

The International
and
Comparative Law Quarterly

(incorporating the Quarterly of the Society of Comparative Legislation
and International Law and the *Transactions* of the Grotius Society)

VOLUME 33

LONDON

THE BRITISH INSTITUTE OF INTERNATIONAL AND
COMPARATIVE LAW

1984

*Published by the British
Institute of International
and Comparative Law and
printed in Great Britain
by Dotesios (Printers) Ltd.,
Bradford-on-Avon, Wiltshire.*

© 1984

British Institute of International and Comparative Law

The International and Comparative Law Quarterly

BOARD OF EDITORS

General Editor:

K. R. SIMMONDS

Assistant General Editor:

CELIA HAMPTON

P. B. CARTER

HAZEL FOX

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: Sir Maurice 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.

A. E. Anton, C.B.E., F.B.A.

Professor D. W. Bowett, Q.C.,
LL.D.

Professor Ian Brownlie, Q.C.,
F.B.A.

Lloyd N. Cutler

Professor A. L. Diamond

H.E. Judge T. O. Elias, Q.C.

Sir Vincent Evans, G.C.M.G.,
M.B.E., Q.C.

N. Fox Bassett

*The Hon. Sir Harry Gibbs

Professor R. M. Goode, O.B.E.

Professor R. H. Graveson,
C.B.E., Q.C., LL.D.

Professor C. J. Hamson, Q.C.

*M. Hidayatullah, O.B.E.

*The Hon. Sir Isaac Hyatali

Sir Jack I. H. Jacob, Q.C., LL.D.

H.E. Judge Sir Robert Jennings,
Q.C.

The Rt. Hon. Lord Justice Kerr
*Professor R. St. J. Macdonald,

Q.C.

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

F. A. Mann, C.B.E., LL.D., Dr.
Jur., F.B.A.

Norman S. Marsh, C.B.E., Q.C.

Professor Andrew Martin, Q.C.

The Hon. Lord Maxwell

The Rt. Hon. Sir Robert
Megarry, LL.D., F.B.A.

Sir Percy Rugg, D.L.

D. A. G. Sarre

The Rt. Hon. Lord Scarman,
O.B.E.

R. L. Sigmom

Professor K. R. Simmonds

Sir Ian Sinclair, K.C.M.G., Q.C.

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

E. H. Wall, T.D.

G. G. Williams

*Commonwealth Member

ADVISORY BOARD

Public International Law Section

Chairman: SIR IAN SINCLAIR, K.C.M.G., Q.C.

Private International Law Section

Chairman: PROFESSOR R. H. GRAVESON, C.B.E., Q.C., LL.D.

Comparative Law Section

Chairman: THE RT. HON. SIR ROBERT MEGARRY, LL.D., F.B.A.

DIRECTOR

LADY FOX

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
INTERNATIONAL LEGAL ASPECTS OF SAFEGUARDS AND THE NON-PROLIFERATION OF NUCLEAR WEAPONS <i>D. M. Edwards</i>	1
CREDIT AND SECURITY: ECONOMIC ORDERS AND LEGAL REGIMES <i>David E. Allan</i>	22
A REVIEW OF REGIONAL ECONOMIC INTEGRATION IN AFRICA WITH PARTICULAR REFERENCE TO EQUATORIAL AFRICA <i>M. L. Marasinghe</i>	39
AN EXAMINATION OF THE LEGALITY OF THE USE OF THE FOREIGN INVESTMENT REVIEW ACT BY THE GOVERNMENT OF CANADA TO CONTROL INTRA- AND EXTRATERRITORIAL COMMERCIAL ACTIVITY BY ALIENS <i>J. Bradford Nixon and Jeffrey H. Burns</i>	57
CONSEQUENCES OF ILLEGALITY UNDER THE ISRAELI CONTRACT LAW (GENERAL PART) 1973 <i>Daniel Friedmann</i>	81
CONSUMER PROTECTION IN FRENCH LAW: GENERAL PRINCIPLES AND RECENT DEVELOPMENTS <i>P. Minor</i>	108
TRADE UNION PLURALISM AND LABOUR LAW IN FRANCE <i>M. Forde</i>	134
THE PUBLIC FUNDING OF ABORTION SERVICES: COMPARATIVE DEVELOPMENTS IN THE UNITED STATES AND AUSTRALIA <i>K. A. Petersen</i>	158
STRATEGIES FOR REFORM OF THE LAW RELATING TO POLICE INTERROGATIONS <i>Suzanne B. McNicol</i>	265
MEDICAL PROFESSIONAL PRIVILEGE IN COMMONWEALTH LAW <i>G. L. Peiris</i>	301
HUMAN RIGHTS IN AFRICA: THOUGHTS ON THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS IN THE LIGHT OF CASE LAW FROM BOTSWANA, LESOTHO AND SWAZILAND <i>Stephen C. Neff</i>	331
THE EVOLUTION OF REFUGEE STATUS IN INTERNATIONAL LAW: 1920-1950 <i>James C. Hathaway</i>	348
MAJORITY VOTING SYSTEMS IN THE INTERNATIONAL LABOUR ORGANISATION AND THE INTERNATIONAL MONETARY FUND <i>Ebere Osieke</i>	381
THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES <i>Gordon Slynn</i>	409
PUBLIC INTERNATIONAL LAW AND THE CONFLICT OF LAWS: THE EUROPEAN RESPONSE TO THE UNITED STATES EXPORT ADMINISTRATION REGULATIONS <i>A. V. Lowe</i>	515

THE ENGLISH PROPER LAW DOCTRINE AND THE EEC CONVENTION		
	<i>Anthony J. E. Jaffey</i>	531
RESERVATIONS TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS BEFORE THE STRASBOURG COMMISSION: THE <i>TEMELTASCH</i> CASE	<i>Pierre-Henri Imbert</i>	558
AERIAL PIRACY AND EXTENDED JURISDICTION IN JAPAN	<i>R. I. R. Abeyratne</i>	596
THE COMMONWEALTH SCHEME RELATING TO THE RENDITION OF FUGITIVE OFFENDERS: A CRITICAL APPRAISAL OF SOME ESSENTIAL ELEMENTS	<i>Patrick L. Robinson</i>	614
EMPLOYMENT PROTECTION LAWS: THE SWEDISH MODEL	<i>Alan C. Neal</i>	634
LEGAL PROFESSIONAL PRIVILEGE IN THE EUROPEAN COMMUNITIES: THE <i>AM & S</i> CASE AND AUSTRALIAN LAW	<i>G. T. Pagone</i>	663
LIABILITY FOR RECKLESS TRADING BY COMPANIES: THE SOUTH AFRICAN EXPERIENCE	<i>R. C. Williams</i>	684
"EXCHANGE CONTRACTS", EXCHANGE CONTROL, AND THE IMF ARTICLES OF AGREEMENT: SOME ANIMADVERSIONS ON <i>WILSON, SMITHETT & COPE LTD. v. TERRUZZI</i>	<i>Joseph Gold</i>	777
SAFE SYSTEMS FOR EXPLOITING THE PETROLEUM RESOURCES OF THE NORTH SEA	<i>Brenda Barrett and Richard Howells</i>	811
THE COURT GIVETH AND THE COURT TAKETH AWAY: AN ANALYSIS OF THE <i>TUNISIA-LIBYA CONTINENTAL SHELF</i> CASE	<i>Lawrence L. Herman</i>	825
TERMINATION OF PERMANENT APPOINTMENTS FOR UNSATISFACTORY SERVICE IN INTERNATIONAL ADMINISTRATIVE LAW	<i>C. F. Amerasinghe</i>	859
ILLEGAL RESIDENCE AND THE ACQUISITION OF A DOMICILE OF CHOICE	<i>M. P. Pilkington</i>	885
THE ADVOCATE-CLIENT RELATIONSHIP: A KENYAN STUDY IN COMPARATIVE CONTEXT	<i>D. R. Salter and J. B. Ojwang</i>	913
REGULATING SEXUAL HISTORY EVIDENCE: THE LIMITS OF DISCRETIONARY LEGISLATION	<i>Jennifer Temkin</i>	942
JUDICIAL INDEPENDENCE AND ACCOUNTABILITY IN ISRAEL	<i>Shimon Shetreet</i>	979

SHORTER ARTICLES, COMMENTS AND NOTES

The European Commission's Approach to Know-How Licensing: A Critical Commentary	<i>S. G. Coronas</i>	181
England Rejects "Delocalised" Contracts and Arbitration	<i>F. A. Mann</i>	193
The Proper Law of the Contract and Renvoi: Further Comments on the <i>Amin Rasheed Shipping Case</i>	<i>Erwin Spiro</i>	199
Title to Illegally Exported Items of Historic or Artistic Worth	<i>Susan M. Nott</i>	203
Third World Quest for a New International Economic Order: An Overview	<i>Adeoye Akinsanya and Arthur Davies</i>	208

The Relationship between the State and the Multinational Corporation in the Exploitation of Resources	<i>Roland Brown</i>	218
The Australia-United States Agreement on Co-operation in Antitrust Matters	<i>P. F. Sutherland</i>	230
The Lure in "International Bankruptcies" of Assets Located Abroad	<i>Kurt H. Nadelmann</i>	431
The Impact of Statutes on the Conflict of Laws	<i>Susan M. Nott</i>	437
Tort, Employment Contracts and the Conflict of Laws	<i>C. G. J. Morse</i>	449
The 1977 Geneva Protocols and Conflict in Southern Africa	<i>Christina Murray</i>	462
Solicitors' Liability for Negligence in Australia and the United Kingdom	<i>Philip Sutherland</i>	471
Child Benefits and EEC Law: Out of the Impasse	<i>J. M. Steiner</i>	477
Free Movement of Goods in the EEC: UHT Milk	<i>Frans G. A. van Kraay</i>	484
Spare the Rod: Corporal Punishment in Schools and the European Convention on Human Rights	<i>Sandy Ghandhi</i>	488
Welfare and Reality in Custody Disputes: Some New Developments in Australian Law	<i>Frank Bates</i>	701
The Shooting Down of Korean Airlines Flight 007 by the USSR and the Future of Air Safety for Passengers	<i>Farooq Hassan</i>	712
Who Owns the Falkland Island Dependencies in International Law? An Analysis of Certain Recent British and Argentinian Official Statements	<i>C. R. Symmons</i>	726
The Role of International Law in World Affairs: Extracts from an Address given by the Rt. Hon. Sir Geoffrey Howe to the British Institute of International and Comparative Law on 17 January 1984 to mark the Institute's 25th Anniversary		737
European Community Law and Extraterritoriality: Some Trends and New Developments	<i>P. J. Kuyper</i>	1013
Public Enterprises and the EEC Competition Rules: The British Telecom Decision	<i>Frans G. A. van Kraay</i>	1022
Possession in the Civil Codes	<i>Samuel Stoljar</i>	1026
The Indian Judges' Transfer Case	<i>Jill Cottrell</i>	1032
Some Aspects of Frustrated Performance of Contracts under Middle Eastern Law	<i>Samir A. Saleh</i>	1046
The Denunciation of International Labour Conventions	<i>Kelvin Widdows</i>	1052
Who Owns the Territorial Waters of Northern Ireland? A Rejoinder	<i>C. R. Symmons</i>	1064
BOOK REVIEWS		233, 495, 743, 1069
BOOKS RECEIVED		259, 509, 773, 1097

INDEX FOR VOLUME 33

Contributors of Articles, Shorter Articles, Comments and Notes	1101
Subject Index	1103
Index of Cases Noted	1115
Index of Book Reviews and Books Received	1121