

NETHERLANDS YEARBOOK
OF INTERNATIONAL LAW

1979

Netherlands Yearbook of International Law

NETHERLANDS YEARBOOK OF INTERNATIONAL LAW

published jointly with the
Netherlands International Law Review
and under the auspices of the
Interuniversity Institute for International Law
T.M.C. Asser Institute, The Hague

VOLUME X
1979

Sijthoff & Noordhoff
Alphen aan den Rijn, The Netherlands
Germantown, Maryland, USA

Under the combined subscription arrangements this volume of the Yearbook is linked to Volume 26 of the Netherlands International Law Review.

The Yearbook is available on subscription: Dfl. 70.00/US \$33.50 per annual volume. Combined annual subscription to the Netherlands International Law Review and to the Netherlands Yearbook of International Law: Dfl. 135.00/US \$64.00, postage and handling included. Orders or requests for further information should be sent to: Sijthoff & Noordhoff International Publishers – P.O. Box 4, 2400 MA Alphen aan den Rijn, The Netherlands.

All correspondence with regard to the contents of the Yearbook should be addressed to the General Editors, T.M.C. Asser Institute, 22 Alexanderstraat, 2500 GL The Hague, The Netherlands. The closing date for contributions is 1 August of the year prior to the year of publication (1 October for contributions in English). Contributions (which should be typed) should be submitted in triplicate.

The copyright is exclusively reserved to the author(s). Acceptance of a contribution by the Editors implies, however, acceptance by the author(s) of the condition that such contribution is subject to an embargo as regards publication elsewhere, either in English or in any other language, for a period of two years following publication of the Yearbook containing such contribution. Authors will not receive a fee, but will be presented with a copy of the Yearbook containing their contribution, together with 25 offprints of that contribution free of charge.

Printed in the Netherlands

© T.M.C. Asser Institute, The Hague, 1980

ISBN 90 286 01710 2

Interuniversitair Instituut voor Internationaal Recht

– T.M.C. Asser Instituut –

20-22 Alexanderstraat, The Hague; phone 070-630900, telex 34273 assen nl

Director: C.C.A. Voskuil; Deputy Director: Th. C. Esselaar; Heads of Departments: H. Duintjer Tebbens (Private International Law), Ko Swan Sik (Public International Law), A.E. Kellermann (Law of the European Communities, General Secretary); Office Manager: G.J. de Roode.

The T.M.C. Asser Institute is an interuniversity institute founded in 1965 by the 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.

BOARD OF EDITORS

L.J. Bōuche^z
University of Utrecht

F. Kalshoven
University of Leyden

Ko Swan Sik (General Editor)
T.M.C. Asser Institute

P.J. Kuyper
Legal Service of the
Commission of the European Communities

R.H. Lauwaars
Free University of Amsterdam

H. Meijers (General Editor)
University of Amsterdam

H. Oort
Judge in the Court of Appeal of Leeuwarden

J.W. Schneider
Catholic University of Tilburg

B. Vitányi
Catholic University of Nijmegen

A.D. Stephens (Assistant General Editor)
T.M.C. Asser Institute

ABBREVIATIONS

AA	Ars Aequi
Aanh. Hand. I/II	Aanhangsel tot het Verslag der Handelingen van de Eerste (Tweede) Kamer der Staten-Generaal
AB	Administratiefrechtelijke Beslissingen
AJIL	American Journal of International Law
Annuaire	Annuaire de l'Institut de Droit International
ASDI	Annuaire suisse de droit international
BFSP	British and Foreign State Papers
Bijl. Hand. I/II	Bijlagen bij het Verslag der Handelingen van de Eerste (Tweede) Kamer der Staten-Generaal
BNB	Beslissingen in Belastingzaken – Nederlandse Belastingrechtspraak
BYIL	British Yearbook of International Law
CMLR	Common Market Law Reports
Cmd. n.	Papers presented to Parliament by Command of His (Her) Majesty (UK)
DD	Delikt en Delinkwent
ECR	European Court Reports
ELD	European Law Digest
F.	Federal Reporter (USA)
GAOR	(United Nations) General Assembly Official Records
GYIL	German Yearbook of International Law
<i>Hague Recueil</i> Hand. I/II	Recueil des Cours de l'Académie de Droit International de la Haye
Hand. II OCV	Verslag der Handelingen van de Tweede Kamer der Staten-Generaal, Openbare Commissievergadering
ICJ Reports	International Court of Justice, Reports of Judgments, Advisory Opinions and Orders
ICLQ	International and Comparative Law Quarterly
ILC Yearbook	Yearbook of the International Law Commission
ILM	International Legal Materials
ILR	International Law Reports
IYIL	Italian Yearbook of International Law
LL.L.R	Lloyd's List Law Reports (UK)
LNTS	League of Nations Treaty Series
(De) Martens, NR/NRG	De Martens Nouveau Recueil (Général) des Traités
NILR	Netherlands International Law Review
NJ	Nederlandse Jurisprudentie
NJB	Nederlands Juristenblad
NYIL	Netherlands Yearbook of International Law
RGDIP	Revue Générale de Droit International Public
RvdW	Rechtspraak van de Week
SEW	Sociaal Economische Wetgeving
Stb.	Staatsblad van het Koninkrijk der Nederlanden
Stc.	Nederlandse Staatscourant
S & S	Schip en Schade
Trb.	Tractatenblad van het Koninkrijk der Nederlanden
UNCLOS	United Nations Conference on the Law of the Sea
UNTS	United Nations Treaty Series
WLR	Weekly Law Reports (UK)
WPNR	Weekblad voor Privaatrecht, Notariaat en Registratie
ZaöRV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht

TABLE OF CONTENTS

Preface

Articles

<i>L.J. Bouchez</i> , The Nature and Scope of State Immunity from Jurisdiction and Execution	3
<i>R. Higgins</i> , Execution of State Property: United Kingdom Practice	35
<i>I. Seidl-Hohenveldern</i> , State Immunity: Federal Republic of Germany	55
<i>J. Verhoeven</i> , Immunity from Execution of Foreign States in Belgian Law	73
<i>T. Varady</i> , Immunity of State Property from Execution in the Yugoslav Legal System	85
<i>I. Seidl-Hohenveldern</i> , State Immunity: Austria	97
<i>F. Enderlein</i> , The Immunity of State Property from Foreign Jurisdiction and Execution: Doctrine and Practice of the German Democratic Republic	111
<i>S.K. Agrawala</i> , A Note on Indian State Practice with Respect to the Immunity of Indian Property Located within the Jurisdiction of Foreign States	125
<i>S.D. Metzger</i> , Immunity of Foreign State Property from Attachment or Execution in the USA	131
<i>S. Sucharitkul</i> , Immunity from Attachment and Execution of the Property of Foreign States: Thai Practice	143
<i>J.-F. Lalive</i> , Swiss Law and Practice in Relation to Measures of Execution against the Property of a Foreign State	153
<i>M.M. Boguslavsky</i> , Foreign State Immunity: Soviet Doctrine and Practice	167
<i>E.I. Nwogugu</i> , Immunity of State Property – the Central Bank of Nigeria in Foreign Courts	179
<i>L. Condorelli</i> and <i>L. Sbolci</i> , Measures of Execution against the Property of Foreign States: the Law and Practice in Italy	197
<i>K. Hirobe</i> , Immunity of State Property: Japanese Practice	233
<i>C.C.A. Voskuil</i> , The International Law of State Immunity, as reflected in the Dutch Civil Law of Execution	245

Documentation	
Classification scheme	293
<i>R.C.R. Siekmann</i> , Netherlands state practice for the parliamentary year 1977-1978	309
<i>S.A.M. Oostvogels</i> , Treaties and other international agreements to which the Netherlands is a party	407
<i>Ko Swan Sik</i> , Netherlands municipal legislation involving questions of public international law	431
<i>L.A.N.M. Barnhoorn</i> , Netherlands judicial decisions involving questions of public international law, 1977-1978	441
<i>L.A.N.M. Barnhoorn</i> , Dutch literature in the field of public international law and related matters, 1978	523
Table of Cases	557
Index	565