

Lord Reid quoted this with approval and indicated that although the views were obiter dicta, he "would regard the weight of the opinion as falling little short of the weight of a considered decision of the House".⁽³⁾ It is beyond the scope of this note to discuss the situation under French Law.⁽⁴⁾

In summary the Government of Canada has espoused the claim of David McTaggart against the Government of France and holds the opinion that his claim falls within an exception to the exhaustion of local remedies rule.

Footnotes:

1. Interesting discussions of the exceptions to the exhaustion of local remedies rule may be found in the following works:
 - C. F. Amerasinghe - State Responsibility for Injury to Aliens (Oxford, 1967) pp 192-99;
 - T. Meron - "The Incidence of the Rule of Exhaustion of Local Remedies" in 35 B.Y.I.L. (1959 at pg 101), in particular reference to the link theory at pp 94-95 and 101;
 - Haesler, Thomas - The Exhaustion of Local Remedies in the Case Law of International Courts and Tribunals, (Sythoff, 1968) at pg 18;
 - Law, Castor H.P. - The Local Remedies Rule in International Law (Paris, 1961)
 - J.E.S. Fawcett - "The Exhaustion of Local Remedies: Substance or Procedure?" B.Y.I.L.(1954) at pg 455;
 - D. P. O'Connell - International Law (London, 1970) pg 950.
2. Johnstone v. Pedlar (1921) 2 A.C. 262, Lord Finlay at pg 271.
3. Attorney-General v. Nissan (1970) A.C. 205, House of Lords as quoted in 44 International Law Reports (Lauterpacht ed.) at p. 265. For contrary views, see McNair, International Legal Opinions, Vol 2, p. 302.
4. Interesting views on French policy on creation of contiguous zones beyond territorial sea are found in: