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Book Notes

Keywords

Periodicals, International Disputes, Interest, Organizations

BOOK NOTES

Foreign Legal Systems

JACOBS, M., *THE LAW OF ARBITRATION IN SOUTH AFRICA*; Juta and Company, Ltd., Cape Town, South Africa (1977); R 22.00 (cloth); ISBN 0-7021-0819-7; xxxiv, 225 pp.; index, footnotes, table of cases, list of principal authorities and methods of citation, tables, appendices.

Since 1974, numerous major disputes have been resolved through the use of arbitration in South Africa. Legal writing, however, has not kept pace with the increasing importance of arbitration in conflict resolution. This treatise explores both the English and the South African approaches to arbitration. The author considers the existing distinction between statutory and common law arbitration in South Africa and concludes that new legislation is needed to resolve existing inconsistencies.

Human Rights

COUNCIL OF EUROPE, *COLLECTED EDITION OF THE "TRAVAUX PRÉPARATOIRES" OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS, VOL. III*; Martinus Nijhoff, The Hague, The Netherlands (1976); ISBN 00-247-1819-8; xvii, 339 pp.; index. In English and in French.

The eight volumes represent the "legislative history" of the European Convention on Human Rights and contain the various documents used during the drafting of the Convention and the first Protocol. This volume contains the working papers of an intergovernmental committee, the Committee of Experts, which met during 1950. It was this Committee which accomplished a large part of the detailed drafting work and for this reason provides the reader with a valuable understanding of the meaning of the final text which emerged from the drafts.

COUNCIL OF EUROPE, *YEARBOOK OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS*; Martinus Nijhoff, The Hague, The Netherlands (1976); ISBN 90-247-1863-5; xvii, 454 pp.; footnotes, index, appendix, bibliography, documents, charts. In English and in French.

The yearbook represents the eighteenth compilation of human rights information in Europe and covers the year 1975. Part I commences with an exposition of the basic texts of the

working documents of the Convention. Part II reviews the increasing number of individual applications made to the European Commission on Human Rights and points out that only four individual applications were admitted, a decline of two over 1974. The following parts include summaries of the decisions handed down by the European Court of Human Rights and the Court of Justice of the European Communities as well as extracts of debates in national parliaments and judgments of national courts relating to the Convention.

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, *BILLIONS MORE TO FEED*; distributed in the United States by Unipub, Box 433, Murray Hill Station, New York, N.Y. 10016; \$3.50 (paper); ISBN 92-5-100229-0; 47 pp.; charts, sources.

Published with the support of the United Nations Fund for Population Activities, this booklet begins with a U.N. Population Projection forecasting a world population of around 6,500 million by the year 2000. The impact will be especially severe in the developing countries, and FAO believes that a food-oriented economic plan provides the best way to break out of the vicious cycle of undernutrition, underemployment, and low productivity which characterizes these countries. The FAO calls for a higher rate of investment in irrigation, fertilizers, pesticides, and insecticides and for the creation of additional jobs.

International Business and Taxation

BEHRMAN, J., *DEMAND FOR INFORMATION FROM MULTINATIONAL ENTERPRISES*; distributed in the United States by Unipub, Box 433, Murray Hill Station, New York, N.Y. 10016; \$2.50 (paper); ISBN 0-915814-09-9; 30 pp.

The information required of international companies has increased not only in extent but also in detail over the past fifteen years. Behrman details the types of information being demanded, the methods utilized in gathering the information, the uses to which the information is put, and the ramifications of providing or not providing the information. Behrman then develops an approach to information dissemination which centers on a continuing dialogue between the companies and the information users.

BEHRMAN, J., REVIEW OF "MULTINATIONAL CORPORATIONS IN BRAZIL AND MEXICO: STRUCTURAL SOURCES OF ECONOMIC AND NONECONOMIC POWER"; distributed in the United States by Unipub, Box 433, Murray Hill Station, New York, N.Y. 10016 (1975); \$5.50 (paper); 39 pp.; appendices, footnotes. Prepared for the Council of the Americas.

The operation and activities of multinational corporations fall within the legislative purview of the Subcommittee on Multinational Corporations of the Senate Committee on Foreign Relations. Behrman reviews a report prepared for that Subcommittee by Richard Newfarmer and Willard Mueller. The review raises questions concerning the interpretation of data gathered from 197 multinational corporations. The conclusions and recommendations of the report are also analyzed in terms of future congressional needs.

DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS, STUDIES OF FOREIGN COMPETITION POLICY AND PRACTICE, VOLS. I & II; Ministry of Supply and Services, Ottawa, Canada K1A 0S9 (1976); distributed in the United States by Unipub, Box 433, Murray Hill Station, New York, N.Y. 10016; \$25.00 (2 vols. paper); 296 pp. (vol. I), vi, 440 pp. (vol. II); footnotes, bibliographies, appendices.

The seven contributors to this two volume study have examined the corporate anticombination policies of the major industrial nations of the West. Although its emphasis is focused upon those policies which parallel the second stage revision of the Canadian Combines Investigation Act, the study offers a concise summary of the administration and effectiveness of foreign antitrust legislation. Volume I treats regulatory schemes in the United States. Volume II deals with the EEC, Australia, Japan, Sweden, the United Kingdom, and West Germany.

FELSBERG, T., FOREIGN BUSINESS IN BRAZIL: A PRACTICAL LAW GUIDE; IBTN-Livreiros e Editora Ltda., Avenida Paulista, 1471 9º andar cj 919, São Paulo-S.P.-Brasil (1976); 335 pp.; index, glossary, appendices.

An updated and enlarged version of the 1974 edition, the guide attempts to advise the foreign businessman and lawyer in understanding the basics of the Brazilian legal system as it relates to business negotiations conducted in Brazil. The study is composed of eleven chapters, each dealing with a different

aspect of foreign participation in the Brazilian economy. The appendices summarize the procedures for legalizing foreign documents and translate relevant Brazilian legislation. The author lends his experiences as a practitioner with an established São Paulo law firm and author of numerous articles on foreign investment. His publication is a useful guide for those businessmen or lawyers who transact business in or with Brazil.

LEECH, N., MILLER, S., & MUNDHEIM, R. (editors), *JOURNAL OF COMPARATIVE CORPORATE LAW AND SECURITIES REGULATIONS*, VOL. I, No. 1; North-Holland Publishing Company, 335 Jan Van Galenstraat, P.O. Box 103, 1000 AC Amsterdam, The Netherlands (1978); \$36.50/Dfl. 87,50 (four issues); 97 pp.; footnotes, tables.

This *Journal* was created to meet the trend of the growing internationalization of the securities markets and to act as a mechanism for the exchange of ideas and information concerning the structure, operation, and regulation of worldwide capital markets. An interdisciplinary and comparative forum, the *Journal* will describe and compare the practices of various national systems. The lead article in the first issue of Volume I, *The U.S. Securities and Exchange Commission, Financial Institutions Outside the U.S. and Extraterritorial Application of the U.S. Securities Laws*, was written by Philip A. Loomis, Jr., a Commissioner of the SEC. Other contributors include Dr. Morris Mendelson of the Wharton School of Finance of the University of Pennsylvania on disclosure requirements and Professors Helmut Kohl and Rainer Walz of the University of Hamburg on disclosure requirements in the Federal Republic of Germany. This *Journal* is a valuable theoretical and practical tool for specialists in corporate finance and economics as well as for legal scholars, practitioners, and government officials.

SANDERS, P. (editor), *YEARBOOK COMMERCIAL ARBITRATION VOLUME 1-1976 & VOLUME 2-1977*; Kluwer B.V., Deventer, The Netherlands (1976-77), also available from the American Arbitration Association, 140 W. 51st Street, New York, N.Y. 10020; ISBN 90-268-0814-3 (vol. 1), ISBN 90-268-0923-9 (vol. 2); xii, 254 pp. (vol. 1), xii, 282 pp. (vol. 2); bibliography, list of members of the ICCA, list of journals on arbitration. Preface by Jean Robert, President, International Council for Commercial Arbitration.

These annual sourcebooks, published under the auspices of the ICCA, consist of several sections: national reports on commercial arbitration, arbitral awards, new arbitration rules, recent amendments to arbitration statutes, and court decisions on the New York Convention in 1958. Volume 1 concentrates on arbitration practice in the Comecon countries, while Volume 2 describes arbitration law in those countries where the Anglo-Saxon system prevails. The forthcoming Volume 3-1978 will discuss Latin American arbitral practice. This is a must series for practitioners of international commercial arbitration and a valuable aid to those who wish to understand the role arbitration plays in the settlement of commercial disputes on a worldwide scale.

WILLETT, T., *FLOATING EXCHANGE RATES AND INTERNATIONAL MONETARY REFORM*; American Enterprise Institute for Public Policy Research, 1150 Seventeenth Street, N.W., Washington, D.C. 20036 (1977); \$3.25; ISBN 0-8447-3271-0, LC 77-13327; 146 pp.; footnotes, tables, figures, appendices. AEI Studies in Economic Policy 172.

As part of the debate over fixed versus flexible exchange rates upon which international trade is based, this monograph analyzes floating exchange rates established by the 1976 Jamaica Agreements undertaken by the 100 member nations of the International Monetary Fund. The author, a former director of international monetary research at the U.S. Treasury, contends that acceptance of floating rates has led to substantial improvements with respect to all three of the major problems of any international monetary system—liquidity, confidence, and adjustment.

International Law

GREEN, L., *SUPERIOR ORDERS IN NATIONAL AND INTERNATIONAL LAW*; A.W. Sijthoff Publishing Co. B.V., P.O. Box 26, Leyden, The Netherlands (1976); ISBN 90-286-04065; xix, 374 pp.; footnotes, table of cases, index.

The defense of obedience to superior orders when an individual is accused of such criminal atrocities as those committed at My Lai is examined in the context of international law and the statutes, judicial decisions, and leading commentaries on criminal law of over twenty-five countries. This survey was conducted at the request of the Canadian Department of Justice on behalf of the Judge Advocate General's Department of

the Department of National Defense. The author concludes with several basic premises upon which regulations for any future manual to be issued for the guidance of the armed forces may be formulated.

PHILIPPINE SOCIETY OF INTERNATIONAL LAW, *THE PHILIPPINE YEARBOOK OF INTERNATIONAL LAW*; Malcolm Hall, College of Law, University of the Philippines, Diliman, Quezon City, The Philippines (1976); \$8.00; xii, 203 pp.; footnotes, documents, list of members, list of publications.

Published yearly, this review is divided into articles, lectures, and speeches; book reviews; and official documents. It purports to present a balance of national viewpoints through a scholarly and pragmatic inquiry. Among the topics featured in this issue include: the 1976 sessions of the U.N. Conference on the Law of the Sea, the twenty-eighth session of the International Law Commission, the role of UNCTAD in international law, extradition, and the UNCITRAL Draft Convention Rule on liability of ocean carriers for damage or loss due to fire.

PLANTEY, A., *DROIT ET PRATIQUE DE LA FONCTION PUBLIQUE INTERNATIONALE*; Centre National de la Recherche Scientifique, 15, quai Anatole-France, 75700 Paris, France (1977); 80 francs; ISBN 2-222-02059-X (paper); 499 pp.; footnotes, bibliography, tables, index.

Dr. Plantey, a former delegate to the United Nations General Assembly and legal advisor to the Organization of European Economic Cooperation, has compiled a manual which brings together for the first time the laws of administration of international and European organizations. Covering 200 institutions operating within 140 countries, this ambitious volume predicts the eventual reality of an international administrative law. Plantey commences with a ninety-one page exploration of the various definitions and concepts utilized by the different organizations. An especially interesting chapter devotes itself to the political problems faced by international public functionaries. The book is comprehensively indexed and provides easy references with its numbered paragraphs.

RESEARCH ADVISORY COMMITTEE ON LAW AND DEVELOPMENT OF THE INTERNATIONAL LEGAL CENTER, *LAW AND DEVELOPMENT*; International Legal Center, 866 U.N. Plaza, New York, N.Y. (1974); ISBN 91-7106-090-1; 91 pp.; appendices.

In 1972 the International Legal Center appointed a group

of distinguished international scholars to study the role of law in the development of modern nations. This study represents the report of that Advisory Committee. The conclusion, which will be expanded in a future book-length edition of this report, is that many kinds of research on diverse subjects, using different approaches, are necessary if legal scholarship is to contribute towards understanding the problems of development. It also urges legal scholars to break outside the confines of legal doctrine and confront a wide range of new questions.

International Law of the Sea

JOHNSON, B. & ZACHER, M. (editors), *CANADIAN FOREIGN POLICY AND THE LAW OF THE SEA*; University of British Columbia Press, 2075 Westbrook Mall, Vancouver, British Columbia, Canada V6T 1W5 (1977); \$19.00 (cloth), \$6.50 (paper); ISBN 0-7748-0073-9 (cloth), 0-7748-0076-3 (paper); xx, 387 pp.; maps, footnotes, index.

The eight timely essays in this volume examine the development of Canadian policies on the major law of the sea issues and analyze Canada's dramatic seaward expansion. Canada's most significant role in recent law of the sea sessions has been that of a leader of the "coastal-state grouping," which has sought to expand a nation-state's jurisdiction over its fisheries, seabed resources, scientific research, and pollution control within a 200-mile economic zone and sometimes beyond. In this role Canada has unaccustomedly aligned itself with the coastal developing nations of Africa, Asia, and Latin America.

International Organizations

BALZANO, M., *THE PEACE CORPS: MYTHS AND PROSPECTS*; American Enterprise Institute for Public Policy Research, 1150 Seventeenth Street, N.W., Washington, D.C. 20036 (1978); \$2.00; ISBN 0-8447-1076-8, LC 78-50702; 21 pp.; footnotes. American Enterprise Institute Special Analysis.

Balzano's brief study outlines the series of problems that has plagued the Peace Corps throughout its seventeen year history and discusses several reorganization alternatives. Balzano believes the Peace Corps' problems stem from a changing international environment which Congress should recognize when reviewing the alternatives for its impending legislation.

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, REPORT ON THE FAO/SIDA EXPERT CONSULTATION ON POLICIES AND INSTITUTIONS FOR INTEGRATED RURAL DEVELOPMENT, VOLS. I & II; distributed in the United States by Unipub, Box 433, Murray Hill Station, New York, N.Y. 10016 (1977); \$8.00; ISBN 92-5-100295-9 (vol. I), ISBN 92-5-100284-3 (vol. II); ix, 43 pp. (vol. I), v, 95 pp. (vol. II); list of participants, bibliography, appendices, annexes.

Integrated rural development purports to consider multiple factors in planning for development that will allow progress without sacrificing the quality of life unique to a region or to a group of people. Volume I describes the goals of integrated rural development in Africa, while Volume II contains the recommendations of the Consultation for further such development. Concerned agencies are given a primary role in the planning process, and by integrating the input from these agencies, it is hypothesized that development will proceed more smoothly.

INTERNATIONAL LEGAL CENTER, THE IMPACT OF INTERNATIONAL ORGANIZATIONS ON LEGAL AND INSTITUTIONAL CHANGE IN THE DEVELOPING COUNTRIES; International Legal Center, 866 U.N. Plaza, New York, N.Y. (1977); LC 77-79100; ii, 275 pp.; footnotes, tables, annexes, list of participating personnel.

This study represents an objective inquiry into the impacts of two public international organizations, the World Bank and the International Labor Organization, on legal and institutional change in Colombia and Turkey. The historical background and evolution of both the World Bank and the ILO are explored with an emphasis on the particular organization's perception of its own role. From there, the inquiry proceeds to a discussion of the overall impact of the organization in each country and its impact on the legal development of each. This volume sheds light on the codes of conduct for Colombia and Turkey developed by the World Bank and the ILO and the means by which these codes are enforced. The study also attempts to discern whether the procedures utilized by these international organizations support or weaken the lawmaking capabilities of the countries with which they deal.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, *MOVING TOWARDS CHANGE*; distributed in the United States by Unipub, Box 433, Murray Hill Station, New York, N.Y. 10016 (1976); \$4.00; ISBN 92-3-101365-3 (English), ISBN 92-3-201365-7 (French), ISBN 92-3-301365-0 (Spanish); 137 pp., appendix. Foreword by Amadou-Mahtar M'Bow, Director-General of UNESCO.

This study presents UNESCO's views on the establishment of a new international economic order for eliminating the widening gap between the developed and the developing countries and to ensure steadily accelerating economic and social development. Recognizing the special contributions toward this goal which have been made by various international organizations, UNESCO sees its own contribution as stemming from its promotion of education, science, and culture as a means toward economic development. In this context, UNESCO foresees an enormous amount of work to be accomplished in gauging the obstacles to be overcome, defining the most effective practical steps to be taken, and foreseeing their consequences, as well as giving the idea impetus for the future.

International Politics and Government

IKLE, F., *HOW NATIONS NEGOTIATE*; Kraus Reprint Co., Millwood, N.Y. 10546 (1976); \$15.00 (cloth); ISBN 0-527-44220-8, LC 76-8398; xiv, 274 pp.; footnotes, bibliographical notes, index. Reprint of the 1964 edition published by Harper & Row, Publishers, New York, N.Y. Written under the auspices of the Harvard University Center for International Affairs.

In an age of increased communication between nations, the reissue of this work is timely. Dr. Iklé, a former director of the United States Arms Control and Disarmament Agency, has written a study of diplomatic negotiation which presents and analyzes how nations determine objectives, negotiate for side effects, make accommodations, evaluate, and come to terms. Included is a chapter on East-West negotiations.

United States Foreign Policy

LABRIE, R. & PRANGER, R. (editors), *NUCLEAR STRATEGY AND NATIONAL SECURITY POINTS OF VIEW*; American Enterprise Institute for Public Policy Research, 1150 Seventeenth Street, N.W., Washington, D.C. 20036 (1977); \$6.75; ISBN 0-8447-3275-3, LC 77-15624; 515 pp.; footnotes, tables. AEI Studies 175.

This work skillfully brings together official documents, policy statements, informative articles, and commentary in an effort to focus public debate on the array of vital defense issues. The rationale for current nuclear strategy and doctrine, the increasing vulnerability of fixed land-based missiles, and the feasibility of civil defense are examined, together with the impact of these issues on SALT. The thirty-eight contributors represent a broad range of defense viewpoints and present the contrasting assumptions underlying the debate over American nuclear policies.

PAIGE, J., *THE LAW NOBODY KNOWS*; Vantage Press, Inc., 516 W. 34th Street, New York, N.Y. 10001 (1977); \$10.00 (cloth); ISBN 533-02730-6, LC 77-075438; 209 pp.; endnotes, appendices, bibliography.

The author analyzes the enlargement of the U.S. Constitution through treaties and executive agreements and details what he believes to be the erosion of the personal and property rights of Americans as a result. Utilizing primary sources, Paige outlines the constitutional authority for treaty-making, the judicial development of treaty law, and the status of treaty-implementing acts. He concludes with a cross-section of informed opinion on the subject and proposals for change.

World Peace

SISCO, J. (moderator), *PROSPECTS FOR PEACE IN THE MIDDLE EAST*; American Enterprise Institute for Public Policy Research, 1150 Seventeenth Street, N.W., Washington, D.C. 20036 (1977); \$2.00; ISBN 0-8447-2110-7, LC 77-17276; 42 pp. AEI Forum 11.

The forum is an edited version of a round table discussion on the Arab-Israeli conflict by four recognized foreign policy experts: former U.N. Ambassador George W. Ball; J. William Fulbright, former chairman of the Senate Foreign Relations Committee; Senator Jacob Javits, ranking member of the Sen-

ate Foreign Relations Committee; and distinguished international lawyer, Rita Hauser. The discussion contains excellent insights into the policy considerations motivating the negotiating policies of the relevant Middle East actors.

Miscellaneous

ABBOTT, R. (editor-in-chief), *CAREER OPPORTUNITIES IN INTERNATIONAL LAW*; American Bar Association, Section of International Law, 1155 E. 60th Street, Chicago, Ill. 60637 (1977); \$5.00 (paper); LC 77-18576; xi, 125 pp.; bibliography. Monograph 1. Introduction by Seymour J. Rubin, Executive Vice President, American Society of International Law.

This monograph consists of twelve essays by practitioners in the various international law areas: legal research and teaching, the federal government, private practice in the United States, private practice abroad, and international organizations. The essays concentrate on analyzing in-depth the experience of international law practitioners. While the book does not purport to be a source listing for specific positions, the bibliographical material at the end of each section will lead the prospective international lawyer to a number of resources. The book provides answers to the questions most often asked by students and young lawyers interested in careers in international law.

AMERICAN ENTERPRISE INSTITUTE FOR PUBLIC POLICY RESEARCH, *THE U.S. NAVY: WHAT IS ITS FUTURE?*; American Enterprise Institute for Public Policy Research, 1150 Seventeenth Street, N.W., Washington, D.C. 20036 (1977); \$2.00 (paper); ISBN 0-8447-2113-1, LC 77-25268; v, 38 pp. AEI Forum 12.

An edited transcript of an AEI forum consisting of moderator John Daly, former ABC News chief, Representative Charles Bennett (D-Fla.), Senator Patrick Leahy (D-Vt.), former Secretary of the Navy John Warner, and Captain John Moore, editor of *Jane's Fighting Ships*, this publication addresses such topics as the maintenance of the U.S. fleet strength and the importance of the Navy in future U.S. global strategy.

ATIYEH, G. (editor), *ARAB AND AMERICAN CULTURES*; American Enterprise Institute for Public Policy Research, 1150 Seventeenth Street, N.W., Washington, D.C. 20036 (1977); \$9.75 (cloth), \$4.75 (paper); ISBN 0-8447-2116-6 (cloth), ISBN 0-8447-2115-8 (paper), LC 77-94069; 236 pp.; footnotes, appendices, list of contributors.

This book represents the published proceedings of a November 1976 conference held to examine and explore the views that Americans and Arabs hold of their own cultures. The volume addresses four broad considerations: history, literature, culture, and politics, and concludes with a roundtable discussion of whether the two cultures can communicate. This collection of commentaries and essays is instructive for those theorists of comparative politics who contrast differing governmental policy considerations by comparing the underlying difference in cultures.