

1996

bookreview

Recommended Citation

bookreview, 30 INT'L L. 219 (1996)

<https://scholar.smu.edu/til/vol30/iss1/12>

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BOOKS RECEIVED*

General Publications

Basic Documents in International Law

Edited by Ian Brownlie. New York, New York: Oxford University Press, 1995, pp. 1, 468, \$75.00 [ISBN 0-19-876380-8].

A collection of basic texts provides the reader with documents essential to obtaining a thorough grounding in international law. This edition has been updated and revised to reflect significant developments since 1983, including a new chapter containing the Draft Articles on the Origins of State Responsibility and a chapter on Responsibility for Serious Violation of International Humanitarian Law.

Conflict of Laws in Western Europe: A Guide Through the Jungle

By Mathias Reiman. Irvington, New York: Transnational Publishers, Inc., 1995, xvii, 176, \$65.00 [ISBN 1-57105-005-1].

This work focuses on the conflicts of laws of Western Europe, particularly the countries of the European Union and the European Free Trade Agreement. The book is divided into two main parts. The first section outlines the overall features of European private international law emphasizing where, how, and why the character of the field differs from American conflicts law. The second section describes the major areas of conflicts law: conflict of laws in the civil culture; the levels of conflicts law; jurisdiction; judgments; the international context; the types of rules; choice of law; and procedure.

*Prepared by Ashley W. Warren, J.D. Candidate, 1996, Southern Methodist University, Comments Editor, Southern Methodist University School of Law Student Editorial Board, THE INTERNATIONAL LAWYER.

The Construction of Europe: Essays in Honour of Emile Noel

Edited by Stephen Martin. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers, 1994, pp. xv, 270, \$108.00 [ISBN 0-7923-2969-4].

The fourteen essays that constitute this work provide a coherent review of the past and present of the European Community, and consider some of its possible futures. Special attention is given to the political economy of European unification, the implications for Europe of German reunification, and the prospects raised by the possibility of expansion into Eastern Europe. The legal structure of the European Community is also examined, in contributions that deal with administrative law, guidelines, competition law, and feminist legal theory.

Dahl's Law Dictionary/Dictionnaire Juridique Dahl

Compiled by Henry S. Dahl. Buffalo, New York: William S. Hein & Co., Inc., 1995, pp. 1, 851, \$68.00 [ISBN 0-89941-919-4].

This legal dictionary allows the reader to go from English to French and from French to English. The dictionary is annotated and includes authoritative definitions from codes, case law, statutes, and legal writing.

Democracy, Market Economy, and the Law: Legal, Economic, and Political Problems of Transition to Democracy

Edited by Werner F. Ebke & Detlev F. Vagts. Heidelberg, Germany: Verlag Recht und Wirtschaft, 1995, pp. 1, 425, DM 190.00 [ISBN 3-8805-1154-1].

The essays in this book stem from a meeting in Constance, Germany, in June 1994, where a group of distinguished scholars, judges, attorneys, and diplomats convened to discuss problems associated with the switch to democratic governments by various countries. Specifically, the essays address the numerous legal, economic, and political problems that can arise from a country's transition to democracy.

European Community Energy Law: Selected Topics

Edited by David S. MacDougall and Thomas W. Walde. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1994, pp. 1, 311, \$110.00 [ISBN 1-85333-962-8].

The recent developments in European Community policy and legislation affecting energy industries constitute the theme of this book. The focus of the text is primarily on the oil and gas industry. As a result, the practical consequences of current and proposed legislation on the oil and gas industry are highlighted. The increasing role of environmental regulation and its potential impact on the energy industries is discussed in light of current and proposed legislation, and the case law of the European Court of Justice is emphasized in this regard. The book also includes discussion concerning recent issues of importance to the oil and gas industry, including: abandonment, unitization, sole risk, and nonconsent and planning considerations. New forms of energy financing, including the use of derivative instruments, are also closely examined.

The European Strasbourg Register 1994

By Christian D. DeFouloy. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1994, pp. 3, 327, \$99.00 [ISBN 0-7923-2726-8].

This publication offers the reader a comprehensive survey of all Strasbourg-based organizations with a European dimension. Part One of the book comprises articles contributed by eminent specialists on specific topics concerning Strasbourg. Part Two outlines the institutional set-up in Strasbourg and details the activities of the European and international organizations and bodies based in or active in Strasbourg.

Imperfect Justice: An East-West German Diary

By Inga Markovits. New York, New York: Oxford University Press, 1995, pp. 1, 204, 1995, \$19.95 [ISBN 0-19-825961-1].

The author recounts in diary form the sudden death of socialist law in East Germany. She describes her encounters with lawyers, judges, and law professors during this period as she records the events leading up to and following the death of the Communist regime and the dismantlement of the Berlin Wall in 1990.

Impunity and Human Rights in International Law and Practice

Edited by Naomi Roht-Arriaza. New York, New York: Oxford University Press, 1995, pp. 3, 381, \$69.00 [ISBN 0-19-508136-6].

Beginning with a general consideration of theories of punishment and redress for victims, the contributors to this book then explore how international law provides guidance on issues of investigation, prosecution, and compensation. Essays review some of the better known historical examples of societies grappling with impunity, including those arising from the fall of the Greek, Spanish, and Portuguese dictatorships in the 1970s. Also included are country studies from around the world that look at how the problem of impunity has been dealt with in practice in the last two decades and a discussion of what has and has not worked in the past. The conclusion focuses on the role of international law and institutions in the future.

International Economic Organizations in the International Legal Process

By Sergei A. Voitovich. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1994, pp. xv, 171, \$93.00 [ISBN 0-7923-2766-7].

The aim of this book is to explain in what manner and forms international economic organizations (IEOs) participate in the two main stages of the international legal process: law making and law implementation. The book is based on normative instruments and fragments of approximately fifty IEOs. The author emphasizes that existing IEOs, not being ideal institutional models, possess a sufficient arsenal of law-implementing instruments to make a considerable impact on the international legal regulations in the economic field.

International Labour Law Reports—13

Edited by Benjamin Aaron et al. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, pp. xxxiii, 529, \$253.00 [ISBN 0-7923-2959-7].

The *International Labour Law Reports* are a series of annual publications of labor law judgments by the highest courts in a number of jurisdictions.

Each judgment reprinted in the series includes an annotation that sets forth, among other things, the legal issues involved, the basic facts of the case (if not included in the judgment itself), the relevant statutory provisions and judicial precedents, the labor law and industrial relations context in which the case arose, and the significance of the judgment in the development of the law. Volume 13 covers the period from October 1, 1992, to September 30, 1994.

International Law and Political Reality: Collected Papers—Volume One

By Anthony D'Amato. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, xiii, 385, \$98.50 [ISBN 9-0411-0036-9].

Among the topics that D'Amato examines in these studies of the interrelationship between international law and political reality are wars and war crimes, nuclear weapons and technology, sanctions and terrorism, covert and humanitarian intervention, and group and autonomy rights. This is the first volume in a series of collected papers.

The International Law on the Rights of the Child

By Geraldine Van Bueren. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, pp. xix, 422, \$139.00 [ISBN 0-7923-2687-3].

The focus of this publication is the international status of children and the rights that attach to this status. The author analyzes the potential of international law in protecting the rights of children, even in states that are restructuring their economies.

The Law of the Sea in the Asian Pacific Region

Edited by James Crawford and Donald R. Rothwell. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1994, pp. 1, 274, \$122.00 [ISBN 0-7923-2742-X].

The contributors to this volume survey and discuss current issues arising in the law of the sea from an Asian-Pacific viewpoint. Aspects of the book

of particular interest are: its discussion of the perspectives of particular countries in the region, including East Asia, Australia, and the Pacific Islands; its focus on issues of the marine environment and fisheries, including drift-net fishing; discussion of specific developments of general interest, including the Torres Strait Treaty and its implementation, maritime-confidence-building measures, and dispute resolution; and an overview of issues relating to high seas freedom, including in particular transit through straits and archipelagos. The book concludes with an essay by the editors summarizing various trends in the law of the sea in the Asian-Pacific region.

Legal Reform in Post-Communist Europe: The View from Within

Edited by Stanislaw Frankowski and Paul B. Stephan. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, pp. 1, 483, \$189.00 [ISBN 0-7923-3218-0].

Political, economic, and social reforms have swept through Central and Eastern Europe in the five years since the collapse of Communism. This volume details the four principal areas in which legal reform has seemed essential: the reconstitutionalization of the societies in question; the creation of the legal institutions that would make a civil society under law possible; the institutions that moderate and control the uses of state power to discipline and punish persons that have transgressed the society's norms; and the question of how law reform has dealt with industrial democracy and the anticipated transformation of the workplace.

Liberty, Charity and Politics: Non-Profit Law and Freedom of Speech

By Perri 6 and Anita Randon. Brookfield, Vermont: Ashgate Publishing Co., 1995, pp. 3, 209, \$59.95 [ISBN 1-85521-507-1].

This book highlights countries that have laws that restrict the freedom of speech of charities in ways that neither individuals nor nonprofit firms are restricted. The volume includes cross-national comparative research that compares in detail the laws of twenty-four countries, and identifies those legal systems that impose such constraints, the ways in which they do so, and the rationales offered.

Managing Legal Uncertainty: Elite Lawyers in the New Deal

By Ronen Shamir. Durham, North Carolina: Duke University Press, 1995, pp. ix, 222, \$18.95 [ISBN 0-8223-1662-5].

Lawyers in the early years of the New Deal are the focus of this study. The author explores how elite corporate lawyers and the American Bar Association clashed with academic legal realists over the constitutionality of the New Deal's legislative program. More specifically, the author argues that many legal realists, encouraged by the experimental nature of the New Deal, seized an opportunity to improve on their marginal status within the legal profession by moving their discussions from academic circles to the national policy agenda.

Nationality, Migration Rights and Citizenship of the Union

By Stephen Hall. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, pp. xxix, 210, \$107.00 [ISBN 0-7923-3400-0].

The legal implications of establishing a European citizenship are the topic of this book. The author argues that Community law has never given unqualified effect to the Member States' dispositions of their nationalities, and that the Member States have had their sovereign power to confer and withdraw their nationalities qualified by the Maasstricht Treaty. The author also discusses the implications of Union citizenship on Community migration rights.

Ocean States: Archipelagic Regimes in the Law of the Sea

By Mohamed Munavvar. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, pp. 1, 213, \$110.00 [ISBN 0-7923-2882-5].

This book traces the historical evolution of the archipelagos and archipelagic states. The nature, status, and regime of the waters of different types of archipelagoes are examined and analyzed from the perspective of archipelagic states based on the requirement of such states for territorial integrity and self-determination.

The Principles of European Contract Law—Part One: Performance, Non-Performance and Remedies

Edited by Ole Lando and Hugh Beale. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, pp. xv, 221, \$153.00 [ISBN 0-7923-2957-0].

The fundamental principles of contract law shared by the legal systems of the Member States of the EU form the basis for this book. The principles are stated as articles, each accompanied by a commentary to explain its purpose, its operation, and its relationship to the other articles. Each article also has a note providing a survey of the national laws on this topic. Part One of *The Principles of European Contract Law* deals with performance and nonperformance of contracts and the remedies available. Part Two, to be published in 1996, will cover formation, validity, interpretation, and the authority of agents.

Research and Invention in Outer Space: Liability and Intellectual Property Rights

Edited by Sa'id Mosteshar. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, pp. xiii, 360, \$160.00 [ISBN 0-7923-2982-1].

This book addresses the legal aspects of commercial space activity. The editor emphasizes that as the continued development of means of exploiting outer space and new activities are becoming commercially viable and, in some instances, even attractive, existing laws are found wanting. Based on the papers presented at a conference on the topic in Paris, the book examines patentability and intellectual property infringement, as well as contractual issues and related topics. Also included are papers on the liabilities that arise out of activities in outer space, the relevant jurisdictional considerations, and the growing commercialization of space activities in the United States and in Europe.

Sanctity of Contracts Revisited: A Study in the Theory and Practice of Long-Term International Commercial Transactions

By Nagla Nassar. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1994, pp. xxxvii, 243, \$118.50 [ISBN 0-7923-3079-X].

This work contributes to the theory and practice of long-term international commercial transactions (LTICTs). The author studies the coherent structure of the theory and practice relating to the performance of LTICTs, explores the conceptual basis of these contracts, and analyzes international arbitral practice involving LTICTs in pursuit of defining the nature and content of such transactions.

Selected Essays: World Bank, ICSID, and Other Subjects of Public and Private International Law

By Alan Broches. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, pp. 3, 532, \$165.00 [ISBN 0-7923-2906-6].

The author of this volume was the general counsel of the International Bank for Reconstruction and Development (The World Bank) for two decades as well as the attributed creator of the International Centre for Settlement of Investment Disputes (ICSID). The book recounts the author's goal of promoting the economic development of developing countries and productive relations between them and capital exporters. Various topics included in the book are the international legal personality of the Bank and the law governing its lending operations; the Bank's role in providing finance in support of development projects of foreign investors; the imaginative legal processes employed in the creation of the Bank's International Finance Corporation and International Development Association; problems of foreign investment and settlement of investment disputes; the law, institutions, and procedures of international commercial arbitration; choice-of-law provisions in contracts with governments; bilateral investment treaties; the theory and practice of the registration of treaties under the United Nations Charter, especially agreements to which the World Bank is a party; and the origins, preparatory work, creation, operations, and problems of ICSID.

Social Contract Law and European Integration

By Thomas Wilhelmsson. Brookfield, Vermont: Ashgate Publishing Co., 1995, pp. ix, 213, \$59.95 [ISBN 1-85521-623-X].

The author strives to combine two perspectives to the development of contract law: the contract-theoretical discourse on the changes in modern welfarist contract law and the comparative law discourse on harmonization of international contract law. The author analyzes contract law from the point of view of legal integration in the European Union. Special attention is devoted to the European Union rules affecting contract law and to new

important parts of European Union contract law, such as the Unfair Contract Terms Directive.

Sustainable Development and International Law

Edited by Winfried Lang. Norwell, Massachusetts: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1995, xi, 305, \$120.00 [ISBN 1-85966-179-3].

Herein are the proceedings of the international symposium on Sustainable Development and International Law held in Baden bei Wien, Austria, in April of 1994. The impact of the concept of sustainable development on the evolution of international law is analyzed along with the possible contributions to be made by international law towards the full implementation of sustainable development. On the one hand, the status quo concerning progress in and the obstacles to the implementation of legal instruments related to sustainable development is analyzed. On the other hand, more future-oriented aspects are dealt with. Particular consideration is given to the possibility of broadening and strengthening existing mechanisms in terms of compliance control, as well as the avoidance or settlement of disputes.

Trading Up: Consumer and Environmental Regulation in a Global Economy

By David Vogel. Cambridge, Massachusetts: Harvard University Press, 1995, pp. xiv, 306, \$35.00 [ISBN 0-674-90083-9].

The author presents a comprehensive account of trade and regulation on a global scale. He analyzes the regulatory dimensions of all major international and regional trade agreements and treaties, including GATT, NAFTA, the Free Trade Agreement between Canada and the United States, and the treaties that created the European Community and Union. The author also focuses on the relationship between trade and environmental, health, and safety standards, and emphasizes the politics that underlie trade and regulatory linkages.

The United Nations and Human Rights

Edited by Philip Alston. New York: Oxford University Press, 1992, pp. 1, 675, \$39.95 [ISBN 0-19-826001-6].

A collection of essays reviews the functions, procedures, and performance of each of the major United Nations organs dealing with human rights. In particular, the book addresses the establishment and development of effective procedures and mechanisms used by the United Nations in the field of human rights for sustained monitoring and for rapid and constructive responses to violations.

Yearbook of European Law

Edited by Ami Barav and Derrick Wyatt. New York, New York: Oxford University Press, 1995, pp. 1, 627, \$155.00 [ISBN 0-19-825781-3].

This yearbook is one in a series whose goal is to publish important and original studies of the various branches of European Community Law. Each essay in this volume provides a critical exposition of the law in its social, economic, and political context.

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