

NETHERLANDS INTERNATIONAL LAW REVIEW

INTERNATIONAL LAW
CONFLICT OF LAWS
COMPARATIVE LAW

1983-VOL.XXX-ISSUE 3

MARTINUS NIJHOFF PUBLISHERS

NETHERLANDS INTERNATIONAL LAW REVIEW

Recommended citation: NILR

BOARD OF EDITORS

M.BOS, Professor of Public International Law, University of Utrecht
J.E.J.TH. DEELEN, Professor of Comparative and Private International Law, Tilburg School of Economics, member of the Netherlands Standing Government Committee on Private International Law.
H.DUINTJER TEBBENS, Research Officer, European Court of Justice, Luxemburg L. ERADES, Former Vice-President of the District Court at Rotterdam, Editor-in-Chief C. FLINTERMAN, Senior Lecturer in 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.M. STUYT, Émeritus Professor of Public International Law, Catholic University of Nijmegen M. SUMAMPOUW, Head of the Private International Law Department, Asser Instituut, The Hague

J.P. VERHEUL, Professor of Private International Law, University of Leyden
C.C.A. VOSKUIL, Director of the Asser

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, Deputy Director of the Asser Instituut, The Hague

A.D. STEPHENS, Senior Research Officer, Asser Instituut, The Hague, Managing Editor M.H.A. VAN DER ARK-PIEKAAR, Secretary Private International Law Department, Asser Instituut, The Hague, Secretary to the Board of Editors

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. 180.00/US \$72.00, postage and handling Dfl. 23.00/US \$9.50. Single copies of the Yearbook Dfl. 110.00/US \$44.00. Subscription orders and requests for specimen copies should be sent to: Martinus Nijhoff Publishers, c/o Kluwer Academic Publishers Group, Distribution Center, P.O. Box 322, 3300 AH Dordrecht, The Netherlands.

Advertising: full page only; Dfl. 600,— per page; size 120 mm x 200 mm. Material: originals or camera-ready copy; closing dates: two months prior to month of publication; advertising copy to be sent to Martinus Nijhoff Publishers B.V. P.O. Box 566, 2501 CN The Hague, Promotion Department.

© 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.

FOR PHOTOCOPYING WITHIN THE USA

The appearance of the code at the bottom of the first page of an article in this journal indicates the copyright owner's consent that copies of the article may be made for personal or internal use, or for the personal or internal use of specific clients. This consent is given on the condition, however, that the copier pays the stated per-copy fee through the Copyright Clearance Centre, Inc., P.O. Box 765, Schenectady, New York 12301, USA for copying beyond that permitted by Sections 107 and 108 of the US Copyright Law.

ISSN 0028-2138

Second-class postage paid at New York, NY.

US Mailing-Agent: Expediters of the Printed World Ltd., 527 Madison Avenue, Suite 1217, New York, NY 10022.

NETHERLANDS INTERNATIONAL LAW REVIEW VOL. XXX 1983/3

CONTENTS

Articles	
B.G. RAMCHARAN, The Right to Life	297
G.K. SIMONS and L.G. RADICATI, A Trustee in Continental Europe: The Experience of the Bank for International Settlements	330
TH. W. VAN VEEN, Alternative Penal Sanctions in the Netherlands	346
J.J. LADOR-LEDERER, The Nuremberg Judgment Revisited: the Bernays Postulate	360
Notes and Shorter Articles	
B.P. VERMEULEN, Grotius' Methodology and System of International Law	374
J.P. VERHEUL, The Convention relating to the Arrest of Seagoing Ships of 1952. Some questions.	383
Documents	
The Constitution of the Kingdom of the Netherlands	387
Information Concerning the Hague Convention on Private International Law	411
Book Reviews	
Dolly Richter Hannes, Die UN Konvention über die Internationale Multimodale Güterbeförderung, Erläuterungen und rechtsvergleichende Hinweise auf CIM, CMR, Warschauer Abkommen und Hamburger Regeln (J.H.P. Boudewiinse)	432
M.E. Tardu, Human Rights, The International Petition System (L.A.N.M. Barnhoorn)	437
H.G. Schermers, Internationaal Publiekrecht voor de Rechtspraktijk (Ko Swan Sik)	440
Paul Sieghart, The International Law of Human Rights (Ph. Alston)	443
William E. Butler, The Mongolian Legal System, Contemporary Legislation and Documentation (M.A. Fitzmaurice)	444
A. Cassese, UN Law/Fundamental Rights, Two Topics in International Law (C. Flinterman)	446
Book Notices	
Joachim Bentzien, Die unerlaubte Einflug von Luftfahrtzeugen in fremdes Staatsgebiet in Friedenszeiten und seine Rechtsfolgen (I.H.Ph. Diederiks- Verschoor)	449
Carl Q. Christol, The Modern International Law of Outer Space	,
(I.H.Ph. Diederiks-Verschoor)	450

M.D. Forkosch, Outer Space and Legal Liability (I.H.Ph. Diederiks- Verschoor)	451
N.M. Matte, Annals of Air and Space Law (I.H.Ph. Diederiks-Verschoor)	451
The International Law Institute of Utrecht (L. Erades)	452
International Law in the Netherlands (C. Flinterman)	453
Guido Camarda, Inquinamento marino e danno erariale (W.P. Heere)	454
Cesáreo Gutiérrez Espada, La responsabilidad internacional por daños en el derecho del espacio (W.P. Heere)	455
S.K. Chatterjee, Legal Aspects of International Drug Control (W.P. Heere)	456
M.F. Furet, JC. Martinez and H. Dorandeu, La guerre et le droit (W.P. Heere)	457
R.B. Lillich and B.H. Weston (ed.), International Claims. Contemporary European Practice (W.P. Heere)	457
Barbara Reukema, Discriminatory Refusal of Carriage in North America (W.P. Heere)	458
The Criminal Code of the People's Republic of China (G. Mols)	459
M. Lachs, The Teacher in International Law (Teachings and Teaching) (C.G. Roelofsen)	460
Chr. van den Wijngaert, The Political Offence Exception to Extradiction. The Delicate Problem of Balancing the Rights of the Individual and the International Public Order (E.W. Vierdag)	461
Books Received	464
Contents of Volume VVV (1002)	466