INTERCONTINENTAL COOPERATION THROUGH PRIVATE INTERNATIONAL LAW
ESSAYS IN MEMORY OF PETER E. NYGH
T.M.C. ASSER INSTITUUT

INTERCONTINENTAL COOPERATION
THROUGH PRIVATE INTERNATIONAL LAW

Essays in Memory of Peter E. Nygh

Edited by
Talia Einhorn and Kurt Siehr

T · M · C · A S S E R P R E S S
Peter E. Nygh
16 March 1933 – 19 June 2002

Peter Edward Nygh passed away on 19 June 2002.¹ Friends and colleagues worldwide lost a person whom they might have called “brother-in-law” in the literal sense. They wanted to honour Peter Nygh on his 70th birthday with a Festschrift. Now we have to publish a Gedächtnisschrift.

Peter Nygh was born in Hamburg, was raised in the Netherlands (Den Haag, Rotterdam) and after having lost his parents, he emigrated to Australia with his step-mother in 1951. He attended Sydney University Law School, graduated and started his professional and academic career in New South Wales and Tasmania. Peter got married, founded a family, became professor of law,² contributed extensively to literature on Australian and international family law,³ was appointed a judge of the Family Court of Australia and served as Principal Member of the Refugee Review Tribunal. Peter Nygh became a great Australian and in recognition was awarded the Order of Australia in May 2002.

At the same time, Peter Nygh was also a great internationalist. He was one of the very few scholars with excellent knowledge of both the common law and civil law legal systems, a deep understanding of their differences and similarities and, no less important, had linguistic access to all primary sources of these systems. As a young scholar, Peter Nygh spent some time in Ann Arbor,

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² Peter Nygh was Professor of Law at the University of Sydney from 1969-1973; in 1973 he became Professor and Founding Head of Macquarie Law School at Macquarie University in the North Western suburbs of Sydney.
³ Peter Nygh was the General Editor of the Australian Journal of Family Law from 1987 - 2000 and wrote many articles and several books on family law. Cp. the bibliography of Peter Nygh infra at p. 501.
Michigan, did research in Cologne with a grant from the Alexander-von-Humboldt Foundation, and established connections with scholars in many countries. He became a specialist in the field of private international law and, as such, contributed considerably to the development of this field. In two fora Peter Nygh became an indispensable member, promoter and scientific leader – the International Law Association (ILA) and the Hague Conference on Private International Law.

Peter Nygh joined the International Law Association in 1962 as a member of its Australian branch. He became chairman of the “Collisions at Sea” Committee which completed its work at the 1984 Paris Conference. Peter Nygh was also a member of the ILA Committee on “Intercountry Adoption and Protection of Children”. The last committee he chaired was the Committee on “International Civil and Commercial Litigation”. Under the guidance of Peter Nygh as “the star of Sydney” and with the organization as well as the research of Campbell McLachlan as rapporteur, the Committee finished the first part of its work with the Third Interim Report and the submission of the “Leuven/London Principles on Declining and Referring Jurisdiction in Civil and Commercial Matters”, adopted in London as ILA Resolution No. 1/2000.

The other international organization with which Peter Nygh has had very close connections is the Hague Conference on Private International Law. He served as a member of the Australian delegation to the Thirteenth and Eighteenth Sessions of the Conference in 1976 and 1996, and was appointed as reporter for the preparation of the Nineteenth Session, working on a worldwide convention on jurisdiction and enforcement of judgments. For this project especially, a reporter of Peter Nygh’s quality is urgently needed. The Hague Conference, too, misses him badly.

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8 International Law Association, supra n. 5, at pp. 13-18 with explanations at pp. 153-166.
9 International Law Association, supra n. 5, at p. 13.
Some personal remarks may be added. I first met Peter Nygh in Ann Arbor, Michigan in 1962, when I attended the law school as a graduate student and Peter worked on his S.J.D. Since then we met again and again in Hamburg, Ludwigspurg, The Hague and within the International Law Association in Washington and Kyoto, in Copenhagen and Milan. Especially in the sessions of the Hague Conference, Germany and Australia were very close. According to the seating plan of national delegations, with the country names in French, “Allemagne” was only separated from “Australie” by “Argentine” and our colleague and friend Antonio Boggiano of Argentina was kind enough to tolerate our neighbourly cooperation. This is no longer possible. We miss Peter and his serious research combined with a delicate sense of humour and his typical hearty laughter. If all colleagues and delegates were like Peter Nygh, discussions would be fruitful, cooperation very easy and scientific life almost like paradise.

Kurt Siehr, Hamburg
Summary Table of Contents

Peter E. Nygh
16 March 1933 – 19 June 2002 ................................................. V

Table of Contents ................................................................. XIII

Jürgen Basedow
The Gradual Emergence of European Private Law ..................... 1

David Bennett
The Hague Convention on Recognition and Enforcement of Foreign Judgments
– A failure of characterisation ............................................ 19

Michael Bogdan
Some Reflections on the Treatment of Dutch Same-Sex Marriages in European
and Private International Law ............................................ 25

Eric Clive
The English Legal Language of the Hague Conventions ............. 37

Giuditta Cordero Moss
The Norwegian Approach to Private International Law – Illustrated by a recent
Supreme Court decision on the direct action against the insurer .... 55

Martin Davies
Taking Evidence by Video-Link in International Litigation ........ 69

William Duncan
Jurisdiction to Make and Modify Maintenance Decisions – The Quest for
Uniformity ................................................................. 89

Talia Einhorn
The Ascertainment and Application of Foreign Law in Israeli Courts –
Getting the facts and fallacies straight ................................ 107

Hélène Gaudemet-Tallon
Le droit international privé des contrats dans un ensemble régional: l’exemple
du droit communautaire ................................................ 119

Daniel Girberger
The Hague Convention on Indirectly Held Securities – Dynamics of the
making of a modern private international law treaty ............... 139

IX
Summary Table of Contents

Trevor C. Hartley


Maarit Jänterä-Jareborg

Combating child marriages and forced marriages – the prospects of the Hague Marriage Convention in the Scandinavian “multicultural” societies .......... 163

Konstantinos D. Kerameus

International Procedural Harmonization and Autonomous Interpretation ........ 177

Catherine Kessedjian

Le droit international privé et l’intégration juridique européenne .................. 187

Patrick Kinsch

The Impact of Human Rights on the Application of Foreign Law and on the Recognition of Foreign Judgments – A Survey of the Cases Decided by the European Human Rights Institutions ................................................. 197

Andreas F. Lowenfeld

Jurisdiction, Enforcement, Public Policy and Res Judicata: The Krombach Case .................................................................................. 229

Gustaf Möller

On Interim Measures of Protection and Finnish Arbitration Law .................. 249

Gonzalo Parra-Aranguren

Fraude à la loi in Recent Codifications of Private International Law in the American Hemisphere ............................................................... 263

Allan Philip

The Global Hague Judgments Convention: some comments .................... 299

Peter F. Schlosser

The Separability of Arbitration Agreements – A Model for Jurisdiction and Venue Agreements? ................................................................. 305

Kurt Siehr

Coordination of Legal Systems in Private International Law ....................... 325

Appendix ................................................................................................. 338

Linda Silberman

A Proposed Lis Pendens Rule for Courts in the United States: The International Judgments Project of the American Law Institute .................. 341
### Summary Table of Contents

<table>
<thead>
<tr>
<th>Author(s)</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teun Struycken</td>
<td>Private Law Contracts to which the European Community is Party</td>
<td>385</td>
</tr>
<tr>
<td>Syneon C. Symeonides</td>
<td>Territoriality and Personality in Tort Conflicts</td>
<td>401</td>
</tr>
<tr>
<td>Akira Takakuwa</td>
<td>International Jurisdiction in Contract and Tort Cases – Recent Developments in Japanese Case Law</td>
<td>435</td>
</tr>
<tr>
<td>Arthur T. von Mehren</td>
<td>The “Federalizing” of American Arbitration Law</td>
<td>443</td>
</tr>
<tr>
<td>Spyridon Vrellis</td>
<td>Demosthenes against Neaera – Some remarks on the Status of Aliens in Classical Athens</td>
<td>455</td>
</tr>
<tr>
<td>Inés M. Weinberg</td>
<td>Conflict of Jurisdictions vs. Conflict of Laws</td>
<td>489</td>
</tr>
<tr>
<td></td>
<td>List of Publications by Peter E. Nygh</td>
<td>501</td>
</tr>
</tbody>
</table>
Table of Contents

Peter E. Nygh
16 March 1933 – 19 June 2002 ........................................... V

Summary Table of Contents .............................................. IX

Jürgen Basedow
The Gradual Emergence of European Private Law .................... 1
1. About private law .................................................. 2
2. What is national about private law? .............................. 3
3. International conventions ....................................... 6
4. The bases of private law legislation in the European Community ... 8
5. Achievements of the European Community in the area of private law ... 11
6. The implementation of directives ............................... 12
7. The contribution of the European Court of Justice ........... 13
8. General principles ............................................... 15

David Bennett
The Hague Convention on Recognition and Enforcement of Foreign Judgments
– A failure of characterisation .................................. 19
1. History ......................................................... 19
2. The first cause ............................................... 21
3. The second cause .............................................. 22
4. The third cause ............................................... 23
5. Conclusion .................................................. 23

Michael Bogdan
Some Reflections on the Treatment of Dutch Same-Sex Marriages in European
and Private International Law ........................................ 25
1. Introduction .................................................. 25
2. Short description of the new Dutch legislation ................ 26
3. Treatment of Dutch same-sex marriages in other countries ... 27
4. Dutch same-sex marriages in EC law .......................... 30

Eric Clive
The English Legal Language of the Hague Conventions ........... 37
1. Introduction .................................................. 38
2. The raw material used ....................................... 38
3. The nature of the inquiry .................................... 38
4. Drafting methods at The Hague ................................ 39
5. Lack of continuity .......................................... 40
6. The need for restraint ...................................... 40
Table of Contents

7. Finality of agreed text .................................................. 40
8. The drafting style of the Hague Conventions ....................... 40
9. Draft in the singular ..................................................... 41
10. Avoid the drafter’s “shall” ............................................. 41
11. Draft in a gender-neutral way ......................................... 43
12. Be consistent .............................................................. 44
13. Avoid the unnecessary ................................................ 45
14. Keep it short ............................................................... 46
15. Use definitions wisely and in moderation .......................... 47
16. Use descriptive language rather than technical concepts from one legal system ........................................... 49
17. Avoid Latin ................................................................. 52
18. Avoid pompous and legalistic language ............................. 53
19. Conclusion ................................................................. 54

Giuditta Cordero Moss
The Norwegian Approach to Private International Law – Illustrated by a recent Supreme Court decision on the direct action against the insurer 55
1. Introduction ................................................................. 55
2. The Lerors Streng decision – overview ............................... 57
2.1 The terms of the insurance policy: English law and no direct action ................................. 57
2.2 The direct action under Norwegian law ................................ 57
2.3 The choice of forum: the Lugano Convention .................... 58
2.4 The lower courts’ decisions on jurisdiction ......................... 58
3. The Supreme Court on choice of law .................................. 58
3.1 The allegations by the parties ......................................... 59
3.2 The “classical” private international law approach ............... 60
3.3 The Norwegian Supreme Court approach ........................ 61
3.3.1 The most natural and fairest solution ............................ 61
3.3.2 The protection of Norwegian public policy .................... 61
3.3.3 The closest connection .............................................. 62
3.4 Classification? ............................................................ 63
4. The Norwegian approach to private international law .......... 64
4.1 “Norwegian legislation or judicial practice” ....................... 64
4.2 Correspondence of terminology but not of approach? .......... 65
4.3 Flexibility versus predictability ...................................... 66
5. Conclusion ................................................................. 67

Martin Davies
Taking Evidence by Video-Link in International Litigation ........ 69
1. Preface ................................................................. 69
2. Introduction ............................................................. 70
3. Willing witnesses: the oath, perjury and contempt .................. 73
3.1 Sworn testimony ....................................................... 73
3.1.1 Who is to administer the oath? ................................. 74
### Table of Contents

3.2 Perjury ......................................................... 76
3.3 Contempt ...................................................... 80
4. Unwilling witnesses .......................................... 85
5. Impact on jurisdictional issues .............................. 87
6. Conclusion .................................................... 88

**William Duncan**

**Jurisdiction to Make and Modify Maintenance Decisions – The Quest for Uniformity** ........................................ 89
1. Introduction .................................................. 89
2. The problem stated ............................................ 90
3. Existing approaches to jurisdiction .......................... 92
3.1 The Brussels regime ......................................... 92
3.2 The Montevideo Convention ................................. 93
3.2.1 The United States approach to jurisdiction under the Uniform Interstate Family Support Act 1996 ......................................................... 93
3.2.2 The “Commonwealth” provisional orders system .......... 96
3.3 Is it feasible to develop uniform rules of direct jurisdiction? ........... 98
3.4 What can be done about modification jurisdiction? .......... 99
3.4.1 Change in the debtor’s residence ........................ 99
3.4.2 Change in the creditor’s residence ................. 101
3.4.3 Other factual situations .................................. 101
3.4.4 Other approaches to the problems of modification jurisdiction .. 102
3.5 The debate in the Special Commission ..................... 103

**Talia Einhorn**

**The Ascertainment and Application of Foreign Law in Israeli Courts – Getting the facts and fallacies straight** ................. 107
1. The problem of applying foreign law in domestic courts ........ 107
2. The rules applying in Israel at present ....................... 109
3. Difficulties and criticism ..................................... 110
3.1 The qualification of the foreign law as a fact ............... 110
3.2 The presumption regarding the identity of laws ............ 111
3.3 The burden of proof ......................................... 113
4. The Levontin draft for an Israeli Conflicts of Law statute .......... 113
5. Comparative perspectives ...................................... 114
5.1 The United States ........................................... 115
5.2 France ......................................................... 116
7. The reform proposed ........................................... 117

**Hélène Gaudemet-Tallon**

**Le droit international privé des contrats dans un ensemble régional: l’exemple du droit communautaire** ......................... 119
1. La difficile articulation des sources du droit international privé du
### Table of Contents

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>XVI</td>
</tr>
<tr>
<td>contrat dans l’UE</td>
</tr>
<tr>
<td>1.1 Les sources de droit international privé en matière de contrats en général</td>
</tr>
<tr>
<td>1.2 Les sources de droit international privé propres à certains contrats particuliers</td>
</tr>
<tr>
<td>2. Quelle souveraineté pour les États membres? L’exemple des lois de police en matière de contrats</td>
</tr>
<tr>
<td>2.1 Des lois de police étatiques tenues en échec par le droit de l’UE</td>
</tr>
<tr>
<td>2.2 Risque de conflit entre l’UE et les États membres dans la détermination des lois de police</td>
</tr>
<tr>
<td>Daniel Girberger</td>
</tr>
<tr>
<td>The Hague Convention on Indirectly Held Securities – Dynamics of the making of a modern private international law treaty</td>
</tr>
<tr>
<td>1. The problem: disparity of national regimes</td>
</tr>
<tr>
<td>2. International harmonization</td>
</tr>
<tr>
<td>2.1 Motivation</td>
</tr>
<tr>
<td>2.2 History of the making of the Hague Intermediary Holder Convention</td>
</tr>
<tr>
<td>3. PRIMA – place of the relevant intermediary</td>
</tr>
<tr>
<td>4. Relevant extra-legal factors</td>
</tr>
<tr>
<td>5. Conclusions</td>
</tr>
<tr>
<td>Trevor C. Hartley</td>
</tr>
<tr>
<td>1. The Brussels and Lugano conventions</td>
</tr>
<tr>
<td>1.1 The general rules</td>
</tr>
<tr>
<td>1.2 Article 16(4)</td>
</tr>
<tr>
<td>2. The proposed Hague convention</td>
</tr>
<tr>
<td>Maarit Jänterä-Jareborg</td>
</tr>
<tr>
<td>Combating child marriages and forced marriages – the prospects of the Hague Marriage Convention in the Scandinavian “multicultural” societies</td>
</tr>
<tr>
<td>1. Background</td>
</tr>
<tr>
<td>2. Sweden</td>
</tr>
<tr>
<td>2.1 Predominance of the nationality principle</td>
</tr>
<tr>
<td>2.2 Pressure for change</td>
</tr>
<tr>
<td>2.3 Reform proposals</td>
</tr>
<tr>
<td>3. Finland</td>
</tr>
<tr>
<td>4. Denmark, Norway and Iceland</td>
</tr>
<tr>
<td>5. Comparisons with the Hague Marriage Convention</td>
</tr>
<tr>
<td>6. Reflections and conclusions</td>
</tr>
<tr>
<td>Konstantinos D. Kerameus</td>
</tr>
<tr>
<td>International Procedural Harmonization and Autonomous Interpretation</td>
</tr>
<tr>
<td>1. Types of procedural harmonization</td>
</tr>
</tbody>
</table>
Table of Contents

2. Relevance of the Brussels Convention .......................... 178
4. Treatment of facts in civil and common law .................. 183
5. Amenable to harmonization ...................................... 184
6. Conclusion .................................................. 186

Catherine Kessedjian
Le droit international privé et l’intégration juridique européenne ........... 187

Patrick Kinsch
The Impact of Human Rights on the Application of Foreign Law and on the
Recognition of Foreign Judgments – A Survey of the Cases Decided by the
European Human Rights Institutions .................................. 197
1. The problem defined ............................................ 198
1.1 An inevitable encounter .................................... 198
1.2 From constitutional rights to international human rights ......... 199
1.3 “European public policy” in the jurisprudence of the European Court
of Human Rights: A private international law concept? ........... 202
2. Parallels and precedents: the cases on extradition and on the
international transfer of prisoners ................................ 205
2.1 Extradition .................................................. 205
2.2 International prisoner transfer ................................. 209
2.3 Alternative models for private international law cases .......... 211
3. The application of foreign law ................................... 212
3.1 X. v. Belgium and the Netherlands: the application of the law of a
Contracting State in the courts of another Contracting State ...... 212
3.2 Unanswered questions ....................................... 214
4. The recognition of foreign judgments and the right to a fair trial .... 218
4.1 Pellegrini v. Italy: judgments from ecclesiastical tribunals and private
international law .................................................. 219
4.2 The recognition of judgments given in non-Contracting States.
Pellegrini and Hans-Adam II of Liechtenstein ....................... 223
4.3 The recognition of judgments given in other Contracting States: the
implications of a dictum ........................................... 227

Andreas F. Lowenfeld
Jurisdiction, Enforcement, Public Policy and Res Judicata: The Krombach
Case ................................................................. 229
1. The basic facts .................................................. 229
2. In the European Court of Justice .................................. 231
2.1 The first question ............................................. 233
2.2 The second question ........................................... 234
3. In the German Supreme Court ..................................... 236
4. The proceedings in detail ......................................... 237
4.1 The defendant’s story .......................................... 237
Table of Contents

4.2 Legal proceedings in Germany ............................................. 238
4.3 Legal proceedings in France .............................................. 239
4.4 An attempt at extradition .................................................. 241
5. In the European Court of Human Rights .............................. 242
6. Some reflections ............................................................... 244

Gustaf Möller
On Interim Measures of Protection and Finnish Arbitration Law ........ 249
1. Introduction ........................................................................ 249
2. Court-ordered interim measures of protection ....................... 251
2.1 The power of a court to grant an interim measure of protection in support of arbitral proceedings ....................... 251
2.2 Court-ordered interim measures of protection available under Finnish law ......................................................... 252
3. Interim measures of protection ordered by an arbitral tribunal ...... 255
4. Concluding remarks ............................................................ 258

Gonzalo Parra-Aranguren
Fraude à la loi in Recent Codifications of Private International Law in the American Hemisphere ....................................................... 263
1. Introduction ........................................................................ 263
3. The 1988 Civil Code of Mexico ............................................ 269
4. The 1991 Civil Code of Quebec (Canada) ............................. 272
6. Recent drafts ...................................................................... 286
6.1 The Brazilian drafts ........................................................... 286
6.2 Drafts prepared in Argentina .............................................. 288
7. Final comments .................................................................... 294

Allan Philip
The Global Hague Judgments Convention: some comments .......... 299
1. Overview of problems encountered ...................................... 299
2. The underlying legal and political reasons ............................. 300
3. The flexibility required - the cases of lis pendens and forum non convenience ...................................................... 301

Peter F. Schlosser
The Separability of Arbitration Agreements – A Model for Jurisdiction and Venue Agreements? ............................................. 305
1. Introduction ........................................................................ 305
2. The (extent of) separability - subject (to what extent, if any) to party autonomy? ...................................................... 309
2.1 Arbitration agreements ....................................................... 309
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2</td>
<td>Can this approach be transferred into the legal treatment of jurisdiction (venue) agreements?</td>
<td>310</td>
</tr>
<tr>
<td>3.</td>
<td>Presumption of validity also in the case of a jurisdiction (venue) agreement?</td>
<td>313</td>
</tr>
<tr>
<td>3.1</td>
<td>The generalizable character of the presumption</td>
<td>314</td>
</tr>
<tr>
<td>3.2</td>
<td>Limits of the separability presumption</td>
<td>315</td>
</tr>
<tr>
<td>4.</td>
<td>Separability only for a specific purpose?</td>
<td>319</td>
</tr>
<tr>
<td>5.</td>
<td>“Hard” Kompetenz-Kompetenz of the court allegedly elected by the parties?</td>
<td>321</td>
</tr>
<tr>
<td>5.1</td>
<td>Binding effect of the seemingly elected court’s ruling on its own jurisdiction?</td>
<td>322</td>
</tr>
<tr>
<td>5.2</td>
<td>The “first word” for the seemingly elected court?</td>
<td>323</td>
</tr>
<tr>
<td>6.</td>
<td>Final conclusion.</td>
<td>324</td>
</tr>
</tbody>
</table>

**Kurt Siehr**

Coordination of Legal Systems in Private International Law

1. Problems                                                                 | 325  |
2. Need for coordination                                                    | 326  |
2.1 Religious law in secular courts                                         | 326  |
2.1.1 Marriage and divorce of Jewish spouses                              | 326  |
2.1.1.1 Power of secular courts                                            | 327  |
2.1.1.2 Taking religious law into account.                                | 328  |
2.1.1.3 Methods of taking religious law into account.                     | 329  |
2.1.1.4 Interim summary                                                   | 330  |
2.1.2 Islamic family law                                                  | 330  |
2.1.2.1 Marriage and divorce                                              | 330  |
2.1.2.2 Adoption and foster parents (kafala)                              | 331  |
2.2 Common law and civil law                                              | 332  |
2.2.1 Common law in courts of civil law countries: trust                   | 332  |
2.2.2 Civil law in courts of common law countries: renvoi                  | 333  |
2.3 Civil law of different jurisdictions                                   | 334  |
2.3.1 Parent and child: recognition of a child by the mother              | 334  |
2.3.2 Decedent’s estate: immovable property                                | 335  |
2.3.3 Husband and wife: matrimonial property                              | 336  |
3. Summary                                                                 | 337  |
Appendix                                                                   | 338  |

**Linda Silberman**

A Proposed *Lis Pendens* Rule for Courts in the United States: The International Judgments Project of the American Law Institute  

1. Introduction: a personal note                                           | 341  |
2. The American Law Institute Project and U.S. law on enforcement of judgments | 343  |
2.1 The law in the United States on recognition and enforcement of foreign judgments in a nutshell | 343  |
## Table of Contents

2.2 The ALI proposal in a nutshell ........................................... 347
3. Parallel litigation in the United States ............................... 350
4. A “declination of jurisdiction provision” in the ALI Proposal ............. 354
5. Conclusion .......................................................................... 356

**Robert G. Spector**


1. Introduction ......................................................................... 357
2. Jurisdiction ........................................................................ 361
2.1 Custody Proceeding. .......................................................... 361
2.2 Original jurisdiction .......................................................... 365
2.2.1 Home state jurisdiction .................................................. 365
2.2.2 Significant connection jurisdiction ................................. 368
2.2.3 Other subsidiary jurisdictional bases .............................. 369
2.3 Exclusive continuing jurisdiction ....................................... 370
2.4 Temporary emergency jurisdiction ..................................... 373
3. Abstention from jurisdiction ............................................... 376
3.1 Simultaneous proceedings or lis pendens ........................... 376
3.2 Forum non conveniens ....................................................... 377
3.3 Declining jurisdiction because of unreasonable conduct ............ 379
4. Communication and cooperation between tribunals ................. 382
5. Conclusion ......................................................................... 383

**A.(Teun) V.M. Struycken**

Private Law Contracts to which the European Community is Party ............. 385

1. Jurisdiction ........................................................................ 386
2. The law applicable to the contracts ...................................... 392
3. Conclusion ......................................................................... 399

**Symeon C. Symeonides**

Territoriality and Personality in Tort Conflicts ................................ 401

1. Introduction ...................................................................... 402
2. The territorial foundations .................................................. 402
3. The distinction between conduct-regulation and loss-distribution .... 405
3.1 The Distinction .................................................................. 405
3.2 Examples ........................................................................ 408
3.3 Difficulties ....................................................................... 410
3.4 Role and utility ............................................................... 412
4. The initial erosion of territoriality ....................................... 412
4.1 The revolution’s cases ....................................................... 412
4.2 General observations ....................................................... 415
4.3 The apparent retreat of territoriality .................................. 416
### Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. The gains of personality: loss-distribution conflicts of the common-domicile pattern</td>
<td>419</td>
</tr>
<tr>
<td>6. The middle ground: split-domicile loss-distribution conflicts</td>
<td>422</td>
</tr>
<tr>
<td>6.1 Intra-state torts</td>
<td>423</td>
</tr>
<tr>
<td>6.2 Cross-border torts</td>
<td>425</td>
</tr>
<tr>
<td>7. The domain of territoriality: conduct-regulation conflicts</td>
<td>425</td>
</tr>
<tr>
<td>7.1 Intra-state torts</td>
<td>427</td>
</tr>
<tr>
<td>7.2 Cross-border torts</td>
<td>428</td>
</tr>
<tr>
<td>7.3 Summary</td>
<td>429</td>
</tr>
<tr>
<td>8. Conclusions</td>
<td>430</td>
</tr>
</tbody>
</table>

**Akira Takakuwa**

International Jurisdiction in Contract and Tort Cases – Recent Developments in Japanese Case Law

1. Introduction                                                          | 435  |
2. Overview                                                             | 436  |
2.1 Legal Doctrines                                                     | 436  |
2.2 Case Law                                                            | 437  |
3. The Development of the Supreme Court judgments                        | 438  |
3.1 Judgment of 16 October 1981 (The Malaysia Airlines System case)     | 438  |
3.2 Judgment of 11 November 1997                                        | 439  |
3.3 Judgment of 8 June 2001 (The Ultra-man Case)                         | 440  |
4. Comments                                                             | 441  |
4.1 Trend of Judgments                                                   | 441  |
4.2 Jurisdiction of Place of Performance of Obligation                  | 442  |
4.3 Jurisdiction of Tort Claims                                          | 442  |

**Arthur T. von Mehren**

The “Federalizing” of American Arbitration Law

1. Prologue                                                             | 443  |
2. How American arbitration law was “federalized”                       | 444  |
2.1 The original understanding                                           | 445  |
2.2 The erosion of the conceptual structure on which the original understanding rested: The significance of *Erie R.R. v. Tompkins* | 446  |
2.3 The post-*Erie* change in the understanding of the FAA              | 449  |
3. Epilogue: Concepts, history, and policy in tension                   | 452  |

**Spyridon Vrellis**

Demosthenes against Neaera – Some remarks on the Status of Aliens in Classical Athens

1. The persons involved                                                  | 455  |
2. The elements of the crime                                             | 461  |
2.1 Neaera as an alien woman                                            | 462  |
2.2 Neaera’s status as wife of an Athenian citizen                       | 464  |
<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>XXII</td>
</tr>
</tbody>
</table>

**Table of Contents**

*Gerhard Walter and Christoph Brunner*


1. Introduction .................................................................................. 469
2. Impact of the ILA principles on draft Article 17 of the Model Law ... 474
2.1 Definition and types of interim measures ................................. 474
2.2 Prerequisites for the issuance of interim measures .................. 477
2.3 Modification of interim measures; duty to inform ....................... 478
2.4 ILA Principles which are not taken up by the draft provisions of the Model Law ......................................................... 478
3. Enforcement of interim measures – draft Article 33bis of the Model Law .............................................................................. 479
4. Conclusion .................................................................................... 483

Annex 1: Draft Article 17 of the UNCITRAL Model Law on International Commercial Arbitration on arbitral-tribunal ordered interim measures .......................................................... 484

Annex 2. New draft provision (article 33bis) on enforcement of interim measures of protection for addition to the UNCITRAL Model Law on International Commercial Arbitration .............................. 486

*Inés M. Weinberg*

Conflict of Jurisdictions vs. Conflict of Laws ...................................... 489

1. Introduction .................................................................................. 489
2. Private international law in continental and common law ............ 489
3. Private International Law in Argentina ......................................... 491
4. Developments in Europe .............................................................. 492
5. Unification of substantive law ....................................................... 493
6. Hague conventions ...................................................................... 493
7. Forum shopping .......................................................................... 495
8. Electronic activities .................................................................... 498
9. Conclusions ................................................................................. 499

List of Publications by Peter E. Nygh .................................................. 501