

BOOKS RECEIVED*

General Publications

Agency in Private International Law: The Hague Convention on the Law Applicable to Agency

By H.L.E. Verhagen. The Hague, The Netherlands: Martinus Nijhoff Publishers/Kluwer Law International, 1995, pp. xxii, 458, \$145.00, £88.00, Dfl. 195.00 [ISBN 90-411-0088-1].

This book examines private international agency problems in light of the Hague Convention on the Law Applicable to Agency of 14 March 1978. Although this book frequently references Dutch law, its scope and application span the breadth of the Hague Convention. The book paints a detailed portrait of the Hague Convention against a backdrop of both common and civil law notions of agency. Specifically, the book offers a comparative survey of substantive agency law, agents' legal writing issues, the law of internal agency, and authority issues in light of the Hague Convention. The book concludes with a comprehensive bibliography of international agency publications.

The Alleged Transnational Criminal: The Second Biennial International Criminal Law Seminar

Edited by Richard D. Atkins. The Hague, The Netherlands: Martinus Nijhoff Publishers/International Bar Association, 1995, pp. xxi, 449, \$195.00, £124.00, Dfl. 275.00 [ISBN 0-7923-3409-4].

This book is intended for those practicing in the transnational and international law field. The collected essays were presented at the Second Biennial Alleged Transnational Criminal Law seminar of the International Bar Association held in May 1993 in Madrid, Spain. The range of topics includes:

*Prepared by Hendrik Jordaan and Christopher Willis, J.D. Candidates, 1996, Southern Methodist University. Mr. Jordaan is Editor-in-Chief and Mr. Willis an Associate Comments Editor of the Southern Methodist University School of Law Student Editorial Board of *The International Lawyer*.

developments concerning the UN International War Crimes Inquiry and Tribunal; prisoner transfer treaties; the actual and potential future use of state-sponsored kidnaping of fugitives as an alternative to extradition; the increasing complexity and rise in transnational crimes, including money laundering and asset forfeiture; explanations of the complexities in obtaining evidence; trends in the U.S. criminal justice system; transnational tax crimes; and terrorism and the political offense exception.

Bank Security and Other Credit Enhancement Methods

Edited by Winnibald E. Moojen and Matthieu Ph. Van Sint Truiden. The Hague, The Netherlands: Kluwer Law International, 1995, pp. ix, 456, \$178.00, £114.00, Dfl. 265.00 [ISBN 90-4110-1179].

In the editors' words, this book is intended to assist banking lawyers, as well as others who deal with banking security devices, "in understanding the general parameters of such devices around the world." Each of the thirty chapters explores the law of a particular country relating to the available banking security devices. The countries surveyed include the countries of North America, a number of important South American and Asian countries, the majority of West European countries, Australia, and South Africa. Each chapter is authored by a prominent legal expert from the country being examined. In addition to a broad-based discussion of the various security devices used worldwide, more general topics addressed include uniform banking conditions applicable to particular countries, as well as aspects of private international law relating to security devices.

Biodiversity and the Law

Edited by William J. Snape III. Washington, D.C., and Covelo, California: Island Press, 1996, pp. xxvii, 259, \$49.00 (hc) [ISBN 1-55963-394-8], \$25.00 (pb) [ISBN 1-55963-395-6].

This collection of essays stresses the importance of biodiversity law as it relates to everyday life. The book's goal is to explain the legal tenets of biodiversity in a manner that is understandable to a broad spectrum of non-lawyers and scientific laypeople. The publication discusses the foundations of biodiversity, U.S. domestic efforts to establish an endangered species protection regime, and how to promulgate that legislation. Additionally, the book addresses international biodiversity protection and proposes changes to further protect the world's living natural resources.

The British Year Book of International Law 1994

Edited by Ian Brownlie and James Crawford. New York, New York: Oxford University Press, 1996, pp. viii, 571, \$165.00 [ISBN 0-19-825881-X].

This yearbook contains essays that survey and discuss a variety of legal topics ranging from the law and procedure of the International Court of Justice to reciprocity in human rights and humanitarian law. Additionally, the publication contains book reviews of recent works on various aspects of international law, essays recounting 1994 decisions of British courts involving questions of international law, decisions on the European Convention on Human Rights during 1994, decisions of the Court of Justice of the European Communities during 1994, and the 1994 United Kingdom Materials on International Law.

De-monopolization and Competition Policy in Post-Communist Economies

Edited by Ben Slay. Boulder, Colorado, and Oxford, U.K.: Westview Press, Inc., 1996, pp. ix, 245, \$49.95 [ISBN 0-8133-8664-3].

A group of East European, Russian, and U.S. specialists study the extent of the post-communist monopoly problem in Russia, Poland, Hungary, and Mongolia. The contributors consider the transition from monopoly socialism to market capitalism and the development of competition policy in addition to the impediments and pitfalls associated with the development of competitive markets. Much of the work focuses on the effects of macroeconomic stabilization efforts in these formerly socialist countries, specifically the "privatization versus de-monopolization" debate, as well as the importance of post-communist competition agencies as advocates of procompetitive, market-oriented policy solutions to economic problems. The work concludes with a chapter proposing suggestions regarding post-communist competition policy.

Devising International Bank Supervisory Standards

By Joseph Jude Norton. Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1995, pp. xxxiii, 338, \$127.00, £82.00, Dfl. 195 [ISBN 1-85966-1858].

The growth of multinational corporations since the 1960s has led to a parallel growth in the provision of banking and other financial services on a transnational basis. This volume concerns the development of international stan-

dards or “rules” regarding the intergovernmental supervision of international banking activity. The thesis derived from this analysis is that although expressed on an international level in an informal, nonlegal context, these standards or rules have come into being and are sustained through a complex interconnectedness of national, regional, and international bank supervisory environments. The result is a growing body of international “soft law” having direct legal and practical consequences for the provision of international banking services and for the commercial providers of such services. The author proposes ways of better connecting the national, regional, and international supervisory environments through more formal, legalistic, and transparent structures. The book is written for the financial institutions community, legal practitioners, and academics.

Diversity in Secondary Rules and the Unity of International Law

Edited by L.A.N.M. Barnhoorn and K.C. Wellens. The Hague, The Netherlands: Martinus Nijhoff Publishers/Kluwer Law International, 1995, pp. xi, 365, \$189.00, £119.00, Dfl. 265.00 [ISBN 90-411-0092-X].

This is a special twenty-fifth volume of the 1994 *Netherlands Yearbook of International Law* containing contributions written by current and former members of the board of editors. In the words of the editors, it is their “quest to discover the existence of self-contained regimes and their effect on the applicability of general legal consequences of international wrongful acts.” To that end, this study of the diversity of secondary rules includes a broad cross-section of international legal fields, including: diplomatic law; the law of war; human rights; environmental law; and the law of international organizations such as the General Agreement on Tariffs and Trade, the World Trade Organization, and the European Communities.

Entry into Force of the Law of the Sea Convention: 1994 Rhodes Papers

Edited by Myron H. Nordquist and John Norton Moore. The Hague, The Netherlands: Martinus Nijhoff Publishers/Kluwer Law International, 1995, pp. xxi, 398, \$117.00, £77.00, Dfl. 165.00 [90-411-0099-7].

This publication consists of presentations at the Eighteenth Annual Seminar of the Center for Oceans Law and Policy, sponsored by the Center for Oceans Law and Policy, University of Virginia School of Law, on May

22-24, 1994, held at Rhodes, Greece. The publication's stated intent is to foster debate of the United Nations' Convention on the Law of the Sea and to promote a broader understanding of the Convention. Individual presentations discuss negotiations and events leading to creation and entry into force of the Convention. The volume is the first in a series of publications, the "Rhodes Papers," focusing on oceans law and policy associated with the island of Rhodes, Greece.

The Environment and NAFTA: Understanding and Implementing the New Continental Law

By Pierre Marc Johnson and André Beaulieu. Washington, D.C., and Covelo, California: Island Press, 1996, pp. xviii, 402, \$50.00 (hc) [ISBN 1-55963-467-7], \$30.00 (pb) [ISBN 1-55963-468-5].

The stated intent of this book is to analyze and discuss the legal consequences on the environment of the North American Free Trade Agreement (NAFTA) and the North American Agreement on Environmental Cooperation (NAAEC). A general discussion of NAFTA and the debate surrounding its environmental implications is followed by chapters covering NAFTA's specific environmental provisions; the NAAEC and its implications; dispute settlement relating to the effectiveness of domestic environmental enforcement policies; and the author's conclusions and suggestions regarding the future of the NAFTA and the NAAEC.

The Environmental Policy of the European Communities

By Stanley P. Johnson and Guy Corcelle. London, U.K.: Kluwer Law International, 2d ed. 1995, pp. xxvi, 535, \$155.00, £90.00, Dfl. 245 [ISBN 90-411-0862-9].

This book attempts to present a systematic exposition of the fundamental international public issues raised by the expanding worldwide trade in hazardous technologies and substances. Following a preface by Jacques Delors, President of the Commission of the European Community, the authors focus their discussion of the extensive environmental legislation recently introduced by the European Communities on two primary areas. The first area deals mainly with the fight against pollution and nuisances, and is divided into six subtopics: water; air; waste; chemicals; noise; and flora and fauna. The second area deals specifically with the environmental policy of the European Communities, and

is divided into eight subtopics: preventive action; economic aspects of pollution control; research; international conventions; integration of environmental protection in other Community policies; environment and development; nuclear safety; and implementation of the directives.

Fairness in International Law and Institutions

By T.M. Franck. New York, New York: Oxford University Press, 1995, pp. xxxvi, 500, \$55.00 [ISBN 0-19-825901-8].

This book assesses traditional elements of international law in light of multi-lateral institutions concerned with issues such as global security, economic development, environmental protection, and self-determination. In critiquing the fairness of an array of international concerns, the author draws on historical, philosophical, and sociological sources. The author contends that developed notions of justice and legitimacy reflect society's ambiguities regarding the equilibrium of change and order.

International and European Trade and Environmental Law after the Uruguay Round

By Ernst-Ulrich Petersmann. London, U.K.: Kluwer Law International, 1995, pp. xiv, 168, \$78.00, £45.00, Dfl. 122.00 (pb) [ISBN 90-411-0857-2].

A thoughtful discussion of the recent increase in international dispute resolution proceedings stemming from environmental trade restrictions in the context of the General Agreement on Tariffs and Trade and the World Trade Organization. Chapter I analyzes and compares the evolution of international trade law and international environmental law. Chapter II analyzes the evolution of European trade law and compares different regional and worldwide approaches to the various interface problems of trade and environmental policies. In Chapter III, the author concludes by offering several policy recommendations. In addition, the work includes an annex of several international trade-related environmental provisions and European Community court cases.

International Institutional Law

By Henry G. Schermers and Niels M. Blokker. The Hague, The Netherlands: Martinus Nijhoff Publishers/Kluwer Law International, 1995, pp. xli, 1198, \$337.50, £218.00, Dfl. 475.00 [ISBN 90-411-0108-X].

This book provides a comparative study of the institutional law of international organizations. The publication examines the development of the institutional law of international organizations and how different organizations have confronted similar problems. The authors provide suggestions as to how to improve the structures and functioning of international organizations and offer a framework for understanding institutional rules of international organizations. Additional subjects addressed in the text include financing, dispute settlement, and external relations of international organizations.

International Law of Responsibility for Economic Crimes: Holding Heads of State and Other High Ranking State Officials Individually Liable for Acts of Fraudulent Enrichment

By Ndiva Kofele-Kale. The Hague, The Netherlands: Kluwer Law International, 1995, pp. xix, 372, \$160.00, £100.00, Dfl. 225.00 [0-7923-3358-6].

The author focuses on indigenous spoliation in developing countries. Unlike the traditional scholarship preoccupied with the exploitation by transnational corporations of the natural wealth of developing countries, this work addresses the controversial issue of spoliation by national officials of the wealth of the states of which they are temporary custodians. Due to constraints of the state system and a lack of appropriate substantive municipal law, efforts to punish those responsible for the economic rape of entire nations and to recover spoliated funds have been frustrated. The author takes a twofold approach to the subject. First, he uses a multidisciplinary approach using data generated from empirical, cross-national research to make the case for indigenous spoliation as a violation of international law. Second, he builds a coherent, internally consistent international legal standard for evaluating this type of international crime.

International Legal Issues Arising under the United Nations Decade of International Law

Edited by Najeeb Al-Nauimi and Richard Meese. The Hague, The Netherlands: Martinus Nijhoff Publishers/Kluwer Law International, 1995, pp. xxxi, 1338, \$328.00, £202.00, Dfl. 450.00 (hc) [ISBN 90-411-0107-1].

Proceedings of the Qatar International Law Conference held on March 22-25, 1994, in Doha, Qatar. The themes of the Conference include: "United Nations Decade of International Law," focusing on the United Nations'

promotion of the principles of international law; "Environment Law"; "The Law of the Sea"; "The Settlement of Disputes"; "Humanitarian Law"; "The Rio Conference and Post-Rio"; and "The New International Economic Order." The book contains more than fifty papers focusing on legal issues covered by the Conference's respective themes.

International Trade Conventions and Their Effectiveness: Present and Future

By Alina Kaczorowska. The Hague, The Netherlands: Kluwer Law International, 1995, pp. xxxv, 135, \$80.00, £51.75, Dfl. 115.00 [ISBN 0-7923-3362-4].

Focusing on international conventions, this book offers a comprehensive analysis of international trade law unification in a world of increasing international interdependence. While diverse national laws breed uncertainty in choice-of-law analyses, regional and international unification provides increased stability. The book discusses the certainty and injustice that accompanies the Uniform Sales Act, and the submission of the Convention for the International Sale of Goods to conflict of law rules. Additionally, the book assesses the effectiveness of past and future unified laws.

International Trade Law: Cases and Materials with Documents

By Raj Bhala. Charlottesville, Virginia: Michie, a division of Reed Elsevier, Inc., 1996, (book) pp. lxxvii, 1450, \$59.00 [ISBN 1-55834-310-5], (documents) pp. ix, 1199, \$25.00 [ISBN 1-55834-374-1].

This law school coursebook is designed for those already equipped with a background in business or international law as well as for students with little or no previous academic or practical experience in the field. It provides in-depth coverage of GATT-WTO, NAFTA, and U.S. international trade regulation. Excerpts from cases, articles, legislative history, reports, and other materials convey both the policy dimensions of each topic and the "nuts-and-bolts" features of how international trade law works in practice. Sources include works of legal scholars, economists, and political scientists. Many of the readings focus on U.S. trade relations with Japan, China, Korea, Singapore, Thailand, and other key Asian players in the modern world economy. The Documents supplement contains the full text of GATT 1947, the Uruguay Round Agreements, NAFTA, and U.S. trade statutes. A Teachers' Manual is also available.

Introduction to German Law

Edited by Werner F. Ebke and Matthew W. Finkin. The Hague, The Netherlands: Kluwer Law International, 1996, pp. xl, 466, \$134.00 [ISBN 90-411-0197-7].

The book provides an introduction to German law through discussion of the most important areas of private and public law. The book presents the main features of the rich and complex body of German law in an organizational structure designed to help the reader understand the basic concepts. The authors are professors at various German and Swiss law faculties.

Judge Manfred Lachs and Judicial Law-Making

By Edward McWhinney. The Hague, The Netherlands: Martinus Nijhoff Publishers/Kluwer Law International, 1995, pp. xxiv, 387, \$158.00, £101.00, Dfl. 235.00 [ISBN 90-411-0125-X].

This book is the second in the series, *The Judges*, which collects and synthesizes the opinions of leading contemporary international judges. Following a preface by Boutros Boutros-Ghali, Secretary-General of the United Nations, this book is dedicated to the international jurisprudential contributions and distinguished legal career of Judge Manfred Lachs. Judge Lachs, who died in January 1993, had served on the International Court of Justice for twenty-six years. During that time, he played a leading role in the legal organs of the United Nations, in addition to being a devoted teacher, scholar, and author. This essay contains several extracts from Manfred Lachs' opinions and from some judgments in which his role is especially noteworthy.

Liability of Lawyers and Indemnity Insurance

Edited by Albert Rogers, John Trotter, Willem G. van Hassel, James R. Walsh, and Ralph P. Kröner. The Hague, The Netherlands: Kluwer Law International, 1995, pp. xxii, 249, \$110.00, £65.00, Dfl. 165.00 [90-411-0876-9].

Based on results from a survey of more than sixty countries, this book's editors provide a country-by-country overview of the liability of lawyers and indemnity insurance of the legal profession. The book addresses the professional liability for the legal profession, indemnity insurance for lawyers, and trends in professional liability claims. Additionally, the book contains recommendations for professional insurance coverage and a summary of the survey results for each country.

NAFTA and Investment

Edited by Seymour J. Rubin and Dean C. Alexander. The Hague, The Netherlands: Kluwer Law International, 1995, pp. ix, 251, \$134.00, £86.00, Dfl. 200.00 [ISBN 90-411-0032-6].

This publication contains essays addressing various topics arising from the investment chapter of the North American Free Trade Agreement (NAFTA). Essay subjects include: NAFTA's impact on *maquiladoras*; foreign investment in Mexico and Chile after NAFTA; selected United States-Mexico-Canada cross-border investment and trade deals; and a Canadian perspective of NAFTA and investment. The text of the investment chapter of NAFTA is reproduced in the book.

Perspectives on Company Law: 1

Edited by Fiona MacMillan Patfield. The Hague, The Netherlands: Kluwer Law International, 1995, pp. xiii, 227, \$105.00, £60.00, Dfl. 165.00 [ISBN 90-411-0852-1].

Eleven essays address an array of company law topics. Essay titles include: The Future of the London Stock Exchange, Capital Maintenance, The Legal Personality of Associations, Private Property and Corporate Governance, Corporate Rescue Procedures—Some Overseas Comparisons, Close Corporations and Private Companies in South and Southern Africa, and Reforming Company Law. Contributors to this publication include distinguished academics, members of the judiciary, and practitioners.

The Political Economy of European Integration

Edited by Finn Laursen. The Hague, The Netherlands: Kluwer Law International, 1995, pp. ix, 312, \$145.00, £88.00, Dfl. 195.00 [ISBN 90-411-0086-5].

This work is a collection of shorter essays that discuss classical integration theory and modern public-choice theory applied to European integration. The book is divided into three sections: theoretical approaches; policy cases; and external relations. Topics covered include the influence of the European Parliament, the decision-making and common policies of the European Union, reform of the common agricultural policy, trade policy, relations with Eastern European countries, as well as enlargement.

Recueil Des Cours: Collected Courses of the Hague Academy of International Law, 1993—VII

Compiled by L'Académie De Droit International de la Haye. Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1995, pp. 456, \$117.00, £80.00, Dfl. 205.00 [ISBN 90-411-0087-3].

The first of the two shorter works contained in this volume concerns the International Court of Justice. This article thoroughly examines the contentious jurisdiction of the Court; incidental proceedings in contentious cases; the advisory function of the Court; the Court as an institution and its decision-making process; and the role of the Court in the settlement of ocean disputes. The second work examines international cooperation and the protection of children. More specifically, this work considers the background to the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, and analyzes the variety of adoption laws and practices throughout the world. Furthermore, the author traces the history of inter-country adoption, as well as the legal barriers and challenges associated with its development.

Recueil Des Cours: Collected Courses of the Hague Academy of International Law, 1994—III

Compiled by L'Académie De Droit International de la Haye. Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1995, pp. 405, \$117.00, £80.00, Dfl. 205.00 [ISBN 90-411-0079-2].

A compilation of three shorter works addressing various international issues. The first essay is "The Legal Position in International Law of Heads of States, Heads of Governments and Foreign Ministers." Under this broad topic, several subissues are discussed such as: constitutional forms and titles; internationally relevant powers; recognition; protection, privileges, and immunities; international responsibility; as well as loss of office and exile. The second essay is "Maintenance Obligations in the Conflict of Laws." This article focuses on international maintenance law, specifically the rules that determine whether domestic or foreign substantive law is to be applied in the absence of a uniform international approach. This article focuses on several substantive and procedural issues including jurisdiction, choice of law, and recognition and enforcement of foreign maintenance orders. The third essay is "Liability, a Legal Mechanism." This article addresses customary international law on liability for injurious consequences of acts not

prohibited by international law. The author discusses a growing pattern discernable in multilateral treaties that relates liability and the international law of environment protection.

The Return of Cultural Treasures

By Jeanette Greenfield. Cambridge, U.K., New York, New York, and Melbourne, Australia: Cambridge University Press, 2d ed., 1995, pp. xxii, 351, \$80.00 (hc) [ISBN 0-521-47170-2], \$29.95 (pb) [ISBN 0-521-47746-8].

This work analyzes the return of cultural treasures to their homelands, an issue of increasingly heated public debate. Greenfield provides detailed accounts of how numerous famous art works, such as the Elgin Marbles, the Benin bronzes, and national treasures like the Koh-I-Noor diamond and the Icelandic *Flatexjarbok* and *Codex Regius* manuscripts, have been acquired. The author makes a cogent and compelling argument for the return of these artifacts. In so doing, she illustrates the complexity of the issues of public and private international law involved, and the barriers to securing international agreement on a comprehensive policy concerning cultural treasures.

Tax Planning and Corporate Responsibilities of Board Members

Edited by Harrie L. van Mens. The Hague, The Netherlands: Kluwer Law International, 1995, pp. x, 86, \$37.00, £24.00, Dfl. 55.00 (pb) [ISBN 90-411-0114-4].

Before traveling to a foreign country to serve as an executive or as a member of a board of directors, one must be well informed of the potential liabilities involved in taking such a position. Designed as a practical guide for companies in Germany, The Netherlands, Spain, and the United Kingdom, this publication summarizes relevant legislation in each country regarding liability of members of the management or supervisory boards and the taxation of employees. The publication addresses the responsibilities of directors, general tax planning for employees of multinational companies, and stock options and share participation in each country.

Whither Jerusalem?

By Moshe Hirsch, Deborah Housen-Couriel, and Ruth Lapidoth. The Hague, The Netherlands: Martinus Nijhoff Publishers/Kluwer Law International, 1995, pp. xi, 182, \$92.00, £59.00, Dfl. 125.00 [ISBN 90-411-0077-6].

According to the authors, scholars at the Hebrew University of Jerusalem, "[t]he future of Jerusalem is the most difficult facing negotiators, politicians and legal experts." To address this "Jerusalem question," the Jerusalem Institute for Israel Studies has collected fifty-five proposals. The drafters of these proposals, concerned about the legal status of Jerusalem, offer varied approaches to the three central issues: national aspirations and sovereignty, holy places, and municipal administration. Accordingly, this work summarizes and critically analyzes each of these fifty-five proposals, and includes a lexicon of terms used by the proposals' authors.

The World Bank in a Changing World: Selected Essays and Lectures, Vol. II

By Ibrahim F.I. Shihata. The Hague, The Netherlands: Martinus Nijhoff Publishers/Kluwer Law International, 1995, pp. xxxiv, 802, Dfl. 375.00, \$274.00, £169.00, Dfl. 375.00 [ISBN 90-411-0115-2].

This compilation of twelve essays and nine lectures written by the senior vice president and general counsel of the World Bank cover his last five years of service to the institution. These writings give the reader an extensive account of some of the major developments that have influenced the work of the World Bank in recent years. A general discussion of the World Bank in the 1990s is followed by chapters covering, for example: judicial reform in developing countries, the environment, international arbitration, civil service reform in developing countries, and human rights. As noted by the author, volume II is meant to "contribute, in modest part, to the effort of making the changing World Bank better known to the changing world it purports to serve."

Yearbook Law and Legal Practice in East Asia: 1995, Vol. I

Edited by A.J. de Roo and R.W. Jagtenberg. The Hague, The Netherlands: Kluwer Law International, 1995, pp. xvii, 183, \$80.00, £49.50, Dfl. 110.00 (pb) [ISBN 90-411-0105-5].

This yearbook is the first of a series designed to focus on doing business in and the legal systems of East Asia. In an effort to keep pace with the rapid economic expansion occurring in the region, the publication's goal is to provide the business community and legal profession with timely information and insight into legal issues facing East Asia. The book presents fourteen scholarly essays from regionally based authors discussing legal practices and recent developments in Vietnam, The People's Republic of China, Hong Kong, and Japan.

