

---

N I L R

---

NETHERLANDS  
INTERNATIONAL  
LAW  
REVIEW

INTERNATIONAL LAW  
CONFLICT OF LAWS  
COMPARATIVE LAW

1987-VOL.XXXIV-ISSUE 2

---

MARTINUS NIJHOFF PUBLISHERS

# Realism in Law-Making

## Essays on International Law in Honour of Willem Riphagen

edited by  
ADRIAAN BOS, HUGO SIBLESZ

1986, 316 pp. ISBN 90-247-3399-5  
Hardbound Dfl. 165.00/£54.50/US\$75.50  
Martinus Nijhoff Publishers/T.M.C. Asser Institute

This collection of essays marks the retirement of Willem Riphagen from the post of legal adviser at the Ministry of Foreign Affairs, a position he has held since 1954. At the same time it honours his work. It covers a wide variety of subjects of private and public international law, thus reflecting the wide scope of Willem Riphagen's interests and professional activities, both as the Legal Adviser to the Minister of Foreign Affairs and as a Professor of International Law.

The contributions from his friends and former colleagues deal with subjects such as State Immunity, Law of the Sea, Dispute Settlement, Human Rights and Customary International Law. As will be clear from the list of authors, these topics are dealt with in an outstanding manner: quality needs no praise.

### Contributors

*W. G. Belinfante, R. J. Dupuy, A. Fattal, H. Golsong, G. Jaenicke, P. H. Kooijmans, G. Ladreit de Lacharrière, M. Lachs, G. Lagergren, M. C.W. Pinto, P. Reuter, S. Rosenne, J. G. Sauveplanne, H. G. Schermers, S. M. Schwebel, I. Sinclair, L. B. Sohn, T. Treves, C. C. A. Voskuil.*



**Kluwer academic publishers group**

P.O. Box 989  
3300 AZ Dordrecht  
The Netherlands

101 Philip Drive  
Norwell,  
MA 02061, U.S.A.

Falcon House  
Queen Square  
Lancaster, LA1 1RN, U.K.

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 (22, Alexanderstraat, The Hague, phone (0)70-630900), 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. 244.00/US \$ 102.00, postage and handling Dfl. 31.00/ US \$ 13.00. Single copies of the Yearbook Dfl. 125.00/US \$ 45.00. 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; 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 Kluwer Academic Publishers Group, Promotion Department, P.O. Box 989, 3300 AZ Dordrecht, The Netherlands.

© 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 Center, 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 0165-070X

Second-class postage paid at New York, NY.

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

Library of Congress catalogue card number LC 79-65199

PRINTED IN 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.*

## BOARD OF EDITORS

L. Erades, *Honorary Editor-in-Chief* †

*M. Bos*

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

*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 European 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.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

*J.P. Verheul*

Professor of Private International Law, University of Leyden

*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*

*M.H.A. van der Ark-Piekaar*

Asser Instituut, The Hague, *Secretary to the Board of Editors*

## CORRESPONDENTS

*Professor Dr. J. Erauw*

University of Ghent, Belgium

*Assoc. Professor Dr. U. Göranson*

University of Uppsala, Sweden

*Professor Dr. B. Graefrath*

The GDR Academy of Science, Berlin, G.D.R.

*Professor M.W. Janis*

University of Connecticut, Hartford (Conn.), U.S.A.

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

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

*Dr. T. Koopmans*

Judge at the Court of Justice of the European Communities, Luxembourg

*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 Tibor Varady*

University of Novi Sad, Yugoslavia

*Professor M. Virally*

Université de Droit, d'Economie et de Sciences Sociales de Paris, Member of the Iran-United States Claims Tribunal, Paris / The Hague

*Professor Emeritus Paul De Visscher*

University of Louvain, Belgium

*Professor S.M. 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.

CONTENTS

**Articles**

H. DUINTJER TEBBENS, A Facelift for Dutch Arbitration Law	141
H. HOHMANN, P.S.I.M. DE WAART, Compulsory Jurisdiction and the Use of Force as a Legal Issue: The Epoch-Making Judgment of the ICJ in Nicaragua v United States of America	162
M.W. JANIS, The Doctrine of <i>Forum Non Conveniens</i> and the Bhopal Case	192
M. ROOD-DE BOER, Recent Developments in the Netherlands with Regard to Parental Authority	205
R. V.D. HOVEN VAN GENDEREN, A.C.M. NUGTER, J.M. SMITS, Recent Developments in Telecommunications Law	219

<b>Information Concerning the Hague Conventions on Private International Law</b>	237
--	-----

**Book Reviews** 262

Bryan, G., <i>Taxing Unfair International Trade Practices. A Study of US Antidumping and Countervailing Duty Laws</i> (C. Vanderveeren)	262
Gaja, R., <i>Introduzione alle politica estera dell'era nucleare</i> (H.N. Boon)	263
González Campos, J.D., Sánchez Rodríguez, L.I., Paz Andrés Sáenz de Santa Maria, M.Z., <i>Curso de Derecho Internacional Público</i> (Frans van Kraay)	265
Gorove, S., ed., <i>The Teaching of Space Law Around the World</i> (D. Goedhuis)	266
Hurwitz, B.A., <i>The Legality of Space Militarization</i> (Jerzy Rzymanek)	267
Legrand, M.C., <i>Les Entrepreneurs de la CEE en Belgique, Impôts Directs et T.V.A.</i> (M.S.F. Horvat)	269
Lejeune, Y., <i>Le statut international des collectivités fédérées à la lumière de l'expérience suisse</i> (M.S.F. Horvat)	270
Monaco, R., <i>Lezioni di Organizzazione Internazionale</i> (Frans van Kraay)	271
Schermers, H.G., <i>Inleiding tot het Internationale Institutionele Recht</i> (M.S.F. Horvat)	273
Sondaal, H.H.M., <i>De Nederlandse Verdragspraktijk</i> (Peter van Krieken)	275
Villiger, M.E., <i>Customary International Law and Treaties, A Study of their Interactions and Interrelations with Special Consideration of the 1969 Vienna Convention on the Law of Treaties</i> (Jerzy Rzymanek)	277
<b>Books Received</b>	280