

interest themselves in the Court, the consensual nature of its jurisdiction would not seem to permit it to develop into a forum for submitting views.

4. As Jessup rightly states, the central point of the Court's decision is "the identification of the type of legal interest which must be demonstrated under Article 62." For the Court, a legal interest is one that is directly in issue in the proceedings as between the parties or as between the applicant and either of the parties (paras. 19 and 22 of the judgment); it excludes an interest simply in the Court's pronouncement in a case regarding the applicable general principles and rules of international law (para. 30). Prima facie, these two principles are mutually exclusive; however, when applied to the *Tunisia/Libya* proceedings they would not seem to disqualify Malta's request. The Court readily agreed that Malta's was more than a general interest in abstracto in international legal principles and that Malta had a specific legal interest in the subject matter of the proceedings. This subject matter consisted exactly of an examination of the international legal principles to be applied in an eventual delimitation; so there seems to be no reason why Malta's intervention could not have had as its object the presentation of its views on the principles and rules of international law at issue in the principal proceedings. In the words of Oda J. (para. 19), "more cannot be demanded of Malta than of Tunisia and Libya."

It is unlikely that the possibility of interventions will discourage states from seeking access to the Court since this possibility has always existed. It is more likely that its restrictive interpretation of legal interest will dissuade potential intervenors from applying to participate in future proceedings. We might therefore have to wait a considerable time before a future decision throws some light on the issue of jurisdictional link.

TANIA LICARI

TO THE EDITORS-IN-CHIEF

Joe C. Barrett (1897-1980)

In American transnational relations, Joe Barrett, "small-town lawyer from Arkansas," as he liked to identify himself, was the right man at the right time for a giant step forward in the protection of our interests abroad. Concern about unnecessary conflicts in interstate legal relationships made him a very active member of the National Conference of Commissioners on Uniform State Laws and led to the presidency of the conference. The work on interstate uniformity convinced him that the United States policy of abstaining from participation in international unification of law activities because the subject matter had traditionally been dealt with by state legislatures merely resulted in leaving both federal and state interests unprotected.

When the International Institute for the Unification of Private Law invited Commissioners on Uniform State Laws to attend a conference to be held in Barcelona in the early fall of 1956, Joe Barrett decided to go on his own and see what was happening in the rest of the world regarding uniformity of law. From Barcelona he proceeded to The Hague where the second postwar session of the Hague Conference on Private International Law was taking place. An understanding had been reached that the national organization in the United States, which had expressed interest in the work of the Hague Conference, would send observers to this meeting and Joe Barrett was one of this small group.

He served again as an observer at the next session of the Hague Conference in 1960. The Commissioners on Uniform State Laws at this stage appointed a committee with Barrett as its Chairman to evaluate the need for American participation in international unification of law work. The Commission's report played a major role in the decision of the U.S. Government to seek passage of the congressional joint resolution of 1963 authorizing membership in the Institute and the Hague Conference.

Barrett's work in the Conference of Commissioners resulted in his becoming a leading authority on the problems of federal states as they may arise on the international level. For example, under his leadership as President of the Conference, work was carried on in tandem with the counterpart Canadian Commission, which resulted in the Uniform Foreign Money-Judgments Recognition Act. His experience and judgment were of great value to the United States in the course of his service as member of the Advisory Committee on Private International Law of the Secretary of State and as a delegate to numerous international conferences regarding the unification of private international law.

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