



**Jonkheer  
Haro F. van Panhuys  
1916 ~ 1976**

## PREFACE

In the series of biographical essays by which the T.M.C. Asser Instituut commemorates prominent Dutch teachers and scholars of international law and recalls their contribution to the furtherance of international legal education and research, we now include a booklet dedicated to the life and work of Jonkheer H.F. van Panhuys, Professor of International Law at Leyden University from 1959 till his untimely death in 1976.

During his academic years Van Panhuys was closely involved in the work of the T.M.C. Asser Instituut which benefitted greatly from his keen and loyal support and from the scholarly contribution he made to several of its research and documentation projects, both as a member of its Academic Board and, for too brief a period, as Chairman of its Committee for Public International Law. To name just one of his significant contributions, it was Van Panhuys who initiated the Institute's comprehensive work on the implementation and development of international legal standards in Dutch State practice, work that resulted in the publication of the three-volume handbook '*International Law in the Netherlands*'.\* The Institute, in turn, closely assisted Van Panhuys in the publication of the work he wrote in his final years, a brilliantly conceived, imaginatively written introduction to the '*Law in the World Community*'.\*\*

The author of the present essay, Dr. M.J. van Emde Boas, worked closely for many years with Van Panhuys at the Faculty of Law of Leyden University. He became intimately acquainted with Van Panhuys' often original and refreshing approach to legal education and research and, as they developed closer ties of friendship, with that other side of Van Panhuys' inspiring personality: that of the highly talented artist who in his pictures, and with as much a sense of irony as with care and

\* H.F. van Panhuys et al., eds., *International Law in The Netherlands*, 3 Vols., Alphen aan den Rijn (1978-1980).

\*\* H.F. van Panhuys, *Het Recht in de Wereldgemeenschap* [Law in the World Community], Groningen/Leiden (1974).

love, created for himself and for those nearest to him a private world of colourful imagination.

Very much as Van Panhuys himself did in the years preceding his university career, the author acquired a wide experience of work in the managerial and legal service, having held prominent posts in the Council of Europe as well as in the Netherlands' Ministry of Justice before rejoining the Dutch academic ranks to become again fully engaged in international legal research as a fellow of the T.M.C. Asser Instituut.

We are greatly indebted to Mrs. H.H.M.S. van Panhuys-Lasonder for her assistance in kindly furnishing us with information on various aspects of her husband's life and by making available for reproduction and inclusion in the present essay a number of Van Panhuys' artistic works.

In publishing this biographical essay we wish to pay tribute to Van Panhuys, as others have done before us.\*\*\* For those who had the privilege to work with him at the Foreign Office, at his University, at the T.M.C. Asser Instituut or elsewhere, this essay may serve to revive personal recollections of the man as he was: an excellent and inspiring teacher, scholar and artist, a good and sadly missed colleague.

C.C.A. Voskuil

The Hague, November 1987

\*\*\* F. Kalshoven et al., eds., *Essays on the Development of the International Legal Order in Memory of Haro F. van Panhuys*, Alphen aan den Rijn (1980).

: . . . *Ik had het zelf kunnen bedenken . . .*; van en over [of and about] Haro F. van Panhuys, Leiden (1977) at pp. 117-131.

---

**Jonkheer**  
**Haro Frederik VAN PANHUYS**

(1916-1976)

by M.J. van Emde Boas

T.M.C. Asser Instituut

## INTRODUCTION

In 1959 Jonkheer Haro Frederik van Panhuys was elected to the chair of Public International Law (*Volkenrecht*) at the Law Faculty of the University of Leyden. He proved a worthy successor in a distinguished line of predecessors, Jonkheer W.J.M. van Eysinga, B.M. Telders, and Baron F.M. van Asbeck.

Van Panhuys brought to the chair of international law, to his colleagues and to his students his own views on and approach to the origins, the character and the framework of the law of nations, as well as to the many, often topical, questions involved. At the time of Van Panhuys' election to the chair, public international law was in full movement. The construction of a more united Europe, closer economic and financial co-operation, decolonisation, and shortly thereafter the deterioration of the human environment are but a few of the matters affecting the world order at that time. Particularised professorial posts were or have since been created to deal with some of these new developments: the chair of European law, the chair specialized more specifically in the law and functioning of international organizations, and a special one devoted to topical political international questions. They were to be followed in due course by one devoted to human rights.

Far from defending his own field of activities against possible encroachment, Van Panhuys strove always for the closest possible co-operation with his *collegae proximae*. Together with his friends and colleagues, Dr. Ivo Samkalden, Professor of European Law and shortly afterwards twice Minister of Justice and subsequently Mayor (*Burgemeester*) of Amsterdam, and Dr. Carel H.F. Polak, Professor of Administrative Law and Minister of Justice from 1967-1971, he founded the European Study Group (*Europese Studiegroep*), where many outstanding practising lawyers came together once a month in order to consider and discuss new developments. Van Panhuys himself took an active part in its activities.

At the same time he took due care that his students of public international law became aware of and involved in the development of European law, and in the law dealing with the protection of the individual against encroachment upon his freedom and liberties by a State, being the individual's own State or a foreign one, as well as by other individuals. Another closely related topic with which Van Panhuys had a strong sense of involvement, and to which he made many a contribution, dealt with the protection of the human environment, a topic which he considered an important new task for international law.

Besides his personal friendship and close co-operation with his colleagues and his staff, Van Panhuys was deeply involved with his students. They truly were his pupils in the true sense of the word. As professor of public international law he was honorary chairman of the students study circle (*Dispuut*) 'Professor Telders', a job which he did not consider to be merely an honorary one. On the contrary, he was as active as any student member was expected to be, if not, indeed, even more so. Under his guidance the study circle extended its excursions to the Soviet Union and to the United States, thus learning at first hand and at the source itself how 'law' goes hand in hand with power.

Another important initiative, with which he was closely connected, was the moot court sessions. Van Panhuys wrote and illustrated a considerable number of imaginary incidents between fictional States. These were the subject of imaginary international court sessions, the 'countries' involved being represented by counsel, all roles being filled by his students.

This initiative, which originated at Leyden University as part of the international law curriculum, soon developed into a Dutch inter-university event, organized by the 'Professor Telders' study circle and with most Dutch universities taking part. The moot court sessions still continue but now on a much broader scale and with a much wider international (European) participation, but the organisation remains in the hands of the Leyden University 'Professor Telders' study circle.

The example thus set has also been followed on an inter-continental, world-wide, level. I refer to the 'Philip C. Jessup International Law Moot Court Competition', organized by the American Society of International Law and the Association of Student International Law Societies.

Unfortunately, Haro van Panhuys never saw the high European and inter-continental level to which his initiative was developed. But the importance of the event, the level of participation, and the interest shown internationally in the moot court competitions, constitute a worthy compliment to the late initiator.

Shortly after Van Panhuys' untimely death, the 'Professor Telders' study circle published in his memory a booklet under the title '*. . . I Might Have Devised it Myself . . .*'. In this booklet a fair number of moot cases devised and written by him are reproduced, as are the drawings with which he illustrated them.<sup>1</sup>



### THE ARTIST

The imaginary events retold in the 'Telders' booklet and the illustrations accompanying them are characteristic of Van Panhuys. They show another, no less important, aspect of his personality. Van Panhuys was not only the learned academic, he also was an artist in the true sense of the word. He was gifted as a story-teller. He was a talented drawer and painter. Last but not least, he was an accomplished poet, as he showed in communications written during his prolonged absences for reasons of ill health.<sup>2</sup>

If Haro van Panhuys had chosen an artistic career he would no doubt have risen to considerable prominence. Evidence of this is to be found firstly in his paintings and drawings. An exhibition was held in the Gallery Library of his home village Wassenaar, near The Hague (actually half-way between The Hague and Leyden) from 8th April to 11th May, 1972. The impression it made on the public was voiced in, amongst others, the 'Haagsche Courant', one of the most influential newspapers in The Hague region. Another exhibition was held in Voorschoten at 'Foreschate', a home for the care of the elderly, from 4th to 14th October 1975, and in Leyden in the Pieterskerk, early in 1976. Finally, after his death, an exhibition was held in Leyden at the Academiegebouw, the old university

1. '*. . . Ik had het zelf kunnen bedenken . . .*', van en over [of and about] Haro F. van Panhuys. Published on the occasion of the sixth Lustrum of the public international law study circle (*Dispuut*) 'Professor Telders' in memory of its Honorary Chairman, Leiden (1977).

2. *Ibid.* pp. 95-112.



building, from 6th October to 3rd November 1976, preceded by a smaller exhibition in the Aula on the occasion of the Commemoration of Haro van Panhuys in April 1976.

The 1972 Wassenaar exhibition was opened by Dr. J. W. Schulte Nordholt, a professor *cum* poet at Leyden University. He said that Van Panhuys was not a writer who also designed, the two-fold artist. 'No, he is the scientist who, to achieve repose, is also creatively active! This, as Schulte Nordholt said, is actually a *dedoublement* of his personality, the age-old dialogue between the intelligence and the heart. His art is not heavy, but possesses rather an element of lightness. His imagination is spiritual, playful. The spirit blows wherever it wishes to go. Thus his artistically creative side implies the reconciliation of the antitheses. The critical reviews in the newspapers all underline that Van Panhuys' works surprise by the forcefulness of the world of dream. His art came from within, it was the demonstration of a sensitive life which, always full of colour, embodies the *enstrangement* but was often coupled with humour and phantasy. It is thus a most sympathetic phantasy world. It embraces many aspects of the art of drawing and painting: oilpaint, aquarel, pen and ink drawing, and hand-painted tiles. Van Panhuys had developed a style of his own which appealed to a large section of the public. From the very start, Van Panhuys himself had been most discreet about his artistic side, especially about his capability as a painter. Even his closest friends were not aware of it. But after his first heart attack, that capability became more publicly known. The creation of designs and painting was encouraged by his doctor, more specifically after he had forbidden the continuance of any academic and scientific work. What thus became apparent were the many-sided and humouristic aspects in his work, which testify to his varied and intensive life and his wide interest in humanity and nature.<sup>3</sup>

## THE YOUNG VAN PANHUYS

Haro van Panhuys took much after his father who died when the young Haro was only a boy of twelve. His father had shown the same artistic talents in which Haro was to excel. His father had been known as a good poet, a great story-teller and a fair painter. This gifted and most sensitive personality also read law at Leyden University. Following family tradition he opted for a career as a civil servant. He was Clerk to the

3. Cf., Baroness A.J.L. van Haersolte-Dijk, in *op.cit.* n. 1, at pp. 132-133.



Supreme Court (*Hoge Raad*) of the Netherlands when he suddenly died at the early age of 48. Thus his mother was left alone with two boys and one small daughter to whom she remained devoted for her entire life, her love being duly returned by her children.

Haro went to the 'Sorghvliet' Christian grammar school in The Hague. He excelled, among other things, as an actor and as chairman of the school association of pupils (*Schoolvereniging*). In 1935 he passed the final exams and went to Leyden University. Under the influence of the school and the church and its outstanding minister, Haro took up the study of theology, which he continued for two years. Then, convinced that he would never be able to transmit the Lord's message in the way he considered it should be done, in 1937 he returned to the family tradition and read law. He also took an active part in the student life in and around the Leyden student fraternity (*Studentencorps*) and its club (*societeit*), 'Minerva'. He was elected secretary (*ab-actis*) to the *Leidsch Studentencorps* and published many contributions in the fraternity's paper, 'Virtus'. Notwithstanding his many activities he took his degree in law in 1941. He was awarded his doctorate in law *cum laude* in 1959 with a dissertation on '*The Rôle of Nationality in International Law*'.<sup>4</sup>

During the war years Van Panhuys acted as personal assistant to Jonkheer Van Beeck Calkoen, a children's judge (*kinderrechter*) at the District Court of Arnhem. On the cessation of war in 1945 he became a staff member in the Dutch Ministry of Foreign Affairs. He was soon called on to serve on the staff of the Legal Advisor, Professor Dr. J.P.A. François. In 1950 he was appointed Deputy Legal Advisor, in which capacity he attended a great number of international conferences, notably the Conference on the Law of the Sea in Geneva in 1958.



4. H.F. van Panhuys, *The Rôle of Nationality in International Law, an Outline*, Leyden (1959).

## THE ACADEMIC

After his election to the chair at Leyden University in 1959 Van Panhuys held the usual number of extra-curricular positions. He was appointed a member of the International Law Consultative Committee of the Ministry of Foreign Affairs. He was also chairman of that Ministry's Committee on Disarmament, International Peace and Security. As a Leyden professor of international law he was closely involved in the work of the T.M.C. Asser Instituut and became a member of its Scientific Board and Chairman of its Committee for Public International Law.

He was a member of the Boards of the Hague Academy of International Law and the Institute of Social Studies, The Hague. He also lectured at both institutions, as he did at the Royal Military Academy. He wrote extensively and published many articles and book reviews. Finally, it should be mentioned that in 1967 Van Panhuys was elected a *Membre Associé* of the *Institut de Droit International*.

Van Panhuys' election in 1959 to the chair of public international law at Leyden placed him in succession to a line of outstanding predecessors, not all of whom belonged to the same school of thought, notably about the character of public international law and its place with regard to municipal law and the legal structure generally. If we may simplify somewhat, Van Eysinga and Van Asbeck were monists who placed strong emphasis on the priority of international law over national domestic law. Van Eysinga was a first rate authority on Grotius, while Van Asbeck with a colonial background and a record on the League of Nations' Mandates Commission, laid strong emphasis on human rights. Telders entertained a dualist conception while at the same time being deeply conscious of the link between international law and the phenomenon of history. Telders' most promising career was terminated by the Nazi oppressors when he died in a concentration camp a few weeks before the liberation.

In international law Van Panhuys had been a student of Telders, but he enjoyed many contacts and a close relationship with Van Eysinga, at that time a judge at the Permanent Court of International Justice. Van Eysinga, who had been befriended by Haro van Panhuys' father, exercised a strong influence on him, as Haro later and on many occasions fully recognized.<sup>5</sup> It was from Van Eysinga that Haro van Panhuys derived his respect for Cornelis van Vollenhoven.

5. See, e.g., '*Herdenkings - In Memoriam - Prof. Jhr. Mr. W.J.M. van Eijsinga*', (In Memoriam speech for Prof. Jhr. Mr. W.J.M. van Eijsinga), 39 *Leidse Voordrachten*, Leiden (1961) pp. 3-11.

Cornelis van Vollenhoven, who wrote a thesis on the '*Scope and Content of International Law*' surveyed therein what, in his view, international law should encompass and the questions it should address. His thesis was most progressive for the time (1898). He delimited the scope of international law, to include international legislation, international administration of justice, international executive government, and international policing. In addition, international law, with its precedence over domestic law, was to cover also private international law, international administrative law and international penal law. Thus Van Vollenhoven recognized the existence of one legal community, organized by international law. Moreover, Van Vollenhoven considered the State to be the source of law, including the Law of Nations. In his view the State derived this authority from the duty it owed to society.<sup>6</sup>

Van Vollenhoven was certainly a man with vision. Van Asbeck called him a man devoted to legal history and comparative law, who strove for reform of the law but did not break with its historical growth and thus did not disturb its basic foundations in the light of the new perspectives to be seen on the horizon.<sup>7</sup>

The starting point of all Van Vollenhoven's thinking about the State and law and his efforts to reform the law, is the Grotian conception of the *societas humana*. This concept underlay his whole life's work, both in colonial law, where he was an early, and not always appreciated, precursor of the self-autonomy of what he already called Indonesia, and in international law. He professed the concept of prohibition of aggressive war. This basic idea, proclaimed in 1898, was slowly taken up after World War I in the League of Nations Pact, and more elaborately in the Kellogg-Briand Pact of 1928. It is more clearly established in Article 2(4) of the United Nations' Charter.

Van Vollenhoven had a brilliant career. He never became a professor of international law, but remained a modern and important teacher of the *adat* law of the Dutch East Indies (Indonesia) and the State and administrative (public) law of the Dutch East Indies, Suriname and Curaçao. In that capacity he was one of the founders

6. Van Vollenhoven, *Omtrek en Inhoud van het Internationale Recht*, Leiden (1898); English translation in *Bibliotheca Visseriana*, Vol. 10 (1932) pp. 1-184.

7. See the Cornelis van Vollenhoven Foundation's *Herdenking van de 100ste Geboortedag van Cornelis van Vollenhoven (1874-1934)* [Commemoration of the centenary of the birth of Cornelis van Vollenhoven], Leiden (1975) at p. 1.

of modern colonial law, advocating the self-government and emancipation of the colonies, albeit within the framework of the Kingdom of the Netherlands. Van Vollenhoven also played an important role as a diplomat, as an international negotiator, and as an international arbitrator in the Mexican-United States General Claims Commission (1924-1927). Fully in line with the ideas laid down in his thesis, he placed his considerable gifts at the service of the promotion of a world-wide legal order and the prevention of international conflict.<sup>8</sup>

Van Eysinga considered Van Vollenhoven a worthy if not equal successor to Grotius, the founder of the modern Law of Nations. He considered that in 'character and brilliance the small book of 1898 equals the bulky volume of 1625', i.e., Grotius' *De jure belli ac pacis*. Van Eysinga added: 'Like Grotius, he is a positivist, in the sense that he views the law as it is, in all its diversity and constant evolution, and establishes in it the order which science needs and by which it is characterized'.<sup>9</sup>

A Van Vollenhoven Foundation for the promotion of the study of public international law was established at Leyden University in 1954. Through the influence of Van Eysinga, Van Panhuys had become strongly influenced by Van Vollenhoven's conception of international law and international relations. In 1961 Van Panhuys himself became chairman of the Van Vollenhoven Foundation.



## PUBLICATIONS

Van Panhuys became one of the few original theoreticians of public international law in the Netherlands in the post World War II period. Through the years he developed a clear conception about the place and the function of international law, which culminated in his last book, *'Het*

8. Ibid. pp. 2-5.

9. W.J.M. van Eijsinga in *Grotius Annuaire International* (1934) *passim*.

*Recht in de Wereldgemeenschap* [Law in the World Community].<sup>10</sup> His development as a theoretician was fully realized after his appointment to an independent academic position. However, he was never, nor did he ever intend to become, a dogmatist. What actually interested him was the reality of life. An expression thereof was his thesis, *'The Rôle of Nationality in International Law'* (1959).

His earlier publications, written when he was a staff officer of the Dutch Foreign Office's Legal Department, were more concerned with matters he was directly and actively involved in as a civil servant. Such a position naturally limits the full liberty of expression in public, including the writing of articles. It did not prevent him, however, from being actively and closely concerned with new developments. On the contrary! It gave him subjects for publications promoting his own views, even when not expressed as such. Van Panhuys was actively connected with the rewriting of the articles of the Dutch Constitution dealing with international relations and with the precedence of written international law over national legislation, enacted either before or after the conclusion of an international agreement.<sup>11</sup> He was also active in respect of the elaboration of the Statute of the Kingdom of the Netherlands of 29 December 1954. The Statute regulates in particular the relations between the Netherlands and its former colonies, each partner being master of its own internal matters, the Kingdom as a whole acting at the international level, where necessary

10. H.F. van Panhuys, *Het recht in de wereldgemeenschap. Een korte inleiding tot het volkenrecht* [Law in the World Community. A Concise Introduction to International Law], Groningen/Leiden (1974).

11. 'De nieuwe Nederlandse Grondwet' [The new Dutch Constitution] in VIII *Tijdschrift voor Bestuurswetenschappen en Publiekrecht*, nos. 4 and 5 (1953) pp. 227-233.

H.F. van Panhuys, 'The Netherlands Constitution and International Law', 47 *AJIL* (1953) pp. 537-558; and by the same author, 'De regeling der buitenlandse betrekkingen in de Nederlandse Grondwet' ['The regulation of foreign affairs in the Dutch Constitution'], 34 *Mededelingen van de Nederlandse Vereniging voor Internationaal Recht* (1955) pp. 28-50; and 'La révision récente des dispositions constitutionnelles relatives aux relations internationales' ['The recent revision of the constitutional provisions relating to international relations'], 71 *Revue du Droit Public et de la Science Politique en France et à l'Etranger* (1955) pp. 331-356;

H.F. van Panhuys, *'The Netherlands Constitution and International Law. A Decade of Experience'*, 58 *AJIL* (1964) pp. 88-108.

with the active participation of representatives of the country concerned.<sup>12</sup>

These activities and publications give an indication of his position as an international lawyer fully aware of international practice, concerned about the lack of effectiveness of international law but for the willingness and active participation of the States, which are creators at the same time as being subjects of the law of nations. From the very start Van Panhuys had also been preoccupied with the position of the individual in international law. He was certainly not, and never became, a monist along Kelsenian lines, but also he never turned fully to the dualist line of thought, which amounts to considering international and municipal law as two distinct spheres of law, which only come into contact with one another through a process of delegation and, where necessary, voluntary integration by a sovereign State.

As was said above, once he became an independent academic, Van Panhuys steadily developed his views on the nature and the purpose of the Law of Nations, as well as on the place the individual, either as an object or as a participant, occupied therein.

The development of Van Panhuys' reasoning may best be illustrated by four of his most important contributions:

- his thesis: *'The Rôle of Nationality in International Law'* (1959);
  - his inaugural address: *'Regional or General International Law? A misleading dilemma'* (1959);<sup>13</sup>
  - his lectures for the Hague Academy of International Law: *'Relations and Interactions between International and National Scenes of Law'* (1964)<sup>14</sup>
- and his final work:
- *'Law in the World Community: A Concise Introduction to International Law'* (1974).

12. H.F. van Panhuys, '(Niederlande-) Das Statut des Königreichs der Niederlande, in Kraft getreten am 29. Dezember 1954' [(The Netherlands) The Statute of the Kingdom of the Netherlands, entered into force on 29 December 1954], 16 ZaöRV (1955) No. 2, pp. 304-317 and by the same author, 'The International Aspects of the Reconstruction of the Kingdom of the Netherlands in 1954', 5 NILR (1958) pp. 1-32; and 'De rechtspersoonlijkheid van het Koninkrijk volgens het Statuut' ['The international legal personality of the Kingdom according to the Statute of the Kingdom'], 11 NJB (1959) pp. 207-209.

11 NJB (1959) pp. 207-209.

13. 8 NILR (1961) pp. 146-164.

14. II Hague Recueil (1964), pp. 7-81



His views and his method of work were also illuminated in a number of publications, dealing not merely with a description of existing facts, but with the question of the reciprocal relationships that obtained. What touched Van Panhuys more specifically was the underlying relationship between the rules of international law as it presently exists and the deeper philosophy behind the rules.<sup>15</sup>

When judged by the publications cited above, Van Panhuys may be considered an idealistic positivist, who sought the mandate of the actors both on the international and on the domestic scene. The actors he had in mind were the national governments and their civil servants, the international civil servants, the national and international judges. He explained how the legal relationships they had entered into with the organization, or the State, which they served, circumscribed the mandate of each of these individuals and founded their capacity or their duty to recognize and to apply rules of law, including international law. Some legal systems, such as the Dutch, may opt for the direct application of (self-executing written) rules of international law in the national legal sphere; others, such as the British, on the one hand, and the German and Italian, on the other, will only apply international legal rules after they have been transformed into, respectively adopted by, the domestic legal order. Van Panhuys advocated an approach to the study of international law aimed primarily at exploring the functioning of rules, introduced and applied either domestically or internationally, with a view to solving problems of an international nature, rather than at establishing standards by which to define in an abstract manner the legal quality that rules of international law should possess. In doing so he looked for and relied on the building materials available, notably the solution to problems of an international nature adopted in the legislative, judicial and administrative practices of individual nations. In this vein he was the initiator in 1967 of the project which led to the publication by the T.M.C. Asser Instituut of the three-volume *'International Law in the Netherlands'*, published from 1978 to 1980. This manual, which emphasizes Dutch doctrine and practice, particularly in the post-1945 era, is an inter-university project. Until his untimely death in 1976 Van Panhuys was chairman of the Editorial Committee.<sup>16</sup>

15. See the publications (articles) cited by Prof. Mr. F. Kalshoven, 'In Memoriam Lecture for Haro F. van Panhuys', reproduced in '*. . . Ik had het zelf kunnen bedenken . . .*', op. cit. n. 1, at pp. 127-128.

16. Cf., C.C.A. Voskuil, 'Preface' *International Law in the Netherlands*, Alphen aan den Rijn (1978).



But, and this is an important aspect of his realistic approach to rules affecting the international legal order, Van Panhuys accepted the existence of imperative peremptory directives, binding both international and municipal organs, as well as individuals. Examples thereof are, at the level of general universal international law, the Nuremberg principles relating to the personal responsibility for serious encroachment on international peace, the prohibition of and responsibility for war crimes, and the safety and security of individual persons; and at the level of regional international law, European law, human rights and freedoms, and the peremptory rules of European Community law.

In such cases the (national) mandate of institutions and/or persons is no longer decisive. Non-compliance with these imperative directives will result in responsibility under general or particular international law. It is in this way that international law may penetrate into the scene of municipal law regardless of the national mandates concerned. This penetration cannot be reasoned away by dualist arguments. Thus, according to Van Panhuys, there exists a 'direct communication' between international legal rules and domestic law, which constitutes a major breakthrough in the bulwarks buttressing the sovereignty of States as that has been perceived by traditional law, and as it is still maintained in some conservative quarters.

## **HIS THESIS**

The above philosophy, which was more fully elaborated in his Hague Academy course of 1964, had already emerged in his thesis. After a description of the traditional function of nationality in international law, he there gave an indication of the hopeful development of the individual not merely as a subject of a sovereign State, but as a participant in the international legal scene, notably as an international servant, and as the subject of internationally established human rights.

The traditional function of nationality in international law would decrease in a modern inter-human international law. As the world is at present, Van Panhuys wrote in his thesis, the traditional and limited role of men is rapidly changing. Alongside the equivalence of States in post-colonial times, there exists the equivalence of man; and alongside the equality of States, the equality of man has also become part of positive international law. However, he wrote in 1959, the reality of the time remains far removed from the goal of 'equal' subjection to global law. But a real community of the law as between the 'national units' shall come in-

to being. Other criteria will soon take its place as a status-defining factor. In this context Van Panhuys cited as examples the common and reciprocal nationality links between the Commonwealth countries, some Central American countries, and, with prudence and many reservations, the Member States of the European Communities. It was to be hoped that mankind would not cease to strive for the establishment and development of a real international system of law, if possible along the lines of Grotius' *magna humana societas*. Van Panhuys stressed the desirability of a revision of the conceptions of nationality directed at enabling men fully to participate in the system of public international law.

However, Van Panhuys had to end his thesis with the conclusion that, at the present stage of development, 'apart perhaps from some minor retouches, the general concept of nationality — reflecting as it does the pattern of international (and largely inter-State) relations — should not, in the absence of a fully developed protection of individuals in their capacity of members of the international community, be lightly relinquished'.

As regards the future, Van Panhuys was afraid that States would continue to consider themselves 'as entities in themselves, a kind of impermeable "beings" which are the exclusive *subjecti* of international law and of which individuals, in their capacity of nationals, constitute the cells. An intermediate possibility would be that the world will be divided into blocks, not only as regards politics, but also *de jure*. If the modern atomic age brings about an international community of which not States, or conglomerates of States, but man would become the *ἄ-τομος* unit, its name would be honoured — provided, however, that in this capacity men are not looked upon as members of a State of termites, but as bearers of a personality, that is to say as members of a truly Grotian community'.<sup>17</sup>

## INAUGURAL LECTURE

In his inaugural lecture, '*Regional or General International Law? A misleading dilemma*'<sup>18</sup> Van Panhuys, following the Permanent Court of International Justice in the *Serbian Loans Case* (1929), defended the existence of a 'true international law governing relations between States'. He added that the central issue at the present time is rather whether it is correct to assume the existence of a general and, in fact, global system of in-

17. Op.cit. n. 4, at p. 239.

18. See n. 13 *supra*.

ternational law or whether only regional systems of international law exist. This general approach reveals at least his predisposition to the existence of public international law as an objective law governing the relations between States, whether that be at the regional or the world-wide level.

Van Panhuys indicated that the existence of regional international law, if founded on *particular* international law laid down in treaties, presupposes the rule *pacta sunt servanda* as a fundamental rule of general international law. But he added that the slogan 'regional or general international law' misrepresents the real issue, namely, whether *in addition to other theories* it is justifiable to premise a truly global law of nations. An affirmative answer does not in any way imply that rules of 'external' municipal law, or rules of particular international law, could not be co-existent with general international law. The existence of such a law is evidenced by its continual invocation by States from all blocs. Secondly, there is the gradual acceptance of the Charter of the United Nations as a world constitution. The concept of a general international law underlies many provisions of the Charter, such as those confirming the sovereign equality of States, which principle is not absolute, but does signify equal responsible participation in a world-wide legal order. This is also borne out by the jurisprudence of international courts, such as the International Court of Justice and the United Nations Administrative Tribunal. Both have spoken of a 'legal order' and 'the organized legal system of the United Nations'.

General international law, being hardly more than the co-ordination of sovereignties, is a primitive and unstable legal order. But that does not alter the fact that it is a legal order! Within this general legal order, States may create a more stable regional or other particular legal order. Examples thereof are the (British) Commonwealth of Nations, the Organization of American States, and the European Communities. These are, Van Panhuys said, symptoms of a tendency towards 'autonomous' particular international law, which must be distinguished from particular international law, whose creation has been provided for and regulated by international law of a more general character, e.g., the Conventions on the Law of the Sea. Within the creation of particular international law special emphasis should be given to the transfer of fragments of sovereignty to integrated bodies, such as the European Coal and Steel Community. Later, in 1966, Van Panhuys described European Community law as public international law in a formally juridical sense, but not in the sociological sense. First of all, because it regulates legal relationships between in-

dividuals and the Communities. In addition, it provides rules intended to govern relationships between individuals, and between individuals and States. Thirdly, because it often applies ideas which formerly were only known in municipal law. Finally, because the three founding treaties created organs with completely different powers than those of organs known in traditional public international law treaties. Community law is directly applicable in the legal order of the Member States, irrespective of those States' traditional conception of the (direct) application of rules of general international law in the municipal legal order. Community law overrules municipal law. Moreover, it provides for a proper Community tribunal, to which private persons may apply, notwithstanding the 'local remedy' rule, and whose judgments are directly and immediately binding on the Member States. Also, the national judges are obliged to apply Community law directly. Community law has thus created a mandate for Community judges, as well as a complementary one for national judges. As far as the relationship between Community law and other public international law is concerned, difficulties could be expected in the event of conflict between the former and the latter when the latter applies in relationships between Community Member States and third States, as is the case with the Rhine Navigation Convention (Act of Mannheim 1868). It might be appropriate to conclude new rules in order to settle eventual conflicts between all States involved.<sup>19</sup> Imperative rules of public international law could prohibit the creation of regional organizations aiming at aggression, being a flagrant violation of international public order. Moreover, it is a well-established principle of international law that a State may not escape its international responsibility by invoking its domestic laws. *Mutatis mutandis* this applies also to bodies of a type such as the European Communities, endowed by the participating States with a legal personality ranking more or less above the Member States. Thus, a State's treaty-making powers should be seen in close connection to its international responsibility. The same holds true when a State transfers its

19. H.F. van Panhuys, 'De verhouding tussen het volkenrecht, het Gemeenschapsrecht en het recht der lid-Statens in het licht van het mandaat van rechters' [The relationship between public international law, community law and the law of the Member States in the light of the mandate of judges], in *De rechtsorde der Europese Gemeenschappen tussen het internationale en het nationale recht* [The legal order of the European Communities between international and municipal law], *Europese Monografieën* No. 6, Deventer (1966) pp. 13-36, in particular pp. 14-17 and pp. 35-36. Cf., also 'Conflicts between the Law of the European Communities and other Rules of International Law', *CMLR* (1965-1966) pp. 420-449.

sovereignty to supra-national organizations with regard to certain 'integrated matters'. A regulation of the relationship between particular and more general international law has been attempted by the drafters of Article 103 of the UN Charter: 'In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any international agreement, their obligations under the present Charter shall prevail'.

This provision confronted one with the difficult problems caused by conflicting treaties. Those problems may acquire practical importance for the organs of a more universal legal order, notably the International Court of Justice. It should be noted that it is not solved by Article 38 of the Statute of the ICJ which mentions under the sources of law to be applied by the Court 'international Conventions whether general or particular' without any indication of their mutual relationship.

The phenomena of international law were too complex to be explained by simply making a choice between regional or general international law. The existence of a general legal order may still be accepted as a working hypothesis though fully appreciating its unstable and primitive character. That character should be duly taken into account when considering the relationship between particular and general international law. As regards particular international law the question arises to what extent States are empowered to create it, a power which, in the light of the undeveloped character of general international law, can hardly be described as being 'delegated' by the latter. Van Panhuys supported Van Asbeck's exhortation in his farewell lecture to develop particular international law in so far as the progressive development of international law appears impossible in a wider connection. He also sided with Van Asbeck when warning that work on regional international law should in no way prejudice the work on, and the interest in, world-wide international law.

Those who work to develop particular international law should keep continuously in mind that the law created by them should be a reflection of how they would wish to see world-wide law developing. Particular international law and national law too, as the Netherlands Constitution reminds us, should always be infused with the legal thinking of the *magna universitas*, a thinking which makes it possible to see the significance of each form of particular international law, no matter how highly developed, in its relationship to the whole. The final stage of development is and should be the creation of a world law which vies qualitatively with 'particular'.

## THE HAGUE ACADEMY LECTURES

As indicated above, Van Panhuys' original approach to the legal rules affecting the world order, as those rules are to be found in the 'mandates' of the individual 'actors' in the domestic and regional legal orders, and general (world-wide) legal order, was most extensively treated in his 1964 Hague Academy Lectures on *'Relations and Interactions between International and National Scenes of Law'*.<sup>20</sup> He stressed that the mandate may be changed in the course of time, both in regard to its content and in regard to the parties to it. Examples thereof are furnished by two or more States merging into a new legal personality ('novation' of the mandate) and by the establishment of new States and thus more and different mandates, as is borne out by the emancipation of the Commonwealth countries. An intermediate position is taken by the European Communities, in so far as these cannot as yet be regarded as taking the place of the original Member States. Their establishment may, as we have seen, have some impact upon the mandates of national judges and legislators, but it does not truly 'novate' them. He then turned to the question whether the views advanced by him were 'dualistic', albeit in a somewhat disguised form. 'This inference is not warranted', Van Panhuys wrote. 'In the first place we must remind ourselves that the entire question of dualism versus monism can only arise as long as law is solely conceived of as a system, or as systems, of legal norms. Modern schools of legal philosophy are characterized by efforts to bring about a synthesis between law as a system of legal norms and law as a social fact. This trend must, of necessity, affect the whole problem concerning the relationship between international and municipal law'. In his opinion, 'there is no valid reason why the unity of the law, like the unity of the human race, should not be accepted as a general postulate. To that extent attempts to erect artificial partitions between the scenes of law must be looked at askance. On the other hand, it would be entirely unrealistic to maintain that international law is to be regarded as a valid system of law even in those States where rules of international law have no internal effect unless "incorporated". Furthermore, three important considerations should be taken into account. The first is that international law, if the mandates of national organs put no obstacles in the way, and provided its rules are phrased in a self-executing style, can and ought to penetrate into the lower scenes, capable of being obeyed and applied on these scenes.

20. See n. 14 *supra*.



The second consideration relates to the adoption theory versus the transformation theory as methods of carrying out international obligations. The third consideration is that a national mandate can be superseded by an imperative, or peremptory, directive emanating from the scene of international law'.<sup>21</sup>

### HIS FINAL WORK: LAW IN THE WORLD COMMUNITY

His final important, if not greatest, publication was the book already mentioned, *'Law in the World Community: A Concise Introduction to International Law'*.<sup>22</sup> That book was, as he said himself, not a compendium of international law, let alone a handbook. His object was to allow readers, already familiar with the basic principles of national law, to enter into the extraordinary world of public international law. In this respect he had in mind primarily those familiar with civil law. Moreover, his last book was more specifically intended for students. The book's conclusions were published in English in the In Memoriam Collection, *'Essays on the Development of the International Legal Order'*, under the title *'Some Observations by Haro F. van Panhuys About the Present and Future Rôle of International Law'*.<sup>23</sup> They contained the final chapters of his book, *'Law in the World Community'*: 'The Present', and, 'The Future'.

Van Panhuys, when speaking of international law at present, stressed its primitive and extremely 'uncentralized' character. Furthermore, to the extent that substantive law was concerned, he discussed the identification of the subjects of law and of the attribution of rights and duties. In that context he underlined that the duty to respect sovereignty occupies a central position in international law, particularly when it manifests itself within State territory. In so far as the procedural aspects of the law are concerned, he indicated as being central issues: protection of the legal order, settlement of conflicts and amendment of existing law. Where international law and municipal law meet in practice, either at the international or at the domestic level, they are not inherently foreign to each other. They may influence each other substantively and, in addition, the one may penetrate the domain of the other. But differences remained,

21. Loc.cit. pp. 73-76.

22. See n. 10 *supra*.

23. F. Kalshoven et al., eds., *Essays on the Development of the International Legal Order in Memory of Haro F. van Panhuys*, Alphen aan den Rijn (1980) pp. 213-230.



even at the moment when the municipal legal order, both in Europe and in other parts of the world, was in full movement.

The legal order within States is itself the result of a long and occasionally laborious historical process. Law is to a great extent, whether one likes it or not, the outcome of certain social conditions, but once in existence it may in its turn influence the social configuration. The concept of law is an extremely relative one and that endangers attempts to render it absolute. Present international law, determined by national and international social and political conditions, has not developed to a full awareness of the dangers that threaten mankind as a whole; dangers, moreover, that mankind has itself created. Notwithstanding these dangers one is faced with the exaggerated meaning ascribed to the sovereignty of the national State and the resulting juxtapositional structure of the international society. More specifically, it is the States of the 'third world' which rely on that. The great powers generally attach signal importance to the principle of sovereignty, certainly when their own sovereignty is involved. The superpowers consider themselves called upon and perhaps are called upon to act as mundial governor or policeman, in itself a consequence of the weak structure of international law. Turning then to international law in the future, Van Panhuys stressed that in the light of the great dangers that threaten mankind, present and future generations will have to exert all their energies to improve the world community, and the role of its law. By this is also understood reinforcing international law and improving its functioning. In this context Van Panhuys referred to the late well-known international lawyer, Friedman, who propagated the idea of the international law of co-existence and the international law of co-operation.

The international law of co-existence has essentially a negative meaning: it includes nearly all rules of classical international law, such as the rules concerning delimitation of mutual jurisdiction, immunity of States, ambassadors, etc., and the prohibition of aggression and other rules of that kind, which are founded basically upon the obligation to respect each other's sovereignty and the resultant obligation to abstain from actions which would interfere with that sovereignty. The international law of co-operation must be reinforced and expanded by all possible means, through the development of customary law and even more so by means of treaties. Of importance in this context has been the contribution of international conferences in drawing up countless treaties, dealing with, *inter alia*, maritime pollution. A good example thereof is the institutionalization of international conferences, which thereby turned into supra-State legislative bodies, such as the International Labour Organiza-

tion. For the present, at the world-wide level, those kinds of organizations only develop well in social and economic fields. The development ought to be promoted in other fields. In so far as it is not possible to expand the activity of international organizations on a global basis, the need arises to entrust the tasks deemed necessary to regional bodies, such as the Council of Europe, the European Communities, and the like.

Van Panhuys underlined that certain disadvantages attach to the purely 'regional' approach of what really ought to be done by mundial organizations. It encourages or at least prolongs the creation of regional or particular blocs with a resultant stagnation in the development of *mundial* international law. It is, therefore, imperative to strive to bridge the divide between regional organizations and between those and the universal organizations.

When reflecting on the future of international law the nearly apocalyptic horrors that threaten the existence of mankind loom over the horizon. Van Panhuys specified in this context nuclear armament, the problems of the developing countries and in particular the assault upon the human environment. The latter problem most especially gives cause for concern; it has an absolute emergency character. Having regard to the poor functioning of the world community and as a consequence thereof the poor functioning of a world law, it is precisely here that a very important task is reserved for students of international law.

Van Panhuys had on an earlier occasion in his article '*In Search of an International Law of Emergency, with Specific Reference to the Law of the Sea*',<sup>24</sup> called attention to the concept of a 'World emergency law' by analogy to the national law of emergency. 'If this idea were to be accepted, States would have individually the right and in fact also even the obligation, provided certain conditions were met, to take unilateral measures to combat pollution of the high seas and of the air above it, even though they were to have to comply with strict rules thereon. In particular they would have to abstain from a unilateral favouring of their own interests to the disadvantage of other States and their subjects, while they would have to stop their unilateral action immediately as soon as universal or regional organizations competent in that particular field are able and willing to take over the action'.

Van Panhuys brought his worthwhile and interesting book to a close by expressing the hope that the rulers of all countries, by application and

24. 3 NYIL (1972) pp. 148 et seq., at pp. 160 et seq.

strengthening of the 'international law of co-operation', would prevent a world emergency from threatening the existence of mankind.



## CONCLUSION

Haro van Panhuys' premature death at the age of 59 left a void in the world of scholars of international law. He was a many-sided, captivating, colourful and optimistic personality, combining artistic qualities with those of a scholar. The two were in his case closely interrelated. Van Panhuys can only be fully judged and appreciated when looked at from both sides of his personality, even though for a long time he kept his artistic side to himself and to those he loved and were closest to him. Haro had many friends and his early death together with the fuller acknowledgement of his diverse qualities, has contributed to a fuller appreciation of him.

Van Panhuys was a good man. He never lost faith in the belief that out of the present-day convulsions and the increasing number of conflicts of interest between States, a better world would grow. A distinctive aspect of all that Van Panhuys did was the emphasis he placed on the individual, both in his personal life and contacts, and also in his quest for the betterment of mankind. He respected the views of those from whom he differed, and always tried to understand the other's viewpoint. Above all, in the exercise of his function as a professor, he was not only the teacher but the close guide of his students. Of all his activities and all his work, be it scientific or artistic, it was that that he considered the most pre-eminent. And, in addition, the meetings and contacts with his students were for him a constant source of renewal and self-realization.

It is perhaps appropriate that his artistic and scientific talents were finally united on the cover illustration of his last book, '*Law in the World Community*'.

In his teaching, in his writings as also in his paintings, Van Panhuys never conformed to a set pattern. He was always renewing his thinking

and his painting, as ever characterized by his strong sense of relativism and humour. Central to his work as a scientist was the need for an effective development of the international legal order with a proper subjective and objective place accorded therein to the individual, a challenging but creative task. Central to his work as a painter was the colourfulness and the inventiveness of the subjects chosen, manifesting his tenderness and his love of light, colour and texture.

Judge Manfred Lachs, former President and presently a Member of the International Court of Justice, and a close friend of Haro van Panhuys, said in his Memorial Address <sup>25</sup> that '(Haro) was a man of great dignity, honesty, straightforwardness. He saw his life as a service to his fellow man, to his country, to the science to which he had devoted his life, to his pupils, to humanity'.<sup>26</sup>

In ending this survey of Haro van Panhuys' life and work, I would like to add a personal note. Having been for quite some time his closest collaborator, who also was allowed to enjoy his guidance and friendship, I cherish his memory, both as a forward looking scholar and as an imaginative artist. It was a privilege to know and to serve him.



25. *Op.cit.* n. 1, at pp. 117-120.

26. *Ibid.* at p. 118.

## PUBLICATIONS BY H.F. VAN PANHUYS

This bibliography, which first appeared in F. Kalshoven et al., eds., *Essays on the Development of the International Legal Order in Memory of Haro F. van Panhuys*, Alphen aan den Rijn (1980), was compiled by Dr. M. van Leeuwen Boomkamp-Oppenhuis de Jong. We express our appreciation to her, to the editors and to Martinus Nijhoff Publishers, for their permission to include it in this biography.

- 'De beoordeling door de nationale rechter in rechtsgedingen tussen particulieren van handeling van vreemde Staten' [The judging by national judges of acts of foreign States in legal disputes between private persons], *Rechtsgeleerd Magazijn Themis*, (1953), 3, pp. 217-249.
- 'De nieuwe Nederlandse Grondwet' [The new Netherlands Constitution], *Tijdschrift voor Bestuurswetenschappen en Publiekrecht*, VIII, (1953), 4 and 5, pp. 227-233.
- 'The Netherlands Constitution and International Law', *American Journal of International Law*, Vol. 47, (1953), 4, pp. 537-558.
- 'Facultatieve clausules I en II (slot). (Het vestigen van internationale rechtsbetrekkingen door het afleggen van eenzijdige in volkenrechtelijke overeenkomsten voorziene verklaringen)' [Optional clauses I and II (conclusion). (The establishment of international legal relations by making unilateral declarations envisioned in international agreements)],  
 (I) *Nederlands Juristenblad*, (1955), 6, pp. 113-120;  
 (II) *Nederlands Juristenblad*, (1955), 7, pp. 143-150.
- 'De regeling der buitenlandse betrekkingen in de Nederlandse Grondwet' [The regulation of foreign affairs in the Netherlands Constitution], *Mededelingen van de Nederlandse Vereniging voor Internationaal Recht*, 34, (1955), pp. 28-50.
- 'La révision récente des dispositions constitutionnelles relatives aux relations internationales' [The recent revision of the constitutional provisions relating to international relations], *Revue du Droit Public et de la Science Politique en France et à l'Etranger*, 71, (1955), pp. 331-356 (avril-juin).
- '(Niederlande -) Das Statut des Königreichs der Niederlande, in Kraft getreten am 29. Dezember 1954' [(The Netherlands) The Statute of the Kingdom of the Netherlands, entered into force on 29 December 1954], *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, Band 16, (1955), 2, pp. 304-317 (330).

- 'La succession de l'Indonésie aux accords internationaux conclus par les Pays-Bas avant l'indépendance de l'Indonésie' [The succession of Indonesia to international agreements concluded by the Netherlands before the independence of Indonesia], *Netherlands International Law Review*, 2, (1955), 1, pp. 55-75.
- 'Some Recent Developments of International Law in Respect of the Conflicts of Jurisdiction resulting from the Presence of Foreign Armed Forces in the Territory of a State. (Two Aspects)', *Netherlands International Law Review*, 2, (1955), 3, pp. 253-278.
- 'The International Aspects of the Reconstruction of the Kingdom of the Netherlands in 1954', *Netherlands International Law Review*, 5, (1958), pp. 1-31(44).
- 'De rechtspersoonlijkheid van het Koninkrijk volgens het Statuut' [The international legal personality of the Kingdom according to the Statute [of the Kingdom]], *Nederlands Juristenblad*, (1959), 11, pp. 207-209.
- 'De particuliere rechtspersoon, en haar nationaliteit, als volkenrechtelijk probleem' (with a summary in English) [The private legal person and its nationality as a problem of international law], *Netherlands International Law Review*, 6, (1959), pp. 213-228.
- 'The Rôle of Nationality in International Law' [Thesis — Leiden]. Leyden, A.W. Sijthoff, 1959.
- 'Regionaal of algemeen volkenrecht? Een te simpele vraagstelling' [See the next title]. Leiden, A.W. Sijthoff, 1959, 32 p.
- 'Regional or General International Law? A Misleading Dilemma. Inaugural Address', *Netherlands International Law Review*, 8, (1961), pp. 146-164.
- 'Herdenkings - In Memoriam — Prof. Jhr. Mr. W.J.M. van Eysinga' [In Memoriam Speech for Prof. Jhr. Mr. W.J.M. van Eysinga], *Leidse Voordrachten*, 39, (1961), pp. 3-11.
- 'Uitlevering van eigen onderdanen, Schijnwerpers op een oud vraagstuk' [Extradition of nationals. Spotlights on an old problem], *Tijdschrift voor Strafrecht*, LXX, (1961), 5/7, pp. 23-37.
- 'Recht in de Ruimte. Of ruimte in het recht?' [Law in Space. or Space in law?]. *De Gids*, 124, (1961), pp. 399-414.
- 'Geldt de rechterlijke plicht tot toetsing van wet aan verdrag slechts voor toekomstige verdragen? Artikel 66 Grondwet en vragen van transitioir recht' [Does the judicial duty to review the compatibility of statutes with treaties only apply to future treaties? Article 66 of the Constitution and questions of transitional law], *Bestuurswetenschappen*, 15, (1962), 1, pp. 66-73.



- 'Is het gewenst het principe van niet-uitleveren van eigen onderdanen te laten varen?' [Is it advisable to abandon the principle of non-extradition of nationals?], *Nederlands Juristenblad*, (1962), 5, pp. 100-102.
- 'Het Verdrag van Rome, de reclame en de commerciële televisie' [The Treaty of Rome, advertising and commercial television]. The Hague, Onafhankelijke Televisie Exploitatie Maatschappij N.V. (O.T.E.M.N.V.), 1962, 23 p.
- 'De nationale rechter en zijn ontmoetingen met het volkenrecht' [The national judge and his encounters with international law], *Netherlands International Law Review*, (1962), pp. 380-388 (Special Issue).
- 'Tets over het dubbele aangezicht van de Staat, de trias politica en het primaat van het volkenrecht' [Some observations about the double face of the State, the trias politica and the primacy of international law]. In: *Volkenrechtelijke Opstellen, aangeboden aan Prof. Dr. Gesina van der Molen, ter gelegenheid van haar 70ste verjaardag door vrienden, collegae en oud-leerlingen* [Essays on Public International Law, presented to Prof. Dr. Gesina van der Molen on the occasion of her 70th birthday by friends, colleagues and former pupils]. Kampen, Kok, 1962, pp. 88-96.
- Lecture on the International Legal Order, held on 24 October 1962 for the 'VIRO' (i.e., the Netherlands UN Association), 8 p.
- 'Reflecties over volkenrechtelijke reflexen, met naschrift' [Reflections on international legal reflexes, with postscript], *Nederlands Juristenblad*, (1963), 5, pp. 73-80, and *Nederlands Juristenblad*, (1963), 7, pp. 124-125.
- 'Aard en Ontaarding van het Recht op Zelfverdediging' [Nature and degeneration of the right to self-determination]. In: *Volkenrecht en Wereldvrede*. Deventer-Antwerpen, A.E.E. Kluwer, 1963, pp. 59-70.
- '50 jaar Vredespaleis' [50 years Peace Palace].
- I. 'Van Hugo de Groot, tot de opening van het Vredespaleis' [From Hugo Grotius to the opening of the Peace Palace], 3 p.
  - II. 'Het Volkenrecht in de Volkenbondperiode' [International law at the time of the League of Nations], 3 p.
  - III. 'De VN en de toekomst van het volkenrecht' [The UN and the future of international law], 3 p.
- Een serie van drie voordrachten, gehouden voor de VPRO-radio in Aug./Sept. 1963 [A series of three lectures delivered for the VPRO-radio in Aug./Sept. 1963], (Tekstnr. 1749, 1750 and 1751), Nos. 2/9/63/O/GV/100, 3/9/63/O/GV/100 en 12/9/63/O/EB/100.
- 'The Netherlands Constitution and International Law, A Decade of Experience', *American Journal of International Law*, 58, (1964), pp. 88-108.



- 'Nederlands taak en plaats in de internationale rechtsorde. Beschouwingen naar aanleiding van de nationale herdenking 1813-1963' [The task and place of the Netherlands in the international legal order. Reflections on the occasion of the national commemoration 1813-1964], *Internationale Spectator*, 18, (1964), 1, pp. 5-19.
- 'Wij en het internationale recht' [Us and international law], *Leids Universiteitsblad*, 29, (1964), 24, pp. 1-3.
- 'Relations and Interactions between International and National Scenes of Law', Académie de Droit International, *Recueil des Cours*, Vol. 112 (1964-II), pp. 7-81.
- 'Veronica vs. TV-eiland' [Veronica vs. Television-Island], *Nederlands Juristenblad*, (1964), 22, pp. 565-573.
- 'Een grootse poging tot systematisering van het volkenrecht. Enige kanttekeningen bij het nieuwe boek van Wengler' [An ambitious attempt to systematize international law. Some marginal notes on Wengler's new book], *Nederlands Juristenblad*, (1964), pp. 786-794.
- 'In the Borderland between the Act of State Doctrine and Questions of Jurisdictional Immunities', *International and Comparative Law Quarterly*, 13, (1964), pp. 1193-1213.
- 'The Netherlands and the International Legal Order' [English translation], *Delta*, VIII, (1965), 2, pp. 5-16 (Summer).
- 'Noot II bij het Hof van Justitie van de Europese Gemeenschappen, art. 37 and 177' [Note II on the Court of Justice of the European Communities, Arts. 37 and 177], *Sociaal-Economische Wetgeving*, 13, (1965), 3, pp. 188-193.
- 'Le Traité d'extradition en tant que source de droits pour les individus' [The extradition treaty as source of rights for individuals]. In: *Le droit international pénal. Recueil d'Etudes en hommage à J.M. van Bemmelen*. Leiden, E.J. Brill, 1965, pp. 57-74.
- 'Conflicts between the Law of the European Communities and other Rules of International Law', *Common Market Law Review*, (1965-1966), pp. 420-449.
- 'De verhouding tussen het volkenrecht, het Gemeenschapsrecht en het recht der Lid-Staten in het licht van het mandaat van rechters' [The relation between international law, Community Law and the Law of the Member-States in the light of the mandate of judges]. In: *De rechtsorde der Europese Gemeenschappen tussen het internationale en het nationale recht* [The legal order of the European Communities between international and national law], (Europese Monografiën, No. 6). Deventer, A.E.E. Kluwer, 1966, pp. 13-36.
- 'Legal Aspects of Pirate Broadcasting. A Dutch Approach' (with M.J. van Emde Boas), *American Journal of International Law*, 60, (1966), 2, pp. 303-341.

- 'De heffing van indirecte belastingen op olie-installaties op de Noordzee' [The levying of indirect taxes on oil-installations in the North Sea] (Opinion given at the request of the Petroleum Industry), (1966), 49 p.
- 'De zaak Zuid-West Afrika. Het vonnis van het I.G.H. kritisch bezien' [The South-West Africa Case, a critical analysis of the judgement of the I.C.J.], (Introductory lecture for a symposium held on 17 December 1966). Leiden, A.W. Sijthoff, pp. 9-19.
- 'De golf van Akaba en de vrije doorvaart' [The Gulf of Aquaba and the right of free passage], *Nederlands Juristenblad*, (1967), 42, pp. 637-649.
- 'Wereldrechtsorde' [World legal order], *Maandschrift*, 2, (1967), 8, pp. 3-5.
- 'De Verenigde Naties en het ontwapeningsvraagstuk' [The United Nations and the problem of disarmament], *Internationale Spectator*, 22, (1968), 1, pp. 9-19.
- 'De rechten van de mens in internationaal en historisch perspectief. De rechten van de mens. Voordrachten gehouden ter gelegenheid van de 393ste diëns natalis van de RU Leiden' [Human Rights in international and historical perspective. Human Rights. Lectures given on the occasion of the 393rd dies natalis of the State University of Leiden], (1968), pp. 184-200.
- 'In Memoriam Prof. Mr. F.M. Baron van Asbeck', *Netherlands International Law Review*, 15, (1968), pp. 1-16.
- 'Zuid-Afrika en de UNCTAD. Is Uitbanning van Zuid-Afrika in hulporganen van de VN in overeenstemming met het Handvest?' [South Africa and UNCTAD. Is the expulsion of South Africa from the auxiliary organs of the UN in accordance with the Charter?], *Nederlands Juristenblad*, (1969), 7, pp. 157-169.
- 'Aircraft Hijacking and International Law', *Columbia Journal of International Law*, 9, (1970), 1, pp. 1-22.
- Noot bij een Arrest van de Hoge Raad [Comment on a Judgement of the Supreme Court], *Nederlandse Jurisprudentie*, (1970), 47, pp. 1225-1227.
- 'Een blik in de spiegel; kanttekeningen bij een nieuw boek uit het Oosten' [A glance in the mirror; marginal notes on a new book from the East], *Nederlands Juristenblad*, (1970), 42, pp. 1385-1397.
- 'Une nouvelle tâche pur le droit international: la défense du milieu humain' [A new task for international law: the defence of the human environment], *Annuaire de l'A.A.A.*, 41, (1971), pp. 19-29.
- 'Grondwetswijziging inzake de drukpersvrijheid' [An amendment of the Constitution concerning the freedom of press], *Nederlands Juristenblad*, (1971), 9, pp. 235-237.

- 'Oprichting van het Indonesisch Tijdschrift voor Internationale Zaken' [The setting up of the Indonesian Review of International Affairs], *Nederlands Juristenblad*, (1971), 10, pp. 271-272.
- 'Rijnvervuiling en het Volkenrecht. I en II' [The pollution of the Rhine and international law. I and II], *Waterschapsbelangen*, 57, (1972), 1, pp. 3-11, and: *Waterschapsbelangen*, 57, (1972), 2, pp. 26-28.
- 'Het "ius ad bellum" en de proportionaliteit' [The 'ius ad bellum' and the requirement of proportionality]. In: *Miscellanea W.J. Ganshof van der Meersch*. Paris, Librairie Générale de Droit et de Jurisprudence, 1972, pp. 329-341.
- 'In Search of an International Law of Emergency. With Specific Reference to the Law of the Sea', *Netherlands Yearbook of International Law*, III, (1972), pp. 148-170.
- 'Vereisten voor het verkrijgen van de status van vluchteling' [Requirements for obtaining the status of refugee], *Aspecten van vluchtelingenrecht* [Aspects of the law on refugees], (1972), pp. 2-25.
- 'Petitionnement Vietnam en Dupliek' [The Vietnam petition and rejoinder], *Nederlands Juristenblad*, (1972), 35, pp. 993-997; *Nederlands Juristenblad*, (1972), 40, pp. 1131-1133 [Rejoinder].
- Noot bij arrest van de Hoge Raad, inzake door vreemde mogendheid gedaan beroep op immuniteit van jurisdictie en executie [Comment on a Judgment of the Supreme Court concerning an appeal brought by a foreign power on immunity from jurisdiction and execution], *Nederlandse Jurisprudentie*, (1974), 38, pp. 1008-1010.
- 'Het recht in de wereldgemeenschap. Een korte Inleiding tot het volkenrecht' [Law in the World Community. A concise introduction to international law]. Leiden, Tjeenk Willink, 1974.
- 'Cornelis van Vollenhoven en de internationale rechtsgemeenschap. Herdenking van de 100ste geboortedag van Cornelis van Vollenhoven (1874-1974). [Cornelis van Vollenhoven and the international legal order. Commemoration of the hundredth birthday of Cornelis van Vollenhoven (1874-1974)]. Leiden, Cornelis van Vollenhoven Stichting, 1975, pp. 1-6.
- 'International Law in the Netherlands', ed. H.F. van Panhuys et. al. Alphen aan den Rijn, Sijthoff & Noordhoff, 1978-1980. Vol. I, 1978, p. 537. Vol. II, 1979, p. 388. Vol. III, 1980, p. 469.

## ILLUSTRATIONS

The paintings and drawings illustrating this biography are the work of H.F. van Panhuys and are now in the private collection of Mrs. H.H.M.S. van Panhuys - Lasonder. Mrs. Van Panhuys also provided the picture used on the cover.

Page 4:

Donker dromend Domplein (Darkly dreaming Domplein), 1971  
(Photograph: T.M.C. Asser Instituut)

Page 12:

Bellagio (Italy), 1972

Page 20:

Menton (France), 1967

Page 29:

Explosie in de Cosmos (Explosion in the Cosmos), 1973  
(Photograph: T.M.C. Asser Instituut).

The illustration on the back cover and at several places in the text was originally used on the invitation to attend the exhibition of paintings by Van Panhuys held on 8 April 1972.