TABLE OF CONTENTS

Introduction Ige F. Dekker and Harry H.G. Post	
Acknowledgements	XIV
List of contributors List of abbreviations	
CHAPTER 1 ON THE COMPLETENESS OF INTERNALAW	ATIONAL 3
The Completeness of International Law and Hamlet's Dile Non Liquet, the Nuclear Weapons case, and Legal Theory Ige F. Dekker and Wouter G. Werner	emma: 5
 Introduction Non Liquet and gaps in the law The completeneness of international law Non liquet and the Nuclear Weapons case Conclusion 	5 8 14 23 29
Comments Ko Swan Sik	31
 Introduction Material gaps and the completeness of law Judicial gaps and the completeness of law 	31 32 35
CHAPTER 2 ON THE GENUINE LINK	39
The Genuine Link Concept: Time for a <i>Post Mortem?</i> Alex G. Oude Elferink	41
1. Introduction	41

2.	The Convention on the High Seas and the IMCO case	43
3.	The LOS Convention	46
4.	The Registration Convention	48
5.	Recent developments	50
6.	Conclusions	55
7.	Postscript: the M/V 'Saiga' (No. 2) case	58
	nments ed H.A. Soons	65
1.	Introduction	65
2. 3.	The present significance of the concept of the genuine link A short <i>excursus</i> to some related issues: the 'flag state' and the	65
	'flag'	69
	PART II	
	SOURCES	
CHA	APTER 3 ON INTERNATIONAL CUSTOMARY LAW	75
	International Customary Law in the Netherlands nan Meijers	77
1.	Introduction	77
2.	What is international customary law?	78
2.1	Introduction	78
2.2	The two stages and the three questions	82
3.	Some less familiar ways in which, chiefly through international	
	customary law, international legal obligations may arise for the	
	Netherlands	93
4.	The position of international law in the Netherlands in general,	
	and of customary international law in particular	106
4.1	Introduction	106
4.2	The rules of international law	109
4.3	What to do with a statute which is contrary to international law?	121
5.	Summary	124
The	Role of State Practice in the Formation of Customary	
Inte	rnational Humanitarian Law y H.G. Post	129
1.	Introduction	129
2.	State practice in general and humanitarian customary international law: stage I	130

TABLE OF CONTENTS	Γ	X	
-------------------	---	---	--

3.	Transformation to a binding rule in general and humanitarian	
	international customary law: stage II	135
3.1	'Acceptance as law'	135
3.2	Opinio juris in general international law	136
3.3	The <i>opinio juris</i> in international humanitarian law	138
4.	Significance and meaning of state practice in international	
	humanitarian law	139
4.1	The significance of state practice	139
4.2	The meaning of state practice	140
4.3	Whose state practice?	141
5.	Military manuals: an element of state practice?	142
6.	Concluding remarks	145
CH	APTER 4 ON INTERNATIONAL CUSTOMARY LAW AND THE LEGAL ORDER OF THE EUROPEAN UNIO	N 149
the las L	m Dyestuffs to Kosovo Wine: from Avoidance to Acceptance by European Community Courts of Customary International Law imit to Community Action er-Jan Kuijper	151
1.	Introduction	151
2.	The reach of Community law or of Community action	152
3.	International customary law as a rule of interpretation	155
4.	The rule of Community law which goes too far	160
5.	What if (formal) Community legislation is contrary to customary	
	international law?	164
6.	Conclusion	170
	nments rdre M. Curtin	173
1.	Introduction	173
2	The scope of the European Union	174
3.	Some preliminary hypotheses	175
CH	APTER 5 ON TREATY LAW	177
Arti	ne Remarks on the Effect of the Termination of a Treaty under icle 70 of the 1969 Vienna Convention on the Law of Treaties Vierdag	179
1.	Introduction	179

X TABLE OF CONTENTS

2. Article 70 of the Vienna Convention on the Law of Treaties	179		
3. A few words about Article 70's 'legislative history'	182		
4. A case in point: Euratom and the United States renewing their			
agreement for nuclear co-operation, 1996	183		
5. Conclusion: 'unless the parties otherwise agree'	184		
Some Observations on the Consequences of the Termination of			
Treaties and the Reach of Article 70 of the Vienna Convention			
on the Law of Treaties	187		
André Nollkaemper			
1. General observations	187		
2. Termination of treaties and private rights	189		
3. Express application of Article 70 to private rights	189		
4. Application of broader principles to protect rights of private part	ties 190		
5. Termination of treaties and the return to domestic jurisdiction	191		
EPILOGUE	193		
ELICOGE	173		
Herman Meijers 1923-2000			
Kees Groenendiik and Bert Swart			