

## BOOKS RECEIVED\*

### General Publications

#### An Agenda for Peace

By Boutros Boutros-Ghali. New York, New York: United Nations Publications (Sales No. E.95.1.15), 1995, pp. 1, 152, \$7.50 (pb) [ISBN 92-1-100555-8].

Secretary-General Boutros Boutros-Ghali stresses the need for peace. The book contains an extensive collection of United Nations documents concerning the international community's efforts to improve the Organization's capacity for preventive diplomacy, peacemaking, and peace-keeping. The featured texts include the new "position paper" of the Secretary-General issued in January 1995, which assesses the experience of the United Nations in implementing his landmark 1992 report, *An Agenda for Peace*. Also included are all of the resolutions of the General Assembly and statements by the Security Council, including the full text of the Council's historic January 1992 summit meeting at which the request for an agenda for peace was first made.

#### Anti-Dumping and Anti-Trust Issues in Free Trade Areas

By Gabrielle Z. Marceau. New York, New York: Oxford University Press, 1995, pp. xii, 319, \$89.00 (hc) [ISBN 0-19-825920-4].

This book addresses the regulation of business activity within free trade areas and in particular with the law of economics of dumping and other anticompetitive practices. The author considers the legitimacy of antidumping measures in free trade areas in the light of the recent NAFTA agreement, positing that, within a free trade area, antidumping laws are inappropriate mechanisms for dealing with imported products that may be harmful to the interests of the importing state. The author proposes that the application of

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competition law may be a better way to tackle this problem, asserting that the competition laws of a state might be particularly effective if applied extraterritorially. Using the NAFTA agreement as her principal example, the author demonstrates that free trade areas exhibit major differences from one another, not only in the strength and nature of their economies, but also in their rules on dumping and competition.

## **The Antimonopoly Laws and Policies of Japan**

By H. Iyori and A. Uesugi. New York, New York: Federal Legal Publications, Inc., 1994, pp. xix, 564, \$85.00 (hc) [ISBN 0-87945-077-0].

Current Japanese competition policy, its evolution, and the laws that define it are interpreted and explained by two Japanese government insiders in this book. The authors make a case for effective Japanese antimonopoly enforcement, one outcome of which would be to make it possible for foreign firms to compete effectively in Japan. The book provides a description of the substantive rules and procedural character of the antimonopoly laws and offers, where possible, a comparative analysis of American counterpart laws. The authors examine business group relationships, with charts and tables of the companies, and their exclusionary effects on outsiders, foreign or domestic. Also discussed are the many forms of voluntary export restraints, their relationships to international cartels, and the impact of U.S. antitrust policy and the General Agreement on Tariffs and Trade on the voluntary export restraints. Appendices include translations of antimonopoly laws, regulations, and various FTC guidelines, all of which are discussed and interpreted within the text.

## **The Best Interests of the Child: Reconciling Culture and Human Rights**

Edited by Philip Alston. New York, New York: Oxford University Press, 1994, pp. xiii, 297, \$29.95 (pb) [ISBN 0-19-825026-3].

Resulting from a project conducted by UNICEF's International Child Development Centre, this collection of essays reflects on the 1989 United Nations Convention on the Rights of the Child and evaluates varied interpretations of what is considered to be in a child's best interests. Specifically, these case studies focus on issues of child custody in southern Africa, access to education in Egypt, the evolution of family law customs in rural African cultures, the status of children in South Asian societies, and interpretations of childrens' rights across national boundaries.

## **Beyond Confrontation: International Law for the Post-Cold War Era**

Edited by Lori F. Damrosch et al. Boulder, Colorado: Westview Press, 1995, pp. vii, 334, \$65.00 (hc) [ISBN 0-8133-8923-2].

In this volume, authors from the United States and the former Soviet Union have worked in pairs on each of ten timely and important topics in international law, aiming toward collaborative scholarship to bridge and overcome Cold War divisions. The authors' choice of issues reflects an emphasis on contemporary problems, including use of force, terrorism, human rights, and the development of law for the seas, space, and natural environment. The book focuses on the diversity of opinion concerning each of the areas covered, both about what the law now is and about where it should be going.

## **The Challenges of Change: The Helsinki Summit of the CSCE and Its Aftermath**

Edited by Arie Bloed. Dordrecht, The Netherlands: Martinus Nijhoff Publishers, 1994, pp. xvii, 463, \$144.00, £94.50, Dfl. 225.00 (hc) [ISBN 0-7923-3089-7].

In this collection of essays, various participants of the Conference on Security and Co-operation in Europe (CSCE) analyze the results of the 1992 conference held in Helsinki, Finland. Specific topics range from the political and security dimensions of the CSCE, to economic cooperation and protection of the environment, to human rights issues. Specific emphasis is placed upon the CSCE's role in promoting standards of cooperation throughout the European continent.

## **Chinese Foreign Investment Laws and Policies: Evolution and Transformation**

By Wei Jia. Westport, Connecticut: Greenwood Publishing Group, 1994, pp. xx, 216, \$55.00 (hc) [ISBN 0-89930-900-3].

Premised upon the Chinese Government's evolution to a market economy, this work evaluates the progressive liberalization of foreign investment law in various sectors of the Chinese economy. The author discusses specific aspects of Chinese investment law and policy relating to: joint ventures, wholly owned foreign subsidiaries, taxation and currency exchange management, intellectual property protection, and foreign bank operations. The

author concludes that foreign direct investment will dramatically expand based upon the Chinese Government's increasing emphasis on internal growth and export promotion.

## **Collected Courses of the Academy of European Law: 1992, Vol. III, No. 2**

Edited by the Academy of European Law. Dordrecht, The Netherlands: Martinus Nijhoff Publishers/Kluwer Academic Publishers Group, 1994, pp. xviii, 401, \$125.00, £82.50, Dfl. 195.00 (hc) [ISBN 0-7923-3154-0].

Established in 1990, the Academy of European Law's main activity is to hold summer courses on the law of the European Union and the protection of human rights in Europe. Authoritative lecturers are drawn from throughout the world. In this collection of lectures, French and English authors addresses specific issues affecting the protection of human rights.

## **Commercial and Investment Law: Latin America, Vol. 1**

Edited by Andrea Bonime-Blanc. Irvington, New York: Transnational Juris Publications, Inc., 1994, pp. ix, \$125.00 (one looseleaf volume) [ISBN 1-56425-022-9].

This publication is the first of a multivolume looseleaf work that provides an overview and analysis of relevant laws affecting foreign investors in individual countries, periodic updates of the most important legal and regulatory developments in each country, and the text of the most important laws affecting foreign investors. Volume 1 includes an overview of geographical, historical, economic, political, and financial data concerning foreign investing in Brazil, Mexico, and Panama.

## **Commercial Law of Russia**

By William G. Frenkel. Irvington, New York: Transnational Juris Publications, Inc., 1994, pp. xxvii, \$285.00 (one looseleaf volume, updated) [ISBN 1-56425-021-0].

This treatise offers a thorough explanation of the law relating to commercial transactions developing in Russia as a result of the country's transformation to a market-based economy. The author evaluates the historical origins of

modern Russian law to illustrate the country's reliance on general principles of civil lawmaking. Particular emphasis is placed upon the following areas of law: property, corporations, contracts and commercial transactions, negotiable instruments, secured transactions, taxation, antitrust, labor, and bankruptcy. A detailed appendix contains the full text of several recent legislative enactments.

## **The Constitution of the Federal Republic of Germany**

By David P. Currie. Chicago, Illinois: The University of Chicago Press, 1995, pp. xvii, 448, \$35.00 (hc) [ISBN 0-226-13113-0].

Beginning with an overview of the essential features of German law, the author evaluates the impact of recent decisions of the German Constitutional Court upon the German Constitution and upon general principles of international law. Throughout this work, the author offers an enlightening comparative analysis of American and German institutions, judicial methods, and constitutional principles.

## **Decision at Midnight: Inside the Canada-US Free-Trade Negotiations**

By Michael Hart, with Bill Dymond and Colin Robertson. Vancouver, BC, Canada: University of British Columbia Press, 1994, pp. xvi, 472, \$35.00 (hc) [ISBN 0-7748-0514-5].

Members of Canada's Department of Foreign Affairs and International Trade offer an insider's view of the Canada-U.S. Free Trade Agreement negotiations, the preparation and conduct of the negotiations, as well as the full range of issues and ideas which motivated the negotiations. Withheld from publication by the federal government for six years, this work tactfully provides a complete narrative account of the consultations and debates that led to the FTA, as well as an analysis of the impact of the FTA on U.S.-Canadian relations. Although written from a Canadian perspective, the authors disclose their perception of international and American circumstances that enhanced the success of the FTA negotiations.

## **Environmental Liability and Privatization in Central and Eastern Europe**

By Gretta Godenman et al. Boston: Graham & Trotman, Ltd., 1994, pp. ix, 233, \$90.00 (hc) [ISBN 1-85966-094-0].

This book focuses on the many state-owned enterprises in Central and Eastern Europe (CEE) that are saddled with severe environmental problems due to the failure of the centrally planned economies to control industrial pollution. The authors discuss the uncertainty about responsibility for the environmental problems that have emerged as a significant constraint to privatization or independent management, particularly with regard to contamination left over from past industrial activities, and unacceptable levels of pollution from ongoing operations. This book describes the laws of CEE countries applicable to the transfer of contaminated property; how individual enterprises are privatized in CEE; the methods used by investors to contain the legal risks of acquiring property with environmental problems, including contractual safeguards; and the policy options for addressing the environment-related concerns of investors interested in CEE properties undergoing privatization. The volume also analyzes privatization, property transfer, and environmental liability; legal issues arising in the transfer of contaminated properties from an investor's point of view; and Central European policy and legislative initiatives to address environmental problems during privatization.

## **European Community and International Media Law**

By David B. Winn. Dordrecht, The Netherlands, London, U.K., and Boston, Massachusetts: Graham & Trotman / Martinus Nijhoff, 1994, pp. xxxii, 609, \$146.00, £90.00, Dfl. 288.00 (hc) [ISBN 1-85333-760-9].

Part of the European Business Law & Practice Series, this work is intended as a reference tool for practitioners involved in European Community law. Specifically, this work presents the substantive international law that regulates the broadcasting, film, music, computer software, and publishing industries, as well as related European Community laws. Appendices set out relevant EC directives, international treaties, and treaty tables.

## **European Yearbook: 1992, Vol. XL**

Edited by the Council of Europe. Norwell, Massachusetts: Martinus Nijhoff Publishers/ Kluwer Academic Publishers Group, 1994, pp. vi, 1112, \$320.00 (hc) [ISBN 0-7923-2570-2].

The aim of the European Yearbook is to promote the scientific study of a number of international organizations and their work. In this collection of articles, authors address specific issues affecting various European organizations and look back to the relevant events and activities of 1992.

## **Global Offerings of Securities: Access to World Equity Capital Markets**

Edited by Meredith M. Brown and Alan Paley. Dordrecht, The Netherlands, London, U.K., and Boston, Massachusetts: Graham & Trotman, 1994, pp. xv, 239, \$100.00, £60.00, Dfl. 192.00 (hc) [ISBN 1-85966-0450-2].

Part of the International Bar Association Series, this book provides an introduction to the rapid increase in global offerings of securities in world capital markets. The contributing authors explore the implementation of domestic regulatory schemes designed to facilitate cross-border equity transactions and to overcome the problems traditionally associated with multinational offerings. In their analysis, the authors draw upon the laws and practices of most of the world's major capital markets, including those of the United States, the United Kingdom, Continental Europe, Japan, Canada, and Mexico.

## **Guide to Product Liability in Europe**

By William C. Hoffman and Susanne Hill-Arning. Deventer, The Netherlands and Boston, Massachusetts: Kluwer Law and Taxation Publishers, 1994, pp. xvi, 254, \$100.00, £65.00, Dfl. 180.00 (hc) [ISBN 90-6544-8500].

Designed as a practical guide for insurers, industry, and legal professionals, this book focuses on the product liability laws of ten European Union Member States and of all seven European Free Trade Association countries. The authors attempt to provide a comprehensive presentation of strict product liability laws throughout Western Europe following the European Union directive of July 25, 1985. Each chapter is organized around a uniform structure that includes national interpretations of the EU directive, pre-existing national laws of product liability, and procedural laws relevant to product liability litigation.

## **International Business Law in Theory and Practice**

By Otto Sandrock. Münster, Germany: LIT Verlag, 1995, pp. xvii, 613, DM 78.80 (hc) [ISBN 3-8285-2253-2].

The volume contains eighteen of the most influential articles of Professor Otto Sandrock, an internationally recognized expert of international and European business law and commercial arbitration, who recently retired from the Law Faculty of the University of Münster, Germany. About half of the articles are in English. The first two articles, in chapter 1, deal with

the question of what law an international commercial arbitration tribunal should apply and whether "petrification clauses" in choice of law agreements are enforceable. Three lengthy articles in chapter 2 address the question of whether the American "internal affairs doctrine" should be applied by the courts of those EC Member States that apply the more restrictive "seat doctrine" for choice of corporate law purposes. Unfair competition, industrial property, and the conflict of laws are the subject of the volume's third chapter. Chapter 4 analyzes the export of cultural property and the conflict of laws and the valuation of cultural property. Chapter 5 discusses the complex and still unsettled issue of whether disputes over the application of article VIII, section 2(b) of the IMF Articles of Agreement are arbitrable. Two further chapters deal with questions of the law of civil procedure and international commercial arbitration. The final seven chapters concern the practical and theoretical aspects of international commercial arbitration.

## **International Litigation: A Guide to Jurisdiction, Practice and Strategy**

By David Epstein and Jeffrey L. Snyder. Englewood Cliffs, New Jersey: Prentice Hall Law & Business, 2d ed. 1994, \$110.00 (one looseleaf volume, updated) [ISBN 013-199654-1].

This valuable resource provides comprehensive "how-to" information for attorneys involved in transnational litigation. The authors draw upon their experiences to offer practical tips, strategies, and advice relating to each stage of international litigation. Major topics include: service of process; limitations on the jurisdiction of U.S. courts; personal jurisdiction; the act of state doctrine and foreign sovereign immunities; proof of foreign law; choice of law; obtaining evidence; and enforcement of judgments. The updated coverage of this second edition reflects amendments to the Federal Rules of Civil Procedure and significant recent case law developments.

## **International Litigation and Arbitration: Practice and Planning**

By Russell J. Weintraub. Durham, North Carolina: Carolina Academic Press, 1994, pp. xvi, 503, \$65.00 (hc) (teacher's manual available) [ISBN 0-89089-574-0].

Organized around a case study framework, the materials survey the multifaceted concerns that can arise in international litigation and arbitration. The au-



thor has designed the text to explore issues inherent in international practice and to assist readers in developing the analytical skills necessary to solve present problems and address those that may arise in the future. Major topics include: obtaining jurisdiction of foreign defendants in U.S. courts; enjoining suit abroad; taking of evidence in foreign jurisdictions; currency conversion; recognition of judgments; Act of State and foreign sovereign immunity; extra-territorial application of U.S. law; letters of credit; and arbitration.

## **International Survey of Investment Adviser Regulation**

Edited by Marcia L. MacHarg and Roberta R.W. Kameda. Boston, Massachusetts: Graham & Trotman, 1994, pp. xxxi, 357, \$ 125.00 (hc) [ISBN 1-85966-078-9].

This publication provides a survey of the investment adviser regulatory systems in various countries around the world and in the European Union. The book aims to help shape the direction of investment management regulation. Specifically, it provides a comprehensive look at the regulation of investment advisers in eighteen countries in North America, South America, Europe (including the European Community), Asia, and the Pacific Basin.

## **Law and Business in France: A Guide to French Commercial and Corporate Law**

By Christopher Joseph Mesnooh. Dordrecht, The Netherlands, London, U.K., and Boston, Massachusetts: Martinus Nijhoff / Kluwer Academic Publishers Group, 1994, pp. x, 366, \$134.00, £92.00, Dfl. 235.00 (hc) [ISBN 0-7923-2682-2].

The author presents a comprehensive introduction to the interaction of commercial activity with French and European Community law, intended for practicing lawyers who are generally unfamiliar with French law. Topics include: establishment of foreign subsidiaries and franchises in France; operation of corporate entities; regulation of commercial activity (antitrust, intellectual property, advertising, environmental, and banking laws); labor and social security law; and taxation.

## **Lines in the Sea**

Edited by G. Francalanci and T. Scovazzi. Dordrecht, The Netherlands, London, U.K., and Boston, Massachusetts: Martinus Nijhoff Publishers / Kluwer Academic Publishers Group, 1994, pp. xii, 267, \$165.00, £109.00, Dfl. 265.00 (hc) [ISBN 0-7923-2846-9].

The editors, a former director of an Italian state-owned oil companies cartographic department and a university professor specializing in the international law of the sea, address the scientific and legal difficulties of establishing international lines in the sea. By way of illustration they rely mainly on graphic representations of those provisions of the 1982 United Nations Convention on the Law of the Sea that can be reproduced on maps. The editors accompany the maps with commentary stressing the scientific and legal aspects of the subject illustrated.

## **NAFTA and Beyond: A New Framework for Doing Business in the Americas**

Edited by Joseph J. Norton and Thomas L. Bloodworth. Dordrecht, The Netherlands, London, U.K., and Boston, Massachusetts: Martinus Nijhoff Publishers, 1994, pp. xvi, 704, \$247.50, £154.00, Dfl. 375.00 (hc) [ISBN 0-7923-3239-3].

According to the editors, "the NAFTA is not simply a modern-day regional trade arrangement, it is also a catalyst for significant future domestic economic, legal and political reform in the Americas." With this in mind, the editors have included U.S., Canadian, Mexican, and South American overviews of the agreement. The larger part of the book, however, focuses on the practical implications of the NAFTA in regard to trade, services, direct investment, intellectual property, financial services, and international financing matters for those interested in doing business in the Americas.

## **National Treaty Law and Practice: France, Germany, India, Switzerland, Thailand, United Kingdom**

Edited by Monroe Leigh and Merritt R. Blakeslee. Washington, D.C.: The American Society of International Law (No. 26 in the series *Studies in Transnational Legal Policy*), 1995, pp. xvi, 267, \$25.00 (without postage) (pb) [ISSN 1057-0551].

This volume of six essays is the first of a series of uniform reference works covering the domestic treaty law and practice of a broadly representative group of countries. In this instance, the targeted countries are France, Germany, India, Switzerland, Thailand, and the United Kingdom. Each chapter follows a common outline that introduces the constitutional structure of the country; discusses the treaty law and practice of the country; and includes documentary annexes and a bibliography. Overall, the series is intended to provide a comparative study of the complex considerations that enter into various countries' domestic treaty law and practice.

## **Precautionary Legal Duties and Principles of Modern International Environmental Law**

By Harald Hohmann. Dordrecht, The Netherlands, London, U.K., and Boston, Massachusetts: Graham & Trotman / Martinus Nijhoff, 1994, pp. xvii, 377, \$125.00, £75.00, Dfl. 225.00 (hc) [ISBN 1-85333-911-3].

The author espouses the view that the precautionary principle should be central to international environmental law. He reviews the history of international environmental law to the present and concludes that the modern customary law of the environment is concerned more with duties and principles than with traditional rules on liability and compensation. These duties and principles form the basis of his analysis.

## **Privatization: Current Issues**

Edited by Meredith M. Brown and Giles Ridley. Dordrecht, The Netherlands, London, U.K., and Boston, Massachusetts: Graham & Trotman / Kluwer Academic Publishers Group, 1994, pp. xxvii, 180, \$76.00, £45.00, Dfl. 140.00 (pb) [ISBN 1-85966-049-5].

Published in cooperation with the International Bar Association's Section on Business Law, this study demystifies the privatization process in a number of Latin American countries, France, Italy, and the United States. Particular emphasis is placed on a review of both the business organization and capital-raising aspects of the privatization process in Latin America.

## **The United Nations Crime Prevention and Criminal Justice Program: Formulation of Standards and Efforts at Their Implementation**

By Roger S. Clark. Philadelphia, Pennsylvania: University of Pennsylvania Press, 1994, pp. xvi, 331, \$44.95 (hc) [ISBN 0-8122-3269-0].

The 20th volume in the Procedural Aspects of International Law Series, this book examines UN activities since 1945 in criminal justice and critically reviews the success of its efforts. The author was from 1987 to 1990 a member of the UN Committee on Crime Prevention and Control, and thus involved with drafting model treaties, standard minimum rules, and declarations of basic principles. In addition to evaluating the past and present substantive activities of the UN's criminal justice program, the author also predicts future directions in the area.

## **The United States and the 1982 Law of the Sea Convention: The Cases Pro & Con**

By George Galdorisi. Honolulu, Hawaii: The Law of the Sea Institute, University of Hawaii, 1994, pp. vii, 83, \$10.00 (pb) [ISBN 0-911189-28-9].

This publication includes articles on opposite sides of the debate that has surrounded the LOS Treaty since the U.S. refusal to sign it in 1982. On one side is a position based on a philosophy that stability in international affairs is best served by achieving consensus in the give-and-take process of treaty negotiations and using a treaty as a legal vehicle to enforce the consensus against defectors. Opposing this position is the idea that when market forces drive international law, a stable world economic order will result that fairly distributes world resources. The authors include a review of the history of law of the sea negotiations and of the changes in the economies of seabed mining and the international political climate.

## **Warranties in Cross-Border Acquisitions**

Edited by Mauro Rubino-Sammartano. Dordrecht, The Netherlands, London, U.K., and Boston, Massachusetts: Graham & Trotman / Kluwer Academic Publishers Group, 1993, pp. xii, 404, \$155.00, £90.00, Dfl. 290.00 (hc) [ISBN 1-85333-946-6].

Published in cooperation with the International Bar Association's Section on Business Law, this book presents a comparative review of warranties in cross-border acquisitions with reference to the law and practice of Argentina, Australia, Germany, Italy, South Africa, Spain, Sweden, and the United States. Topics cover a wide range of matters involved in the negotiation of warranties as well as procedural matters such as remedies, defenses, and liabilities.