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THE HAGUE — THE NETHERLANDS

Archaeological and/or Historic Valuable Shipwrecks in International Waters:

Public International Law and What It Offers

By Eke Boesten

With a Foreword by Professor Dr. Eddy Somers

The legal complexities surrounding the commercial exploration and exploitation of archaeological and/or historic valuable shipwrecks have led to heated debates between commercial explorers, archaeologists and governmental policy-makers. The question whether such shipwrecks should be protected in the interest of humankind or whether the raised artefacts can be commercially traded, leads to a search for a balance between shipwrecks as a cultural heritage and shipwrecks as an economic resource.

This book focuses on the search for a global legal framework that covers activities affecting archaeological and/or historic valuable shipwrecks in waters beyond national jurisdiction. Three regimes are investigated as to their applicability: The Law of the Sea Convention 1982, the system of admiralty law as adapted to these particular circumstances and used by US courts, and the UNESCO Convention for the Protection of the Underwater Cultural Heritage. When analysing the relevant articles of the regimes, additional critical commentary is provided. In the case of the UNESCO Convention this leads to an article-by-article commentary, in which the background, negotiation history and an explanation of the articles are included.

This book provides policy-makers, commercial explorers, archaeologists, scholars and students with an overview of the relevant, existing public international law and of questions that need to be solved in order to regulate activities affecting archaeological and/or historic valuable shipwrecks. In addition, it may serve as a guide for the interpretation of the UNESCO Convention for the Protection of the Underwater Cultural Heritage.

EKE BOESTEN is currently working as an independent legal consultant in the fields of Maritime Cultural Heritage and the Law of the Sea. She was formerly associated with the T.M.C. Asser Institute in The Hague, The Netherlands, where she conducted her research for this book.

'[. . .] I am convinced that not only academic lawyers but certainly practicing lawyers involved in admiralty law and in law of the sea will be most thankful for the valuable legal research which will be of use to them.' (From the Preface by Professor Dr. Eddy Somers of Ghent University)

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Globalism: People, Profits and Progress
Proceedings of the 30th Annual Conference of the Canadian Council on
International Law, Ottawa, October 18-20, 2001

La mondialisation: Les personnes, le profit et le progrès
Travaux du 30e congrès annuel du Conseil canadien de droit international, Ottawa,
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edited by Canadian Council on International Law/Conseil canadien de droit international

NEW PUBLICATION

The Canadian Council on International Law was founded in 1972 by a group of some of Canada's leading and most distinguished scholars and practitioners in international law. The Council supports the development and exchange of ideas amongst a community of persons interested in international law, with particular focus on the Canadian perspective on international matters. To this end, one of the major activities of the Council is to hold an annual conference.

This year's conference proceedings comprise a collection of essays written by leading academics and practitioners on the theme: *Globalism: People, Profits And Progress*. A wide range of subject areas are addressed, including humanitarian law, law of the sea, international trade law, international human rights law, international environmental law, and transnational crime.

This work will be of value to international lawyers in both the public and private sphere, legal scholars and those interested in international relations.

Le Conseil canadien de droit international a été fondé en 1972 par un groupe d'académiciens et de praticiens en droit international parmi les plus distingués au Canada. Le Conseil appuie le développement et l'échange d'idées au sein d'une communauté d'individus intéressés par le droit international, avec une concentration particulière sur les perspectives canadiennes vis-à-vis les affaires internationales. À cette fin, une des activités principales du Conseil est d'organiser un congrès annuel.

Les 'actes' du congrès de cette année consistent en une collection d'articles rédigés par des praticiens et académiciens de premier plan sur le thème: *La mondialisation: Les Personnes, le profit et le progrès*. Est abordé un vaste éventail de sujets incluant le droit international humanitaire, droit de la mer, droit du commerce international, droit international des droits de la personne, droit international de l'environnement et la criminalité transnationale.

Cette oeuvre sera d'une grande utilité aux avocats (es) en droit international, autant dans le secteur public que privé, aux académiciens et ceux qui ont un intérêt en relations internationales.

Contents and Contributors:

Panel A-1: Humanitarian Law; C. Fitcheson, S.E. Rowe, G. Day. Panel A-3: Law of the Sea; A. Blanco-Bazán, J.J. Young, C. Hall, S.L. Karamanian. Panel B-1: Trade and Investment Law; M. Irish, H.E. Thomas, A. Mensha, G.V. LaForest. Panel C-1: International Human Rights Law; J. Kumin, F. Crépeau, J.C. Hathaway. Panel C-2: International Environmental law; F. Biermann. Panel D-2: Transnational Crime. (In conjunction with the I.O.I.C.). K. Bell, G. Blackell, J. Brummée, et al.

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European Environmental Case Law

Edited by Wybe Th. Douma

European Environmental Case Law is a collection of the most important cases decided upon by the Court of Justice and the Court of First Instance of the European Communities that deal with the protection of the environment. The cases demonstrate how European environmental legislation, laid down in the EC Treaty and in hundreds of directives and regulations, is interpreted and explained by the Luxembourg judiciary and how it relates to national law.

The book provides the full texts (in English) of the cases as decided by the Court of Justice and the Court of First Instance. The selected cases cover both institutional and substantive issues. It deals with a wide variety of topics ranging from Danish bottles and Danish bees, Walloon waste, French nuclear tests, Dutch dykes (Kraaijeveldt), Greek waste dump sites, German motorways, Italian taxes, Swedish additives (Kortas), British bathing water (Blackpool) to French GM Maize. The cases show *inter alia* how the

Luxembourg judges have had to strike a balance between free movement of goods and protection of the environment, and the way in which they have dealt with issues which have been left unclear by EC legislation, such as the definition of waste and its transportation across borders, the right to environmental information, the classification of special protection areas, the protection of birds and environmental impact assessment.

Wybe Th. Douma (1965) is a senior research fellow in European Law / International Trade Law at the T.M.C. Asser Institute in The Hague, and is the editor of the European Environmental Law website (<http://www.eel.nl>) and of several environmental journals and loose-leaf publications. He specialises in European and international environmental law and has lectured and published widely in these fields.

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TERRORISM AND THE INTERNATIONAL LEGAL ORDER

With Special Reference to the UN, the EU and Cross-border Aspects

Edited by Peter J. van Krieken

Terrorism is often presented as the scourge of the 21st century. Yet, the September 2001 events did not come out of the blue as terrorism is not a new phenomenon. Perhaps new are the widespread scale and the audacity thereof.

Similarly, the efforts to create the legal framework to combat terrorism go back a great many years. New, however, is the comprehensive and concise approach.

Terrorism and the International Legal Order introduces the reader to the various aspects surrounding the efforts which have been undertaken to enhance cooperation and coordination in the war against terrorism. It deals with jurisdiction and extradition, with the ICC and the ICJ, with safe havens and cross-border aspects.

Van Krieken takes the reader back to the basics of international law. He brings together dozens of key documents on terrorism in the context of the international legal order, all preceded by succinct introductions. He pays ample attention to all the UN organs, the Security Council and ECOSOC in particular, and to the European Union and its efforts to harmonize legislation.

As fear exists that the fight against terrorism will erode the human rights regime, Van Krieken puts human rights in the broader context of international law and the quest for peace and justice. But he also extensively addresses the issue of asylum seekers and migrants who may have

been, are, or might become involved in terrorism-related acts. All relevant arguments and instruments have been presented in an illustrative and accessible manner.

Dr. Peter van Krieken lectures in international law, human rights and humanitarian law at Webster University (Leiden, St. Louis) and serves as a special advisor in international affairs with the Netherlands Ministry of Justice/IND. His extensive experience with the United Nations, particularly in war zones and crisis areas (Middle East, Southern Sudan, Pakistan/Afghanistan to name but a few), made him the ideal expert to embark on a Volume on Terrorism.

"...this Volume is more than just a (re-)collection: it should be considered extremely useful for practitioners and academics alike who wish to acquaint themselves with the extensive emerging body of international anti-terrorism law and with the ways in which international law can and ought to be employed in order to suppress and prevent international terrorism, to promote peace and justice and to deny terrorists 'safe havens'..."
Nico Schrijver, Chairman of the Academic Council on the UN System, NY.

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Internationaal, Communautair en Nationaal IPR

Preadviezen Nr. 125 van de Nederlandse Vereniging voor Internationaal Recht

C.A. Joustra Naar een communautair internationaal privaatrecht!
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M.V. Polak Oppassen – Inpassen – Aanpassen
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De preadviezen van Joustra en Polak gaan in op de verhouding tussen internationaal, communautair en nationaal IPR, waarbij het Preadviez van Joustra het communautaire perspectief en het preadvies van Polak het nationaal-Nederlandse perspectief centraal stelt. In beide Preadviezen ligt daarbij de nadruk op onderwerpen van IPR-procesrecht, dat wil zeggen op vragen van rechtsmacht, erkenning en tenuitvoerlegging van rechterlijke uitspraken en overig internationaal procesrecht, zoals betekening en bewijsverkrijging. De Preadviezen werden besproken in de op 1 november 2002 gehouden Algemene Ledenvergadering van de NVIR.

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2001, ISBN 90-6704-138-6, 135 pp., gebrocheerd, € 20.00

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Handbook on European Enlargement

A Commentary on the Enlargement Process

Edited by

Andrea Ott and Kirstyn Inglis

With a Foreword by Professor Marc Maresceau

The *Handbook on European Enlargement (HEE)* is the most comprehensive legal commentary on the enlargement process, which brings together 52 leading authors from Member States and candidate countries, who are working at the European Commission, universities and in public administrations.

The underlying rationale is to depict and analyze the legal framework for the enlargement process and to provide a comprehensive guide to academics, practitioners and students. To do this the *HEE* covers the Europe Agreements and Association Agreements, decisions of the Association Councils, appropriate judgments of the ECJ, the Accession Partnerships, the candidate countries' National Plans for the Adoption of the *Acquis* as well as the role of the European Commission (Progress Reports), the funding instruments that underpin the whole process (PHARE, ISPA, SAPARD) and the legal orders of the candidate countries.

More specifically, the *HEE* tackles:

- the legal, political and historical background to the present enlargement preparations
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- how the (re-oriented) Europe Agreements apply
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- the chapters of the EU/EC *acquis communautaire* and their implementation in the candidate countries and practical examples of problems arising
- the pre-accession process and the Accession Partnerships
- financial and technical assistance and its application in the accession phase to, e.g., agriculture, infrastructure, environment
- the accession negotiations in progress.

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CONTENTS

Articles

- TH.M. DE BOER, Jurisdiction and Enforcement in International Family Law:
A Labyrinth of European and International Legislation 307
- ZS. DEEN-RACSMÁNY, The ICC, Peacekeepers and Resolution 1422:
Will the Court Defer to the Council? 353

Netherlands Judicial Decisions Involving Questions of International Law

- President of The Hague District Court, 26 February 2002, *Milošević v. ICTY
and the Netherlands* 389

Book Reviews

- I. Boccardi, *Europe and Refugees: Towards an EU Asylum Policy* /
R. Byrne; G. Noll; J. Vedsted-Hansen, eds., *New Asylum Countries?
Migration Control and Refugee Protection in an Enlarged European Union*
(K. Henrard) 395
- E.H.P. Brans, *Liability for Damage to Public Natural Resources: Standing,
Damage and Damage Assessment* (A. Carette) 404
- E. Gayim, *The Concept of Minority in International Law: A Critical Study
of the Vital Elements* (K. Henrard) 408
- M. Politi; G. Nesi, *The Rome Statute of the International Criminal Court:
A Challenge to Impunity* (M. Hector) 412
- R. Potok, gen. ed., *Cross Border Collateral: Legal Risk and the Conflict of Laws*
(A.V.M. Struycken) 416
- W.H. Rechberger; G.E. Kodek, eds., *Orders for Payment in the European Union/
Mahnverfahren in der Europäischen Union/L'Injonction de Payer dans
l'Union Européenne, Civil Procedure in Europe* (M. Zilinsky) 419
- A. Tanzi; M. Arcari, *The United Nations Convention on the Law
of International Watercourses: A Framework for Sharing* /
S.C. McCaffrey, *The Law of International Watercourses: Non-navigational Uses*
(A. Hilderling) 422
- G.R. Watson, *The Oslo Accords: International Law and the Israeli-Palestine
Peace Agreements* (L. Lijnzaad) 427

- Hague Case Law - Latest Developments (K. HENRARD) 431

- Books Received and Available for Review 435

- Announcements 436

- Contents of Volume XLIX 437

