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Noteworthy New Titles

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Noteworthy New Titles

Daniel L. Wade†

GENERAL REFERENCE

American Foreign Policy Current Documents: 1988. Edited by Nancy L. Golden and Sherrill Brown Wells. Washington, DC: Dept. of State, 1989. Pp. xlvi, 818. (Hardbound with Microfiche Supplement).

With lengthy delays in the appearance of important Department of State publications, such as the *Digest of U.S. Practice in International Law* and *United States Treaties and Other International Agreements*, it is pleasantly surprising to find this collection of documents on United States foreign policy so up-to-date. The volume, arranged topically either by subject (e.g., arms control) or geographic area, contains "principal public foreign policy messages, addresses, statements, interviews, press briefings and conferences, and congressional testimony by the executive branch of the U.S. Government during 1988." (Preface) There are also a few statements by international organizations and foreign leaders selected for their relevance to United States foreign policy. In addition to a subject index, the editors have included a list of documents, abbreviations, and names.

An important reference note to keep in mind is that the texts of treaties signed by the United States during the year appear in volumes in this series. If a particular treaty cannot be found in *International Legal Materials*, this series may well prove a valuable resource. Moreover, on-the-record and background press briefings appear in full in the microfiche.

This compendium should be useful to all those needing to keep informed of official United States positions on foreign policy. Fortunately for the researcher, it brings together in one place documents dispersed in a number of official publications.

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The Documentation of the European Communities: A Guide. By Ian Thomson. London: Mansell, 1989. Pp. xiv, 382. (Hardbound).

With the importance of 1992, this guide is essential for all law librarians working with international legal materials, and practitioners should also be aware of the help it can provide with the maze of documents and publications emanating from the European Communities. It is intended to be an update (reaching early 1988) of John Jeffries, *A Guide to the Official Publications of the European Communities* (London: Mansell, 2d ed. 1981), and likewise to serve as an orientation manual to the EC documentation. It should be consulted in tandem with Jeffries' work.

The book is arranged by the principal institutions of the European Communities. After an introductory chapter, the next six chapters focus on the European Commission, with subsequent chapters on the Council of Ministers, the European Parliament, the Economic and Social Committee, the Court of Justice of the European Communities, and the Court of Auditors. The last chapter serves as a catch-all for a number of lesser institutions: the Consultative Committee of the European Coal and Steel Committee, the European Investment Bank, the European University Institute, etc.

The author includes a number of highly useful appendices, such as a list of regularly published reports, periodicals, series and statistical titles arranged by subject; a list of EC online services; lists of EC information offices and sales offices; a list of non-EC information sources; and a list of European Information Centers and EC Depository Libraries. The work concludes with a subject index.

HUMAN RIGHTS

Case Law of the European Court of Human Rights: Vol. 1: 1960-1987. By Vincent Berger. Sarasota: UNIFO, 1989. Pp. xviii, 478. (Hardbound).

The author, a Senior Legal Officer at the Registry of the European Court of Human Rights, provides an excellent summary of the 117 cases adjudicated by the European Court of Human Rights from 1960 to 1987, in what will hopefully be the first of many volumes synthesizing the jurisprudence of the Court. In the foreword, the Honourable Mr. Justice Brian Walsh, Judge of the Supreme Court of Human Rights, suggests that this court is the most influential in the world, affecting the lives and liberties of almost four hundred million people in twenty-one nations.

Dr. Berger arranges his summaries in chronological order. Each summary includes a brief description of the facts and law involved in each decision, a bibliography relating to the case, and a discussion of the changes in national law and procedure caused by the decision.

The book's appendices include the text of the Convention establishing the Court, a list of ratifications, a scheme of the procedure of the Court, a table of referrals to and judgments of the Court, and a list of pending cases. There is also an extensive general bibliography, an index of the articles of the Convention for the Protection of Human Rights and Fundamental Freedoms, and a table of cases. The great importance of this work can be attested to by its publication in French and German editions as well as English.

Human Rights in Africa: A Comparative Study of the African Human and People's Rights Charter and the New Tanzanian Bill of Rights. By Chris Maina Peter. New York: Greenwood, 1990. Pp. xi, 145. (Hardbound).

Because of the importance of the subject and the dearth of treatises written on human rights in Africa, new books in this field are highly welcomed. This study is a comparative analysis of the New Tanzanian Bill of Rights, which became effective March 15, 1988, and the African Charter on Human and People's Rights (Banjul Charter) adopted by the Organization of African Unity. Chapter one provides the historical background of the two instruments; chapter two compares the rights and freedoms they set forth; chapter three discusses People's Rights (those an individual can enjoy only as a member of a community, and which are only provided for in the Banjul Charter); and chapter four describes the legal enforcement mechanisms of the two documents.

The texts of the two instruments and the United Nations Universal Declaration of Human Rights are reproduced in the appendices. The author, a Lecturer in Law at the University of Dar es Salaam and Advocate of the High Court of Tanzania, also outlines the composition of the newly established African Commission on Human and People's Rights and provides a summary chart of rights, freedoms, duties, and obligations contained in the three human rights documents. The work concludes with a table of statutes and cases, a bibliography and a subject index.

International Human Rights: Universalism Versus Relativism. By Alison Dundes Renteln. (Frontiers of Anthropology: 6). Newbury Park, CA: Sage, 1990. Pp. 203. (Hardbound).

This short, thoughtful analysis attempts to determine whether it is possible to have universal human rights and tries to resolve the tension between cultural relativists and those asserting universal standards. The author, an Assistant Professor of Political Science at the University of Southern California, proposes a "new" cross-cultural method to resolving this problem.

In her first chapter, Professor Renteln provides a succinct overview of international and regional institutions and instruments promoting human rights. She argues that, because of the significance of cultural diversity, profound problems giving rise to subsequent disputes are built into the human rights system. Chapter two deals with the fallacy of the presumption of the universality of human rights standards, while chapter three investigates the theory of cultural relativists. The next chapter, the heart of the book, is a case study looking at the universality of a single moral principle, i.e., retribution tied to proportionality, which serves as a limit on violence. From this, the author argues that there may be universal agreement on "rights" proscribing genocide or torture.

Professor Renteln believes her method would facilitate the identification of universal principles that would carry moral weight in the international arena. For that reason alone, this book should be of interest to the many *Journal* readers concerned with human rights. In the future, it should prove fascinating to track the scholarship of Professor Renteln and those who follow her banner, as they seek cross-cultural values shared by all to be placed at the disposal of those advancing human rights interests.

INTERNATIONAL PUBLIC LAW

International Humanitarian Law: The Regulation of Armed Conflicts. By Hilaire McCoubrey. Brookfield, VT: Gower, 1990. Pp. viii, 227. (Hardbound).

This introductory work, on the subject of international humanitarian law and the law of armed conflict, would serve well as a law school text. It provides a comprehensive and up-to-date overview of the subject, explaining the customary rules and provisions of the pertinent treaties, particularly the Geneva Conventions of 1949 and their Additional Protocols of 1977.

The author, a Lecturer in Law at the University of Nottingham, begins his work with a historical overview, then turns to the implementation of the relevant treaty provisions. Subsequent chapters discuss classes of specifically protected parties: the injured and sick on land; the injured, sick and shipwrecked at sea; prisoners of war; and civilians. The book's concluding chapters focus on restrictions upon means and methods of warfare, humanitarian provisions in non-international armed conflicts, exceptions to the laws of war, dissemination of the principles of international humanitarian law to armed forces and civilians, and repression of abuses.

The book is amply footnoted and includes diagrams, but regrettably does not have a bibliography or treaty provisions. It does conclude with a subject index.

The Regime for the Exploitation of Transboundary Marine Fisheries Resources: The United Nations Law of the Sea Convention: Cooperation Between States. By Ellen Hey. Boston: Nijhoff, 1989. Pp. xii, 306. (Hardbound).

Originally written as a doctoral dissertation at the Faculty of Law of the University of Utrecht, specifically at the Department of Public International, Social and Economic Law and the Netherlands Institute for the Law of the Sea, this study provides a scholarly analysis of international law as related to transboundary marine fisheries resources.

Estimating that more than 90% of the commercially relevant species come under coastal state jurisdiction, i.e., the two-hundred-mile exclusive economic zone, the author argues the importance of these transboundary areas, where individual states have the right to exploit, to regulate access, and to conserve marine fisheries resources. She then goes on to delineate the role of international law in facilitating interstate cooperation with respect to these areas.

After a short historical introduction, the book is divided into three major parts. In Part I, the author provides a broad perspective, examining the extra-legal context of international marine fisheries law, i.e., what biological and political elements significantly affect that law. Then she explores the general legal elements determining the exploitation of natural resources among states. At the end of this first section, there are helpful summaries of important judicial decisions, General Assembly resolutions, and International Law Commission developments in this area.

Part II provides an overview of the general characteristics of the fisheries regime dictated by the 1982 Law of the Sea Convention. Part III is a detailed analysis of that Convention measured against examples of state practice. The work ends with extensive annexes containing multilateral and bilateral agreements, and contains a selected bibliography, an index of provisions of the 1982 Convention, and a subject index.

Terrorism and Hostages in International Law: A Commentary on the Hostages Convention 1979. By Joseph J. Lambert. Cambridge: Grotius, 1990. Pp. xxxv, 418. (Hardbound).

This publication, prepared under the auspices of the Research Centre for International Law of the University of Cambridge (which produces the *International Law Reports*), is a detailed article-by-article analysis of the 1979 International Convention Against the Taking of Hostages.

After a general introduction on "The Problem of International Terrorism and the Response of International Organizations," which deals with such issues as the meaning of terrorism, international efforts to control it, activities of the United Nations and its specialized agencies to combat it, and the historical development of the 1979 Hostages Convention, the main body of the commentary follows. Each article is discussed, with an introductory section summarizing the obligations imposed by the article, placing it within the framework of the Convention, highlighting unresolved issues, and relating it to other antiterrorism agreements; thereafter, the article is interpreted.

The study purports to go beyond existing legal literature by "examining in significantly greater detail the terms of each article in the context of the particular international law dealt with therein," and by pointing out the Convention's shortcomings. The work can also be viewed as a study of most of the other multilateral agreements directed against terrorism, i.e., the Hague, Montreal, New York and Rome Conventions and Protocols.

In addition to a table of cases and appendices containing the text of the Convention and the draft offered by the Federal Republic of Germany, there is a detailed subject index.

Understanding U.S. and European Environmental Law: A Practitioner's Guide. Edited by Turner T. Smith, Jr. and Pascale Kromarek. London: Graham and Trotman/Nijhoff, 1989. Pp. xiv, 176. (Hardbound).

This book grew out of a conference held in Brussels, Belgium on February 26-27, 1989, entitled "Environmental Regulation in the European Economic Community and the United States," co-sponsored by the Standing Committee on Environmental Law of the American Bar Association and the Institute for European Environmental Policy (Bonn, Paris, London). It compares United States and European environmental regulation. Differences in the role of law and legal institutions in environmental regulation is the work's focus.

Six introductory chapters describe the place of environmental law and its constitutional, institutional, and administrative law contexts in the United States, the European Economic Community, the Federal Republic of Germany, France, the United Kingdom, and Holland. Thereafter, the work reproduces five panel discussions from the conference: "Contrasting Constitutional, Institutional and Administrative Frameworks — The Implications for Environmental Policy-Making," "The Role of Technical and Economic Analysis in Environmental Regulation," "Contrasting Environmental Policy Choices — Power Plants and Automobiles," "Chemical Regulation — the U.S. and the EEC," "Chemicals Accident Prevention and Cleanup — The Seveso Directive, Superfund, and Liability Issues," and raises the issue of environmental impact assessment, with chapters representing the U.S. and EEC perspectives.

Speeches on "The Role of Law and Lawyers in Environmental Regulations," "The Future of Environmental Law in Europe," and "Concluding Observations," by William Falsgraf (past President of the ABA and past Chairman of the ABA Standing Committee on Environmental Law) are also reprinted. Appendices referred to in the prior papers or panel discussions conclude the volume.

While the book contains a subject index, there is no bibliography. Its dearth of footnotes and clarity of text make it a highly readable introduction to the subject.

INTERNATIONAL TRADE LAW

Antidumping Law and Practice: A Comparative Study. (Studies in International Trade Law). Edited by John H. Jackson and Edwin A. Vermulst. Ann Arbor: University of Michigan Press, 1989. Pp. xi, 520.

This comparative study provides a superlative analysis of antidumping and administrative practice of the four jurisdictions (Australia, Canada, the European Community, and the United States) which most frequently use their antidumping laws to protect their domestic industries. The editors adopted a rather unusual plan for the book, asking four practitioners to write on the law of their respective jurisdictions and then disseminate the preliminary drafts of their discussions to a large group of commentators. Subsequently, in November 1987, a conference was organized in Ann Arbor to discuss the contributions. Thus, after two preliminary chapters introducing the topic and providing an economic analysis of antidumping law, the main chapters deal with the four jurisdictions, describing developments up to September 1988 (minimally updated into 1989). Then follows the extensive comments of some eighteen experts. The book concludes with a chapter offering some comparative conclusions and policy implications. Included are three appendices, the first containing the overview of the discussion held at the mini-conference in Ann Arbor, the second a selected bibliography, and the third the text of article VI of the GATT and the agreement on the implementation of that article. A list of the distinguished contributors and a subject index are found at the end of the book. It is highly recommended for all practitioners and scholars interested in international trade law.

Commercial Agency and Distribution Agreements: Law and Practice in the Member States of the European Community. By Guy-Martial Weijer. London: Graham and Trotman, 1989. Pp. xxxviii, 430. (Hardbound).

The purpose of this excellent manual, published on behalf of the Young Lawyers International Association, is to set out the law and practice of the twelve EC nations with respect to distribution and commercial agency agreements. With more than forty contributors, it is a model systematic guide for an important area of EC law. In anticipation of 1992, it can only be hoped that the publishing editor

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and the Association will bring us volumes on other areas of the law pertinent to the single market.

After a chapter on the law of the EC, there is a chapter devoted to each of the member states. Each of these chapters is further subdivided into discussions of commercial agency, distributorship agreements, and franchise agreements. Each subdivision has a section on legislation and case law and a bibliography. Frequently, there are also texts of either the relevant acts or code provisions. The book is amply footnoted, and while the editor disclaims it being a "scientific" book, the work should be a welcome addition to the reference collections of many international law libraries.

One striking feature of the volume is that it reproduces the telephone and telefax numbers of the contributors, and the editor invites his readers to consult them if further advice is sought.

Guide to Practical Applications of the United Nations Convention on Contracts for the International Sale of Goods. By Albert H. Kritzer. Boston: Kluwer Law and Taxation Publishers, 1989. Pp. 633. (Hardbound).

This guide is the first of an anticipated four volume manual on the preparation and negotiation of international sales contracts, sponsored by the Federal Bar Association and the Westchester-Fairfield Corporate Counsel Association. It is intended to help attorneys familiarize themselves with the United Nations Convention on Contracts for the International Sale of Goods, which is likely to become the principal governing law for most United States import and export transactions.

The volume begins with an executive summary and a checklist of contract provisions, comparing the Convention to the Secretariat Commentary and delegate explanations. Leading commentaries by common and civil law authorities follow, as well as the text of antecedent provisions, reprinted alongside the official text of the Convention. Explanations for modifications to the official text from Vienna Conference delegates and the Secretariat Commentary, annotations to these explanations from some eighty-seven specialists from thirty-five nations, comparative provisions from the UCC, and a summary of relevant issues for exporters are also included. Next is a chapter setting out examples of contract modifications that exporters may wish to use in light of the Convention. The text of the Convention is appended, and there is a detailed subject index.

The author promises supplements to the guide that will cover case law relating to the Convention, as well as further dialogue among the commentators. This book should prove a valuable edition to the library of any practitioner working in the field of international trade law.