The International

and

Comparative Law Quarterly

VOLUME 23

1974

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

.

© British Institute of International and Comparative Law 1974. 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 MARIE A. SEXTON

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., O.C. D.D. LL.D., F.B.A. N. Fox Bassett The Rt. Hon. Lord Cross of Chelsea The Rt. Hon. Lord Diplock, LLD. L. A. Ellwood Sir Vincent Evans, K.C.M.G., M.B.E., Q.C. Sir Gerald Fitzmaurice, G.C.M.G., 0.C. Professor R. H. Graveson, C.B.E., Q.C., LL.D. Professor C. J. Hamson Master I. H. Jacob Professor R. Y. Jennings, Q.C. The Rt. Hon. Sir Seymour Karminski The Hon. Mr. Justice Kerr * The Hon. Chief Justice Bora Laskin William Latey, C.B.E., Q.C. F. H. Lawson, D.C.L., F.B.A.

R. A. Lynex * Professor R. St. J. Macdonald, 0.C. Sir James McPetrie, K.C.M.G. O.B.E. F. A. Mann. LL.D., Dr.Jur. Norman S. Marsh, Q.C. Andrew Martin, o.c. The Rt. Hon. Lord Justice Scarman, O.B.E. * M. C. Setalvad The Rt. Hon. Lord Shawcross, Q.C. Professor T. B. Smith, Q.C., D.C.L. LL.D., F.B.A. Professor Sir Francis Vallat. K.C.M.G., Q.C. 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. G. G. Williams

* Commonwealth Member

ADVISORY BOARD

Public International Law Section Chairman: SIR GERALD FITZMAURICE, G.C.M.G., Q.C. Private International Law Section Chairman: THE RT. HON. LORD JUSTICE SCARMAN, O.B.E. Comparative Law Section Chairman: THE RT. HON. LORD CROSS OF CHELSEA DIRECTOR PROFESSOR 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
ESSENTIAL VALIDITY OF CONTRACTS IN THE ENGLISH CONFLICT OF LAWS A. J. E. Jaffey	1
TERRORISM AND THE INTERNATIONALLY PROTECTED PERSONS IN THE LIGHT OF THE ILC'S DRAFT ARTICLES Christos L. Rozakis	32
THE UNILATERAL CHANGE OF ECONOMIC DEVELOPMENT AGREEMENTS Rainer Geiger	73
LEGAL PROBLEMS OF THE GERMAN OSTPOLITIK Jochen Abr. Frowein	105
CROWN INDIVISIBILITY, GOVERNMENTAL LIABILITY AND OTHER PROBLEMS IN THE WEST INDIES ASSOCIATED STATES	107
Edward A. Laing	127
A CREDIT LAW FOR EUROPE? R. M. Goode	227
INTERNATIONAL DOUBLE TAXATION AGREEMENTS AND INCOME TAXATION AT SOURCE Charles R. Irish	292
Some Legal Aspects of the Carriage of Goods by Container S. Mankabady	317
MARITAL CONCILIATION IN ENGLAND AND WALES A. H. Manchester and J. M. Whetton	339
LEGAL ASPECTS OF ARTIFICIAL INSEMINATION AND EMBRYO TRANSFER IN FRENCH LAW Mariel Revillard	383
SOME LEGAL QUESTIONS ARISING FROM THE EXPULSION OF THE UGANDAN ASIANS Vishnu D. Sharma and F. Wooldridge	397
NATIONAL ENVIRONMENTAL HAZARDS AND INTERNATIONAL LAW H. L. Dickstein	426
COMPARATIVE LAW: A THEORETICAL FRAMEWORK W. J. Kamba	485
The Defence of Uncertainty: A Study in the Interpretation of the Uniform Law on International Sales Act 1967 <i>E. J. Cohn</i>	520
THE PROBLEM OF ARCHIPELAGOES IN THE INTERNATIONAL LAW OF THE SEA C. F. Amerasinghe	539
UNRWA—A SUBSIDIARY ORGAN OF THE UNITED NATIONS William Dale	576
JURISTIC ACTIVITY IN THE COUNCIL OF EUROPE-25TH YEAR F. E. Dowrick	610

https://doi.org/10.1017/S002058930003181X Published online by Cambridge University Press

ARTICLES_continued

	PAGE
THE AUTHORITY OF INTERNATIONAL JUDICIAL PRACTICE IN DOMESTIC COURTS Christoph H. Schreuer	681
THE NEW FRENCH NATIONALITY LAW Richard Plender	709
TRUSTEE INVESTMENT: ENGLISH LAW AND THE AMERICAN PRUDENT MAN RULE D. Grosh	748
THE LOCAL LAW OF ALSACE-LORRAINE: A HALF CENTURY OF SURVIVAL H. Patrick Glenn	769
THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS Michael C. Wood	791
THE KUTCH-SIND DISPUTE: A CASE STUDY IN INTERNATIONAL ARBITRATION Mukund G. Untawale	818
SHORTER ARTICLES, COMMENTS AND NOTES	
One Nationality or Two? The Strange Case of Oppenheimer v. Cattermole J. G. Merrills	143
Prohibited Immigrants and Illegal Entrants Under Barbados and United Kingdom Immigration Laws S. J. Leacock	160
Administrative Searches and the Right to Privacy in the United States R. V. Denenberg	169
Commonwealth Survey Report H. L. Cryer	178
Exemption of a Rationalisation Agreement Between Prym and Beka from Article 85 (1) of the Treaty of Rome Valentine Korah	447
The Caribbean Economic Community: A New Venture in Regional Integration K. R. Simmonds	453
International Employment Contracts—The Scottish Approach J. M. Thomson	458
Ancillary Relief and Recognition of Foreign Decrees J. A. Wade	461
British Passports and the Right to Travel David W. Williams	642
Oppenheimer v. Cattermole: A Further Comment E. Mainzer	656
Limited Sovereignty or Regional Integration for East Central Europe? J. Varsańyi	657
Article 117 of the EEC Treaty and English Interlocutory Proceedings Lawrence Collins	840
Towards a Uniform Law of Wills: The Washington Convention 1973 Clifford Hall	851
When is a British Protected Person not a British Protected Person? Robin C. A. White	866
The Jurisdiction of the Courts of Israel in Maritime Law Rudolf Gottschalk	873

. •

CURRENT LEGAL DEVELOPMENTS

- Abortion: United States of America; Antenatal Injuries: Scotland; Children: England, Wales and Scotland; Commercial Law: United Kingdom; Company Law: United Kingdom; Contempt of Court: England and Wales; Continental Shelf: North Sea; Dangerous Drugs: United Kingdom; European Convention on Human Rights: Ringeisen v. The Government of Austria; Family Law: United Kingdom; Family Property: England and Wales; Hijacking: The United States-Cuba Hijacking Agreement; Immigration: England; Independence: A United Papua New Guinea; Land Compensation: England, Wales and Scotland; Restrictive Practices: Austria; Small Claims Arbitrations: England and Wales
- Adoption: Federal Republic of Germany; Apartheid: United Nations;
 Arctic: Wildlife conservation; European Convention on Human Rights: Fisheries: Baltic; Marine Pollution: Inter-governmental Maritime Consultative Organisation; Protection of Diplomats: United Nations; Restrictive Practices: Federal Republic of Germany
- Commercial Law: Federal Republic of Germany; Company Law: European Economic Community; International Fisheries: North-East Atlantic; Marine Pollution: The Baltic; Marine Pollution: North-East Atlantic (Follow-up); Protection of Diplomats: Organisation of American States (Follow-up)
- Consumer Credit: Great Britain; Consumer Protection: Norway and Sweden; Criminal Law: England and Wales; European Convention on Human Rights: Neumeister v. the Government of Austria; European Economic Community: Surinam; Marine Pollution: North-East Atlantic; Pollution Control; Federal Republic of Germany; Protection of the Environment: Nordic States 880

BOOK REVIEWS	205, 477, 674, 889
BOOKS RECEIVED	224, 481, 677, 895

INDEX FOR VOLUME 23

Contributors of Articles, Shorter Articles, Notes and Comments	897
Subject Index	899
Index of Cases Noted	903
Index of Book Reviews and Books Received	905

PAGE

180

667

ix

https://doi.org/10.1017/S002058930003181X Published online by Cambridge University Press

.

•

.