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Book Notes

Keywords

Environmental Protection, Maritime Law, Settlements, Government, Procurement

BOOK NOTES

FRAGOMAN, JR., A. T., DEL REY, JR., A. J. AND BERNSEN, S., *IMMIGRATION LAW AND BUSINESS*, Volume I; Clark Boardman Company, Ltd., 435 Hudson St., New York, NY 10014 (1983); \$75.00 (looseleaf); ISBN 0-87632-344-1 (set), LC 83-11315; xvi, 566 p. Volume I of a two volume set. This book is part of the Clark Boardman Immigration Law Library.

This is the first volume of a set designed as a tool for both the experienced immigration lawyer and the attorney who only occasionally handles an immigration case. The set provides reference to statutory law, case law, administrative decisions, internal operational guidelines, procedure and practical considerations. While giving careful analysis to most of the issues which might require research in a complex immigration case, this book also emphasizes the practical side: which forms to use, where to file papers, and procedures at different Immigration and Naturalization Service offices. The introduction indicates an intention to provide model forms to illustrate the textual discussion, but these forms are neither included in this volume nor mentioned in the table of contents for the anticipated second volume to be issued in late 1983.

Volume I begins with an analysis of the major statutory developments in immigration law. After discussing the statutory history and history of immigration law, the authors move to a discussion of the non-immigrant categories and procedures for transitory entry into the United States. They examine the application procedures and qualifications necessary to obtain temporary visitor, student and exchange visitor, business and investor (including H-visas for temporary workers), and other non-immigrant category visas.

Permanent resident status is the usual goal of aliens seeking to remain in the United States indefinitely. Again, the complete process for application is described as are the various preference and non-preference categories which go toward determining admissibility. Not only does the text cover the several routes for obtaining permanent resident status, but it also emphasizes the basic methodology of the Immigration Selection System (quotas by country of original nationality). Special immigrant preferences, non-preference investors, job offer preferences, and familial preferences are among the classes given specific attention.

The authors devote an entire chapter to the difficult subject of the labor certification, which is necessary for a job offer preference. The chapter outlines the complex procedures which must be followed to obtain Department of Labor approval for a job offer made to a foreign national and analyzes some of the most difficult substantive questions, such as the

meaning of "unduly restrictive" job requirements and the proper method for determining a "prevailing wage".

This volume concludes with an investigation of the naturalization and citizenship requirements. Topics included are the statutory qualifications, Constitutional aspects, ineligible classes and naturalization procedures. Citizenship at birth, whether by birth taking place within or without the United States, and dual citizenship are also encompassed. A treatment of the loss of citizenship through denaturalization or expatriation ends this first volume.

Volume II will include chapters on exclusion and deportation, refugees and asylum, the rights of aliens and the tax aspects of immigration.

The authors are editors for the Clark Boardman Company.

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McKEAN, W., *EQUALITY AND DISCRIMINATION UNDER INTERNATIONAL LAW*; Oxford University Press, Oxford England (1983); available in the United States from Oxford University Press, New York, NY; \$69.00 (cloth); ISBN 0-19-285311-7; 320 p.; List of Abbreviations, Index of Cases, Annex I-III, Index.

This book studies equality and discrimination in the international arena. The book contains an introduction and sixteen chapters. The introduction discusses different philosophies which underly equality, inequality and discrimination. It also describes the history of the international treatment of equality prior to World War I.

Chapters I and II cover the post-World War I period and the League of Nations. They discuss the policies toward religious and racial equality and describe the protection of minorities during this period. Chapter III deals with post-World War II peace treaties. Chapters IV and V examine the development of equality under the United Nations Charter, the sub-commission on prevention of discrimination and protection of minorities. These chapters also discuss the definitions of minority protection and discrimination prevention.

Chapters VI through X thoroughly cover the international study of discrimination. The conventions and declarations are examined in depth, with Chapter X focusing on equality of the sexes internationally.

Chapters XII through XIV discuss regional treatment of human rights. Chapter XII looks at the European Convention on Human Rights, the European Commission and Court of Human Rights and their respective proposals. Chapter XIII covers equal protection in the United States and India, while Chapter XIV covers the legal principles of non-discrimination through its standards, norms, and the *jus cogens* principle of individual equality. Finally, Chapter XVI describes the conclusions drawn by various articles and international conventions.

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BERENBEIM, R., *MANAGING THE INTERNATIONAL COMPANY: BUILDING A GLOBAL PERSPECTIVE*; The Conference Board, Inc.; 845 Third Ave., New York, NY 10022 (1982); ISBN 0-8237-0251-0; vii; 32 p.; Tables: Exhibits, Charts, Conference Board Report No. 814.

If there is one prospect for the 1980s on which top executives of many large United States and European companies agree, it is the anticipation of major growth for their organizations outside their own countries. Trying to develop effective global business strategy in a world increasingly conscious of national sovereignty underscores the question of what is involved in operating an international company beyond merely doing business in a foreign country.

This study seeks to define an "international" company in terms of criteria recognized by companies with long and substantial experience in foreign operations. Managerial resources and practices that companies have evolved are described, and questions such as "What defines an international company?" and "How do you achieve an international perspective?" are asked of many companies substantially involved in international business, and the composite answers are analyzed in terms of their implications for successful international performance.

The sample was drawn from a list of 300 U.S.-based corporations with significant operations overseas. This list includes representative manufacturers, banks, and construction, commercial and service companies. In addition, similar information was sought from 300 European companies with comparable international activity. Survey data are supplemented by interviews with top executives from all over the world, with special emphasis on the U.S., Europe, and Latin America.

Ronald E. Berenbeim is a Senior Research Associate at the Conference Board, an independent, not-for-profit research institution which studies management and economics.

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PARK, C. (ed.) *THE LAW OF THE SEA IN THE 1980's*; The Law of the Sea Institute, University of Hawaii (1983); ISBN: 0-911189-05-X, LC: JX4408.L373; XX, 636 p. bibliographical references; proceedings of the fourteenth annual Law of the Sea Institute Conference, October 20-23, 1980, Kiel, Germany, with list of participants.

In the 1970s, the law of the sea was subjected to a basic review undertaken by the Third United Nations Conference on the Law of the Sea. Deliberations at the Conference were not only exhaustive but also exhausting, and by the end of a decade of meetings, it had become certain that a comprehensive ocean constitution would be adopted for the first time in history.

At its third annual meeting in Kiel, in October 1980, (after the Hague in 1978 and Mexico City in 1979), the Fourteenth Annual Conference of the Law of the Sea Institute tried to present a preview of what the new direction of the law of the sea would be in the 1980s. The presentations and discussions are embodied in these proceedings and are divided into eight major parts: the stage-setting sessions—"Where trends the Law of the Sea?"; "Old Law and New Law: How are They to be Squared?"; "The International Seabed: Prospects for Mining in the 1980s"; "How Will the New Law of the Sea Affect International Organizations?"; "Cooperation in the Baltic Sea"; and "The Baltic Straits."

Professor Choon-ho Park of the East-West Center, Honolulu, who edited this volume, is a member of the executive board of the Law of the Sea Institute.

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QUINN, J. AND SLAYTON, P., *NON-TARIFF BARRIERS AFTER THE TOKYO ROUND*; The Institute of Research and Public Policy, Montreal, Quebec (1982); available in U.S. in paper from Rothman for \$17.95; ISBN 0-920380-61-1, XXXIV, 272 p., footnotes, notes on contributors, glossary, and members of the Institute listed along with available publications. The forward and introduction are written in English as well as French. The text is written in English only. This volume is a product of the International Economics Program of the Institute and will be followed by other studies in the area over the next two or three years.

The Tokyo Round of multilateral trade negotiations was initiated formally on September 14, 1973, when ministers from nearly one hundred nations met in Tokyo and approved a declaration calling for renewed efforts to remove obstacles to international trade. The Tokyo Round, over its eight-year staging, produced many agreements on tariff and non-tariff measures. The central achievement is considered to be in the area of non-tariff barriers.

These non-tariff agreements are intended to expand the international trading community's control over the policies and programs of national governments that affect international economic relations. The general aim of the essays which make up this volume is to examine the structure of the General Agreement of Tariffs and Trade (GATT) system for regulation of non-tariff measures, the political and economic goals that underlie the provisions of the new codes, and their prospects for fostering a more liberal economic order.

This volume is a result of a conference held at the University of Western Ontario. It attempts to place a particular Canadian perspective on this important international trade issue. It explores the general economic and political rationale for protectionism in Canada and the United States and each of the codes governing the use of specific non-tariff barriers in turn. While no position is advocated, the essays illuminate the chal-

lenge faced by Canada in this decade in managing its own non-tariff barriers and in dealing with those of its major trading partners, particularly the United States.

Both editors, John Quinn and Philip Slayton, teach at the University of Western Ontario. The former teaches law and economics and the latter teaches international trade law. Quinn has written several articles on international and domestic trade regulation. Slayton is the author of several articles and monographs on legal aspects of Canadian commercial policy.

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GARCÍA-AMADOR, F.V., *THE ANDEAN LEGAL ORDER: A NEW COMMUNITY LAW*; Oceana Publications, Inc., Dobbs Ferry, New York, (1978); \$32.50 cloth; ISBN 0-379-20285-9; translated from the original Spanish version, published by The Inter-American Institute of International Legal Affairs; viii, 423 p.; footnotes and appendices.

This book is an examination of The Andean Legal Order, as it changed and developed under the Cartagena Agreement signed in Bogota, Columbia on May 26, 1969. It also examines the relations to the community legal order and institutions existing in related Latin American countries.

Chapter 1 traces the acts and decisions leading up to the Andean Subregional Integration Agreement, describing the objectives and mechanisms of the Agreement. The chapter also explains the results of the Agreement on the Andean community. Policies and planning for economic development, industrial planning, tariffs, agriculture and livestock policies, competitive commercial practices, savings clauses, and financial decisions contained in the Agreement are described. Special attention is paid to the subregional integration process resulting from the Agreement and other developments within the institutions and laws on the Andean subregion.

Chapter 2 studies the relationship of the Agreement with the pre-existing legal order of LAFTA (Latin American Free Trade Association). The chapter examines the compatibility of the two orders through the problems with incompatible clauses, analogy to similar agreements, conditions for amending the Agreement and the requirements relative to accession. The Chapter describes the transitory nature of the Agreement, execution of new, related agreements, the hierarchical relationship between the legal orders, and other characteristics of the Cartagena Agreement in relation to LAFTA.

Chapter 3 examines the institutional framework created by the Agreement. This framework is composed of a Board and Commission. This chapter also described the Auxiliary, Financial, and Judicial organs' structures and functions, as created by the Agreement. Institutional relations outside the community resulting from the Agreement are examined.

Chapter 4 analyzes the system adopted by the Agreement for attributing normative, executive and implied competences to subregional organs of the order.

Chapters 5 and 6 explore the validity of the subregional acts. Through an examination of the form and effects of the acts, their reception in domestic law, the initiative of the Board to overcome problems associated with the reception and the hierarchy of legal order, the concept of "community law" as developed through the act is developed.

The appendices contain a copy of the Cartagena Agreement as signed in Bogota, Columbia, May 26, 1969, plus the texts of negotiations, additions, supplementary regulations, standards and directives arising from the Agreement. The Author is a professor of law at the University of Miami College of Law.

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GREENE, A. (ed.), *TRADEMARKS THROUGHOUT THE WORLD* (3d ed.); Clark Boardman Co., Ltd., New York, NY. ISBN 0-87-632-126-0, LCK 15554.T7; xx, 1181 p.; Expokerebort & Nachs Digest, and appendices, kept current annually.

TRADEMARKS THROUGHOUT THE WORLD is a quick reference, answering most questions on other countries' trademark laws. It is also an excellent place to begin serious, comprehensive research. *TRADEMARKS* is a loose-leaf digest edited and updated three times annually by Trade Activities, a division of Clark Boardman Company, Ltd. in New York. The book compiles and categorizes the trademark laws of over 265 countries. The applicable law(s) and citation(s) are listed under the name of the country. Then, for each country, the laws and regulations are broken down into subheadings listing and explaining, for example, conventions, who may apply, procedures, time limits, licenses, opposition and assignment. The appendices tabulate more information for easy reference. Appendix A provides both the International Classification of Goods and Services and the Classification of Goods and Services of particular countries. Appendix B reorders the material in the form of answers to 15 specific questions. Finally, Appendix C explains the settings, purposes and topics dealt with by the major International Trademark conventions. The text from these conventions is also provided.

Anne Marie Greene is an editor in the Trade Activities Division of Clark Boardman.

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WORLD INTELLECTUAL PROPERTY ORGANIZATION, *PCT APPLICANT'S GUIDE*; World Intellectual Property Organization, [No 432(E) International Bureau WIPA CH-1211 Geneva 20, Switzerland (1978); ISBN 608 W893

p(1978), Volume 1, 119 p., Volume 2 140 p.; indexes; looseleaf with updates.

The looseleaf publication contains general information on the Patent Cooperation Treaty (PCT) and is intended for those interested in filing international patent applications. The information published is a condensed and interpreted form of the considerably longer official text of the PCT and the regulations under the PCT. Consultation of those texts is indispensable for receiving complete information. The publication is updated periodically, with updates available from the World Intellectual Property Organization.

The publication is divided into two looseleaf binders. The first binder contains a guide, indexes, annexes, and administrative instructions. The guide contains a basic explanation of the PCT. Included are an explanation of the terms of the treaty, the basic operation of the treaty, and the procedure for filing a PCT application. The paragraphs explaining the terms are cross-referenced to the articles of the treaty. The guide is followed by an index to the treaty. The index includes a catchword index for commonly used technical terms. The annexes contain tables of information concerning filing in each of the designated states and forms used by the International Bureau. Finally, the first binder is concluded by the administration instructions under the Patent Cooperation Treaty.

The second volume contains information on the procedures used by the designated and elected offices. This volume is divided into 20 sections, one section for each of the designated offices. Each section contains a guide as well as an annex. The guide contains a discussion of terms, procedures and interpretations of the PCT used by the office. The guide is cross-referenced to both the PCT and national patent laws. The annex contains samples of various forms used by the designated office and a discussion of such procedures as amendments, translation and fees.

The text stresses the technical nature of patent laws and administration and that the text is a basic guide and not meant to replace either the PCT or the rules of the regional offices required for patent practice.

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CARLSSON, J; *SOUTH-SOUTH RELATIONS IN A CHANGING WORLD ORDER*; Scandinavian Institute of African Studies, P.O. Box 2126, S-750 02 UPPSALA, Sweden (1982); ISBN # 31-7106-20G-8; LC# K3823.Ap, S62, 1982; 166 pages; 19 tables; end notes after every article, bibliography after most articles; 14th of the Seminar Proceedings from the Scandinavian Institute of African Studies.

The five articles comprising this book were presented as papers at a seminar in 1981 in Kungälv, Sweden. The articles examine relations between developing nations with a heavy emphasis on Brazil-Nigeria relations. The analysis is more macro-economic than political. It is based on

page after page of empirical data. This book has independent value as a source book. Unfortunately, some of this value is lost through numerous errors in spelling and grammar.

This book's primary worth is found in its analysis. It offers another useful, supportable view of the world from a trilateral perspective. The view is unprejudiced by any ideological slant. The only drawback to the analysis is the lack of any significant discussion of the world debt crisis.

For anyone who wants a lucid explanation of the world economy, this is good reading. For anyone who wants to understand the world economy in the next ten years, this is required reading.

Jerker Carlsson is a researcher at the Department of Economic History, University of Goteborg, Sweden.

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GOLDBLAT, J., *ARMS CONTROL AGREEMENTS, A HANDBOOK*; Praeger Publishers 521 Fifth Avenue, New York, NY 10175 (1983); ISBN 0-03-063709-0; LC 83-2167; xiv, 328 pp.; maps, tables, glossary, index to the Salt II Agreements, Bibliography. This is a revised and abridged version of the book which was originally prepared at the Stockholm International Peace Research Institute (SIPRI) on the occasion of the 1982 U.N. General Assembly Special Session devoted to disarmament.

This edition is intended as a handbook for students, politicians, and other concerned citizens interested in arms control and disarmament. The book deals primarily with bilateral and multilateral arms control agreements reached since World War II.

Chapter 1 is a brief historical survey of the pre-World War II efforts towards disarmament. Chapter 2 covers the activities of the United Nations in the field of arms regulations during the first years following World War II. Special attention is devoted to problems relating to nuclear weapons, proposals for the reduction of armaments, and plans for general and complete disarmament.

Chapter 3 reviews the scope of the obligations undertaken by the parties to the post-war arms control agreements and attempts to assess whether, and to what extent, each agreement has affected the arms race, reduced the likelihood of war or otherwise contributed to the overall goal of disarmament. The agreements have been divided into seven categories, according to the nature and type of the undertakings.

Chapter 4 deals with the verification of compliance and discusses, in particular, the shortcomings of the existing arrangements. Chapter 5 contains the official texts of the relevant documents and Chapter 6 contains a tabular presentation of the status of the implementation of the most important multilateral agreements.

Chapter 7 describes the existing arms control negotiating machinery, while Chapter 8 summarizes the arms control experience gained up until

the spring of 1982.

Josef Goldblat is a senior member of the Research Collegium of the Stockholm International Peace Research Institute (SIPRI). He has been studying the problems of arms control since the 1950s and has been involved in disarmament negotiations in Geneva and New York in different capacities, including service for the United Nations.

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ZARTMAN, I. W. AND BERMAN, M. R., *THE PRACTICAL NEGOTIATOR*; Yale University Press, New Haven, Conn. (1982) ISBN 0-300-02523-8; L.C. jxrr7e.737 xiii, 250 p.; appendices; published with the assistance of the A. Whitney Griswold Publication Fund; Special Forward by Alvin C. Eurich.

This is a book about the art of international negotiation. It is a text for aspiring diplomats and others on how to negotiate most effectively. By bringing together recent research by scholars and the practical experience of practitioners, the authors have developed a three-stage process for preparing and conducting negotiations.

Their approach rejects the notion that skillful negotiators must have an innate "feel" for negotiations and instead assumes that much of the process can be taught and learned. Their primary teaching tool is a model which identifies the three stages in the process and associates different types of problems and behaviors with each stage: (1) diagnosing the situation and deciding to try negotiations; (2) negotiating a formula or common definition of the conflict in terms amenable to a solution; and (3) negotiating the details to implement the formula on precise points of dispute. Most of the book is spent developing the details of these stages, exploring their implications, and providing insights into the appropriate behaviors for each stage. The authors rely heavily on examples from post-war negotiations to illustrate their points.

At the outset, the book recognizes that no model can fully and accurately describe a process as complex and variable as negotiation—especially in the international context where cultural and language differences create additional complexities. The authors readily acknowledge that their approach has important limitations; it cannot, for example, tell anyone how to win. They have in fact concluded that, in theory, it is impossible to tell anyone how to do best; one can only learn how to do better.

Given this objective, the book tries to give the reader a basic theoretical understanding of the process while at the same time sprinkling the theory with enough practical tips from experienced negotiators to make the book a worthwhile "how to" book as well. Although the authors began their research by focusing on negotiating theory, their end point is a realization that fundamental character traits such as patience, self assurance, and stamina are just as important as a well-thought-out negotiating

strategy.

I. William Zartman is a professor of international politics at the School for Advanced International Studies, the Johns Hopkins University.

Maureen R. Berman is executive director of the International League for Human Rights.

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BUXBAUM, D. C., JOSEPH, C. & REYNOLDS, P. (eds.), *CHINA TRADE: PROSPECTS AND PERSPECTIVES*; Praeger Publishers, 521 Fifth Ave., New York, NY, 10175 (1982); ISBN: 0-03-056687-8, LC: HF 3836.5.C46; XX, 424 p.; footnotes, tables, index.

China's 1978 announcement of its ambitious modernization program, the "Four Modernizations", met with immediate foreign euphoria as Western businessmen envisioned development of "The Great Mall" along the Great Wall. Such premature euphoria has acceded to reality: China's economic plans call for a slower, balanced development with emphasis on agriculture and light industry as well as the development of its energy resources and resolving its massive infrastructure problems.

China Trade: Prospects and Perspectives offers resourceful reading for the academic and practical information for the student of Chinese trade and the entrepreneur attempting to enter China's market.

The book is divided into four parts, each containing several chapters and each chapter containing numerous sub-chapters. In Part I, "Background for Trade: China's Economy, Politics and People", Chapters 1, 2, and 3 are presented. These chapters cover the history and future of China's trade, political trends in China and their implications for foreign trade and an overview of diplomatic dealing with the Chinese.

Chapters 4 through 8 are presented in Part II of the book. The section covers selected market sectors. Chapter 4 discusses the current status and future prospects of agricultural and related imports. The geology, reserves, technology and policies of China's petroleum industry are introduced in Chapter 5. Chapter 6 presents the mineral and metal mining industries of China. Chapter 7 covers China's machine tool industry. Finally, this section closes with a discussion of the role of China's transport in industrial modernization in Chapter 8.

Case studies of China's international competition are the portions presented in Part III with Chapters 9 through 14. Chapter 9 is a summary of economic and legal data of Sino-German trade. Chapter 10 asks whether there are lessons for American traders in a discussion of Sino-Japanese trade. Chapter 11 presents a case study of Kaiser Engineering Co. Chapters 12, 13 and 14 present case studies of Pullman Kellogg, Summit Industries Limited and American International Companies.

Part IV presents the practical considerations of trading in China.

These are discussed in Chapters 15 through 18. Chapter 15 covers entering the Chinese market. Chapter 16 addresses contracts with Chinese merchants and Chapter 17 presents the China differential and the legal framework of trade between the United States and the People's Republic of China. Chapter 18 covers the available financing for trade with China.

David C. Buxbaum, a member of the New York and California bars, practices law in those states and in his offices in Guangzhou, PRC. A former professor of law, he has contributed to many books and periodicals on Chinese law. He also compiled the Chinese law digest in the *Martindale-Hubbel Law Directory*.

Paul Reynolds is an Associate Professor of Law at Texas Tech University. In addition to articles on U.S. trade law, international banking and doing business in Mexico and China, Reynolds has authored two books, including his latest, *China's International Banking and Financial System*.

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DRZEMCZEWSKI, A., *EUROPEAN HUMAN RIGHTS CONVENTION IN DOMESTIC LAW: A COMPARATIVE STUDY*; Clarendon Press, Walton Street, Oxford OX26DP England (1983); available in the United States from Oxford University Press, New York, NY; ISBN 0-19-825396-6, xiv, 372 pp.; footnotes, bibliography, appendix, index.

This volume not only presents an up-to-date survey of the implementation of the European Human Rights Convention in each of the twenty-one member-states of the Council of Europe. It also synthesizes the thirty-year history of the Convention in order to draw conclusions as to its vitality.

Part I gives a thorough descriptive explanation of what Drzemczewski calls "the most effective and advanced international system for the protection of human rights in existence today"—the European Human Rights Commission and its supervisory organs. The author underlines the *sui generis* nature of the Convention as a "unique precedent in international law".

Part II is a detailed, comparative study of the domestic status of the Convention in each of the twenty-one member states. Clearly the permeation of the Convention into domestic law varies a great deal among the contracting states. Only seventeen of them have recognized the European Human Rights Commission's competence to receive petitions from individuals complaining of violations of a right guaranteed by the Convention of their governments. Moreover, the European Human Rights Court's decisions do not necessarily have the force of law in the legal systems of contracting states.

Part III focuses on three specific topics which may illustrate, at least in some of the countries, the Convention's expanding penetration into the

domestic courts of member states: 1) the use by domestic courts of the Convention as a kind of European standard not only for governmental action but also for relations between individuals; 2) the possible adoption by domestic courts of the ten member states of the European Community of at least some of the Convention's provisions as forming part of the "corpus" of European Community law; and 3) the Convention's influence in court decisions in those states in which the Convention has the status of domestic law, as compared with its impact in states where it is not domestic law. One interesting conclusion is that "[t]he role played by the European Court of Human Rights cannot, unfortunately, be equated with that of the Luxembourg Court[,] whose directly enforceable decisions on certain questions of European Community law prevail over all conflicting domestic law."

Though clearly an advocate of extending the power of the European Human Rights Court and the impact of the Convention, Drzemczewski has no illusions as to their real influence, as he concludes:

In short, although it is most certainly valid to claim that the [Convention] mechanism departs from reliance upon the traditional concepts in international law of "nationality" and "reciprocity" in order to protect individual rights, the facultative status of the right of individual petition, as well as of the Court's compulsory jurisdiction, unduly restricts and weakens the role played by the supervisory organs established under the Convention, and relegates this mechanism *prima facie* to that of a subsidiary or supplementary means of redress available to a limited number of individuals.

This book is an updated version of the thesis which Drzemczewski submitted in 1980 for his Ph.D. degree at the University of London.

Andrew Z. Drzemczewski is currently Senior Lecturer in Law at the Polytechnic of North London.

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STACK, J. L. (ed.), *ETHNIC IDENTITIES IN A TRANSNATIONAL WORLD*; Greenwood Press, 88 Post Road West, Westport, CT 06881 (1981), ISBN # 0-313-21088-8, LC # 80-1199; xv, 226 p.; Footnotes, bibliography tables, figures, maps, index, list of contributors. Part of a special series, "Contributions in Political Science, Number 52", Greenwood Press.

This book is a collection of six essays which expound on a central theme: ethnicity is a significant force in world politics because it frequently operates independently of the activities of formal nation-states. The impact of this force of ethnicity thus is described as being "transnational."

The first essay establishes a framework for the subsequent essays and analyses ethnicity on three levels: intersocietal, state and global. This essay also briefly explores various themes which arise in the later pieces: the

structural inequities between advanced industrial states and developing countries, worldwide communication and transportation networks, and the interplay of ethnic groups at various levels.

The second essay discusses the impact of the Greek lobby on American foreign policy showing how foreign policy decision-making has been a primary object of ethnic-group politics. The essay also shows how states can give ethnic groups more transnational power than they can achieve themselves.

North African workers in France is the subject of the third essay, which documents the political and economic tensions inherent in relations between France and its former colonies. The article specifically highlights the economic dependence of Western Europeans on the immigrant poor from their former colonies. It shows the negative impact of such importation during periods of economic stagnation or recession.

The fourth essay explores two themes: "transnational tactics" proved useful to the Sardis in building political legitimacy and nationalistic aspirations and transnational appeals by the Sardis have proven effective in galvanizing political power Middle East politics.

Brazilian economic and technological dependence on the U.S. accelerating the black protest movement in Brazil is the subject of the fifth essay. The essay demonstrates the transnational character of the black ethnic experience. The thesis is asserted on the basis that the importation of America's mass-produced culture through movies and music has raised the racial and political awareness of Brazilian blacks, despite the fact that the Brazilian culture inhibits black politicization.

The final essay illustrates how ethnicity intrudes into world politics through world sporting events. The essay suggests that world sports figures symbolically or explicitly may project local concerns into a domestic, regional and/or global arena, thereby operating in transnational communication.

The editor (and author of the first essay) is assistant professor of political science and director of ethnic studies at Florida International University. He is author of *INTERNATIONAL CONFLICT IN AN AMERICAN CITY; BOSTON'S IRISH, ITALIANS AND JEWS, 1935-1944* (Westport, Ct: Greenwood Press, 1979). He is working on a study of transnationalism within the framework of contemporary North-South relations.

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KAVASS, I.I., SPRUDZS, ADOLPH, *A GUIDE TO THE UNITED STATES TREATIES IN FORCE*; William S. Hein Company, Buffalo, NY; \$38.68 (paper); ISBN 0-89941-189-4; ISSN 0736-5713; x, 376 pp; explanatory introduction, key to abbreviations, numerical list of bilateral and multilateral treaties and agreements of the United States in force on January 1, 1982 divided into the following subcategories: Treaty Series (1776-1945), Executive Agree-

ment Series (1929-1945), Addenda—Unnumbered Treaties and Agreements of the United States (Pre-1950 and 1950-1981); Subject Reference Index; Part I of two parts.

The **GUIDE TO THE UNITED STATES TREATIES IN FORCE** provides access to currently operative bilateral and multilateral agreements of the United States from a variety of perspectives. The **GUIDE** is arranged in two parts. Part I consists of two sections: a Numerical List and a Subject Reference Index. Part II will deal exclusively with multilateral treaties and agreements currently in force. Its major features will be a chronological index of the individual agreements and an index to treaties and agreements by country, giving all treaties and agreements to which specific countries and the United States are contracting parties. The **GUIDE** is expected to be updated annually as new editions of **TREATIES IN FORCE** appear from the Department of State.

The Numerical List of treaties and agreements in Part I is given in straight numerical order, regardless of whether they are bilateral or multilateral. It is further divided into the different publication series (Treaty Series, Executive Agreement Series, and Treaties and Other International Acts Series) with addenda for the unnumbered treaties and agreements appearing in **TREATIES IN FORCE**.

The Numerical List is not intended to replace **TREATIES IN FORCE**. Rather it is a reference tool to be used in conjunction with the State Department's publication, augmenting the information provided in **TREATIES IN FORCE** in some cases and giving easier access to individual agreements.

The Subject Reference Index provides a simple listing of the subject categories utilized by **TREATIES IN FORCE** with the individual multilateral and bilateral agreements given under each heading.

Igor I. Kavass is a professor of law at Vanderbilt University Law School and Adolf Sprudz is a professor of law at the University of Chicago Law School.

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RAIFFA, HOWARD, THE ART AND SCIENCE OF NEGOTIATIONS (HOW TO RESOLVE CONFLICTS AND GET THE BEST OUT OF BARGAINING); Harvard University Press, Cambridge, Mass. and London, England (1982); Hardcover \$18.50; ISBN 0-674-04812-01, LC BF 637.N4R34; x, 360 pp.; footnotes, bibliography, and index.

This book is aimed at improving the negotiating skills of the seller of a house, closer of a business deal, divorce lawyer, labor lawyer or treaty negotiator. This is a sophisticated self-help book emphasizing problems and situations where all parties involved can achieve beneficial results through the skills the author aims to develop.

"This book is concerned with situations in which two or more parties recognize that differences of interest and values exist among them and in

which they want (or in which they are compelled to seek a compromise agreement through negotiation." The author's aim is to explain some of the scientific theories of others, as well as his own, in a context of art to show how science and art can interact in a complementary fashion. Science involves a systematic analysis of a problem, while art involves interpersonal skills, including the abilities to convince and be convinced, and the ability to use a number of bargaining tools and the wisdom to know when and how to use them.

This is not a book addressed primarily to analysts and academics; it neither introduces a new nor enhances an old theory of the negotiation process. Rather, it is addressed to practitioners of negotiation—and they are legion. It publicizes a need and an opportunity for them to think more systematically and consciously, and in a more conceptually integrated fashion, about the dynamics of negotiation. The principal theme of the book is that analysis is an invaluable tool in the negotiation process.

Howard Raiffa, who is a professor at the Harvard Business School and Kennedy School of Government, also plays a prominent role in the Harvard Negotiation Workshop. He helped create the International Institute for Applied Systems Analysis, located outside Vienna, and was its first director, which involved him in negotiations with scientists from sixteen countries from East and West. Although his disciplinary roots lie in mathematical analysis and game theory, he has a reputation for making conceptual and logical intricacies simple and accessible, gained through years of teaching business and public policy to students, managers, military officers and executives.

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FIRESTONE, C. H., INTERNATIONAL SATELLITE TELEVISION: RESOURCE MANUAL FOR THE THIRD BIENNIAL COMMUNICATIONS LAW SYMPOSIUM; U.C.L.A., Department C, P.O. Box 24607, Los Angeles, CA 90024 (1983); \$50.00 paperback only; LC # KF 2840.A75 U2 1983; 377 pp; footnotes, bibliography, glossary, tables, maps; part of a special series.

This collection of materials is designed to address some of the key technological, political and legal issues surrounding the concept of international television, and is a useful analysis of those issues. It includes articles, charts and documents placing the concept of global television in historical and technological perspective, facts relating to world market prospect, descriptions of the world's telecommunications regulatory framework, and legal resources for resolving international disputes. There is emphasis on domestic decisions of the United States and a few other countries where it is particularly illustrative of a point in issue.

Introductory materials by Joseph Pelton place satellite television in a broader global and historical perspective.

One section examines existing and future markets and some of the

legal concepts and decisions affecting those markets, including a closer look at the United States, United Kingdom and Canadian and Australian systems. This includes excerpts from the recent American decisions on orbital slot deployment and transponder sales.

Also included are transponder sales and service contracts and a discussion of satellite insurance.

The materials provide a framework for analyzing suggestions for reconciling the interest of a nation to control its own airspace with the free flow of information. They also focus on the great amount of international attention placed on the issue of satellite broadcasting across international borders.

The editors look at the prospects for direct international broadcasting by examining the interim policy of the United States for regulation of the Direct Broadcast Services service. A variety of items are brought together relating to the unauthorized use of satellite video signals. Materials applicable to both copyright infringement and other forms of unauthorized uses are included.

Charles M. Firestone is the Director of the UCLA Communications Law Program and Adjunct Professor of Law at UCLA. He was assisted in this project by Penelope Glass and Michael Morris, the 1979 Law Student Coordinators.

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PERKINS, JOHN A., *THE PRUDENT PEACE*; The University of Chicago Press, Chicago, IL 60637 (1981); ISBN 0-226-65873-2; L.C. dx3160.P43P78 xvi pp., p. 246; preface and introduction, footnotes, bibliography, appendices.

John Perkins argues that international law rests no less on practical and political logic than on moral grounds and that therefore law must be recognized as the only successful strategy ever devised for the resolution of conflict. He sees the balance of power not as an alternative to international law, but as a part of the structure of law; supportive of it and supported by it. Specific illustrations from history demonstrate the political logic of international law. Applying this perspective to sensitive areas of emerging law, the right of self-determination, the rule of non-intervention, international rights in strategic areas and international rights of access to resources, the prudence of a foreign policy vis-a-vis the rules of law is tested. The basic issue is not whether international law is enforceable but whether a foreign policy not based on a commitment to law can be effective in serving the national interest.

Part One examines how the conflict-solving strategy of law is already interwoven in U.S. foreign policy and argues that an effective foreign policy for this country must be grounded in law. Part Two tests the idea that emerging law may provide rules suitable for a realistic foreign policy and evaluates the viability of the key principles of emerging law. Part Three

considers what prudent initiative toward law might be taken by the United States unilaterally if need be, and sets forth a proposal to provide direction and momentum for the forces that can move the world toward law. Part Four attempts to define the kind of choice the United States must now face.

The Author is a partner in the Boston law firm of Palmer and Dodge. Mr. Perkins was a graduate researcher at University College, Oxford in 1978.

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McWHINNEY, E., *CONFLICT AND COMPROMISE: INTERNATIONAL LAW AND WORLD ORDER IN A REVOLUTIONARY AGE*; Holmes & Meier Publishers, Inc., 30 Irving Pl., New York, NY 10003 (1981); ISBN 0-8410-0694-7, 0-8419-0696-3 (pbk), LC 341 M257 co; 16 pp.; includes Table of Cases and Selected Bibliography. Updated expansion of an earlier book, *INTERNATIONAL LAW AND WORLD REVOLUTION*.

This book raises questions about the development of international law in light of the rapid changes taking place throughout the world. After identifying four major revolutions of our time, McWhinney explores the ramifications of each revolution.

The first great revolution was the October Revolution of 1917, which overthrew the Czarist regime in Russia. The second great revolution of our time was an ideological one—the cold war conflict of the late 1940s and 1950s culminating in the developing Russian-Chinese schism in 1959. The third revolution is in economic science and its impact on developing third world development. The most current revolution is in science and technology, with special impact on the world community resulting from large-scale nuclear weapons capability, the space age, and international telecommunications.

The author looks at these revolutions in light of their relationship with international problem-solving. The first method of problem-solving is that of the United Nations. This is broken down into these themes: the inclination of the superpowers to bypass the UN, the effect of the UN and developing countries, the challenge of changing a big-power dominated and regulated world community to a more genuinely pluralistic one with a variety of groups involved in decision-making is addressed.

Other questions are asked: What will a more equitable, more inclusive world economic and public order system look like? How will groups resolve their differences, particularly the conflict resolution required between the Soviets and the United States? How will international law be utilized to create a new international economic order, to internationalize the oceans economic resources and support the principles of self-determination of peoples and non-intervention in the internal, domestic affairs of a state? This book provides an historical framework for addressing these

difficult questions in a difficult, rapidly changing time.

The author, Dr. Edward McWhinney, Q.C., is a Professor of International Law and Relations at Simon Fraser University in British Columbia. He has been a consultant to the UN, the U.S. Naval War College and the Japanese Cabinet Commission on the Constitution. His books, articles and editorials have been widely published.

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PETTMAN, R., *BIOPOLITICS AND INTERNATIONAL VALUES*; Pegman Press, Inc., Maxwell House, Fairview Park, Elmsford, NY 10523 (1981), also published in the United Kingdom, Canada, Australia, France, and The Federal Republic of Germany; ISBN # 0-08-026329-1 (hard cover), ISBN 0-08-026328-3 (pbk); 187 p., including index, Author's Biography, and Roman Numeralized Preface; footnoted at the end of each chapter.

Ralph Pettman describes his book as an objective approach to the understanding of human behavior. This approach presumes that human social behavior is, to some degree, genetically determined. In short, for every society or culture there exists a gene pool which includes genes marked with traits relating to human values, morals and behavior. Thus, the objective approach would understand values to be genetic as opposed to learned. The text of the book is primarily an application of that premise applied to specific socio-political issues. These issues include racial and sexual discrimination, individual (American) versus collective (Soviet) ethics, and the concept of liberty, exploring (and perhaps predicting) the complexity of international values and policies. Pettman's analysis includes comparisons of theories of human nature and their impact on particular cultures' attitudes and behavior. He reviews current biological research in genetic engineering and the consequences that might result for society and politics. He also addresses questions of whether we are innately selfish in social affairs, exploring the genetics of altruism and whether the truth as we know it has a future. He reviews evidence of the importance of adequate nutrition in the context of freedom from biological deprivation and the effect of deprivation of capacity to make choices, such as our freedom to construct cultures and change them at will.

Ralph Pettman is currently a visiting associate professor in the Department of Politics at Princeton University. He has in the past been a Senior Research Fellow for the Institute of Advanced Studies at the Australia National University, Canberra. His work includes: *STATE AND CLASS: A SOCIOLOGY OF INTERNATIONAL AFFAIRS*; *MORAL CLAIMS IN WORLD AFFAIRS* (an edited collection); and *HUMAN BEHAVIOR AND WORLD POLITICS: A TRANSDISCIPLINARY INTRODUCTION*.

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