

NETHERLANDS INTERNATIONAL LAW REVIEW

INTERNATIONAL LAW CONFLICT OF LAWS COMPARATIVE LAW

1992-VOL.XXXIX-ISSUE 3

MARTINUS NIJHOFF PUBLISHERS

International Legal Problems of the Environmental Protection of the Baltic Sea

by M. Fitzmaurice

INTERNATIONAL ENVIRONMENTAL LAW AND POLICY

This book is the first to contain an in-depth study of environmental issues relating to the Baltic Sea, a body of water bordered by the USSR, Latvia, Lithuania, Estonia, Finland, Sweden, Denmark, Poland and Germany.

It analyzes the Helsinki Convention, the principal legal instrument on the protection of the Baltic Sea, and gives a unique insight into the practice developed on the basis of the Convention. The reader is presented with an overall picture of the contemporary activities of the Helsinki Commission, and with all the latest developments, including the pending revision of the Helsinki Convention. The main bulk of the book is based on documents issued by the Helsinki Commission, but is also a result of interviews conducted by the author with experts on the Baltic Sea environment from the coastal states.

The detailed analysis of the Helsinki Convention is accompanied by a consideration of Conventions which protect the North Sea, such as the Paris and Oslo Conventions. The link between the Helsinki Convention and the European Community due to the participation in both Denmark and Germany is of great significance, and it means that a quite extensive picture of EC environmental policy, itself a very topical subject, is to be found in the book.

The environmental protection of the Baltic Sea is put into the context of general issues of the theory of international law, and an analytical survey of the legal character of the acts of the Helsinki Commission is given, ensuring that the book will become the standard treatise on its topic.

1992, 328 pp. ISBN 0-7923-1402-6 Hardbound \$129.00/Dfl. 225.00/£76.00 Martinus Nijhoff/Graham & Trotman

P.O. Box 322, 3300 AH Dordrecht, The Netherlands P.O. Box 358, Accord Station, Hingham, MA 02018-0358, U.S.A. New Publication

KLUWER ACADEMIC PUBLISHERS



Recommended citation: NILR

Published three times a year, complemented by the Netherlands Yearbook of International Law, in co-operation with the T.M.C. Asser Instituut, Institute for Private and Public International Law, International Commercial Arbitration and European Law (22, Alexanderstraat, The Hague, phone (0)70-3420300), 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 departments of the Institute: Private International Law; Public International Law including the Law of International Organisations; Law of the European Communities; and International Commercial Arbitration.

Combined annual subscription to the Netherlands International Law Review and to the Netherlands Yearbook of International Law: Dfl. 314.00, postage and handling Dfl. 32.00. Subscription orders and requests for specimen copies should be sent to Kluwer Academic Publishers Group, Distribution Center, P.O. Box 322, 3300 AH Dordrecht, The Netherlands.

Advertising: full page only; size 120 mm x 200 mm. Material: originals or camera-ready copy to be sent to the undermentioned address; closing dates: two months prior to month of publication; for details concerning the price, please contact Kluwer Academic Publishers Group, Promotion Department, P.O. Box 989, 3300 AZ Dordrecht, The Netherlands.

ISSN 0165-070X

Library of Congress catalogue card number LC 79-65199

© 1992 T.M.C. Asser Instituut 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.

PHOTOCOPYING

In the U.S.A.: This journal is registered at the Copyright Clearance Center, Inc., 27 Congress Street, Salem, MA 01970. Authorisation to photocopy items for internal or personal use, or the internal or personal use of specific clients, is granted by Kluwer Academic Publishers for users registered with the Copyright Clearance Center (CCC) Transactional Reporting Service, provided that the base fee of \$1.00 per copy plus \$0.15 per page per copy is paid directly to CCC. For those organisations that have been granted a photocopy licence by CCC, a separate system of payment has been arranged. The fee code for users of the Transactional Reporting Service is 0165-070X/91 \$1.00 + 0.15.

Authorisation does not extend to other kinds of copying, such as that for general distribution, for advertising or promotional purposes, for creating new collective works, or for resale.

In the rest of the world: Permission to photocopy must be obtained from the copyright owner. Please apply to T.M.C. Asser Instituut, P.O. Box 30461, 2500 GL The Hague, The Netherlands.

Second-class postage paid at Rahway, N.J. US *Mailing-Agent:* Expediters of the Printed Word Ltd., 2323 Randolph Avenue, Avenel, N.J. 00701

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

BOARD OF EDITORS

L. Erades, Honorary Editor-in-Chief †

M. Bos

Professor Emeritus of Public International Law, University of Utrecht, Editor-in-Chief

Th.M. de Boer

Professor of Private International Law, Director of the Centre of Foreign Law and Private International Law, University of Amsterdam

J.E.J.Th. Deelen

Professor of Comparative and Private International Law, Catholic University of Brabant, member of the Netherlands Standing Government Committee on Private International Law

H. Duintjer Tebbens

Principal Administrator, Court of Justice of the Buropean Communities, member of the Netherlands Standing Government Committee on Private International Law

C. Flinterman

Professor of Constitutional and International Law, University of Limburg, Maastricht

E.H. Hondius Professor of Civil Law, University of Utrecht P.H. Kooijmans

Professor of Public International Law, University of Leyden

A.H.A. Soons

Professor of Public International Law, University of Utrecht

A.M. Stuyt

Professor Emeritus of Public International Law, Catholic University of Nijmegen

M. Sumampouw

Head of the Private International Law Department, Asser Instituut, The Hague

P. Vlas

Professor of Comparative and Private International Law, Free University of Amsterdam

C.C.A. Voskuil

Director of the Asser Instituut, The Hague, member of the Netherlands Standing Government Committee on Private International Law

J.A. Wade Asser Instituut, The Hague

P. Morris Asser Instituut, The Hague, Executive Editor

CORRESPONDENTS

Professor Dr. J. Erauw University of Ghent, Belgium

Assoc. Professor Dr. U. Göranson University of Uppsala, Sweden

Professor Dr. B. Graefrath The Academy of Science, Berlin, F.R.G.

Professor M.W. Janis University of Connecticut, Hartford (Conn.), U.S.A.

His Excellency Professor Sir Robert Y. Jennings Q.C.

President of the International Court of Justice, The Hague, The Netherlands

Dr. T. Koopmans Advocate General, Dutch Supreme Court

J.H.A. van Loon Hague Conference on Private International Law, The Hague, The Netherlands Professor B.S. Markesinis LL.B., D.Jur., M.A., Ph.D.

Denning Professor of Comparative Law at the University of London, Great Britain

Professor G. Parra-Aranguren University of Caracas, Venezuela

Dr. M.C.W. Pinto

Secretary-General of the Iran-United States Claims Tribunal, The Hague, The Netherlands

Professor Dr. Eibe H. Riedel LL.B. Johannes Gutenberg University, Mainz, F.R.G.

Professor K. Skubiszewski Polish Academy of Sciences, Warsaw and Poznań

Professor Tibor Varady University of Novi Sad, Yugoslavia

Professor Emeritus Paul De Visscher University of Louvain, Belgium

Professor Maureen Williams LL.M., Ph.D., University of Buenos Aires, Argentina

Authors are requested to send three copies of each manuscript to the Secretariat: P.O. Box 30461, 2500 GL The Hague, The Netherlands. Articles should not exceed 35 pages (typed) in length. https://doi.org/10.1017/S0165070X00006203 Published online by Cambridge University Press

NETHERLANDS INTERNATIONAL LAW REVIEW VOL. XXXIX 1992/3

CONTENTS

Articles

| A.J. BLACK, Pretrial Discovery in Scotland, England and Canada | 267 |
|--|-----|
| M. LACHS, The Treaty on Principles of the Law of Outer Space, 1961-1992 | 291 |
| M.M. VAN ROSSUM, The Concept of ' <i>Dwaling</i> ' under the New Civil Code Compared to the English Doctrine of Misrepresentation | 303 |
| S.C. VASCIANNIE, Bilateral Investment Treaties and Civil Strife: The AAPL/Sri Lanka Arbitration | 332 |
| P. PETERS, N. SCHRIJVER, Latin America and International Regulation of Foreign Investment: Changing Perceptions | 355 |
| The EEC Convention on Jurisdiction and Judgments of 27 September 1968 | |
| — P. VLAS | 385 |
| Information Concerning the Hague Conventions on Private International Law | 415 |
| Book Reviews | |
| U. Drobnig, J. Basedow, R. Wolfrum, Recht der Flagge und 'Billige Flaggen' — Neuere Entwicklungen im Internationalen Privatrecht und Völkerrecht (R.C. van Dongen) | 447 |
| M. Fitzmaurice, International Legal Problems of the Environmental Protection of the Baltic Sea (E. Hey) | 450 |
| J.A. Frowein, T. Stein, Rechtliche Aspekte einer Beteiligung der Bundes- republik Deutschland an Friendenstruppen der Vereinten Nationen (R.C.R. Siekmann) | 452 |
| D. van Gerven, C.A.V. Aalders, eds., European Economic Interest Groupings: The EEC Regulation and its Application in the Member States of the European Community (M.E. Koppenol-Laforce) | 454 |
| | |

| F.A. Mann, Further Studies in International Law (E.M.G. Denters) | 458 |
|---|-----|
| D.D. Newsom, ed., Diplomacy Under a Foreign Flag. When Nations Break Relations (J.J. Quintana A.) | 460 |
| M. Weston, An English Reader's Guide to the French Legal System (A. Mennie) | 464 |
| Book Notices | |
| C.Q. Christol, Space Law, Past, Present and Future (I.H.Ph. Diederiks-Verschoor) | 466 |
| M. LeSueur Stewart, To See the World; The Global Dimension in International Direct Television Broadcasting by Satellite (B.A. Hurwitz) | 466 |
| E. Giemulla, R. Schmid, W. Möls, Europäisches Luftverkehrsrecht, Text- und Materialsammlung (I.H.Ph. Diederiks-Verschoor) | 467 |
| PM. Martin, Le Droit de l'Espace (I.H.Ph. Diederiks-Verschoor) | 467 |
| L. Tapia Salinas, E. Mapelli, Ensayo para un Diccionario de Derecho Aeronautico (I.H.Ph. Diederiks-Verschoor) | 468 |
| E. Wymeersch, M. Kruithof, The Law of Groups of Companies. An International Bibliography (P. Vlas) | 468 |
| Books Received | 470 |
| Announcements | 472 |
| Contents of Volume XXXIX | 474 |

The Netherlands International Law Review is abstracted and/or indexed in: International Bibliography of Social Sciences.