
N I L R

NETHERLANDS
INTERNATIONAL
LAW
REVIEW

INTERNATIONAL LAW
CONFLICT OF LAWS
COMPARATIVE LAW

1997 – VOL. XLIV – ISSUE 3

MARTINUS NIJHOFF PUBLISHERS

A Modern Approach to the Incidental Question

by Rhona Schuz

KLUWER LAW INTERNATIONAL, THE HAGUE

JULY 1997, HARDBOUND, PAGES: 296

ISBN: 90-411-0668-5

PRICE: NLG 175.00 / US\$ 108.00 / GBP 68.00

The incidental question in conflict of laws has never been adequately discussed and no consensus has emerged from the literature or case law. This book offers a new approach to the incidental question, based on a shift in the method of analysis of the problem and on result-selecting techniques. Using a clearly defined methodology, preference rules are deduced which will determine the outcome of the incidental question in each particular type of situation. The work is unique as the methodology used can be adapted to any legal system. The author concludes that the ideal solution would be for the preference rules as recommended by her to be incorporated into the Hague Convention dealing with the topic in question. The work is aimed at those working in the field of private international law.

Pasicrisie internationale 1794-1900

Histoire documentaire des arbitrages internationaux

by H. La Fontaine

Preface by, Pierre Michel Eisemann

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JULY 1997, HARDBOUND, PAGES: 688

ISBN: 90-411-0454-2

PRICE: NLG 345.00 / US\$ 214.00 / GBP 135.00

When the United Nations undertook the publication of the *Reports of International Arbitral Awards*, the *Pasicrisie internationale* was identified as being one of the rare truly general collections of international case law in existence. In fact, in deciding to publish the arbitration clauses and arbitral awards from 1794 to 1900, Henri La Fontaine was doing pioneering work, foreshadowing the famous *Reports* by half a century.

As we near the end of the century, the *Pasicrisie internationale* remains just as pertinent as it was when first published in 1902. This collection of arbitral awards, despite its modest appearance, has certainly contributed more to the development of international arbitration case law than any number of lyrical speeches advocating peace through law.

First edition printed in 1902 by Stämpfli, Bern.

Lorsque l'Organisation des Nations Unies entreprit la publication de son *Recueil des sentences arbitrales*, elle identifia la *Pasicrisie internationale* comme constituant l'une des rares véritables collections générales de jurisprudence internationale préexistantes. De fait, en décidant de rassembler les clauses compromissoires et les sentences arbitrales de 1794 à 1900, Henri La Fontaine avait fait oeuvre de pionnier et il préfigurait, avec un demi-siècle d'avance, le célèbre *Recueil*.

En cette fin de siècle, la *Pasicrisie internationale* constitue donc un outil de travail toujours aussi actuel que lors de sa publication en 1902. Cette compilation de sentences arbitrales, d'apparence modeste, a certainement plus contribué au développement de la jurisprudence arbitrale internationale que bien des discours lyriques prônant la paix par le droit.

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NETHERLANDS INTERNATIONAL LAW REVIEW

**NETHERLANDS
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INTERNATIONAL LAW – CONFLICT OF LAWS – COMPARATIVE LAW

VOLUME XLIV (1997)

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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 Institute.

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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 Law International, Sales Department, P.O.Box 85889, 2508 CN The Hague, The Netherlands. Kluwer Law International incorporates the publishing programmes of Graham & Trotman, Kluwer Law & Taxation and Martinus Nijhoff Publishers.

ISSN 0165-070X

Library of Congress catalogue card number LC 79-65199

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