

Editors' Note.

Before the end of this year, the Dutch Government intends to make a decision regarding the construction of an artificial island outside the Dutch territorial waters in the North Sea. The artificial island will be a place to build an international airport that will replace Schiphol airport. Due to environmental reasons, Schiphol cannot continue to develop without limit in the future.

The Dutch Ministry of Transport and Public Works will use a consultation firm to study the project and advise positively. The International Institute of Air and Space Law of Leiden University, in this issue of *AIR and Space LAW*, contributes to this study by analysing the legal and air political aspects of the project.

While the building of an island and an international airport in the Exclusive Economic Zone (EEZ) of The Netherlands offers no insurmountable legal problems, the exploitation of the airport may face some difficulties in view of existing international arrangements.

Whether or not The Netherlands position, as a center of international air transportation services in the world and in the EU, will improve by

'internationalising' the transit function of the Dutch international airport by creating an international aerodrome in the North Sea (a seadrome), depends on the further development of the air policies of States with respect to international air transportation services.

Air politically, it depends on whether or not the 'nationality' criterion for air carriers as beneficiaries of the bilateral exchange of international air services will be neutralized, i.e. 'internationalized' under a regime of true freedom of the air.

The airport in the sea will not come under the sovereignty of The Netherlands, so for the grant of transit rights at the airport, no reciprocity can be obtained for the Dutch air carriers from other countries.

The negotiating power of The Netherlands, therefore, will be reduced to the exchange of true O/D, third and fourth freedom traffic rights and fifth freedom traffic rights for people with true O/D in The Netherlands. In other words, the use of the airport as a 'hub' by foreign air carriers, i.e. for direct transit to/from other destinations will fall outside sovereign Dutch jurisdiction.

Erratum

In *AIR & Space LAW* Vol XXIV, No. 3 (1999) we published an incorrect version of the Montreal Convention 1999. Instead of the final version of the Convention for the Unification of Certain Rules for International Carriage by Air, as it was accepted on 28 May 1999 in Montreal, we published an earlier draft version. The final version counts 57 articles instead of 56 in the draft. From Article 6 onwards all articles were renumbered by adding 1 and a new Article 6 was inserted. The text of this new Article 6 is as follows:

Article 6. Document relating to the Nature of the Cargo

The consignor may be required, if necessary to meet the formalities of customs, police and similar public authorities, to deliver a document indicating the nature of the cargo. This provision creates for the carrier no duty, obligation or liability resulting therefrom.

The full text of the final version of the Convention will be printed in the next issue of *AIR & Space LAW*, Vol XXIV, No. 6. We apologize for any inconvenience this may have caused.