

# Denver Journal of International Law & Policy

---

Volume 11  
Number 1 *Fall*

Article 14

---

January 1981

## Book Notes

Denver Journal International Law & Policy

Follow this and additional works at: <https://digitalcommons.du.edu/djilp>

---

### Recommended Citation

Book Notes, 11 Denv. J. Int'l L. & Pol'y 149 (1981).

This Book Note is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Denver Journal of International Law & Policy by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

---

## Book Notes

### Keywords

Air and Space Law, Space Law, Air Law

## BOOK NOTES

**BÖCKSTIEGEL, K-H., SETTLEMENT OF SPACE LAW DISPUTES: THE PRESENT STATE OF THE LAW AND PERSPECTIVES OF FURTHER DEVELOPMENT (vol. 1); Carl Heymanns Verlag, Publisher, Cologne, West Germany (1980); available in the United States from Fred Rothman & Co., Littleton, CO 80213; \$84.50 (paper); ISBN 3-452-18794-2; available in German and French; ix, 415 p.; footnotes, list of participants, bibliography, texts of documents and relevant material, references in German and French. Proceedings of an International Colloquium, held in Munich, September 13-14, 1979, organized by the Institute of Air and Space Law, University of Cologne.**

This book documents an international colloquium held in Munich, West Germany entitled *Space Law Disputes* and contains the Welcome Address and Introduction to the Topic, the Concluding Remarks given by Karl-Heinz Böckstiegel, and the texts of sixteen speeches made at the colloquium by experts from different parts of the world. Each presentation of a particular topic is accompanied by the transcript of the discussion which followed the presentation. The purpose of the colloquium and the resulting publication is to serve as a starting point for future research and for the preparation of international agreements in recognition of the growing importance of space law disputes.

The colloquium consisted of four sessions. The topics of the four sessions were: (1) *Dispute Settlement in Public International Law*; (2) *Rules for Dispute Settlement in Present Space Law*; (3) *Rules and Experience in Comparable Fields of the Law*; and (4) *Perspectives for Further Development of Space Law*. An overview of each topic was presented initially, and then each topic was further explored by examining specific examples and practical applications. The colloquium was designed as a workshop, not as a formal lecture. This format was used to facilitate an exchange of ideas among the participants. Consistently, the aim of the conference was not to draw conclusions and formulate resolutions but rather to define the judicial methods of dispute settlement in space law so that states may draw upon them if they so wish.

The collection of treaties and other materials relevant to space law dispute settlement is quite extensive and should be a very valuable source of information for those interested in the topic.

Professor Dr. Karl-Heinz Böckstiegel is Director of the Institute of Air and Space Law and holds the Chair of International Business Law,

University of Cologne.

**BROWNLIE, I., PRINCIPLES OF PUBLIC INTERNATIONAL LAW (3d ed.); Oxford University Press, Oxford, England (1979); available in the United States from Oxford University Press, New York, NY; \$47.00 (cloth); ISBN 0-19-876066-3, LC 79-41139; 2d ed. available in Russian; xxxviii, 743 p.; list of abbreviations, table of cases, glossary, index.**

The book is organized into twelve parts with a total of thirty-one chapters. The purpose of the book, as stated by the author, is to provide a reasonably comprehensive description of the law of peace by examining the modern practices of states, the practices of organizations of states, and the decisions of international and municipal courts.

Parts I-III thoroughly cover the sources of international law, the relationship of municipal to international law, personality, recognition, and territorial sovereignty (including the creation and transfer of territorial sovereignty as well as international procedures and legal regimes).

Part IV describes the law of the sea including the law of the territorial sea, the submarine areas, and the high seas. Part V discusses the use of resources. The topics examined include: economic aid, access to resources, conservation, restrictive practices, outer space, international rivers, straits, and the seabed area.

Part VI covers state jurisdiction. Topics discussed include the sovereignty and equality of states, jurisdictional competence, privileges and immunities of foreign states, diplomatic and consular relations, and reservations from territorial sovereignty (e.g. territorial privileges by concession and external imposition of government functions without the consent of the sovereign).

Part VII examines other rules of attribution such as those concerning nationality, corporations, aircraft, and space vehicles. Part VIII covers the responsibility of states, the admissibility of state claims, and the concept of *jus cogens*. Part IX discusses the protections for individuals and groups that exist in international law in cases of injury to the person or property of aliens. Also discussed are the international principles and recent developments in the area of human rights and self-determination.

Part X covers international transactions. The law of treaties, concepts of agency and representations, and techniques of supervision and protection are presented. Part XI describes the transmission of rights and duties, particularly with respect to state succession. Finally, part XII closes with a discussion of the legal personality, relations with member states, law-making and other aspects of international organizations and the judicial settlement of international disputes.

†

**BRYANT, R.C., MONEY AND MONETARY POLICY IN INTERDEPENDENT NATIONS;** The Brookings Institution, 1775 Massachusetts Avenue, N.W., Washington, D.C. 20036 (1980); ISBN 0-8157-1130-1; xxii, 584 p; footnotes, appendices, selected bibliography, name index, subject index, tables, and figures. Foreword by Bruce K. Maclaury, President of the Brookings Institution.

This book is a treatise on the theory of national economic policy with special emphasis on the decisions of central banks about national monetary policy. Believing that the causes and consequences of the turbulent changes in economic conditions since the 1930's have been poorly understood, the book was written to help policymakers in national governments improve their conduct of economic policy, in particular monetary policy. The analysis and guidelines developed in the book grew out of today's "best-practice" economic theory. The guidelines are not a detailed manual that can be straightforwardly applied to specific policy issues for specific nations. Rather, the guidelines constitute a solid foundation on which to anchor analysis of specific policy decisions.

The book's theme is developed in five parts. Following an introductory section designed to illuminate the main themes and basic concepts of the topic, parts I and II explore the concepts of monetary aggregates in closed and open economies by defining money and the "correct" definition of national money, discussing money as the intermediate target of monetary policy, and explaining the rudiments of monetary theory. Part III explores the issue of interdependence and its impact on national economic policy: discussing the degrees of autonomy, the controllability of interdependence, and the impact of interdependence on national welfare. Parts IV and V examine the conduct of monetary policy by closed and open economies. Model and strategic choices in monetary strategies including the politics of monetary policy, instrument choices and instrument variations, fixed versus flexible exchange rates, and the issue of international cooperation, are discussed. A concluding chapter analyzes guidelines for the conduct of national monetary policy.

Ralph C. Bryant is Senior Fellow in the Brookings Economic Studies Program. Before joining Brookings in 1976, he served on the staff of the Board of Governors of the Federal Reserve System as Director of the Division of International Finance and Associate Economist of the Federal Open Market Committee.

†

**CAMPBELL, D. (editor), INTERNATIONAL HANDBOOK ON COMPARATIVE BUSINESS LAW;** Kluwer Law and Taxation Publishers, Stromarkt 8, T.O.P. 23, Deventer, The Netherlands, T74411 (1979); available in the United

States from Kluwer Law and Taxation, 160 Old Derby Street, Hingham, MA 02043; ISBN 90-268-1074-1; 212 p.; footnotes and appendices.

This handbook was written to offer a "core" sample of the legal systems of Belgium, Denmark, England, France, the Federal Republic of Germany, Italy, Switzerland, and the United States. It is intended to provide a starting point from which the foreign practitioner might attempt a preliminary definition of the legal environment which his client-enterprise seeks to enter. Thirteen authors, with practical legal experience in their respective countries, present the business law of these eight countries through short introductory essays and hypothetical cases. The handbook was edited under the auspices of the Center for International Legal Studies.

The "core" sample of each legal system is developed through a two-tier approach, designed to make the most of the thirteen authors' practical legal experience. First, each author has been allowed great latitude in preparing an introductory essay in which he sets out those issues he believes most relevant to the foreign enterprise contemplating entry into his respective domestic market. The breadth of that latitude encompasses the form of the essay as well as its substance, the belief being that the format and approach employed by each author suggest clues to the nature of the legal system which he represents. Second, each author has been presented a hypothetical case for analysis. These analyses represent a unique opportunity for the practitioner to compare the substantive law of a variety of jurisdictions against a common set of facts molded around the entry into and function of a foreign enterprise in a domestic market. These essays and analyses are prepared under the laws and regulations prevailing in the respective jurisdictions as of July 1979.

The Center for International Legal Studies, headquartered in Salzburg, Austria, is devoted to the promotion of international legal education, research, information exchange and understanding. The editor, Professor Dennis Campbell, is Director of the Center.

†

GOROVE, S. (editor), *SPACE SHUTTLE AND THE LAW*; L.Q.C. Lamar Society of International Law, University of Mississippi Law Center (1980); ISBN 0-937952-00-1, LC 80-83047; iii, 133 p.; footnotes, appendices, index. Monograph series no. 3.

In this collection, the editor brings together contributions from leading authorities and well-known writers in the field of space law. The papers focus on the legal problems expected to arise out of the anticipated uses of the Space Shuttle and encompass issues ranging from command authority and jurisdiction to liability, risk, and insurance.

Part I, "Legal Aspects and Issues," introduces the salient legal issues pertaining to the Space Shuttle itself. In the lead article, Gorove ap-

proaches the area by first defining the legal nature of the Shuttle under domestic and international law and then developing the jurisdictional, liability, and sovereignty problems that Shuttle operations will likely engender. The remaining articles in part I concern the more narrowly drawn issues of registration, Shuttle landings, the possibility of collisions, rescue, and the issues stemming from the role NASA will assume as the principal operator of the Space Shuttle.

Part II, "The Shuttle and International Space Flight," presents four articles that examine the legal aspects of international space flight. An attempt is made to first determine just what constitutes international space flight and then to analyze the jurisdiction and control, registration, and liability for damage problems within that context. Subsequent articles consider the effects of extant space treaties and the desirable nature of a future regime to assure space flight safety, as well as the legal issues peculiar to the flights of Spacelab and the extension of criminal jurisdiction aboard the Space Shuttle.

Part III, "Liabilities, Risks and Commercial Aspects," concludes the work with two chapters on liability and one on the commercial aspects of the Shuttle's operation. In the liability area, the discussion starts with an identification of the risks involved and moves to an attempt to devise principles of law to successfully insure against them, in order to permit private industry to avail itself of Shuttle usage. Another article analyzes the reasons for, and the implementation of, section 308 of the NASA Authorization Act of 1980, giving NASA broad and flexible authority to facilitate the allocation of third party tort liability risks attending Shuttle operations. The last piece describes commercial considerations of Shuttle flights such as user charges, launch scheduling, and space allocation, concluding that Shuttle capabilities will greatly increase commercial activity in space during the eighties.

Stephen Gorove is Professor of Law at the University of Mississippi Law Center, a Corresponding Member of the International Academy of Astronautics, and International Astronautical Federation delegate-observer to the U.N. Committee on the Peaceful Uses of Outer Space.

†

HEISLER, M.O. & LAWRENCE, R.M., *INTERNATIONAL ENERGY POLICY*; D.C. Heath & Co., Lexington, MA (1980); \$22.95; ISBN 0-669-02920-7, LC 79-4748; 240 p.; table. Part of the Policy Study Organization Series.

The objective of this book is to provide a low-key but scholarly analysis of the external energy scene in order to stimulate a broad range of American responses to the situation. Two types of analysis were chosen for presentation. One is the analysis of the emerging international energy production and consumption linkages and the other is a comparative political analysis.

Part I, "The Growing Interdependence of Energy Production and Consumption," provides a background for discussion of energy policy. It addresses internal and external energy policy, emphasizing worldwide interdependence and problems associated with nuclear development and other advanced technology such as solar collection.

Part II, "Comprehensive Energy Policies," consists of five comparative studies to determine how other societies within different political, economic, and geographical contexts resolve energy problems. It examines U.S. energy policy in the context of international interdependence. The purpose of the examination is to discover possible insights into our own energy problems. The author analyzes energy policies in major European countries, in the U.S.S.R., and in China.

The author acknowledges but omits an analysis from the classical imperial perspective. Although this analysis is discussed in the United States, it would entail the development of theories of exploitative relations with energy-producing states, and the authors declare this task inappropriate for their book.

Robert M. Lawrence is Professor of Political Science at Colorado State University. Martin O. Heisler is Associate Professor of Political Science at the University of Maryland. Professor Heisler specializes in comparative European studies. He spent the academic year 1979-1980 as Visiting Professor at the Institute of Political Science at Aarhus University in Denmark.

†

HUISKAMP, J.C.L., BRACEWELL-MILNES, B. & WISSELINK, M.A., *INTERNATIONAL TAX AVOIDANCE, VOLUME A: GENERAL AND CONCEPTUAL MATERIAL* (1979); ISBN 90-200-0510-3; 368 p.; footnotes, bibliography, appendices. *VOLUME B: COUNTRY REPORTS* (1978); ISBN 90-200-0511-1; 344 p.; footnotes, bibliography. Kluwer Law and Taxation Publishers, Stromarkt 8, T.O.P. 23, Deventer, The Netherlands, T74411. Available in the United States from Kluwer Law and Taxation, 160 Old Derby Street, Hingham, MA 02043. Part of the International Series of the Rotterdam Institute for Fiscal Studies.

The two volumes of *International Tax Avoidance* contain an analysis of the policy of six Western countries towards international tax avoidance. Volume A, which is divided into eleven parts, contains general information about international tax avoidance. Part I is a brief introductory section. The other ten parts cover the following topics: methods of international tax avoidance; tax havens; legal measures taken by national governments to combat international tax avoidance; the administration of these legal measures; the collaboration between governments to combat international tax avoidance; the legal theories and concepts of international tax avoidance; abuses of tax laws; and abuses of tax treaties. The



two appendices discuss how to avoid taxes by forming a trust in Liechtenstein or by incorporating in the Netherlands Antilles. Liechtenstein and the Netherlands Antilles are well-known tax havens.

Volume B contains reports of six countries and their policies towards international tax avoidance. The six countries were chosen because they are Western countries important in international trade and because they exemplify the four principal legislative approaches to the question of international tax avoidance. The Netherlands exemplifies the most lenient approach, which is to have few and simple laws against international tax avoidance. Belgium and France have more laws concerned with international tax avoidance but still do not have comprehensive or very stringent regulations aimed at eliminating international tax avoidance. The United Kingdom represents the third approach and has very few laws against international tax avoidance, but the laws that do exist are very severe. Finally, the United States and West Germany have comprehensive systems of law to regulate international tax avoidance.

Also included in Volume B is an examination of the tax laws of each of the six countries, each country's residence requirements for tax purposes, how each country administers its tax laws, the requirements of exchange, each country's concept of tax abuse, and how each country seeks to prevent international tax avoidance.

The three authors are members of a research team at the Rotterdam Institute for Fiscal Studies who compiled the information contained in the two volumes. The three named authors were primarily responsible for the actual writing of *International Tax Avoidance*. In addition, J.C.L. Huiskamp was Project Leader of the team.

†

KAUFMANN, J., UNITED NATIONS DECISION MAKING (3d ed.); Sijthoff & Noordhoff International Publishers, Alphen aan den Rijn, The Netherlands (1980); ISBN 90-286-0410-3, LC 80-50455; xiv, 283 p.; footnotes, glossary, index, annexes, charts.

The book explores the formal and informal decisionmaking processes employed at the United Nations. It is divided into three parts. Part I analyzes the decisionmaking processes in the General Assembly, the Security Council, and the Economic and Social Council. The various committees of the General Assembly are discussed. The analysis of the operation of the Security Council emphasizes its unique role as conflict-solver and the increasing importance of consensus-type decisionmaking. The failure of the Economic and Social Council to achieve the objectives set forth for it in the U.N. Charter is also analyzed.

Part II, "Dynamics of U.N. Decision Making," provides a survey and an analysis of the various factors and procedures which together make up the U.N. decisionmaking process. Topics discussed are: the rise of pro-

grams of economic assistance to developing countries, the increased use of ad hoc general conferences under U.N. auspices, the significance of special sessions of the General Assembly, the role of groups such as the Group of 77 and the European Communities, the organization and work methods of delegations, the resolution and voting process, tactical moves, the significance of speeches, and the role of committee officers.

The third and final part of the book contains a collection of case studies that illustrate how to successfully use and manipulate the U.N. decisionmaking procedures to get a proposal adopted. This section also contains a discussion of the future of U.N. decisionmaking.

†

KAY, D.A., *THE FUNCTIONING AND EFFECTIVENESS OF SELECTED UNITED NATIONS SYSTEM PROGRAMS*; West Publishing Company, P.O. Box 3526, St. Paul, MN (1980); \$12.00 (paper); LC 79-27065; ix, 208 p.; footnotes, tables, forward. The American Society of International Law, Studies in Transnational Legal Policy No. 18.

This book is the report that resulted from a study sponsored by the International Organization Research Project of the American Society of International Law with funds provided by the Department of State. It explores some of the issues facing the U.N. operational programs in three particular areas. The study first evaluates the performance of the U.N. programs in the field of human nutrition. Included is a detailed report of the World Food Program in Egypt as an example of the limitations hindering the effectiveness of the entire program. Then the book details the performance of the U.N. program to control and regulate the use of narcotic and psychotropic drugs. The major focus of this section of the book is on the United Nations Fund for Drug Abuse Control (UNFDAC), a new operational element in the U.N. system. The last major area of emphasis dealt with by the study is the performance of the United Nations in preventing the diversion of nuclear materials to nonpeaceful uses.

The report claims that a major transformation in the U.N. system has occurred in the last eighteen years due to the increasing economic and technical interdependence of nations and to the demands of developing countries for internationally provided services. Believing that the functional and technical operations of the United Nations are becoming more politicized, the report claims that the future of the organization is in doubt. It therefore suggests guidelines that should result in more coherent policymaking.

The American Society of International Law was organized in 1906. Its purpose is "to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice."

†

KIDRON, M. & SEGAL, R., *THE STATE OF THE WORLD ATLAS*; Simon & Schuster, Simon & Schuster Building, Rockefeller Center, 1230 Avenue of the Americas, New York, NY 10020 (1981); ISBN 0-671-42439-4 (paper), ISBN 0-671-42438-6 (cloth); v, 132 p.; footnotes, subject index, table of states and dependent territories, 66 maps.

This fascinating little atlas provides graphical information about major topics of international concern. Utilizing Winkel's Tripel projection map—an "equal-area" projection—instead of Mercator or Peleris projections, the atlas endeavours to be truly international in scope. It not only shows the worldwide incidence of conditions and events, but also associates that incidence with the underlying structure of the self-perpetuating system of sovereign states preoccupied with aggrandisement and conflict. Thus, the atlas seeks to provide a frame of reference for the changing pattern of world events and seeks to reveal connections that are hard to grasp or that have been deliberately obscured.

In sixty-six maps, organized into twelve sections, the atlas portrays the state of the world. The first section shows how states have proliferated in the last few decades and how, with their rival claims, they are reaching out to possess the last uninhabited land mass (Antarctica), the high seas and the sky. The maps are next used to examine the military preoccupations of states and the squandering of resources on war, the threat of war, and the preparations to meet the threat of war. Next, the maps show how states are unequally endowed with natural and developed resources, how they employ these endowments and how they are related to the power of private industry and finance. Last, the maps are employed to consider the impact of all these factors on labor, on society in general, and on the environment. The maps trace the symptoms of crisis and identify some of the developing challenges to the world system.

The great mass of information presented in these maps necessarily comes from governments and international agencies whose statistical compilations often constitute the only available source of information on a given topic. However, realizing that all statistical information may contain skewed results and personal biases, the authors have only used those sources of information valid enough for broad comparison. In a number of instances, where incomplete, ambiguous or contradictory information was present, maps were based on a degree of personal judgment but were checked against other sources whenever possible.

*The State of the World Atlas* provides a startling perspective on the cost of pursuing state interests. The costs include the destruction of the environment and the erosion of human rights. The atlas illustrates some of the challenges to the prevailing world system, and emphasizes, in its closing pages, an optimistic and positive approach to reconciling many competing interests.

†

LILICH, R.B. & MOORE, J.N. (editors); U.S. NAVAL WAR COLLEGE INTERNATIONAL LAW STUDIES: ROLE OF INTERNATIONAL LAW AND AN EVOLVING OCEAN LAW (vol. 61); Naval War College Press, Newport, RI (1980); xvii, 699 p.; bibliography, footnotes, index.

LILICH, R.B. & MOORE, J.N. (editors); U.S. NAVAL WAR COLLEGE INTERNATIONAL LAW STUDIES: THE USE OF FORCE, HUMAN RIGHTS AND GENERAL INTERNATIONAL LEGAL ISSUES (vol. 62); Naval War College Press, Newport, RI (1980); xxii, 758 p.; bibliography, footnotes, index.

Part I of volume 61 is devoted to the issue of the role of law in the international arena and includes a general introduction to international law. It discusses of the Soviet attitudes toward international law, the political factors, recent trends, and the relevance of international law for the naval officer. Authors of the seventeen articles in this section include Richard Baxter, John Hazard, Oliver Lissitzyn, Leon Lipson, Richard Salk, and Wilfred Hearu. The articles discuss the misperceptions of the *Realpolitik* view of international law, and point out that there is an effectively functioning and binding "constitutive process," that compliance may be more meaningful than sanctions, and the importance of considering international law in key national security decisions.

Part II of volume 61 addresses the issues of marine law. The authors include Myres McDougal, Philip Jessup, Joseph McDevitt, Richard Bilder, Michael MccGwire, and many others. Among the thirty-one articles in part II, the topics addressed include the Law of the Sea negotiations, marine mineral resources, jurisdiction, the archipelago concept of the limits of territorial seas, innocent passage, the strategic implications of the continental shelves, electronic reconnaissance from the high seas, seabed arms control, naval operations, and pollution.

Volume 62 is mostly devoted to the issue of the use of force in international conflict management. Authors such as James Barber, Richard Baxter, Herbert Briggs, Charles Fenwick, Eric Hayden, John Norton Moore, and James Turner discuss the use of force, the laws of war, the conduct of hostilities, arms control, and the control of terrorism. They also endeavor to define aggression, insurgency, intervention, and minor coercion. Volume 62 also contains a section which has four articles on human rights. These articles examine asylum and the international law concerning aliens, civilians and combatants in times of war. In addition, this volume has eight articles on the international legal issues of jurisdiction, the status of armed forces abroad, recognition of states and individuals, and trusteeship obligations.

John Norton Moore is the Walter L. Brown Professor of Law and Director of the Center for Oceans Law and Policy at the University of Virginia. He was formerly Counselor on International Law to the Department of State, U.S. Ambassador to the Law of the Sea Conference, and Chairman of the National Security Council Interagency Task Force on

the Law of the Sea. Richard B. Lillich is Professor of Law at the University of Virginia, and has been Project Director of the Procedural Aspects of International Law Institute. He has also held the Charles H. Stockton Chair of International Law at the United States Naval War College.

†

NEWCASTLE, M.A., **COPYRIGHT LAW IN THE SOVIET UNION**; Praeger Publishers, New York, NY (1978); ISBN 0-275-56450-9, LC 76-12867; x, 212 p.; footnotes, bibliography, index, appendices.

Part I of the book describes the historical development of copyright law in the U.S.S.R. from its origins under the tsarist regime to modern times. In part II, current Soviet copyright law and the procedures and regulations employed to administer that law are discussed. The topics dealt with in part II include: the kinds of works that may be protected; the individuals subject to copyright protection in the U.S.S.R.; the nature of the rights embodied in copyright; the various free uses, compulsory licenses, and compulsory purchases permitted by Soviet statute; the provisions regulating author-publisher contracts and royalties paid to authors; remedies available upon breach of such contracts; the powers and functions of the All-Union Agency on Copyrights; and the protection accorded Soviet authors abroad. In part III, the various problems and controversies that have arisen as a result of Soviet accession to the Universal Copyright Convention (UCC) are analyzed. In particular, the possible application of the UCC to internal dissidents in the U.S.S.R. and to republication without permission of Western scientific and technical journals in the Soviet Union are discussed in detail. Also in part III, the past course and future prospects for U.S.-U.S.S.R. trade in literary property are examined. Finally, the copyright provisions of Soviet law are set out in two appendices at the end of the book.

M.A. Newcastle received both an M.A. degree in international affairs and a J.D. degree from the National Law Center of the George Washington University. He is currently a practicing attorney in New York and a member of the Committees on Soviet Law, East-West Trade and Investment, and International Copyright Treaties and Laws of the American Bar Association. He has previously published articles relating to Soviet copyright law. His essay, "The Universal Copyright Convention as an Instrument of Repression: The Soviet Experiment," was awarded National First Prize in the 1974 Nathan Burkan Memorial Competition.

†

NEWTON, W.H. III, **INTERNATIONAL ESTATE PLANNING**; Shepard's/McGraw-Hill, P.O. Box 1235, Colorado Springs, CO 80901 (1981); ISBN 0-07-046430-8, LC 80-28413; vii, 539 p.; footnotes, tables, two appendices,

supplement.

The purpose of this book is to give insight into the theories and approaches of international estate planning. Because the subject matter is complex, the book is divided into eleven major chapters.

The first chapter gives an overall picture of international estate planning and jurisdictional problems. It defines an international estate as one "in which the decedent's property touches more than one jurisdiction." An international estate plan is therefore an arrangement for disposing of such property. Situations involving conflicts of law issues arise frequently in international estate planning because an international estate by its nature touches more than one jurisdiction. Thus, chapter two is devoted to the issues and approaches to be taken in these situations.

U.S. citizens, residents, and domiciliaries are subject to federal taxation even though they are physically present in a foreign jurisdiction or their property is situated in a foreign jurisdiction. Likewise, nonresidents and nondomiciliaries may be subject to federal taxation by the United States. The extent of taxation relates to the jurisdictional bases, source of income, and situs of assets. The United States is also a party to income, estate, gift and generation-skipping transfer tax treaties which provide tax benefits to U.S. taxpayers abroad and to foreign taxpayers in the United States. Chapters three, four and five discuss these interrelated tax problems.

The trust is used frequently in international estate planning because it facilitates avoidance of forced heirship provisions, protects against confiscation of property and allows continued management of assets without interruption on the death of a beneficiary. Discussion of the use of a trust and its tax implications is contained in chapter six. The book also discusses the generation-skipping transfer tax, the use of partnerships and corporations as international estate planning tools, international transfers of foreign situs property, and the probate and administration of international estates.

This book facilitates one's understanding of the complex subject matter of international estate planning by illustrating alternative approaches to specific factual patterns through a series of examples set forth in every chapter.

†

RHODE, G.F. & WHITLOCK, R.E., *TREATIES OF THE PEOPLE'S REPUBLIC OF CHINA, 1949-1978: AN ANNOTATED COMPILATION*; Westview Press, Inc., 5500 Central Avenue, Boulder, CO 80301 (1980); \$24.50 (cloth); ISBN 0-89158-761-6, LC 79-27904; ix, 207 p.; footnotes, table of contents, tables, maps. This work is part of the Westview Special Studies Series on China and East Asia.

This work is the first English compilation of Chinese treaties. The

authors investigate the use of treaties by the Chinese as a foreign policy tool. Essentially, the Chinese treaties fall into five categories: friendship treaties, boundary treaties, commerce treaties, consular treaties, and one treaty of dual nationality. The authors note that the Chinese pattern is first to establish friendly ties with a nation through the use of friendship treaties before entering into the more technical types of treaties involving boundaries, trade, or consular officers.

Chapter one examines the historical evolution of the Friendship Treaty. For the most part, the Chinese Friendship Treaties are of a general nature, stressing peaceful co-existence, friendship, and general cooperation in political, economic, technical, and cultural spheres. Chapter two traces the development of Boundary Treaties. Chapter three focuses on Treaties of Commerce and Navigation. Chapter four outlines the format of Chinese Consular Treaties. Chapter five focuses on the Sino-Indonesian Treaty of Dual Nationality. Chapter six focuses on the development of the Treaty of Peace and Friendship between China and Japan, while chapter seven traces the normalization of relations between the United States and China. In the last chapter, the authors discuss China's motivations for placing special importance on the topics it has chosen as the subjects of its treaties. Moreover, the authors suggest that this compilation will prove to be useful as a valuable research tool.

Grant F. Rhode is Visiting Lecturer at Tufts University on the comparative anthropology of China and Japan. Reid E. Whitlock is also Visiting Lecturer at Tufts University in the field of Oriental Studies.

†

SIMONS, W.B. (editor), *THE SOVIET CODES OF LAW*; Sijthoff & Noordhoff International Publishers, Alphen aan den Rijn, The Netherlands (1980); \$92.50; ISBN 90-286-0810-9, LC 80-53755; xviii, 1239 p.; footnoted introduction by the editor. One of a series of publications on law in Eastern Europe issued by the Documentation Office for East European Law, University of Leyden, The Netherlands.

This volume should be a valuable tool for those in the academic world, in business and banking, in government service, or in any field requiring access to and knowledge of the basic Soviet codes of law. For the first time, all the codes in force in a union republic, together with the all-union codes for use where jurisdiction in a particular area is vested by the U.S.S.R. Constitution in the federal government, have been translated into English and published in one volume.

The volume includes the codes (*kodesky*) of the largest and most important union republic in the Soviet Union, the Russian Soviet Federative Socialist Republic (RSFSR). The fourteen other union republics, which also have their own codes, have not been represented in the volume because their codes follow closely those of the RSFSR. Also included are

some legal texts which are not called codes but which fulfill the same general function and which are based on fundamental principles of legislation (*osnovy zakonodatel' stva*). These noncode materials include the RSFSR laws on health, education, and court organization. Relevant federal jurisdiction codes on air, custom, and merchant shipping have been included, but the volume does not contain all the federal principles which are part of the codification of Soviet law and which occasionally must be consulted along with the republican codes.

The following RSFSR codes can be found in the volume: The Constitution; The Criminal Code; The Code of Criminal Procedure; The Corrective Labor Code; The Civil Code; The Code of Civil Procedure; The Labor Code; The Code on Marriage and the Family; The Water Code; The Land Code; The Law on Health Care; The Law on Public Education; The Code of Mineral Resources; The Forestry Code; and The Law on Court Organization.

The codes as translated reflect all the recent developments and amendments that occurred prior to the publication date. For further developments, the user is referred to the quarterly *Review of Socialist Law* which is also issued by the Documentation Office for East European Law of the University of Leyden Faculty of Law.

In addition to the codes, an informative introduction presents two general observations relevant to civil law systems. One is that while civil law codes are characterized by their systematic and comprehensive treatment of a specific branch of law, no continental civil lawyer relies solely upon the code. Some codes either deal briefly or not at all with certain subjects, and not all the law of civil countries has been subject to codification. Second, no code in any of the civil law systems has yet been fully integrated to contain all the provisions of the substantive law relating to a given area of the law. Against this general background of the functioning of civil law systems, the historical development of the Soviet codes is compared and contrasted with those of Western European civil law countries. Despite striking differences that derive from political, economic, social and cultural factors, one can find technical features common to both Western European and Soviet civil systems. There are points of divergence, however, which are also discussed briefly in the introductory essay.

At the time of publication, W.B. Simons was a member of the Faculty of Law of the University of Leyden, The Netherlands.

†

TIMAGENIS, G.J., *INTERNATIONAL CONTROL OF MARINE POLLUTION*; Oceana Publications, Inc., Dobbs Ferry, NY (1980); \$37.50 (cloth); ISBN 0-379-20685-4 (vol. 1), 0-379-20686-2 (vol. 2); iv, 877 p.; footnotes, tables, abbreviations, appendices, index of selected treaties and general outline.

This study is concerned with the recent development of the conven-



tional law on marine pollution, particularly in the areas of dumping and ships where conventional law is more developed. The analysis focuses on the legal developments from 1972 to 1979, a period of immense change in the law of the sea and a period when the need for regulation in the environmental area was recognized.

The study is composed of four parts. The first part is general in nature. After a brief review of the conventions concerning marine pollution and a consideration of marine pollution as a legislative problem, some emerging principles of the law of marine pollution are examined, including basic concepts, settlement of disputes, the role of the individual, and economic aspects of the law of marine pollution. This part concludes with a brief review of the results of the U.N. Conference on the Human Environment which the author feels will be the basis for all subsequent developments.

The second and third parts include a detailed analysis of the Oslo and London Conventions on Dumping at Sea and the Intergovernmental Maritime Consultative Organization (IMCO) Convention on Marine Pollution of 1973. These two parts form the main body of the study. Interpretation of the conventions and the drawing of some general conclusions by the author in these two parts provide an understanding of the law on marine pollution and the law of the sea in general. The fourth part of the study is a brief and up-to-date review of the negotiations in and the results of the Third U.N. Conference on the Law of the Sea.

The work is extensively based on diplomatic documents and on experience the author acquired during the major environmental conferences he attended, including the U.N. Conference on the Human Environment (1972), the London Conference on Dumping at Sea (1972), the IMCO Conference on Marine Pollution (1973), and the U.N. Conference on the Law of the Sea (1974-1979).

†

VOSKUIL, C.C.A. & WADE, J.A. (editors), *HAGUE-ZAGREB ESSAYS 3*; Sijthoff & Noordhoff International Publishers, Alphen aan den Rijn, The Netherlands (1980); ISBN 90-286-0749-8; xi, 329 p.; footnotes, appendix, list of abbreviations. Proceedings of the Hague-Zagreb Colloquium on the Law of International Trade held in Opatija, Yugoslavia.

The book contains the reports and discussions of the third session of the Hague-Zagreb Colloquium held at Opatija, Yugoslavia. Maritime law was emphasized at the session, and three of the four sections of the book are devoted to this topic. The three maritime law sections discuss carriage of goods by sea, maritime collisions and maritime air pollution. In addition, there is a fourth section on commercial arbitration and an appendix which contains student reports on a maritime collision and oil pollution case.

In the section on carriage of goods by sea, the international conventions and other instruments which are involved in the determination of contractual liability for carriage of goods are discussed in a report by Robert Cleton. The Yugoslav law on contractual liability for carriage of goods by sea is the topic of the report by E. Pallua. The section also contains a report of the discussions at the colloquium on this topic.

The noncontractual liability resulting from collisions at sea is examined in another section. In the two reports by L. Erades and V. Filipovic and the report of the discussions, international, Dutch and Yugoslav law on this topic are examined. In particular, the limitation of liability by Dutch and Yugoslav maritime law is highlighted.

In the section on maritime oil pollution, there is a report by B. Boute and B. Vukas on international law and the pollution of the sea. In addition, liability for oil pollution is examined in the context of Dutch maritime law by M. Sumampouw. The commercial arbitration section contains two reports on the significance and application of the principle of bona fides in international commercial arbitration.

C.C.A. Voskuil is Director and J.A. Wade is Principal Research Officer of the T.M.C. Asser Institute in the Hague. The T.M.C. Asser Institute is an inter-university institute founded by the Dutch universities offering courses in international law and is the sponsor of the Hague-Zagreb colloquium.

†

WALDHEIM, K., *BUILDING THE FUTURE ORDER: THE SEARCH FOR PEACE IN AN INTERDEPENDENT WORLD*; The Free Press, A Division of MacMillan Publishing Co., Inc., 866 Third Avenue, New York, NY 10022 (1980); \$12.95 (cloth), ISBN 0-02-933670-8, LC 79-6146; xxv, 262 p.; footnotes, index. Foreword by Brian Urquhart. Editor's Preface by Robert L. Schiffer. Introduction by Kurt Waldheim.

As a synthesis of some of the former U.N. Secretary-General's key reports and statements over the past eight years, this book is divided into nine parts, each of which is suggested by one of the basic functions or concerns of the United Nations as set forth in its Charter. The areas examined include: threats to peace and peace-keeping, disarmament, human rights, and economic and social development. Each of the nine parts is divided into chapters which are designed to provide thematic continuity rather than chronological order. The first chapter of each part summarizes the issues detailed in subsequent chapters of that section.

Part two, for example, examines the U.N. Charter's mandate "to maintain international peace and security." The opening chapter of part two, "A Shift in Emphasis," is drawn from the annual reports of Waldheim to the General Assembly from 1972 to 1979 and sketches a broad outline of the organization's evolving role in world affairs. The

“shift in emphasis” refers to a decline in the degree to which the United Nations is dominated by tensions between the superpowers, and indicates a shift toward growing involvement in problems which divide countries along so-called “North-South” lines. Also emphasized is the shift toward a greater U.N. role in regional conflicts generally not directly involving the greatest powers, but which have the potential to lead to superpower involvement. The author fears that “the major potential threat to world peace at the present time is the possibility that one or another regional conflict may unexpectedly become closely connected with the complex relationship of the nuclear powers and strain that relationship to the breaking point.” Subsequent chapters in part two then discuss such regional or bilateral conflicts as: the crisis between the United States and Iran, the Middle East, southern Africa, and Cyprus. All discussions are drawn from official reports and addresses.

Similarly, part five addresses global economic and environmental issues, first by sketching the changing nature of the “new breed of global problems” confronting the organization and then addressing particular issues with excerpts from statements made to such U.N. gatherings as the 1972 Conference on the Human Environment, the 1974 Conferences on World Population and Food, the 1977 Conference on the Law of the Sea, and the 1979 Conference on Science and Technology.

Kurt Waldheim became the fourth Secretary-General of the United Nations in 1971 and was reelected in 1976. He was succeeded by Javier Perez de Cuellar in 1981. Kurt Waldheim previously served as Austria’s Minister of Foreign Affairs and as its chief representative to the United Nations.

