The International and Comparative Law Quarterly

VOLUME 17

1968

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

© British Institute of International and Comparative Law 1968. 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
ELIZABETH EVATT

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.

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

* Sir Kenneth Bailey, C.B.E.

M. E. Bathurst, C.M.G., C.B.E., Q.C., D.C.L., LL.D.

The Hon. Mr. Justice Cross

Sir William Dale, K.C.M.G.

The Rt. Hon. Lord Diplock L. A. Ellwood

L. Farrer-Brown, C.B.E., J.P.

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

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

Professor R. H. Graveson, q.c., LL.D., D.C.L.

Professor C. J. Hamson

The Hon. Mr. Justice Karminski

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

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

R. A. Lynex

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

Norman S. Marsh, Q.c.

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

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

* M. C. Setalvad

The Rt. Hon. Lord Shawcross, q.c.

C. Sluzewski, Dr.Jur.

Professor T. B. Smith, q.c., D.C.L., LL.D.

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

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

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

E. H. Wall, T.D.

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

* 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 HON. Mr. 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
THE NOT SO "PROPER" LAW OF A TORT: PANDORA'S BOX	
Albert A. Ehrenzweig	1
THE PROPER LAW OF LABOUR CONTRACTS COMPANIES IN PRIVATE INTERNATIONAL LAW Thomas C. Drucker	11
	28
POLICY CONSIDERATIONS AND THE INTERNATIONAL JUDICIAL	
Process Rosalyn Higgins	58
Apportionment of an International Common Petroleum	
DEPOSIT William T. Onorato	85
United States Legislation Relating to the Continental	
SHELF Oliver L. Stone	103
THE UNIFICATION OF LAW IN THE BRITISH ISLES R. H. Graveson	118
THE DOCTRINE OF CONSIDERATION AND THE REFORM OF THE LAW	
OF CONTRACT: A COMPARATIVE ANALYSIS A. G. Chloros	137
TRADE UNION GOVERNMENT: REGULATION BY REGISTRATION—A	
COMPARATIVE SURVEY B. K. Chandrashekar	167
SIR (WILLIAM) ERIC BECKETT, K.C.M.G., Q.C., (1896-1966)—AN	
APPRECIATION G. G. Fitzmaurice and F. A. Vallat	267
THE NEW SCIENCE AND THE LAW OF NATIONS C. Wilfred Jenks	327
REVISION OF THE CHARTER OF THE ORGANISATION OF AMERICAN	
STATES A. H. Robertson	346
ASSOCIATED STATEHOOD—A NEW FORM OF DECOLONISATION	
Margaret Broderick	368
INTERNATIONAL LAW AND THE PROCEDURAL RIGHTS OF ALIENS	
BEFORE NATIONAL TRIBUNALS Frank Griffith Dawson	404
PROBLEMS OF CODIFICATION OF PRIVATE INTERNATIONAL LAW	
Fritz von Schwind	428
DAMAGES IN PERSONAL INJURIES CASES: A COMPARATIVE LAW	
COLLOQUIUM REPORT Alec Samuels	443
THE LAW OF INHERITANCE IN THE NEW RUSSIAN CIVIL CODE OF	
1964 Alice Erh-Soon Tay	472
THE UNIFICATION OR HARMONISATION OF LAW BY MEANS OF	
STANDARD CONTRACTS AND GENERAL CONDITIONS	
Clive M. Schmitthoff	551
THE SIGNIFICANCE OF CONSTITUTIONAL RIGHTS FOR PRIVATE LAW:	
THEORY AND PRACTICE IN WEST GERMANY	
Kenneth M. Lewan	571
THE ITALIAN CONSTITUTIONAL COURT Malcolm Evans	602
THE LEGAL STATUS OF THE PUTATIVE FATHER D. Lasok	634
THE CAMEROON PENAL CODE: PRACTICAL COMPARATIVE LAW	
J. A. Clarence Smith	651

	PAGE
Some Legal Aspects of Sanctions in the Rhodesian Case	
John W. Halderman	672
Excessive Jurisdiction in Private International Law	
L. I. de Winter	706
CONVERSION OF A POLYGAMOUS MARRIAGE INTO A MONOGAMOUS	
MARRIAGE D. Tolstoy, Q.C.	721
EQUITY IN COMPARATIVE LAW Ralph A. Newman	807
PRINCIPLE, REASON AND POLICY IN THE DEVELOPMENT OF	
EUROPEAN LAW A. G. Chloros	849
CONSTITUTIONAL CHANGES IN INDIA-AN INQUIRY INTO THE	
WORKING OF THE CONSTITUTION Jagat Narain	878
HUMAN RIGHTS IN THE COMMONWEALTH	
Sir Kenneth Roberts-Wray, G.C.M.G., Q.C., D.C.L.	908
PUBLIC POLICY AND NATIONAL PREFERENCES: THE EXCLUSION OF	
Foreign Law in English Private International Law	
William E. Holder	926
SOME REFLECTIONS ON THE LEGAL CONTROVERSIES CONCERNING	
AMERICA'S INVOLVEMENT IN VIETNAM F. B. Schick	953
SHORTER ARTICLES, COMMENTS AND NOTES	
The Creation of a European Company Dennis Thompson	183
Freedom of Movement and the Travel Document in BENELUX	100
Daniel C. Turack	191
The Court-Martial of Captain Levy A. N. Kurtha	206
Recognition of Foreign Decrees—The Post-Indyka Position (Based	_00
on Angelo v. Angelo and Peters v. Peters) P. R. H. Webb	209
Compulsory Acquisition in Israel Law P. Elman	215
Recent Changes in the Administration of Muslim Family Law in	213
Malaysia and Singapore Mrs. M. Siraj	221
Control of Exemption Clauses: a Comment K. F. A. Johnston	232
Off-shore Petroleum Exploitation in Federal Systems: Canadian	
and Australian Action Colin Warbrick	501
The 1967 Hungarian Labour Code Dr. Andor Weltner	513
The Iranian Family Protection Act Doreen Hinchcliffe	516
Kuwait-Saudi Arabia Neutral Zone H. M. Al-Baharna	730
Recognition of Double Marriage in Nigerian Law 1. O. Agbede	735
The Binding Effect of Decisions of the Judicial Committee of	
the Privy Council H. H. Marshall	743
The Right to Strike in New Zealand G. R. Bretten	749
I.L.O. Recommendation 119: Job Security in Cyprus J. B. Cronin	760
The Como Conference on Socialist State Enterprises in Eastern	,00
Europe A. K. R. Kiralfy	776
The Belize Mediation K. R. Simmonds	996
Entry into Force of the Amendment to Article 109 of the Charter	//0
of the United Nations Egon Schwelb	1009
Ali v. Ali J. H. C. Morris	1014
International Affiliation Orders (Based upon Adedigba V.	1014
Adedigba) Donald von Landauer	1015
The Legal Effects of U.D.I. (Based on Madzimbamuto v. Lardner-	1010
Burke) H. H. Marshall	1022

CURRENT LEGAL DEVELOPMENTS

	PAGE
Canada: Divorce; Commonwealth: Privy Council; Germany (West): Patent Law; United Kingdom: Criminal law reform;	
Criminal procedure; Entry of Aliens and Deportation. Denmark: Film Censorship; England and Wales: Privilege and the law of evidence; European Communities: Patent monopoly rights; India: Constitutional amendment; United Kingdom: Parliamentary privilege; United Nations: Outer space; Resources of the sea-bed; U.S.APanama: Panama	. 234
Canal.	522
Germany (East): Criminal Law Reform; Malaysia: Prisoners of War; New Zealand: Personal Injuries; Nordic Council: Patent Law; Norway: United Nations; United Nations:	
United Nations Commission on International Trade Law.	781
England and Wales: Crown privilege; Personal injuries; Theft; European Court of Human Rights: Belgian Linguistic case; The Neumeister and Wemhoff cases; Germany (West): Emergency laws; Great Britain: Hovercraft; Theatrical censorship; India: Passports; Israel: Military occupation; Malaysia: Prisoners of War; New Zealand: Administrative law; Misrepresentation and breach of contract; Rhodesia: Constitutional Commission; Independence; Sweden:	1025
Administrative courts; Vatican: Contraception. BOOK REVIEWS 239, 530, 787.	1035
BOOK REVIEWS 239, 530, 787, BOOKS RECEIVED 264, 543, 801,	
INDEX FOR VOLUME 17	
Contributors of Articles, Shorter Articles, Notes and Comments	1077
Subject Index	1079
Index of Cases Noted	1087
Index of Book Reviews and Books Received	1088