

The International and Comparative Law Quarterly

BOARD OF EDITORS

General Editor:

K. R. SIMMONDS

Assistant General Editor:

TOM HARPER

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

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

Professor Sir Norman Anderson, O.B.E., Q.C., D.D., LL.D., F.B.A.	*The Rt. Hon. Chief Justice Bora Laskin
A. E. Anton, C.B.E., F.B.A.	*Professor R. St. J. Macdonald, Q.C.
Professor D. W. Bowett, Q.C., LL.D.	Sir James McPetrie, K.C.M.G., O.B.E.
Lloyd N. Cutler	F. A. Mann, C.B.E., LL.D., Dr. Jur., F.B.A.
Professor A. L. Diamond	Norman S. Marsh, C.B.E., Q.C.
Sir Vincent Evans, G.C.M.G., M.B.E., Q.C.	Professor Andrew Martin, Q.C.
Sir Gerald Fitzmaurice, G.C.M.G., Q.C.	The Hon. Lord Maxwell
N. Fox Bassett	The Rt. Hon. Sir Robert Megarry, LL.D., F.B.A.
*The Hon. Sir Harry Gibbs	Sir Percy Rugg, D.L.
Professor R. M. Goode, O.B.E.	D. A. Sarre
Professor R. H. Graveson, C.B.E., Q.C., LL.D.	The Rt. Hon. Lord Scarman, O.B.E.
Professor C. J. Hamson, Q.C.	The Rt. Hon. Sir Sebag Shaw
*M. Hidayatullah, O.B.E.	R. L. Sigmon
*The Hon. Sir Isaac Hyatali	Professor K. R. Simmonds
Sir Jack I. H. Jacob, Q.C., LL.D.	Sir Ian Sinclair, K.C.M.G., Q.C.
H. E. Judge Sir Robert Jennings, Q.C.	Sir Francis Vallat, G.B.E., K.C.M.G., Q.C.
The Rt. Hon. Lord Justice Kerr	E. H. Wall, T.D.
	G. G. Williams

*Commonwealth Member

DIRECTOR
LADY FOX

DIRECTORSHIP OF THE BRITISH
INSTITUTE OF INTERNATIONAL AND
COMPARATIVE LAW

Members of the Institute and subscribers to the Quarterly may like to know that Professor Simmonds has now relinquished his position as Honorary Director of the Institute.

The Chairman and Council of Management have pleasure in announcing the appointment of Lady Fox as Director of the Institute with effect from October 1, 1982.

Hazel Fox has been teaching at Oxford University where she was a Fellow of Somerville College. She is co-author of Simpson & Fox, *International Arbitration, Law and Procedure*, and has published subsequent works on arbitration and conciliation.

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 the volume.)

ARTICLES

	PAGE
EUROPEAN COMMUNITY LAW AND THE PROBLEM OF OIL SHORTAGES <i>A. C. Evans</i>	1
CREDITOR PROTECTION IN THE EUROPEAN COMMUNITY <i>Winfried M. Hauschild</i>	17
PRICE DISCRIMINATION UNDER ARTICLE 86 OF THE E.E.C. TREATY: THE <i>UNITED BRANDS</i> CASE <i>Lucio Zanon Di Valgiurata</i>	36
OVERLAPPING INTERNATIONAL AND EUROPEAN LAWS <i>F. E. Dowrick</i>	59
CONFLICT RESOLUTION IN PRODUCERS' ASSOCIATIONS <i>Duke E. E. Pollard</i>	99
THE EXTRATERRITORIAL ENFORCEMENT OF U.S. ANTITRUST LAWS: CONFLICT AND COMPROMISE <i>M. Sornarajah</i>	127
IS AMERICAN GOVERNMENTAL INTEREST ANALYSIS THE SOLUTION TO ENGLISH TORT CHOICE OF LAW PROBLEMS? <i>J. J. Fawcett</i>	150
THE IRAN—IRAQ CONFLICT: LEGAL IMPLICATIONS <i>S. H. Amin</i>	167
THE ROLE OF THE PRESIDENT OF THE U.N. SECURITY COUNCIL <i>Istvan Pogany</i>	231
THE EUROPEAN COMMUNITIES AND CONTROL OF CRIMINAL BUSINESS ACTIVITIES <i>C. S. P. Harding</i>	246
THE CODIFICATION OF CONSTITUTIONAL CONVENTIONS IN THE COMMONWEALTH CARIBBEAN CONSTITUTIONS <i>Margaret De Merieux</i>	263
AUSTRALIA'S RATIFICATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: ENDORSEMENT OR REPUDIATION? <i>Gillian Triggs</i>	278

ISRAELI CONFLICT OF LAWS RELATING TO MATRIMONIAL PROPERTY – COMPARATIVE COMMENTARY	<i>Menashe Shava</i>	307
THE CONSTITUTIONAL COURT OF THE GERMAN FEDERAL REPUBLIC: JURISDICTION OVER INDIVIDUAL COMPLAINTS	<i>Michael Singer</i>	331
WRONGFUL INTERFERENCE WITH GOODS	<i>Geoffrey Samuel</i>	357
THE LEGAL COMPETENCE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES	<i>P. D. Maynard</i>	415
UNITED NATIONS COMPETENCE IN THE WEST BANK AND GAZA STRIP	<i>Mahnoush H. Arsanjani</i>	426
IS THE COMMONWEALTH AN INTERNATIONAL ORGANISATION?	<i>William Dale</i>	451
THE BONN DECLARATION ON INTERNATIONAL TERRORISM: A NON-BINDING INTERNATIONAL AGREEMENT ON AIRCRAFT HIJACKING	<i>James J. Busuttil</i>	474
QUESTIONING FREEDOM: DETENTION FOR QUESTIONING IN FRANCE, SCOTLAND AND ENGLAND	<i>K. W. Lidstone and T. L. Early</i>	488
THE EXCLUSION OF UNLAWFULLY OBTAINED EVIDENCE: A COMPARATIVE STUDY	<i>J. B. Dawson</i>	513
SHOULD SOCIAL INSURANCE PAY COMPENSATION FOR PAIN AND SUFFERING?	<i>Arye L. Miller</i>	550
LEGAL PROFESSIONAL PRIVILEGE IN COMMONWEALTH LAW	<i>G. L. Peiris</i>	609
DAMAGES FOR UNLAWFUL ADMINISTRATIVE ACTION: THE REMEDY FOR MISFEASANCE IN PUBLIC OFFICE	<i>R. C. Evans</i>	640
PROBLEMS IN APPLYING THE RESTRICTIVE THEORY OF SOVEREIGN IMMUNITY	<i>M. Sornarajah</i>	661
THE PROTECTION AND PROMOTION OF FOREIGN DIRECT INVESTMENT IN DEVELOPING COUNTRIES: INTERESTS, INTERDEPENDENCIES, INTRICACIES	<i>Jürgen Voss</i>	686
A MINERALS REGIME FOR ANTARCTICA	<i>Roland Rich</i>	709
ANGLO-AMERICAN COOPERATION IN THE SUPPRESSION OF DRUG SMUGGLING	<i>John Siddle</i>	726
THE WORLD BANK ADMINISTRATIVE TRIBUNAL	<i>C. F. Amerasinghe</i>	748

THE UNITED NATIONS PEACE KEEPING FORCE IN CYPRUS (UNFICYP)	<i>John Theodorides</i>	765
---	-------------------------	-----

THE USE OF THE LETTER OF REQUEST (OR LETTER ROGATORY) FOR THE PURPOSE OF OBTAINING EVIDENCE FOR PROCEEDINGS IN ENGLAND AND ABROAD	<i>P. F. Sutherland</i>	784
---	-------------------------	-----

SHORTER ARTICLES, COMMENTS AND NOTES

No Interference with Foreign Court	<i>Adrian Briggs</i>	189
On the American "Foreign Sovereign Compulsion" Defence	<i>F. A. Mann</i>	199
Trespass and Contributory Negligence in Ontario	<i>Colin Manchester</i>	203
New Developments in the Israeli Law of Negligent Misrepresentation	<i>David Schonberg</i>	207
Laws Controlling the Provision of Infrastructure for Building Estates – A Comparative Study	<i>J. F. Garner</i>	386
Inclusionary Discretion over Unfairly Obtained Evidence	<i>Meng Heong Yeo</i>	392
The Closed Shop Case in Strasbourg	<i>Andrew Drzemczewski and Frank Wooldridge</i>	396
A New Aspect of the Restrictive Theory of Sovereign Immunity	<i>F. A. Mann</i>	573
Paternity and Blood Group Evidence: Scandinavian Practice	<i>Kimmo Aho and Ulla Leino</i>	576
Discretion to Stay Jurisdiction	<i>David Gwynn Morgan</i>	582
Negligent Stevedores in Belgium	<i>David F. Pugsley</i>	588
"Market Share" Liability – A Novel Approach to Causation	<i>Harvey Teff</i>	840
The Canada Act 1982	<i>O. Hood Phillips</i>	845
"What is my Nation? Who Talks of my Nation?" – British Nationality Act 1981	<i>Robin M. White and Francoise J. H. Hampson</i>	849

The Application of the European Convention on Human Rights before the Irish Courts	<i>G. F. Whyte</i>	856
Time Limits on Dependants' Applications for Family Provision	<i>Terence Prime</i>	862
BOOK REVIEWS		220, 403, 591, 868
BOOKS RECEIVED		228, 412, 605, 882
INDEX FOR VOLUME 31		
Contributors of Articles, Shorter Articles, Comments and Notes		885
Subject Index		887
Index of Cases Noted		896
Index of Book Reviews and Books Received		901