

1972

Book Reviews

Recommended Citation

Book Reviews, 6 INT'L L. 896 (1972)

<https://scholar.smu.edu/til/vol6/iss4/14>

This Book Review is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in International Lawyer by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

Book Reviews

Intergovernmental Military Forces and World Public Order

Walter L. Williams, Jr., Oceana Publications Inc., 1971. 703 pp. \$18.

Reviewed by Leonard J. Theberge

Intergovernmental Military Forces and World Public Order is a comprehensive study dealing with the role of military forces established and employed under the authorization and direction of an intergovernmental organization. It is a thoughtful book for both lawyers and statesmen. Since it ponders the crucial issue of the employment of military forces to preserve world public order, it is of special interest to anyone concerned about world peace.

The major premise underlying Mr. Williams' advocacy of intergovernmental military forces is that the destructiveness of nuclear weapons requires a redistribution of military power from national to supranational bodies to insure world peace. The book makes no serious attempt to verify this premise, which is not only incapable of proof, but can only lead to endless speculation. It is not a philosophical treatise designed to justify the establishment of intergovernmental military forces to insure world public order, although Part 1 leads ineluctably towards such a conclusion. The author is more concerned with policy issues and the intergovernmental military forces process as it exists. The positive exposition and analysis of this book far outweighs its normative implications. Part 2 deals exclusively with the numerous technical issues involved in the establishment and employment by intergovernmental organizations of military forces.

Mr. Williams begins by tracing the historical development of military cooperation from ancient Egypt to World War II. Military cooperation has existed from the beginning of recorded history among tribes, communities and nations, but that cooperation has been sporadic and transitory. As the common enemy was defeated, military cooperation ceased. The author could have written a book on this subject alone. It is regrettable, at least to this reviewer, that the historical development did not receive more detailed description and analysis. The author has provided an excellent bibliography of both published and unpublished materials and his footnotes are an additional source for further inquiry.

Against this historical background, developments since World War II reveal the first extensive intergovernmental military cooperation. The growing inter-independence among nations in a world constantly being shrunk by technology is the key behind the trend towards increased semi-permanent military cooperation. The Warsaw Pact forces and the North Atlantic Treaty forces are examples of this type of cooperation, reflecting the deep enduring divisions of the cold war. Other intergovernmental military forces have come into existence based on crises in the Suez Canal, The Congo, West Irian and Cyprus. The author analyzes the intergovernmental military forces process and the factors which determine the participation by each member in an intergovernmental organization and how authoritative decisions are reached. He provides a very understandable explanation of the "give and take" in this very complex process which depends ultimately for its success on the goodwill and cooperation of individual nations. The author makes the point that there should be a continuous analysis of the intergovernmental military forces process.

In Chapter 4, an attempt is made to clarify basic community policies which would serve as a rationale for the use of intergovernmental military forces. At the level of abstraction required to make a general policy statement, the policy is meaningless. How can one disagree with the goals of peace, justice and security? It is only when these abstractions are translated into concrete situations that we can assess whether or not the goals fit the facts.

Strong exception is taken by Mr. Williams to one of Arnold Toynbee's public recommendations for a Russian-American dictatorship to impose world peace. The author expresses a faith in the evolution of attitudes and the creation of a world community that will approve of intergovernmental military forces as a means to maintaining world public order. While such a change in attitudes will necessarily take a long time, there are indications that progress, slow and inadequate as it may be, is occurring. It is very tempting to share Mr. Williams' faith for the long term, but as John Maynard Keynes remarked, in the long term we will all be dead.

The author's optimism does not mean he is unaware of the realities of power and force. He firmly believes, as do most people, that peace cannot be preserved by words alone and that the preservation of international public order requires the use of force from time to time.

The point is well taken that it is preferable to approach the use of force from an international framework wherever it is possible. This provocative and interesting book will certainly assist the rational development of intergovernmental military forces as a means of preserving world peace.

Yugoslav Foreign Investment Legislation at Work: Experiences So Far

Dr. Miodrag Sukijasovic, The Institute of International Politics and Economics, Belgrade; Oceana Publications Inc., New York, 1970, 178 pp. \$15.

Reviewed by JOHN F. McINTYRE

Yugoslavia cautiously opened its doors to foreign investment by The Federal Assembly's passage of a series of six laws effective 27 July 1967. Laws have continued to issue up to the present and, unfortunately, we are deprived of Dr. Sukijasovic's commentary on laws further liberalizing foreign investment passed subsequent to publication of his book in 1970; however, to complain that Dr. Sukijasovic has suffered a common fate of publication—inability to comment on the future—is to deny the value of this book both to international counsel concerned with foreign investment in Yugoslavia and to academics concerned with the practical attempts of a socialist state to reconcile its economic philosophy with capitalism in order to gain new Western technology and know-how. The principle thrust of Dr. Sukijasovic's monograph, written in English, is twofold: examination of Yugoslav legislation affecting foreign investment; practical results of such legislation by examination of concluded joint investment contracts.

Chapter II examines the conceptual distinctions between the Western concept of equity capital and its adaptation within a society which will not permit a majority foreign equity participation in foreign investment or management control by foreigners of a joint investment (in the form of a "pooling of resources" contract rather than a contract establishing a "joint stock company"). Many readers of this review are no doubt aware of the vital importance of the joint investment contract in Yugoslavia and the need for comprehensive treatment of all aspects of the proposed joint investment prior to official approval by the Federal Secretary of the Economy. Dr. Sukijasovic's examination of the practical effect of existing in-

vestment laws and acceptable action when faced with legislative generalities or voids constitutes necessary background for consideration of specific investment projects. Considerable attention is also devoted by Dr. Sukijasovic to reconciliation of Western practical legal concepts within the socialist system.

Chapter III is devoted to coverage of existing foreign investment in an attempt to determine the actual meaning and practical effect of investment legislation as revealed by the results of specific joint investment contracts concluded between July 1967 and December 1969. Dr. Sukijasovic has wisely avoided discussing each particular contract and instead examines the methods which certain contracts employ to deal with familiar contractual problems such as taxation, arbitration, profit transfer, exchange restriction, ownership, and amortization of investment. Counsel will find the section on management to be of particular interest, as well as the section on formulas for profit distribution.

Dr. Sukijasovic is quite frank and does not hesitate to point out the substantive shortcomings of Yugoslav investment legislation and necessary changes. This reviewer concurs with his recommendation for passage of a single legislative act dealing with foreign investment, containing precise legal terminology to supplant the present confusing welter of laws and amendments.

Dr. Sukijasovic's treatment of his subject is concise, comprehensive, readable, and notably free of dogmatic bias.

