
N I L R

NETHERLANDS
INTERNATIONAL
LAW
REVIEW

1978
VOL. XXV | ISSUE 1

SIJTHOFF & NOORDHOFF | ALPHEN AAN DEN RIJN

NETHERLANDS INTERNATIONAL LAW REVIEW

Recommended citation: N.I.L.R.

BOARD OF EDITORS

M. BOS,
Professor of Law, University of Utrecht
J.E.J.Th. DEELEN,
Professor of Law, Tilburg School of Economics, member of the Netherlands Standing Government Committee on Private International Law
L. ERADES,
Vice-President of the District Court at Rotterdam, *Editor-in-Chief*
J.P.A. FRANCOIS,
former Secretary-General of the Permanent Court of Arbitration, former Professor of Law, School of Economics of Rotterdam
M.H. VAN HOOGSTRATEN,
Secretary-General of the Hague Conference on Private International Law

A.M. STUYT,
Professor of Law, Catholic University of Nijmegen
J.P. VERHEUL,
Professor of Law, University of Leyden
C.C.A. VOSKUIL,
Director of the Asser Institute at The Hague, member of the Netherlands Standing Government Committee on Private International Law
J.A. WADE,
Research Officer in the Private International Law Department, Asser Institute at The Hague
H. DUINTJER TEBBENS,
Head of the Private International Law Department, Asser Institute at The Hague,
Acting Secretary to the Board

Authors are requested to send three copies of each manuscript to the Editor-in-Chief: P.O. Box 45, 6865 ZG Doorwerth, The Netherlands.

The views expressed in any article are those of the individual author and do not necessarily represent the views of the Board of Editors.

Published three times a year, complemented by the Netherlands Yearbook of International Law, in co-operation with the T.M.C. Asser Institute (22, Alexanderstraat, The Hague), an interuniversity institute founded in 1965 by eight Dutch universities offering courses in international law. The Institute is responsible for the promotion of education and research in international law, particularly by setting up documentation projects and carrying out research programmes in the fields covered by the three departments of the Institute: Private International Law, Public International Law and Law of the European Communities.

Combined annual subscription to the Netherlands International Law Review and to the Netherlands Yearbook of International Law Dfl. 125.00, postage and handling included. Single copies of the Yearbook Dfl. 70.00. Orders or requests for further information should be sent to: Sijthoff & Noordhoff International Publishers – Journal Department, P.O. Box 66, Groningen, The Netherlands, or: Six Winchester Terrace, Winchester, Mass. 01890, USA.

Copyright © 1978 T.M.C. Asser Institute and contributors.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright-owners.

Printed in The Netherlands

ISSN 0028-2138

NETHERLANDS INTERNATIONAL LAW REVIEW
VOL. XXV 1978/1

CONTENTS

In memoriam HUGO FORTUIN	1
Articles	
A. SHAPIRA & K. SIEHR, The Jundeff Affair – Comparative Remarks on International Child Kidnapping and Judicial Co-operation	3
L. DOSWALD-BECK, What does the Prohibition of “Torture or Inhuman or Degrading Treatment or Punishment” mean? The Interpretation of the European Commission and Court of Human Rights	24
M. BOS, Old Germanic Law analogies in International Law or, the State as <i>homo liber</i>	51
M.T. KAMMINGA, Who can clean up the Rhine: the European Community or the International Rhine Commission?	63
The EEC Convention on Jurisdiction and Judgments of 27 September 1968 in Netherlands Legal Practice, edited by J.P. Verheul	
1. ARTICLE 1, Scope. “Civil and commercial matters”	80
2. ARTICLE 5(1), <i>Forum solutionis contractus</i>	81
3. ARTICLE 8(3), Insurer’s branch	82
4. ARTICLE 16(1), <i>Forum rei sitae</i>	83
5. ARTICLE 17, <i>Forum prorogatum</i>	84
6. ARTICLE 21, <i>Lis pendens</i>	86
7. ARTICLE 27(2), Due process	87
8. ARTICLE 31, Order for enforcement	88
9. ARTICLE 36, Appeal from order for enforcement	88
10. ARTICLE 38, Stay by reason of “ordinary appeal”	90
11. References	91
Book Reviews	
R. Lansky, <i>Handbuch der Bibliographien zum Recht der Entwicklungsländer</i> (W.M. Peletier †)	92
G. Schwarzenberger, <i>International Law, as applied by international courts and tribunals</i> , Vol. III (Ko Swan Sik)	96
F.M. van Asbeck, <i>International Society in Search of a Transnational Legal Order</i> , Selected writings and bibliography edited by H. F. van Panhuys and Mrs. M. van Leeuwen Boomkamp (H.E. Scheffer)	99

<i>South African Yearbook of International Law</i> (Ko Swan Sik)	100
<i>Recueil des législations des pays socialistes européens sur la coopération économique réunies par le Groupe d'études sur les relations Est-Ouest</i> (Th. J. Vondracek)	102
K. Grzybowski, <i>East-West Trade</i> (Th. J. Vondracek)	104
L.C. Green, <i>Superior Orders in National and International Law</i> (F. Kalshoven)	107
S. Gorove, <i>Studies in Space Law: Its Challenges and Prospects</i> (I.H.Ph. Diederiks-Verschoor)	109
F. Mosconi, <i>La Banca Europea per gli investimenti</i> (D. Kokkini-Iatridou)	110
R.E. Tindall, <i>Multinational Enterprises</i> (D. Kokkini-Iatridou)	112
E.Vitta, <i>Corso di diritto internazionale privato e processuale</i> (J.G. Sauveplanne)	117
R.W.M. Dias, B.S. Markesinis, <i>The English Law of Torts – A Comparative Introduction</i> (J.A. Wade)	119
Pierre Mayer, <i>La distinction entre règles et décisions et le droit international privé</i> (J.P. Verheul)	124
M. Weser, <i>Convention communautaire sur la compétence judiciaire et l'exécution des décisions</i> (J.P. Verheul)	125
Z. Péteri, <i>The Comparison of Law/La comparaison de droit</i> (F.J.A. van der Velden)	126
Book Notices	
<i>La protection internationale des droit de l'homme</i> (Ko Swan Sik)	129
M.D. de Valasco Vallejo, <i>Instituciones de Derecho Internacional Pùblico</i> (M. Bos)	130
K.M. Meessen, <i>Völkerrechtliche Grundsätze des internationalen Kartellrechts</i> (R. Barents)	131
<i>New Directions in the Law of the Sea</i> (L.A.N.M. Barnhoorn)	132
P. Manin, <i>L'Organisation des Nations Unies et le maintien de la Paix</i> (H.E. Scheffer)	133
A. Cassese, <i>Current Problems of International Law</i> (H.E. Scheffer)	133
F.S. Ruddy, <i>International Law in the Enlightenment</i> (H.E. Scheffer)	134
M. Medina, <i>Tratados Fundacionales de las Comunidades Europeas</i> (F. Grondman)	135
E.C. Henriquez, <i>De zakelijke rechten van de onbetaalde verkoper in het internationaal faillissement</i> (J.P. Verheul)	135
Books Received	
Documents	
Speech delivered by Dr. M. Lachs on the presentation of the Wateler Prize 1976	139