Affairs 564, 567</p> <p style="text-align: center;">2014</p> <p>R <i>v.</i> Lama 450</p>	<p style="text-align: center;">2015</p> <p>Pearl Petroleum Co. Ltd and Others <i>v.</i> Kurdistan Regional Government of Iraq 523</p> <p>R (Nour) <i>v.</i> Secretary of State for Defence 506</p> <p style="text-align: center;">2016</p> <p>Youssef <i>v.</i> Secretary of State for Foreign and Commonwealth Affairs 564, 591</p> <p style="text-align: center;"><i>United States of America</i></p> <p style="text-align: center;">2017</p> <p>Bolivarian Republic of Venezuela and Others <i>v.</i> Helmerich & Payne International Drilling Co. and Others 615</p> <p style="text-align: center;">2018</p> <p>Animal Science Products Inc. and Others <i>v.</i> Hebei Welcome Pharmaceutical Co. Ltd and Others 690</p> <p>Jesner and Others <i>v.</i> Arab Bank PLC 628</p>
---	---

DIGEST OF CASES

List of Main Headings

(Those headings for which there are entries in the present volume are printed in italics. For a guide to the Digest, see the Editorial Note at p. xi.)

<i>Air</i>	<i>International Organizations</i>
Aliens	<i>International Tribunals</i>
<i>Arbitration</i>	<i>Jurisdiction</i>
Canals	Lakes and Landlocked Seas
Claims	Nationality
<i>Comity</i>	Recognition
Conciliation	<i>Relationship of International Law and Municipal Law</i>
Consular Relations	Reprisals and Countermeasures
Damages	Rivers
<i>Diplomatic Relations</i>	<i>Sea</i>
<i>Economics, Trade and Finance</i>	Sources of International Law
<i>Environment</i>	Space
<i>Evidence before International Courts and Tribunals</i>	<i>State Immunity</i>
<i>Expropriation</i>	State Responsibility
<i>Extradition</i>	State Succession
General Principles of International Law	States
Governments	Territory
<i>Human Rights</i>	<i>Terrorism</i>
<i>International Court of Justice</i>	<i>Treaties</i>
<i>International Criminal Law</i>	<i>War and Armed Conflict</i>

Cambridge University Press
978-1-108-49768-8 — International Law Reports
Edited by Christopher Greenwood , Karen Lee
Frontmatter
[More Information](#)

DIGEST OF CASES REPORTED IN VOLUME 185

	<i>Page</i>
Air	
<p>Montreal Convention for the Unification of Certain Rules for International Carriage by Air, 1999 — Definition of an accident — Whether an accident within meaning of Article 17.1 of Montreal Convention on basis of facts pleaded by claimant — England, Court of Appeal (Civil Division)</p> <p style="text-align: right;"><i>Ford v. Malaysian Airline Systems Berhad</i></p>	413
Arbitration	
<p>Agreement to arbitration — Arbitration under International Chamber of Commerce rules — Enforcement of judgment — Justiciable within English court — Relevance of national law in interpretation of agreement — England, Court of Appeal</p> <p style="text-align: right;"><i>Svenska Petroleum Exploration AB v. Government of the Republic of Lithuania and Another (No 2)</i></p>	348
<p>Arbitration Act 1996 — London Court of International Arbitration Rules — Ruling on interim measures — Enforcement of a peremptory order — Jurisdiction to make an order under Section 42 of Arbitration Act — Proper and expeditious conduct of the arbitration — Cause for non-compliance with an order — Restoration of the status quo ante — Justiciable within an English court — Discretion of court to make an order — England, High Court, Queen's Bench Division (Commercial Court)</p> <p style="text-align: right;"><i>Pearl Petroleum Co. Ltd and Others v. Kurdistan Regional Government of Iraq</i></p>	523
Comity	
<p>Trade — Antitrust — Price fixing — Vitamin C exports — United States antitrust law — Whether price fixing required by foreign government law — Determination of content of foreign law — Whether foreign government submissions on foreign law</p>	

Comity (*cont.*)

binding — Reciprocity — Treaties reflecting international practice — United States, Supreme Court

Animal Science Products Inc. and Others v. Hebei Welcome Pharmaceutical Co. Ltd and Others 690

Diplomatic Relations

Comity — Judicial discretion in matters concerning foreign relations — Separation of powers — Imposition of corporate liability under Alien Tort Statute 1991 — Complex policy decision — Whether appropriate for judicial branch to make decision — United States, Supreme Court

Jesner and Others v. Arab Bank PLC 628

Extradition or deportation of individuals at risk of death penalty — Conflict of domestic constitution and treaty agreements — Interference with foreign prosecuting authority — Southern African Development Community — Resolving human rights disputes politically — South Africa, Constitutional Court

Minister of Home Affairs and Others v. Tsebe and Others; Minister of Justice and Constitutional Development and Another v. Tsebe and Others 241

Responsibility of executive for conduct of foreign relations — Whether considerations of comity overriding domestic legislation — South Africa, Constitutional Court

Law Society of South Africa and Others v. President of the Republic of South Africa and Others 313

Economics, Trade and Finance

Heads of agreement — Oil exploitation in Kurdistan region of Iraq — Disputes concerning payment — England, High Court, Queen's Bench Division (Commercial Court)

Pearl Petroleum Co. Ltd and Others v. Kurdistan Regional Government of Iraq 523

United States antitrust law — Price fixing — Vitamin C exports — Whether price fixing required by foreign government law — Determination of content of foreign

law — Whether foreign government submissions on foreign law binding — Appropriate weight to be given to foreign government's expressed view of own law — United States, Supreme Court

Animal Science Products Inc. and Others v. Hebei Welcome Pharmaceutical Co. Ltd and Others 690

Environment

Marine environment — Pollution — Ship-borne pollution — Effects in the exclusive economic zone (“EEZ”) and territorial sea — Jurisdiction of the coastal State and the flag State — Limits on jurisdiction — United Nations Convention on the Law of the Sea, 1982 — International Convention for the Prevention of Pollution from Ships, 1973 (“Marpol Convention”) — International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 — Enforcement rights of coastal States in their EEZ — Whether coastal States allowed to impose more stringent measures than those foreseen in UNCLOS Article 220(6) — Court of Justice of the European Union (Third Chamber)

Bosphorus Queen Shipping Ltd Corp. v. Rajavartiolaivos (Case C-15/17) 123

Evidence before International Courts and Tribunals

Meaning of agreement with government signature — Reference to previous draft agreements — Joint enterprise including government and legally separate entity — Submission to arbitrate — England, Court of Appeal

Svenska Petroleum Exploration AB v. Government of the Republic of Lithuania and Another (No 2) 348

Expropriation

Expropriation of property by State without compensation — Denial of access to domestic court system — Regional Tribunal of the Southern African Development Community — South Africa, Constitutional Court

Government of the Republic of Zimbabwe v. Fick and Others 277

Whether property taken in violation of international law — Foreign Sovereign Immunities Act 1976 — Expropriation exception to immunity — Whether applicable — Whether

Expropriation (*cont.*)

non-frivolous but incorrect argument sufficient to confer jurisdiction — United States, Supreme Court

Bolivarian Republic of Venezuela and Others v. Helmerich & Payne International Drilling Co. and Others 615

Extradition

European Convention on Extradition, 1957 — Primacy of European Convention on Human Rights, 1950 in extradition proceedings — Diplomatic assurances — Whether diplomatic assurances by Prosecutor General's Office of Russian Federation relevant — Austria, Supreme Court

Russian National Extradition Case (Case 130s27/15t (130s30/15h)) 185

Extradition of illegal immigrants to home State — Risk of imposition and execution of death penalty — Requests for assurance — Obligation towards prosecuting individual in own State — Southern African Development Community Extradition Protocol, 2002 — Extradition Treaty between Botswana and South Africa — South Africa, Constitutional Court

Minister of Home Affairs and Others v. Tsebe and Others; Minister of Justice and Constitutional Development and Another v. Tsebe and Others 241

Human Rights

Non-justiciability — Acts of executive — Foreign relations — Courts' power of review — Whether reputational damage may be caused to State when providing training and assistance to foreign armed forces — Duty to carry out lawful assessment — Whether subject to judicial review — England, High Court, Queen's Bench Division

Regina (Nour) v. Secretary of State for Defence 506

Object to protect, respect, promote and fulfil human rights — Human rights in extradition cases — Prohibition of death penalty — Obligations towards non-citizens — Obligations towards individuals entering country illegally — Obligation to protect human rights in other States' jurisdiction — Whether real

- risk of death penalty being executed — South Africa, Constitutional Court
- Minister of Home Affairs and Others v. Tsebe and Others; Minister of Justice and Constitutional Development and Another v. Tsebe and Others* 241
- Prohibition of torture — *Jus cogens* — Sanctions Committee — Consolidated List — Torture-tainted evidence — Whether States obliged to inquire into reliance on torture-tainted evidence by other States — United Kingdom, Court of Appeal (Civil Division) and Supreme Court
- Youssef v. Secretary of State for Foreign and Commonwealth Affairs* 564
- Treaties — European Convention on Human Rights, 1950 — Article 3 — Article 6 — Extraterritorial effects of Convention — Penal system of Russian Federation — Whether Austria having to deny extradition for criminal prosecution to Russian Federation — Austria, Supreme Court
- Russian National Extradition Case (Case 13Os27/15t (13Os30/15h))* 185
- Treaties — International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (“CERD”) — Whether Court having prima facie jurisdiction under CERD — Articles 2-5 of CERD — Right to education — Whether restrictions on Ukrainian-language education plausibly breaching right to education — Freedom of association — Whether banning of *Mejlis* plausibly breaching freedom of association — Whether provisional measures to be ordered — International Court of Justice
- Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation) (Provisional Measures)* 1
- Treaties — International Covenant on Economic, Social and Cultural Rights, 1966 — Whether directly applicable — General Comment of UN Committee on Economic, Social and Cultural Rights — Point 5 of General Comment No 3 of the UN Committee on Economic, Social and Cultural Rights — Estonia, Supreme Court
- Martinson Case (Case No 3-3-1-58-02)* 194

Human Rights (*cont.*)

Treaties — Treaty of the Southern African Development Community, 1992 — South African Constitution — Right of access to justice — Procedural irregularity — Irrationality and unlawfulness — Whether conduct of South African President violating South African Bill of Rights — South Africa, Constitutional Court

Law Society of South Africa and Others v. President of the Republic of South Africa and Others

313

International Court of Justice

Provisional measures — Terrorism — Racial discrimination — Prima facie jurisdiction — International Convention for the Suppression of the Financing of Terrorism, 1999 (“ICSFT”) — International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (“CERD”) — Procedural preconditions to Court’s jurisdiction — Negotiation — Arbitration — Plausibility — Article 18 of ICSFT — Obligation to cooperate to prevent terrorism financing — Whether Ukraine proving that alleged acts constituting breach of Article 18 of ICSFT — Articles 2-5 of CERD — Right to education — Whether restrictions on Ukrainian-language education plausibly breaching right to education — Freedom of association — Whether banning of *Mejlis* plausibly breaching freedom of association — Irreparable prejudice — Urgency — Link between provisional measures requested and rights sought to be protected — Measures to prevent extension and aggravation of dispute — International Court of Justice

Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation) (Provisional Measures)

1

International Criminal Law

Rome Statute of the International Criminal Court, 1998 — Article 7 — Crimes against humanity — Article 25 — Individual criminal responsibility — Article 28 — Command responsibility — *Mens rea* — Whether intent to make significant contribution to a group committing international crimes rendering an individual complicit in those acts — England, Court of Appeal

AA-R (Iran) v. Secretary of State for the Home Department

403

International Organizations

United Nations — Privileges and immunities — Immunity of experts on missions for the United Nations — Waiver of immunity — Convention on the Privileges and Immunities of the United Nations, 1946, Sections 22 and 23 — United Nations and International Court of Justice (Immunities and Privileges) Order 1974 — Whether waiver can be retroactive — Whether waiver needing to be express — England, Court of Appeal (Criminal Division)

Regina v. Lama 450

United Nations — Security Council — Security Council having primary responsibility for maintenance of international peace and security — Security Council Resolutions (“SCRs”) — SCR 1267 (1999) establishing Sanctions Committee — Measures against individual suspected terrorists — Consolidated list regime — Standard of proof required to list an individual suspected terrorist — Reasonable suspicion test — Balance of probabilities — United Kingdom, Court of Appeal (Civil Division) and Supreme Court

Youssef v. Secretary of State for Foreign and Commonwealth Affairs 564

International Tribunals

Enforcement of orders of international tribunals — Meaning of “foreign judgment” — Regional Tribunal of the Southern African Development Community — Whether judgment of Tribunal a foreign judgment for purposes of enforcement — South Africa, Constitutional Court

Government of the Republic of Zimbabwe v. Fick and Others 277

Jurisdiction

Justiciability of individual disputes against States members of Southern African Development Community — Amendment by protocol to Treaty of the Southern African Development Community, 1992 — South Africa, Constitutional Court

Law Society of South Africa and Others v. President of the Republic of South Africa and Others 313

Subject-matter jurisdiction — Whether suit could be maintained under Alien Tort Statute 1991 — Whether corporations could be sued for violations of international norms under Alien Tort

Jurisdiction (*cont.*)

Statute — Corporate liability for violations of international human rights law — Judicial discretion in matters concerning foreign relations — Separation of powers — United States, Supreme Court

Jesner and Others v. Arab Bank PLC

628

Relationship of International Law and Municipal Law

Conduct of foreign relations — Whether justiciable in municipal court — Whether court entitled to question efficacy of steps taken by South African Government in signing an international agreement prior to its ratification — South Africa, Constitutional Court

Law Society of South Africa and Others v. President of the Republic of South Africa and Others

313

Crime of terrorism — Terrorism Act 2000 — Dissemination of terrorist publications — Terrorist offences — Section 2 of Terrorism Act 2000 — Section 1 of Terrorism Act 2000 — Interpretation — Definition of terrorism — Scope — Whether insurgents attacking government armed forces exempted from definition — International crime of terrorism — Whether international crime of terrorism in times of peace and armed conflict — Definition of terrorism in international law — Whether international law rule restricting scope of terrorism — International conventions and national legislation — Whether attacks by insurgents on soldiers of Coalition forces in Iraq and Afghanistan terrorism excluded from definition of terrorism in Terrorism Act 2000 — Whether rule of international law requiring reading down of Section 1 of Terrorism Act 2000 — United Kingdom, Supreme Court

Regina v. Gul

428

Liability for violations of international law under Alien Tort Statute 1991 — Whether to impose liability under Alien Tort Statute for violations of new norms of international law — Whether corporate liability established as a norm of international law — Judicial discretion in matters concerning foreign relations — Separation of powers — Whether appropriate for judicial branch to allow Alien Tort Statute

liability to extend to foreign corporations — United States, Supreme Court

Jesner and Others v. Arab Bank PLC 628

Orders of regional Tribunal of Southern African Development Community — Enforcement of foreign judgments within South African law — Enforcement of foreign civil orders under the Enforcement Act — Enforcement of foreign judgments under South African common law — Meaning of “foreign judgment” — Obligation under Article 32 of Tribunal Protocol to facilitate execution of decisions of Tribunal — South Africa, Constitutional Court

Government of the Republic of Zimbabwe v. Fick and Others 277

Treaties — Convention relating to the Status of Refugees, 1951 — Human rights law — Right to asylum — Exceptions — Commission of an international crime — Crimes against humanity — Whether complicity in an international crime impacting right to asylum — Duty of State to prove on balance of probabilities that an individual should be denied asylum — Whether decision to deny asylum lawful acts — England, Court of Appeal

AA-R (Iran) v. Secretary of State for the Home Department 403

Treaties — European Convention on Human Rights, 1950 — Article 46 — Obligation to execute European Court of Human Rights judgments — Constitutional review of provisions of Russian law on execution of European Court of Human Rights judgments — Whether European Court of Human Rights judgments incompatible with Constitution of the Russian Federation can be executed — Hierarchy of legal sources under Constitution — Whether Constitution having supreme legal force — Article 15 of Constitution — Russian Federation, Constitutional Court

Re Review of Constitutionality of Article 1 of the Federal Law “On Ratifying the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols Thereto” (Judgment No 21-P/2015) 217

Treaties — European Union — Status of treaty as EU law — UNCLOS — Interpretation of Article 7(2) of Directive 2005/35/EC conforming to UNCLOS Article 220(6) — Relevance of

Relationship of International Law and Municipal Law (*cont.*)

treaties to which EU not party but which bind EU Member States — Court of Justice of the European Union (Third Chamber)

Bosphorus Queen Shipping Ltd Corp. v. Rajavartiolaitos
 (Case C-15/17) 123

Treaties — International Covenant on Economic, Social and Cultural Rights, 1966 — Constitution of Estonia — National law provisions — Whether international treaty having direct application — General Comment of UN Committee on Economic, Social and Cultural Rights — Point 5 of General Comment No 3 of UN Committee on Economic, Social and Cultural Rights — Estonia, Supreme Court

Martinson Case (Case No 3-3-1-58-02) 194

Treaties — Interpretation — United Nations Convention on the Law of the Sea, 1982 — Article 77 — Whether snow crab sedentary species — Whether natural resource over which Norway exercising sovereign rights — Spitsbergen Treaty, 1920 — Norwegian Snow Crab Regulations permitting only Norwegian nationals to fish for snow crabs — Whether discriminatory — Whether national regulations violating Spitsbergen Treaty — Norway, Supreme Court (Grand Chamber)

SIA North Star Ltd v. Public Prosecuting Authority (Norwegian Snow Crab Case) 199

Treaties — Interpretation — Vienna Convention on the Law of Treaties, 1969 — Article 31 — European Convention on Human Rights, 1950 — Article 46 — Obligation to execute European Court of Human Rights judgments — Whether non-compliance with rules on treaty interpretation exempting State from obligation to execute judgment — Provisions of internal law regarding competence to conclude treaties — Whether subsequent interpretation incompatible with “rules of fundamental importance” exempting State from obligation to execute judgment — Russian Federation, Constitutional Court

Re Review of Constitutionality of Article 1 of the Federal Law “On Ratifying the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols Thereto” (Judgment No 21-P/2015) 217

Treaties — Treaties with formal mechanisms for one government to obtain from another official statement characterizing its laws — European Convention on Information on Foreign Law, 1968 — Inter-American Convention on Proof of and Information on Foreign Law, 1979 — United States not party to treaties — International practice — Whether consistent with understanding that government's expressed view of own law entitled to substantial but not conclusive weight — United States, Supreme Court

Animal Science Products Inc. and Others v. Hebei Welcome Pharmaceutical Co. Ltd and Others

690

Treaties — United Nations Charter, 1945 — Chapter VII — Security Council — Sanctions Committee established by Security Council Resolution 1267 (1999) having consolidated list — Persons named on list subject to freezing of funds, assets and economic resources — Al-Qaida and Taliban (Asset-Freezing) Regulations 2010 — Prerogative powers — Judicial review — Standard of review — Whether domestic court can subject Sanctions Committee decisions to merits review — United Kingdom, Court of Appeal (Civil Division) and Supreme Court

Youssef v. Secretary of State for Foreign and Commonwealth Affairs

564

Sea

Environmental protection — Protection and preservation of marine environment — Ship-source pollution in exclusive economic zone (“EEZ”) — Flag State jurisdiction — Enforcement rights of coastal State — Whether and in which circumstances UNCLOS Article 220(6) authorizing a coastal State to instigate proceedings against a foreign vessel — Meaning of “clear and objective evidence” in UNCLOS Article 220(6) — Whether covering not only commission of a violation, but also its consequences — Meaning of “coastline or related interests” in UNCLOS Article 220(6) — Whether having the same meaning as in Article II of International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 — Whether covering non-living resources of territorial sea of coastal State as well as any resources in its EEZ — Court of Justice of the European Union (Third Chamber)

Bosphorus Queen Shipping Ltd Corp. v. Rajavartiolaivos
(Case C-15/17)

123

Sea (cont.)

Fishing — Snow crab fishing — Treaties — Interpretation — Article 77 of United Nations Convention on the Law of the Sea, 1982 — Coastal State — Continental shelf — Sedentary species — Treaty interpretation — Article 34 of Vienna Convention on the Law of Treaties, 1969 — Whether snow crab a sedentary species — Spitsbergen Treaty, 1920 — Spitsbergen Fisheries Protection Zone — Articles 2 and 3 of Spitsbergen Treaty — Norwegian Snow Crab Regulations — Prohibition of snow crab fishing — Permit for snow crab fishing only for Norwegian nationals — Discriminatory treatment — Equal treatment requirement under Spitsbergen Treaty — Whether Norwegian Snow Crab Regulations violating Spitsbergen Treaty — Norway, Supreme Court (Grand Chamber)

SIA North Star Ltd v. Public Prosecuting Authority (Norwegian Snow Crab Case)

199

State Immunity

Jurisdictional immunity — Expropriation — Whether property taken in violation of international law — Whether non-frivolous but incorrect argument sufficient to confer jurisdiction — Foreign Sovereign Immunities Act 1976 — Expropriation exception to immunity — Whether applicable — United States, Supreme Court

Bolivarian Republic of Venezuela and Others v. Helmerich & Payne International Drilling Co. and Others

615

Jurisdictional immunity — Immunity from execution — State Immunity Act 1978 — Exercise of sovereign authority — Immunity of a separate entity under Section 14(2) of Act — Extent of protection provided under Section 13(2)(a) — Consent to submit to arbitration — Waiver of immunity — Relationship between Section 14(2) and Section 13(2)(a) of Act — England, High Court, Queen's Bench Division (Commercial Court)

Pearl Petroleum Co. Ltd and Others v. Kurdistan Regional Government of Iraq

523

Jurisdictional immunity — Scope — Application to individual officials — Human rights — Universal jurisdiction — Scope of

immunity under Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 — Double jeopardy — England, Court of Appeal (Criminal Division)

Regina v. Lama 450

Jurisdictional immunity — State Immunity Act 1978 — Submission to jurisdiction under Section 2(1) of Act — Whether transaction commercial under Section 3(1) of Act — Submission to arbitration under Section 9(1) of Act — Immunity from enforcement — England, Court of Appeal

Svenska Petroleum Exploration AB v. Government of the Republic of Lithuania and Another (No 2) 348

Jurisdictional immunity — Waiver — Immunity under Section 2 of South African Immunities Act — Waiver of immunity under Section 3(1) — Agreement to be bound by international agreements — South Africa, Constitutional Court

Government of the Republic of Zimbabwe v. Fick and Others 277

Terrorism

Scope — Definition of terrorism — Section 1 of Terrorism Act 2000 — Interpretation — Definition of terrorism in international law — Whether rule of international law excluding attack by insurgents on government military forces from definition of terrorism — Definition of terrorism in Section 1 of Terrorism Act 2000 having wide scope — Whether reading down of Section 1 of Act necessary or desirable — United Kingdom, Supreme Court

Regina v. Gul 428

Terrorist acts committed abroad — Whether corporation facilitating those acts in violation of international law — International Convention for the Suppression of the Financing of Terrorism, 1999 — Whether corporations could be sued for violations of international norms under Alien Tort Statute — United States, Supreme Court

Jesner and Others v. Arab Bank PLC 628

Treaties — International Convention for the Suppression of the Financing of Terrorism, 1999 (“ICSFT”) — Whether Court having prima facie jurisdiction under ICSFT — Article 18 of

Terrorism (*cont.*)

ICSFT — Obligation to cooperate to prevent terrorism financing — Whether Ukraine proving that alleged acts constituting breach of Article 18 of ICSFT — Whether provisional measures to be ordered — International Court of Justice

Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation) (Provisional Measures)

1

United Nations — Creation of permanent international system for combating terrorism — Security Council Resolutions — Suppression and prevention of financing and preparation of acts of terrorism — Implementation in European Union by EC regulations — Restrictive measures against individual suspected terrorists — Encroachments upon personal liberty — Prerogative powers — Principle of legality — United Kingdom, Court of Appeal (Civil Division) and Supreme Court

Youssef v. Secretary of State for Foreign and Commonwealth Affairs

564

Treaties

Application — Interpretation — International Covenant on Economic, Social and Cultural Rights, 1966 — Whether international treaties directly applicable — Obligations of States parties — Obligation to foresee legal remedies — Estonia, Supreme Court

Martinson Case (Case No 3-3-1-58-02)

194

Interpretation — Montreal Convention for the Unification of Certain Rules for International Carriage by Air, 1999 — Definition of an accident — Whether an accident within meaning of Article 17.1 of Montreal Convention on basis of facts pleaded by claimant — England, Court of Appeal (Civil Division)

Ford v. Malaysian Airline Systems Berhad

413

Interpretation — Related treaties — Whether provisions of one treaty relevant in interpretation of another — United Nations Convention on the Law of the Sea, 1982 (“UNCLOS”) — International Convention for the Prevention of Pollution from Ships, 1973 (“Marpol Convention”) — International Convention

relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (“Intervention Convention”) — UNCLOS concluded by the European Union and all its Member States — Status of these treaties in the European Union legal order — Interpretative value of Marpol Convention and Intervention Convention in interpretation of UNCLOS — Court of Justice of the European Union (Third Chamber)

Bosphorus Queen Shipping Ltd Corp. v. Rajavartiolaivos
 (Case C-15/17)

123

War and Armed Conflict

International humanitarian law — Human rights law — Domestic legal obligations of State when providing training and assistance to foreign armed forces — Whether serious risk that training and assistance might directly or significantly contribute to violation of human rights/international humanitarian law — Duty to carry out appropriate assessment — Whether assessment irrational — Whether justiciable in English courts — England, High Court, Queen’s Bench Division

Regina (Nour) v. Secretary of State for Defence

506

Non-international armed conflict — Conflicts in Afghanistan and Iraq in 2008 and 2009 — Whether attacks by insurgents on soldiers of Coalition forces in Iraq and Afghanistan terrorism within meaning of Terrorism Act 2000 — United Kingdom, Supreme Court

Regina v. Gul

428

Cambridge University Press
978-1-108-49768-8 — International Law Reports
Edited by Christopher Greenwood , Karen Lee
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. Names of countries follow contemporaneous usage except in the case of small spelling changes (e.g. Roumania/Romania) where modern usage is adopted throughout. Where this seems helpful, the name of a treaty as it is commonly known is included.

Wherever possible, each treaty includes a reference to where an online English-language version of the treaty can be found. For treaties between 1648 and 1919, this is almost always the Consolidated Treaty Series (CTS), under Oxford Historical Treaties on the Oxford Public International Law website. Post-1919, references are most frequently to the League of Nations Treaty Series/United Nations Treaty Series (LNTS/UNTS). Here it should be noted that historically LNTS/UNTS references have taken the form “39 UNTS 55”, 39 being the volume number, 55 the page number. With effect from UNTS volume 2301, UNTS no longer includes the volume and page number as part of the reference, using simply the registration number. UNTS references are now in the form UNTS 42146. For ILR purposes, because of its value as an identifier, the registration number is now being added parenthetically to pre-volume 2301 treaties in the form 213 UNTS 221 [UNTS 2889].

Reference is also made to other treaty databases such as the European Treaty Series (ETS), Organization of American States Treaty Series (OASTS) or to Official Journals, particularly where these are the only databases currently hosting a treaty. Where a treaty appears to be available only on the website of the parent international organization, usually without any citation identifier, users are referred to the relevant website. For bilateral treaties, often the only source it has been possible to find is a non-English-language version on one of the parties’ official websites, such as the parliamentary proceedings approving the treaty. Users requiring a comprehensive list of written sources should refer to the CTS, or to the Flare Index to Treaties, available at IALS Digital.

For abbreviations used in the Table of Treaties, reference should be made to the table of abbreviations attached to the index in individual volumes.

1920

Feb. 20	Svalbard [Spitsbergen] Treaty (2 LNTS 8 [LNTS 41])	
	Art. 1	211-12
	Art. 2	201, 211-12
	Art. 3	211-12

1929

- Oct. 12 Warsaw Convention relating to International Carriage by Air
 (137 LNTS 11 [LNTS 3145]) 416-17
 Chapter III
 Art. 17 418, 421, 424

1945

- June 26 Charter of the United Nations (<https://treaties.un.org/>)
 (UNTS registration number “not available”)
 Chapter V
 Art. 25 568, 572, 585
 Chapter XV
 Art. 103 572, 585

- June 26 Statute of the International Court of Justice (<https://treaties.un.org/>) (UNTS registration number “not available”)
 Chapter I
 Art. 24(1) 13-14
 Art. 31 13-14
 Art. 40(2) 13
 Art. 40(3) 13
 Art. 41 12, 29-30, 39-42, 57-113, 116-20
 Art. 41(1) 45-52

1946

- Feb. 13 Convention on the Privileges and Immunities of the
 United Nations (“General Convention”) (UNPIC)
 (1 UNTS 15 [1 UNTS 4])
 Art. VI(22) 484-93

1948

- Dec. 9 Convention on the Prevention and Punishment of the Crime of
 Genocide (78 UNTS 277 [UNTS 1021])
 Art. II 669

1949

- Aug. 12 Geneva Convention Relative to the Treatment of Prisoners of
 War (GC III) (75 UNTS 135 [UNTS 972])
 Art. 129 678

1951

- July 28 Convention Relating to the Status of Refugees
 (Geneva Convention; RC) (189 UNTS 150 [UNTS 2545])
 Chapter I
 Art. 1F(a) 406-8

TABLE OF TREATIES

xxxvii

1965

- Dec. 21 International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (60 UNTS 195 [UNTS 9464]) 11-13, 21-3
- Art. 1 115
 - Art. 1(1) 36-9
 - Art. 1(4) 35-9
 - Art. 2 35-9, 45-52, 113-16
 - Art. 5 35-9, 113-16
 - Art. 5(c) 41-2
 - Art. 5(d) 41-2, 45-52
 - Art. 5(e) 41-2
 - Art. 11 29
 - Art. 22 12, 16-18, 23-4, 27-9

1966

- Dec. 16 International Covenant on Civil and Political Rights (ICCPR) (999 UNTS 171 [UNTS 14668])
- Arts. 6-15 197-8
- Dec. 16 International Covenant on Civil and Political Rights, Optional Protocol 1 (999 UNTS 171 [UNTS 14668])
- Art. 2 197-8
 - Art. 5 197-8

1968

- June 7 European Convention on Information on Foreign Law (720 UNTS 154 [UNTS 10346])
- Art. 8 699-700

1969

- Apr. 8 Botswana–South Africa Extradition Treaty (<https://botswanalaws.com/subsidiary-legislation/extradition-subsidiary-legislation>)
- Art. 6 246, 253, 263-4
- May 23 Vienna Convention on the Law of Treaties (VCLT) (1155 UNTS 331 [UNTS 18232]) 325-9
- Art. 2 290, 345-6
 - Art. 11 326
 - Art. 15 326
 - Art. 18 326-9, 340
 - Art. 26 225-7, 326-9, 340
 - Art. 31 174, 208
 - Art. 31(1) 163-4, 225-7

	Art. 31(3)(c)	163-4
	Art. 32	164, 208
	Art. 46(1)	225-7
	Art. 46(2)	226-7
Nov. 29	International Convention Relating to Intervention on the High Seas in cases of Oil Pollution Casualties (Brussels Convention) (Intervention Convention) (970 UNTS 211 [UNTS 14049])	140-2, 158-9, 170-1, 174-6
	Art. I(1)	130-1, 158, 174-6
	Art. II(4)	130-1, 146-8, 158-9, 174-8, 182
1970		
Dec. 16	Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention) (Hijacking Convention) (860 UNTS 105 [UNTS 12325])	
	Art. 4	678
1971		
Sept. 23	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal Convention) (974 UNTS 177 [UNTS 14118])	678
1973		
Nov. 2	International Convention for the Prevention of Pollution by Ships (MARPOL) (London) as supplemented by the Protocol of 17 February 1978 (1340 UNTS 61 [UNTS 22484])	131, 140-2, 144-5, 153, 155-6, 159-60, 164, 170
	Art. 4(2)	131, 152
	Annex I, Regulation 1	131, 159
	Annex I, Regulation 15	159-60
	Annex I, Regulation 15(A)	131
	Annex I, Regulation 15(B)	131, 180
Dec. 14	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York Convention) (1035 UNTS 167 [UNTS 15410])	
	Art. 3	678
1979		
May 8	Inter-American Convention on Proof of and Information on Foreign Law (1439 UNTS 111 [UNTS 24393])	699-700

TABLE OF TREATIES

xxxix

1982

Dec. 10	UN Convention on the Law of the Sea (UNCLOS) (1833 UNTS 3 [UNTS 31363])	
	Part I, Introduction	
	Art. 1(1)(1)	160
	Art. 1(1)(4)	160, 178
	Part V	143
	Art. 56	143, 160
	Art. 56(1)(a)	176
	Art. 56(1)(b)	176
	Art. 57	143
	Art. 58	132, 143, 176
	Art. 61(1)	177
	Art. 61(1)-(4)	161
	Art. 61(3)	177
	Art. 61(4)	148-9, 177
	Part VI	
	Art. 77	203-4
	Art. 77(4)	204-5, 207-11
	Part VII, Section 1	
	Art. 94	143
	Part XII, Section 1	
	Art. 192	132
	Art. 194(5)	161
	Part XII, Section 5	
	Art. 211(1)	162
	Art. 211(7)	162
	Part XII, Section 6	
	Art. 217	132-3, 142-3, 145
	Art. 220	133
	Art. 220(3)	150-2, 171-4
	Art. 220(3)-(6)	133, 143-6, 162-3
	Art. 220(5)	150-3, 171-4, 177-8, 183
	Art. 220(6)	129-42
	Art. 221	144, 163
	Part XII, Section 7	
	Art. 228	145
	Part XII, Section 11	
	Art. 237	156, 163, 170-1

1984

Dec. 10	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York Convention) (UNCAT) (1465 UNTS 85 [UNTS 24841])	458-61
---------	---	--------

Part I

Art. 1	463-71, 669
Art. 5	678
Art. 6(4)	474-83
Art. 7	678

1992

Mar. 17	Lithuania–Sweden, Bilateral Investment Treaty (1823 UNTS 15 [UNTS 31210])	376-7
Aug. 17	Southern African Development Community Treaty (SADC) (with amendments up to 2015) (www.sadc.int/documents-publications/sadc-treaty/)	315-47
	Preamble	280, 331-2
	Art. 4	280, 331-2
	Art. 4(c)	281-2, 294, 299-302, 331-2
	Art. 6	302
	Art. 6(1)	282, 319, 331-2
	Art. 6(5)	282
	Art. 6(6)	282, 303, 331-2
	Art. 9(1)(f)	280, 282
	Art. 16(1)	282, 319, 331-2
	Art. 16(2)	282-3, 285
	Art. 16(5)	331-2
	Art. 35(1)	331-3
	Art. 38	281
	Arts. 39-43	281

1997

Dec. 17	OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (37 ILM 1 (1998))	
	Art. 2	672-3

1998

Jan. 12	International Convention for the Suppression of Terrorist Bombings (TBC) (2149 UNTS 284 [UNTS 37517])	445
July 17	Rome Statute of the International Criminal Court (ICC) (2187 UNTS 90 [UNTS 38544])	
	Art. 7(1)	406-7
	Art. 7(1)(k)	407
	Art. 25(3)	407
	Art. 28	407-8

TABLE OF TREATIES

xli

- Nov. 1 European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) as amended by Protocol 11, effective as of 1 November 1998 (ECHR) (213 UNTS 221 [UNTS 2889])
- Art. 1 222-3
 - Art. 3 186-93
 - Art. 6 190-1
 - Art. 13 215
 - Art. 35 223
 - Art. 46(1) 219-40
- 1999**
- May 28 Montreal Convention for the Unification of Certain Rules for International Carriage by Air (MC) (2242 UNTS 369 [UNTS 39917])
- Art. 7.1 415-27
 - Art. 18 417
 - Art. 19 417
 - Art. 20 417-18
 - Art. 21 417
 - Art. 21.2 417
- Dec. 9 International Convention for the Suppression of the Financing of Terrorism (FTC) (2178 UNTS 229 [UNTS 38349]) 9-13, 18-21, 30-5, 445, 642
- Art. 1(1) 20-1
 - Art. 2 672-3
 - Art. 2(1) 19-20, 31-2, 96-107
 - Art. 2(1)(a) 18-19, 30, 35
 - Art. 2(1)(b) 30, 35
 - Art. 5(1) 672-3
 - Art. 5(3) 672-3
 - Art. 18 18-20, 30-5, 89-91, 107-13, 116-18
 - Art. 24(1) 12, 16-20, 23-7, 89-91
- 2000**
- Aug. 7 SADC Protocol on Tribunal and the Rules of Procedure (www.sadc.int/documents-publications/show/814)
- Art. 14(a) 292-6
 - Art. 15 333-4
 - Art. 15(1) 295-6, 302
 - Art. 15(2) 295-6
 - Art. 16(2) (as amended by Amendment Agreement of 14 August 2001) 285
 - Art. 18 280

	Art. 32	298-301
	Art. 32(1)	298-300
	Art. 32(2)	289-90, 295-6, 299-300, 302
	Art. 32(3)	295-6, 299
	Art. 32(4)	280-1, 295-6
	Art. 32(5)	280-1
	Art. 38	282-3
Nov. 15	Convention against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children (Palermo Protocol) (2237 UNTS 319 [UNTS 39574])	
	Art. 10(1)	672-3
2001		
Aug. 14	Agreement Amending the SADC Treaty (1992) (www.sadc.int/documents-publications/show/1181)	282-3, 285, 288-90, 292-6
	Art. 32	283
2002		
Oct. 3	SADC Protocol on Extradition ([UNTS 52885])	
	Art. 5(c)	253-4, 260, 262-6
2014		
Aug. 18	SADC Protocol on the Tribunal (https://ijrcenter.org/wp-content/uploads/2016/11/New-SADC-Tribunal-Protocol-Signed.pdf)	315-47
	Art. 33	320
	Art. 53	331-3