

The International
and
Comparative Law Quarterly

VOLUME 18

1969

William S. Hein & Co., Inc.
Buffalo, New York
2003

© British Institute of International and Comparative Law 1969.
Published by Oxford University Press.
All rights reserved

This book has been digitally archived,
to maintain the quality of the original work
for future generations of legal researchers,
by *William S. Hein & Co., Inc.*



This volume is printed on acid-free paper by
William S. Hein & Co., Inc.

The International and Comparative Law Quarterly

BOARD OF EDITORS

General Editor

K. R. SIMMONDS

Assistant General Editor

JANE COCHRANE

P. B. CARTER

A. K. R. KIRALFY

NORMAN S. MARSH, Q.C.

Contributions to the International and Comparative Law Quarterly express the views of their authors and not necessarily the views of the Editorial Board or of the British Institute of International and Comparative Law.

The British Institute of International and Comparative Law

COUNCIL OF MANAGEMENT

Chairman: THE RT. HON. LORD DENNING, M.R.

Vice-Chairman: M. E. Bathurst, C.M.G., C.B.E., Q.C., D.C.L., LL.D.

Professor J. N. D. Anderson,
O.B.E., LL.D.

Sir James McPetrie, K.C.M.G.,
O.B.E.

*Sir Kenneth Bailey, C.B.E.

F. A. Mann, LL.D., Dr.Jur.

The Rt. Hon. Lord Justice Cross

Norman S. Marsh, Q.C.

The Rt. Hon. Lord Diplock

*D. Park-Jamieson, Q.C., LL.D.

L. A. Ellwood

The Hon. Mr. Justice Scarman,
O.B.E.

W. V. J. Evans, C.M.G., M.B.E.

*M. C. Setalvad

Sir Gerald Fitzmaurice, G.C.M.G.,
Q.C.

The Rt. Hon. Lord Shawcross,
Q.C.

A. L. Goodhart, K.B.E.(HON.), Q.C.,
LL.D., D.C.L.

C. Sluzewski, Dr.Jur.

Professor R. H. Graveson, Q.C.,
LL.D., D.C.L.

Professor T. B. Smith, Q.C.,
D.C.L., LL.D., F.B.A.

Professor C. J. Hamson

The Rt. Hon. Lord Tangley,
K.B.E., LL.B.

Master I. H. Jacob

Sir Francis Vallat, K.C.M.G., Q.C.

The Rt. Hon. Lord Justice
Karminski

Professor Sir Humphrey Waldock,
C.M.G., O.B.E., Q.C., D.C.L.

William Latey, C.B.E., Q.C.

E. H. Wall, T.D.

F. H. Lawson, D.C.L., F.B.A.

The Rt. Hon. Lord Wilberforce,
C.M.G., O.B.E.

R. A. Lynex

* Commonwealth Member

ADVISORY BOARD

Public International Law Section

Chairman: THE RT. HON. LORD SHAWCROSS, Q.C.

Private International Law Section

Chairman: THE HON. MR. JUSTICE SCARMAN, O.B.E.

Comparative Law Section

Chairman: THE RT. HON. LORD JUSTICE CROSS

DIRECTOR

DR. K. R. SIMMONDS

TABLE OF CONTENTS

(An alphabetical Index of Contributors, a Subject Index, an Index of Cases Noted and an Index of Book Reviews and Books Received will be found at the end of this Volume.)

ARTICLES

	PAGE
TERMINATION OF TRUSTEESHIP <i>Geoffrey Marston</i>	1
INTERNATIONAL LAW MEETS THE SHORT-TERM NATIONAL INTEREST: THE MALTESE PROPOSAL ON THE SEA-BED AND OCEAN FLOOR— ITS FATE IN TWO CITIES <i>Guenter Weissberg</i>	41
THE PROPER LAW OF THE CONTRACT IN TRADE BETWEEN EASTERN EUROPE AND THE WEST; THE POSITION OF EAST EUROPEAN SOCIALIST STATES <i>Stephen Szász</i>	103
THE CREATION OF COMMON LAW LIENS <i>John R. Peden</i>	129
DELEGATION OF DIRECTORS' POWERS AND DUTIES—A COMPARATIVE ANALYSIS <i>R. K. Goel</i>	152
LOCALISING RULES AND DIFFERING APPROACHES TO THE CHOICE OF LAW PROCESS <i>D. St. L. Kelly</i>	249
THE PROTECTION OF COMPANIES IN INTERNATIONAL LAW IN THE LIGHT OF THE <i>Nottebohm Case</i> <i>David Harris</i>	275
VARIETIES OF APPROACH TO TREATY INTERPRETATION: WITH SPECIAL REFERENCE TO THE DRAFT CONVENTION OF THE LAW OF TREATIES BEFORE THE VIENNA DIPLOMATIC CONFERENCE <i>Francis G. Jacobs</i>	318
THE INJUNCTION IN LABOUR DISPUTES IN EIRE <i>J. P. Casey</i>	347
THE SWISS BANKING SECRET <i>Kurt Mueller</i>	360
THE RECEPTION AND RESTRICTION OF ENGLISH COMMERCIAL LAW IN CEYLON <i>M. J. L. Rajanayagam</i>	378
THE NEW FUNDAMENTAL PRINCIPLES OF SOVIET FAMILY LAW AND THEIR SOCIAL BACKGROUND <i>O. M. Stone</i>	392
PRINCIPLES OF LIABILITY AND THE "SOURCE OF INCREASED DANGER" IN THE SOVIET LAW OF TORT <i>Alice Ehr-Soon Tay</i>	424
SUBSIDIARY LAW MAKING PROCESS: ANTIQUA, DOMINICA AND ST. KITTS, 1960-1968 (A CRITIQUE) <i>Urias Forbes</i>	533
THE ROLE OF LAW IN THE UNITED STATES AND ENGLAND IN PRO- TECTING THE WORKER FROM DISCHARGE AND DISCRIMINATION <i>Herman Miles Levy</i>	558
THE ELEVENTH SESSION OF THE HAGUE CONFERENCE OF PRIVATE INTERNATIONAL LAW <i>R. H. Graveson, K. M. H. Newman, A. E. Anton, D. M. Edwards</i>	618
CONFLICT OF LAWS IN A FEDERAL SYSTEM: SOME PERSPECTIVES <i>Arthur Taylor von Mehren</i>	681
THE UNITED NATIONS AND ENGLISH LAW <i>J. W. Bridge</i>	689
FURTHER WATER DISPUTES BETWEEN INDIA AND PAKISTAN <i>Helmut R. Külz</i>	718
THE LAW APPLICABLE TO INTERNATIONAL OFFICIALS <i>Felice Morgenstern</i>	739

	PAGE
THE LIMITS OF CONTINENTAL SHELF JURISDICTION: SOME POSSIBLE IMPLICATIONS OF THE <i>North Sea Case</i> JUDGMENT	
<i>R. Y. Jennings</i>	819
THE REGULATORY PROHIBITION OF INTERNATIONAL SUPERSONIC FLIGHTS	
<i>George S. Robinson</i>	833
COMPANY LAW DOCTRINES AND THE LAW OF AGENCY IN ISRAEL	
<i>Aharon Barak</i>	847
SOLE DISTRIBUTORSHIP AGREEMENTS—A COMPARATIVE VIEW	
<i>Rudolf Graupner</i>	879
DIVORCE: AUSTRALIAN AND GERMAN "BREAKDOWN" PROVISIONS COMPARED	
<i>J. Neville Turner</i>	896
JURISDICTION AND JUDICIAL DISCRETION	
<i>J. D. McClean</i>	931
<i>Forum Regit Processum</i> (PROCEDURE IS GOVERNED BY THE <i>Lex Fori</i>)	
<i>Erwin Spiro</i>	949
SHORTER ARTICLES, COMMENTS AND NOTES	
Prisoners of War under the Geneva Convention	<i>Susan Elman</i> 178
The Rule in <i>Hyde v. Hyde</i> in Australia	<i>J. L. R. Davis</i> 187
Merchant Shipping: Thai Legislation on Deferred Rebates	
<i>R. H. Hickling</i>	188
Compensation for Personal Injury in New Zealand. The Woodhouse Report	<i>Joan M. Matheson</i> 191
Statutory Construction and National Development	<i>C. Dallas Sands</i> 206
Social Change and Unification of Law: Some Comparative Aspects of Contract	<i>Alexander Szakats</i> 214
The <i>Assunzione</i> Revisited	<i>J. A. Clarence Smith</i> 449
Recognition of Foreign Divorce Decrees—A Further Postscript to the <i>Indyka</i> Case	<i>P. R. H. Webb</i> 453
The United Kingdom Signs the Covenants on Human Rights	
<i>Egon Schwelb</i>	457
The Yugoslav Constitution of 1963	<i>Ivo Lapenna</i> 469
<i>J. B. Grobber v. J. Lusambo</i>	<i>Philip A. Thomas</i> 471
European Conference of Deans of Law Faculties	<i>A. G. Chloros</i> 477
Colloquium on the History of the Law of Nations	
<i>C. H. Alexandrowicz</i>	482
<i>Durayappah v. Fernando</i> . A Revival of Natural Justice in Ceylon	
<i>L. J. M. Cooray</i>	757
The United Kingdom and the Optional Clause	<i>K. R. Simmonds</i> 769
Protection of Animals by Means of International Law	
<i>Per von Holstein</i>	771
Some Legal Implications of the <i>Pueblo</i> Incident	<i>Alfred P. Rubin</i> 961
Ownership and other Property Rights in Respect of Land in Czechoslovakia	<i>U. Fábry</i> 970
Recent Modifications in the French Law of Commercial Companies	<i>Michael R. Will</i> 980
English Procedural Law and Foreign Arbitrations	<i>F. A. Mann</i> 997
The Rule in <i>Hyde v. Hyde</i> in New Zealand	<i>P. R. H. Webb</i> 1001
The Consolidated Treaty Series (1648–1918)	<i>Clive Parry</i> 1003

CURRENT LEGAL DEVELOPMENTS

	PAGE
<i>Belgium</i> : Defamation of Goods; <i>England and Wales</i> : Children; <i>France</i> : Extradition; Privilege; <i>Great Britain</i> : Trade Unions; <i>Northern Ireland</i> : Road Traffic.	228
<i>England and Wales</i> : Civil Procedure; Evidence; <i>France</i> : Conti- nental Shelf; <i>West Germany</i> : Political Parties; <i>Hague</i> <i>Conference on Private International Law</i> : Divorce; Road Accidents; Evidence; General; <i>International Court of Justice</i> : Continental Shelf; <i>Nordic Council</i> : Nordic Economic Union; <i>New Zealand</i> : Carriage of Goods; Evidence; Family Law; <i>Ontario</i> : Administration of Justice; <i>Scotland</i> : Code of Evidence.	483
<i>European Communities</i> : Double Jeopardy; <i>West Germany</i> : Federal Constitutional Court; <i>Kenya</i> : Marriage and Divorce; Succession; <i>Ontario</i> : Right of Privacy; <i>Switzerland</i> : Labour Law; Landlord and Tenant; <i>United Kingdom</i> : Recognition of Foreign States. Case Notes. <i>United Kingdom</i> : Act of State; <i>Australia</i> : Inflation; <i>England and Wales</i> : Offences of Strict Liability; <i>New South Wales</i> : Privy Council; <i>South</i> <i>Africa</i> : Status of South-West Africa.	776
<i>Denmark</i> : Film Censorship; <i>West Germany</i> : Unfair Competition; <i>Hungary</i> : Copyright law; Patent law; <i>New Zealand</i> : Admin- istrative law; <i>Sweden</i> : Film Censorship; <i>U.S.A.</i> : Darwin v. Genesis. Case Notes. <i>England and Wales</i> : Choice of law in tort; Confidential communications; Diplomatic Privilege; <i>Sierra Leone</i> : Racial Discrimination; <i>U.S.A.</i> : Territorial Waters; <i>England and Wales</i> : Trade Unions.	1008
BOOK REVIEWS	235, 498, 791, 1023
BOOKS RECEIVED	244, 527, 814, 1045

INDEX FOR VOLUME 18

Contributors of Articles, Shorter Articles, Notes and Comments	1049
Subject Index	1051
Index of Cases Noted	1057
Index of Book Reviews and Books Received	1058