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Sources of International Uniform Law (Volume II)

Konrad Zweigert

Jan Kropholler

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Current Literature

BOOK REVIEW

VOLUME II SOURCES OF INTERNATIONAL UNIFORM LAW. Edited by Konrad Zweigert and Jan Kropholler. Leyden, Netherlands: A. W. Sijthoff, 1972, pp. 1,000. Dfl. 170.00.

This is the second of a three-volume work on the documentary sources of private international uniform law related to transport law. The first volume of the trilogy contained texts on civil and commercial law and the forthcoming volume will contain documents on the law of intellectual property and the law of competition.

Volume two is organized according to the mode of transport: maritime, fluvial, air, highway, railroad and general and combined transport. To attain what the editors term the "world-wide use" of the volume, each text is reproduced in English, French and German.

As a collection of documents on transport law, the editors have made excellent choices giving the reader a varied and extensive compilation of transport law documents. This volume contains texts on rivers and railroads, reminding the American public and American lawyers that transport law involves more than just freeways and aircraft.

In the field of maritime law, the editors have included the two Brussels Conventions of 1910 dealing with collisions of vessels and assistance and salvage at sea, as well as the more recent Baltim Charter of 1950 and the Linertime Charter of 1968. Although the volume focuses on *international* uniform law based on multilateral documents, the editors have wisely reproduced the Swedish Maritime Law of 1891 and the 1938 Swedish Act Containing Certain Rules Concerning Foreign State-Owned Ships and Other Matters, which represents a particularly successful attempt at the unification of laws within the Nordic countries.

In the field of fluvial law, the 1960 United Nations Economic Commission for Europe Convention Relating to the Unification of Certain Rules Concerning Collisions in Inland Navigation is in-

cluded and highway transport law is represented by the 1956 Economic Commission for Europe Convention on the Contract for the International Carriage of Goods by Road.

Because of the many successful developments in the unification of air law, the section on air law is extensive, and includes the recent 1970 General Conditions of Carriage of the International Air Transport Association and the 1966 Agreement Between Carriers of the International Air Transport Association and the Civil Aeronautics Board of the United States. The historically important Warsaw Convention and the two Swedish acts exempting certain aircraft from attachment and injunction are also included.

With the renaissance of the train as a form of transportation in the United States, the section regarding railroad law presents an interesting and important comparative tool. The editors provide different approaches to the unification of railroad law based on two regional organizations—the Western European Berne Union International Convention Concerning the Carriage of Goods by Rail and the Union's International Convention Concerning the Carriage of Passengers and Luggage by Rail and the "Socialist Countries" Council for Mutual Economic Assistance Agreement Concerning International Transport of Goods by Rail.

The volume concludes with a section on "combined" transport law containing two documents of the Council for Mutual Economic Assistance, the 1959 Agreement Concerning International Direct Goods Traffic by Rail and Water and the Regulations to the Agreement Concerning International Combined Railway/Ship Goods Through-Traffic.

Although the volume rates high as a collection of documents because of the scholarly and imaginative selection and arrangement of texts, it is regrettable that the editors did not further enhance the volume by providing sufficient background information. Unlike many fields in international law where academic interest greatly outdistances the application of law in practice, transport law is a field where the active practice is the rule, rather than the exception. For the practitioner to use the volume on transport law successfully, he must know whether a particular treaty is in force, the date when the treaty entered into force, whether a certain nation ratified the treaty, the date of such ratification, whether any reservations were made and the substance of the reservations. To these questions,

the editors provide no answers and thus, the practitioner must look elsewhere. The editors have promised in their introductory note, however, partially to alleviate this problem by publishing a special supplement that would indicate treaty ratifications.

As the editors note in the introduction, publishing the volume in three different languages could have the effect of facilitating recourse to the authentic language version of the document. Nevertheless, the editors fail to identify the official language of each document leaving the reader to explore the provisions of the document to determine whether he has the authentic text.

Moreover, the omission of relevant background material handicaps the volume as a working reference and can hinder the use of the volume to promote the unification of transport law. In the field of international uniform law, practice forms an important means to achieve uniformity. To force the attorney into a dizzy array of international problems could cause reliance on domestic sources as a quick but not necessarily reliable solution to his problems. In addition, the lack of an introduction to each document may cause the practitioner not to appreciate fully the type of document he has in hand and its interrelationship to the other documents in the volume.

Transport is a field of law that contains a large body of law and needs unified rules to govern successfully increasing contact among nations. In this regard, transport law is very much amenable to unification since nations acknowledge the need for a uniform doctrine to govern their interaction with each other. The volume on transport law provides an outstanding collection of texts to which one can easily refer for uniform laws. The volume, however, falls short of facilitating unification by failing to provide a practical framework in which the sources of transport law may be utilized. It is hoped that with the dynamic growth of international law, innovative means can be found to break away from the traditional presentation of the sources of private and public international law.

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