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Book Notes

Keywords

Dogs, War, Violence, Government Contracts, Military Law

BOOK NOTES

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BOWMAN, M.J., *EDUCATIONAL CHOICE AND LABOR MARKETS IN JAPAN*; University of Chicago Press, 5801 S. Ellis Ave., Chicago, Ill. 60637 (1981); \$19.00; ISBN 0-226-06923-0, LC 80-25557; xvii, 367 pp.; footnotes, bibliography, index, appendices. Written with the collaboration of Hideo Ikeda and Yasumasa Tomoda.

This book is a study of human resources, education, careers, and labor market structures in Japan. Both the data and analysis of this study are unique. Their distinctiveness lies in the application of theoretical frameworks from sociology and economics to the analysis of educational and career decisions and in the use of the literature on decision-making to illuminate how parents and children perceive investments in education.

The book is divided into five parts. Part I describes the Japanese educational structure, the composition of the Japanese labor force, and the theoretical and methodological bases of the study.

Part II is concerned with the decision, upon completion of lower-secondary school, to select and enroll in an upper-secondary school course of study. Socioeconomic and geographical influences on the decision are analyzed. Changes in preferences between entry and graduation are also examined, and a model of this decision-making process is proposed.

Part III examines the decision, upon completion of upper-secondary school, to pursue higher education or to enter the labor market. The effects of the decision on parents, community background, occupational goals, economic constraints, and income expectations are examined.

In Part IV, the postschool years are examined. Finally, in Part V the author predicts how educational policies may shape Japanese life in the future.

Mary Jean Bowman is Professor Emeritus in the Departments of Education and Economics at the University of Chicago. Hideo Ikeda is Professor of Education at Hiroshima University. Yasumasa Tomoda is Professor of Education at Osaka University.

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CAMPBELL, D. (ed.), *3 COMPARATIVE LAW YEARBOOK* (1979); Sijthoff & Noordhoff International Publishers, Alphen aan den Rijn, The Nether-

lands (1980); \$47.50; ISBN 90-286-0340-9, LC 79-649337; v, 287 pp.; footnotes.

The Center for International Legal Studies promotes international legal education, research, information exchange and understanding through the publication of the *Comparative Law Yearbook*. Research, policies and opinions (not necessarily reflecting the policies or opinions of the Center) deemed worthy of publication are found in the *Yearbook*.

Contributions to the 1979 volume include recent law reform in the People's Republic of China, a comparative perspective on employee creditor's rights in collective proceedings, German merger controls and the oil industry, international commercial arbitration and long-term contracts, the Hague Sales Law, collective Western legal efforts concerning the suppression of terrorism, meaningful criteria of actionability in the law of delict, transnational reach of U.S. antitrust laws, Polish constitutional development in the 1970's, Indian law of contempt, consideration in English law of contract and its absence in Scottish law, the *Sunday Times Case* in Great Britain, and *Blohn v. Desser* revisited.

Professor Dennis Campbell is Director of the Center for International Legal Studies.

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DAVID, E., *MERCENAIRES ET VOLONTAIRES INTERNATIONAUX EN DROIT DES GENS*; Editions de l'Université de Bruxelles, Parc Leopold, 1040 Bruxelles, Belgique; 950 Belgian francs; ISBN 2-8004-0668-2; in French; 459 pp.; preface, table of contents, bibliography, annexes.

The object of this book is to research the international legal rules which every state formally recognizes with respect to the engagement of mercenaries overseas. The author has analyzed the laws and obligations of states in different situations, including international armed conflict, internal insurrections, and peace time.

Specifically, the author focuses on the conduct of international mercenaries against another state or foreign population. Noting that there have been very few studies in this field, the author raises a number of questions in his book, such as: Does the use of mercenaries against a state constitute foreign intervention?; Is this type of activity contrary to international law?; If so, are the violators of international law the mercenaries themselves or the heads of state who tolerate or encourage this activity?; What is the responsibility of the state which harbors them?; Do states violate international law if they have aided the transport of mercenaries to a country?; If a mercenary is captured, what should be done with him?; Should he be treated as a prisoner of war, afforded exile, or should he be extradited to a state which will accept him?

The author concludes that a state should oppose not only the recruitment of mercenaries but also their departure or movement. The author also asserts that a state should punish mercenaries when they are found

in the state's territory.

The author also provides an excellent historical analysis of the use of mercenaries. The annex includes excerpts from several statutes which forbid mercenary activity and a contract of employment for potential mercenaries.

Eric David is Professor of International Law at the Centre de droit international de l'Université Libre de Bruxelles (Centre Henri Rolin). He has written extensively in the fields of international terrorism and humanitarian law.

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DUPUY, R.J. (ed.), *THE RIGHT TO HEALTH AS A HUMAN RIGHT*; Sijthoff & Noordhoff International Publishers, Alphen aan den Rijn, The Netherlands (1979); available in the United States from Sijthoff & Noordhoff International Publishing Co., 1600 Research Blvd., Rockville, Md. 20850; ISBN 90-2861028-6; xiii, 500 pp.; footnotes. Selected texts from a workshop organized by the Hague Academy of International Law which was held July 27-29, 1978.

At this workshop, scholars and practitioners active in the fields of economics, medicine, sociology, politics, and law explored the issues involved in the right to health as an international human right. Among the questions discussed by the participants were: What are the international standards which enshrine the right to health?; Are these standards adequately responsive to new issues which have arisen affecting the right to health?; What are the means and methods which have been utilized up to now to bring about the implementation of the right to health and what lessons may be learned from the experience thus far?; What measures may be taken to realize the right to health in areas of the world where it is still illusory?; How can the medical profession and the population at large be educated to have a spirit of respect for human rights?

This collection analyzes the essential elements of man's right to health in his village, town, nation, and in the international community. The articles also examine the possibilities for constructive action which could lead to the implementation of a right to health adequate to meet the needs of man and the world.

Professor Dupuy is the Secretary-General of the Hague Academy of International Law. He is also a member of the European Commission on Human Rights and the International Medical-Legal Commission of Monaco.

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FERRIS, E.G. & LINCOLN, J.K. (eds.), *LATIN AMERICAN FOREIGN POLI-*

CIES: GLOBAL AND REGIONAL DIMENSIONS; Westview Press, 5500 Central Ave., Boulder, Co. 80301 (1981); \$26.50 (cloth), \$14.00 (paper); ISBN 0-86531-208-7 (cloth), ISBN 0-86531-284-2 (paper), LC 81-10296; xvii, 300 pp.; footnotes, index, bibliography, tables. Part of the Westview Special Studies on Latin America and the Caribbean.

This volume represents a collection of essays grouped into four categories: perspectives on Latin American foreign policies and international relations, Latin American global foreign policies, Latin American regional foreign policies, and future directions for research on Latin American foreign policies.

The first section provides an assessment of the current state of research in the field and an overview of Latin American foreign policies and the political determinants of those policies. Among the specific topics touched upon are the relationship between the United States and Latin America, the role of bureaucratic organizations and development plans, and interdependence in the inter-American system.

Section two of the book examines the global policies of Brazil, Mexico, Peru, and Cuba. These essays represent different theoretical perspectives and provide a wealth of information for transnational comparisons. Brazil's foreign policy is examined from the perspective of an advanced developing country in a multipolar world. Mexico's foreign policy is examined from the perspective of a highly interdependent world. The essay on Peru considers the external political and economic initiatives taken by the country since 1975. Cuba's involvement in Africa and its possible objectives are discussed in the final essay of the section.

Section three presents case studies of regional foreign policies in Latin America. Among the topics addressed are: Venezuela, Brazil, and the Amazon Basin; geopolitics and foreign policy in Argentina, Chile, and Brazil; Bolivia and its access to the sea; Mexico's role as an emerging power in the Caribbean region; Cuba's foreign policy with respect to the Caribbean and Central America; and foreign policy in the English-speaking Caribbean countries.

The final section consists of a review of the recurring themes found in the book and a proposed theory for the analysis of Latin American foreign policy.

Elizabeth G. Ferris is a 1981-82 Fulbright Lecturer at the Universidad Nacional Autónoma de México. She was formerly an assistant professor at Miami University in Ohio and has done extensive field work in Latin America. She participated in the U.S. State Department Scholar-Diplomat Program in 1979. Jennie K. Lincoln is Assistant Professor of Political Science at Miami University in Ohio. She is also a research associate with the CREON Project at the Mershon Center of Ohio State University.

GRESSER, J., FUJIKURA, K., & MORISHIMA, A., *ENVIRONMENTAL LAW IN JAPAN*; The M.I.T. Press, Cambridge, Ma. (1981); \$60.00; ISBN 0-262-07076-6; xxi, 525 pp.; footnotes, index, appendices. Part of the Harvard University Studies in East Asian Law series.

This book presents the first comprehensive assessment in any language of Japan's environmental law and policy. The book begins with an historical summary of Japan's legal response to environmental problems. World War II left Japan economically, socially, and politically destitute. The major concern of the Japanese in the early postwar years was economic recovery, and it was assumed that industrial growth was good. However, by the mid-1950's, people in different parts of the country began reporting strange diseases virtually unencountered in the past, and during the 1960's, the victims formed protest groups. By the early 1970's, many Japanese had come to view pollution in moral terms, and this view of pollution shaped all subsequent Japanese judicial and administrative policies.

Four judicial decisions shaped Japan's approach to environmental protection. These four decisions are described in the second part of the book which examines the role of the judiciary in the development of Japanese environmental law. In particular, the Japanese courts created new legal rights and remedies such as a legal right to sunshine.

The third part of the book discusses Japanese environmental protection legislation and its administration. Two unique aspects of the Japanese environmental laws are the use of conciliation, mediation, and arbitration in the settlement of environmental disputes and the compensation of victims for pollution-related injuries.

The final part of the book discusses Japan's record in the field of international environmental protection. Despite its innovative domestic performance, Japan has remained callous to the environmental consequences of her actions abroad. The authors explore this contradiction and conclude the book with an appeal for Japan to improve its environmental performance on a global level.

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HOOLE, F.W., FRIEDHEIM, R.L., HENNESSEY, T.M. (eds.), *MAKING OCEAN POLICY: THE POLITICS OF GOVERNMENT ORGANIZATION AND MANAGEMENT*; Westview Press, 5500 Central Ave., Boulder, Co. 80301 (1981); \$23.75; ISBN 0-89158-966-X, LC 81-7418; xix, 291 pp.; footnotes, charts, tables. Published under the auspices of the Institute for Marine and Coastal Studies, University of Southern California, and the Center for Ocean Management Studies, University of Rhode Island. Part of the Westview Special Studies in Ocean Science and Policy.

This volume is about the making of U.S. ocean policy. It intends to provide a perspective on contemporary U.S. ocean policy-making issues.

The book contains fourteen articles grouped into four main sections which are: the history of U.S. ocean policy, ocean policy-making advocacy, ocean policy-making analysis, and the study of ocean policy and policy-making.

The history of U.S. ocean policy is described in the first section which consists of one chapter. While the United States has a long history in ocean affairs, it was not until around 1960 that there was a meaningful ocean program. This first section details this development, but the bulk of the section is devoted to a discussion of post-1960 events. Among the topics dealt with are: the establishment of the Interagency Committee on Oceanography, the development of a decade-long set of governmental goals regarding ocean activities, the establishment in 1966 of the National Council on Marine Resources and Engineering Development, the establishment of the National Oceanic and Atmospheric Administration (NOAA) in 1970, and the gradual movement in the mid-1970's to the implementation of new programs by the already established organizations.

The second section of the book, dealing with ocean policy-making advocacy contains two articles. The first article in this section deals with the current federal organizational structure and six proposals for reorganization. The second article offers a "functional" proposal for reorganization. The purpose of this reorganization would be to minimize program and organizational overlap.

The bulk of the book is in the third section on policy-making analysis. Among the topics dealt with in this section are: governmental reorganization problems; organization of federal, state, and local governments to act together; critiques of existing ocean decision-making processes; the application of management science methodologies to ocean policy-making; determination of the economic value of the ocean to the United States; program implementation problems; seaport management; and the policy-making process used to implement the Fisheries Conservation and Management Act of 1976.

The final section of the book contains two chapters and deals with the study of ocean policy and policy-making. The prospects for ocean policy research and the various types of reports and projects currently being pursued are discussed, and the question is asked: In what direction should academic ocean policy and policy-making research efforts be headed? A National Science Foundation workshop on the topic is reviewed.

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Hossain, K. (ed.), *LEGAL ASPECTS OF THE NEW INTERNATIONAL ECONOMIC ORDER*; Frances Pinter Ltd., London, England (1980); available in the United States from Nichols Publishing Co., P.O. Box 96, New York, N.Y. 10024; \$27.50; ISBN 0-89397-088-3, LC 80-12089; xii, 285 pp.; foot-

notes, index.

The book primarily consists of papers presented at the Seminar on the Legal Aspects of a New International Economic Order held March 15-17, 1979, at St. John's College, Oxford, England. Among the materials added are an introduction in six parts and a number of individual contributions.

The book is divided into four parts. Part I examines certain general principles as they relate to the Charter of Economic Rights and Duties of States. In Part II, transnational corporations and the transfer of technology are discussed. For instance, there are articles on UN efforts to regulate transnational corporations and on the transfer of technology to developing countries.

Part III explores the relationship between the law of the sea and the new international economic order. Finally, Part IV examines the important topic of how sovereignty over natural resources relates to the new international economic order. The articles in this part include one on state responsibility for the nationalization of foreign-owned property and one on the continuing validity of mineral development contracts.

Dr. Kamal Hossain is the Director of the Center for Research on the New International Economic Order, located in Oxford, England.

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HOYLE, M.S.W., *THE LAW OF INTERNATIONAL TRADE*; The Laureate Press, 10 Wandon Road, London S.W. 62 J.F., England (1981); \$18.00 (paper), \$27.00 (cloth); ISBN 0-907392-03-2 (paper), ISBN 0-907392-02-4 (cloth); xxi, 414 pp.; footnotes, index, table of cases, table of statutes, appendices.

The book deals with the English law of international trade, and is divided into eight chapters. The chapter "General Introduction" discusses various background details of international trade, while the chapter entitled "International Sale of Goods" covers basic English contract law, the passing of risk and property, remedies available to the seller or buyer, the Sale of Goods Act, and the Unfair Contract Act.

The chapter entitled "Finance of International Sales" examines the methods used by buyers to pay sellers, settlement of debts, security, Bills of Exchange, Foreign Exchange, Factoring, and Performance Guarantees. The types of carriage, bills of lading, carrier liability, the Baltic Exchange, the General Average, and container transport are discussed in the chapter "Carriage of Goods."

Chapter 5, "Marine Insurance," explains the importance of insurance to trade and details the process of obtaining a policy and filing a claim. Chapter 6, "Conflict of Laws and Procedure," deals with conflict of laws, choice of forum, and choice of law. The seventh chapter, "Arbitration," describes the English Arbitration Acts and how foreign arbitration awards

are enforced in England. Finally, the last chapter, "International Trade Fraud," examines the main types of fraud and preventive measures.

Mark S.W. Hoyle is Barrister Lecturer at the Inns of Court School of Law, London.

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HOYLE, M.S.W. (ed.), *CASES AND MATERIALS ON THE LAW OF INTERNATIONAL TRADE*; The Laureate Press, 10 Wandon Road, London S.W. 62 J.F., England (1981); \$23.00 (paper), \$37.50 (cloth); ISBN 0-907392-01-6 (paper), ISBN 0-907392-00-8 (cloth); vii, 282 pp.; glossary, appendix.

This is a companion reference book to *The Law of International Trade* and contains the leading cases, statutes, conventions, rules, and documents relevant to international trade.

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INSTITUT D'ETUDES EUROPÉENNES, *THE ROLE OF EUROPE IN THE NEW INTERNATIONAL ECONOMIC ORDER*; Editions de l'Université Libre de Bruxelles, Parc Leopold, 1040 Brussels, Belgium (1979); 650 Belgian francs; ISBN 2-8004-0698-4; 355 pp.; footnotes.

This book is a report of a colloquium sponsored by the Institut d'Etudes Européennes of the Université Libre de Bruxelles which was held October 13-14, 1978. The colloquium, conducted partly in English and partly in French, covered the following topics: European relations with the Arab oil-producing nations and how they affect the new international economic order; energy and the North-South dialogue, UNCTAD's integrated program for commodities; commodity agreements; industrial redeployment in the context of a global restructuring of industry; industrial redeployment and its social implications; and transfer of technology.

In each of the sessions of the colloquium, the positions of the industrialized countries and of the developing countries were presented on each topic. A discussion followed these presentations. The participants in the colloquium included scholars and politicians from industrialized and third world countries. The last session of the colloquium was a round table discussion on the role of Europe in the new international economic order.

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LILLICH, R.B. (ed.), *THE FAMILY IN INTERNATIONAL LAW*; The Michie Co., Charlottesville, Va. (1981); ISBN 087215355-X, LC 81-80716; xii, 164 pp.; footnotes, index. The Third Sokol Colloquium.

This book contains four of the principle papers read at the Third Sokol Colloquium held April 6-7, 1979, at the University of Virginia School of Law. The first paper by Willis L.M. Reese discusses the Hague Convention on Celebration and Recognition of the Validity of Marriages. In the second paper, Richard E. Crouch examines recent developments in family law in the United States. He observes that the United States' international position on children's rights bears no relationship to the status of children's rights in the United States. He points out that if the proposed UN convention on the rights of the child were adopted, federal laws would have to be enacted that would bring about major social changes in the United States.

The third paper analyzes the child custody cases decided in the wake of the adoption of Vietnamese war orphans by numerous families in the United States. The U.S. courts almost universally decided these cases in favor of the natural Vietnamese parents. The author, Thomas E. Carbonneau, feels this result was the correct result.

Finally, in the fourth paper, Harvey Schweitzer discusses the progress being made in drafting a U.N. convention on children's rights. The current draft convention is examined in light of recent developments concerning children's rights and with regard to existing international human rights instruments.

Richard B. Lillich is Howard W. Smith Professor of Law at the University of Virginia School of Law and President of the Procedural Aspects of International Law Institute.

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LILLICH, R.B. (ed.), *INTERNATIONAL ASPECTS OF CRIMINAL LAW: ENFORCING UNITED STATES LAW IN THE WORLD COMMUNITY*; The Michie Co., Charlottesville, Va. (1981); ISBN 0-87215-388-6, LC 81-82457; ix, 227 pp.; footnotes, index. The Fourth Sokol Colloquium.

This fourth volume in the Gustave Sokol Program in Private International Law, which was established at the University of Virginia School of Law in 1976, has a different emphasis from its predecessors. While the three preceding volumes have emphasized topics in *private* international law not receiving adequate attention in regular law school curriculums, this volume focuses on the problems of criminal procedure in an international context, reflecting a Colloquium decision that the line between public and private international problems ought not to be viewed as a clear one.

The subject matter is presented in three chapters. Chapter 1, which is entitled "Obtaining People and Evidence from Abroad through Formal Legal Processes," analyzes the question of how one nation can obtain people from other nations against whom it claims the right to enforce its laws. Here, the "power" concepts of extradition and rendition are dis-

cussed in relation to the limitations on a country's power, such as constitutional restraints and the political offense doctrine. The problems in obtaining foreign evidence are instructively illuminated in a discussion of the Uranium Cartel cases (the *Westinghouse Electric Corporation Uranium Contracts* cases), wherein the Canadian and British refusals to comply with letters interrogatory issued by Westinghouse are discussed against the "balancing of interest approach" and the "jurisdictional rule of reason" laid down in the *Timberlane Products* and *Mannington Mills* cases and section 40 of the *Restatement of the Foreign Relations Law of the United States*.

Chapter 2, which is entitled "Direct United States Enforcement on the Seas and Abroad," analyzes the attempts of the United States to extraterritorially expand its direct enforcement power. Discussed here are the constitutional limits on the manner in which direct enforcement is attempted by U.S. foreign officials. A two-pronged test is proposed for defining the degree of U.S. participation that invokes the constitutional protections required by the Bill of Rights. Also discussed are selected jurisdictional and evidentiary issues associated with the enforcement of U.S. laws at sea.

Chapter 3, "Protecting U.S. Citizens Abroad Through Treaties," discusses the various U.S. treaties on the Execution of Penal Sentences and the Exchange of Prisoners and analyzes them in relation to the concomitant constitutional issues they raise.

Richard B. Lillich is Howard W. Smith Professor of Law at the University of Virginia School of Law and President of the Procedural Aspects of International Law Institute.

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MATHIJSEN, P.S.R.F., *A GUIDE TO EUROPEAN COMMUNITY LAW*; Sweet & Maxwell, 11 New Fetter Lane, London (1980); available in the United States from The Carswell Co., Ltd., Agincourt, Ont.; ISBN 0-421-25900-0 (cloth), ISBN 0-421-25910-9 (paper); xxxiii, 256 pp.; footnotes, table of cases, appendices containing European treaties, Community secondary legislation, United Kingdom legislation. Third edition with special forward.

The book presents an overview of the current state of European Community law, viewing the evolution of that law as one factor in the continuing development of the European Community. The book is structured to provide an understanding of the history, organs, and structures of the EEC legal system. The author feels that such an understanding is essential to comprehend Community-Member State relationships as well as substantive Community policies.

Accordingly, the first three chapters of the book are devoted to a brief review of the major elements of Community law, a discussion of the

historical development of the Community, and an extensive examination of Community organs and institutions. The examination of Community organs and institutions highlights the European Parliament, the Council and the Commission of the European Communities, and the Court of Justice. It also provides descriptive information on several other Community bodies.

Substantive Community acts and policies are detailed in the final four chapters of the book. Chapter four discusses the promulgation and enforcement of Community acts. The European Coal and Steel Community and the European Atomic Energy Community are examined in chapter five, and the sixth chapter presents an in-depth discussion of the objectives and activities of the European Economic Community. The book concludes with an analysis of the emerging legal order of the Community.

P.S.R.F. Mathijssen is Professor of Law at the University of Nijmegen, The Netherlands, and is Director-General of the Commission of the European Communities.

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MOSKOWITZ, M., *THE ROOTS AND REACHES OF UNITED NATIONS ACTIONS AND DECISIONS*; Sijthoff & Noordhoff International Publishers, Alphen aan den Rijn, The Netherlands (1980); \$28.50; ISBN 90-286-0140-6, LC 80-51741; x, 210 pp.; footnotes.

The author holds what is a widely-felt concern for the current moral, political, and intellectual integrity of the United Nations. He expresses disillusionment with the dichotomy between UN goals and ideals and UN practice and performance. Concerted efforts must be made to bring simplistic UN problem-solving procedures into conformity with the complex realities of present-day international relationships.

By way of illustrating his thesis, the author presents several case studies of issues which have confronted the United Nations. These issues and the way the United Nations has dealt with them have contributed much toward shaping the permanent character of the United Nations and will continue to impact on future UN development.

The first of these issues to be discussed is anti-colonialism and self-determination, especially as addressed in the UN Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples. South African racial policy has been another dominant issue in the United Nations and one which illustrates the inability of the United Nations to put its goals into practice and to resolve international conflicts. The experience of the United Nations in dealing with human rights violations in Chile is yet another example of the organization's ineffectiveness in this regard.

A large portion of the book is devoted to an analysis of the handling

of the Middle East dilemma by the United Nations. The analysis identifies Zionism as a factor which further complicated UN efforts to devise a plan of action that would resolve the Middle East conflict. The section suggests that possible collusion between Israel and South Africa may have arisen because the South Africans equate Zionism with racism.

In his conclusion, the author reviews current defects of the United Nations and recommends needed changes and improvements if the United Nations is to be able to resolve the problems it faces.

Moses Moskowitz is Secretary-General of the Consultative Council of Jewish Organization which is an organization in consultative status with the Economic and Social Council of the United Nations, Council of Europe, UNESCO and other intergovernmental bodies. He has also written three books on international human rights.

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ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD), *EXPERIENCE WITH CONTROLS ON INTERNATIONAL PORTFOLIO OPERATIONS IN SHARES AND BONDS*; OECD, 2 rue André-Pascal, 75775 Paris CEDEX 16, France (1980); available in the United States from OECD Publications and Information Center, Suite 1207, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20006; \$7.00; ISBN 92-64-12138-2; 64 pp.; annex, tables, foreword.

This report summarizes the recent work of the OECD's Committee on Capital Movements and Invisible Transactions. This Committee reviewed the experiences of OECD member countries since 1960 in applying or removing controls on international portfolio operations in shares and bonds. The objective of their review was to assess the role and effectiveness of controls on international portfolio operations in contributing to the relevant policy objectives of member countries.

The international portfolio operations in shares and bonds that are the subject of this study include all operations between residents and nonresidents in the primary and secondary markets involving equity or fixed-interest securities, except money market instruments and collective investment securities. The methods of control, where these operations are regulated, vary considerably among the member countries. The methods range from individual, case-by-case authorization procedures, to measures designed to influence market conditions in order to provide incentives or disincentives for residents or nonresidents as market participants, to regulations on only certain aspects of such transactions. The tables in the report summarize the existing controls on international portfolio operations. Four basic categories of controls are distinguished: individual authorizations; administrative regulations and practices; taxes, duties and other charges; and special currency markets.

The main body of the report reviews the experience of member coun-

tries with various controls on international portfolio operations. These experiences are divided into three broad groups: those where temporary measures were taken to meet an urgent need; those where permanent measures were maintained but applied with flexibility; and those using permanent restrictions with only limited flexibility. Within each broad group, controls were further subdivided into those on outflows and inflows and into those applied to outstanding securities or to new issues. For each group of measures, the experiences of member countries are presented, discussed, assessed, and compared. The focus of the analysis is on the effectiveness of the measures in contributing to the countries' desired policy goals.

The OECD was established pursuant to a convention signed in Paris in December, 1960. The convention provides that the OECD shall promote policies designed to achieve the highest sustainable economic growth and employment and a rising standard of living in member countries while maintaining financial stability, and, thus, to contribute to the development of the world economy. OECD members include the United States and most other western nations.

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ORGANSKI, A.F.K. & KUGLER, J., *THE WAR LEDGER*; University of Chicago Press, Chicago, Ill. 60637 (1980); \$6.50; ISBN 0-226-63280-6, LC 79-23366; xi, 292 pp.; footnotes, bibliography, appendices, tables, figures, index.

In this book, the authors frame their study by posing four questions: Why do major wars begin?; What accounts for victory or defeat in war?; How do victory and defeat influence the recovery of the combatants?; Are the rules governing conflicts between nations the same since the advent of nuclear weapons?

Based on their investigations, the authors find that such traditional theories as the balance of power and collective security system fall short of adequately explaining how international conflicts erupt. Their rigorous analysis leads to the conclusion that the "power-transition" theory, predicated on political, economic, and social growth, is more accurate. This theory states that it is the differential rate of growth of the two most powerful nations in the system—the dominant state and the challenger—that destabilizes the system and precipitates world wars.

The authors examine successful predictions of who will prevail in a war and find that whether a country will prevail or not depends not only on the power potential of a nation but on the capability of its political system to mobilize its resources—the "political capacity indicator." They also isolate national growth as the deciding factor in a nation's recovery in the aftermath of a major conflict. Although with victory, national capabilities may increase or decrease, and with defeat, losses can be enormous,

this study notes that in less than twenty years, losers recoup their losses and all combatants find themselves in the same position they would have occupied had there never been a war.

In the last section, the authors test their thesis in the nuclear weapons context and find that arsenals of these weapons, unexpectedly, have not changed the structure of power on which international politics rests. In addition, deterrence theory is determined to be an unreliable model for predicting the behavior of participants in nuclear confrontation.

A.F.K. Organski is Professor of Political Science and Program Director at the Center for Political Studies, Institute for Social Research, University of Michigan. Jacek Kugler is Assistant Professor of Political Science, Boston University, and Faculty Associate in the Center for Political Studies, Institute for Social Research, University of Michigan.

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RUDDEN, B. & WYATT, D. (eds.), *BASIC COMMUNITY LAWS*; Oxford University Press, Walton Street, Oxford OX26DP England (1980); available in the United States from Oxford University Press, New York, N.Y.; \$37.50; ISBN 0-19-876119-8, xv, 301 pp.

The editors have selected from the Treaty of Rome the basic and durable rules pertaining to fundamental freedoms in the European Community. Part I of the text presents the entire EEC treaty including amendments, as well as the major institutional Community acts such as the Decisions on Direct Elections and the Declaration on Fundamental Rights. The section ends with the Greek Accession Treaty and the main transitional provisions of the Act of Accession.

Part II is a selection of secondary legislation and documents, including the Common Agricultural Policy, Freedom of Movement for Workers, Social Security for Migrants, the Right of Establishment, and the Freedom to Provide Services and Social Policy. Part III is a compilation of United Kingdom sources including a number of enactments and statutory instruments on topics ranging from employment to the cinema and from energy to seeds. The treaty material is taken from the Treaty Series presented to Parliament. The secondary material is taken from the Official Journal of the European Communities.

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SHAW, T.M. (ed.), *ALTERNATIVE FUTURES FOR AFRICA*; Westview Press, Inc., 5500 Central Ave., Boulder, Co. 80301 (1982); \$30.00 (cloth), \$14.00 (paper); ISBN 0-89158-769-1 (cloth), ISBN 0-86531-247-8 (paper), LC 81-11469; xxiii, 365 pp.; list of tables and figures, appendices, selected bibliography, footnotes, index, biographical list of contributors. Part of West-

view Special Studies on Africa.

This volume is one of several contemporary efforts to improve the quality of information and projection about the world's most underdeveloped region. A basic premise of the book is that future studies, even though tentative and somewhat unreliable, do inform people of the choices among policy options and provide an indication of the likely effects of such decisions. Quality of information and projection are crucial to enable Africa to begin to master its own destiny and to leave behind the global inequality and dependence. The book's contents have been prepared so that the people of Africa could begin to recognize and deal with the implications of the alternative projections and scenarios characteristic of future studies.

The book contains the views of ten contributors on the choice Africa faces between continued incorporation into the world system and disengagement therefrom. Topics include supranationalism, economic cooperation schemes, basic needs strategy and physical quality of life indices, computer culture and nuclear power, decolonization or dependency, development and economic growth to the year 2000, and forecasts and alternative scenarios for Africa.

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WEIS, P., NATIONALITY AND STATELESSNESS IN INTERNATIONAL LAW; Sijthoff & Noordhoff International Publishers, Alphen aan den Rijn, The Netherlands (1977); available in the United States from Sijthoff & Noordhoff, 1600 Research Blvd., Rockville, Md. 20850; ISBN 90-286-0329-8, LC 97-89781; xii, 337 pp.; footnotes, appendices, bibliography, index.

This treatise is a revised edition of the book which was published in 1955. It is divided into four parts and examines nationality law through a combination of doctrinal analyses and an examination of legislative, judicial and governmental practice in a number of states as well as a number of international tribunals.

Part I is entitled "The Conception of Nationality." Nationality is defined and then distinguished from citizenship and the French concept of *ressortissants*. Part I focuses on distinguishing the concept of nationality as a term in international law and as a term in municipal law.

Part II, "Municipal Law and International Law," examines the application of nationality law in municipal and international tribunals and is highlighted by a discussion of the Advisory Opinion of the Permanent

Court of International Justice in the Nationality Decrees in Tunis and Morocco Case. Part II goes on to discuss the relationship between municipal law and international law in the field of nationality.

Part III, "The Public International Law of Nationality," addresses the effect of international nationality law on the individual. It discusses acquisition of nationality, loss of nationality, effects of territorial transfers on nationality, conflicts of rules, plural nationality, and problems of proof of nationality.

Part IV, "Summary and Conclusions," offers a statement on the present status of nationality law in practice and theory. It then suggests the need for the development of a more cohesive international nationality law under the guidance of the United Nations and its agencies.

Dr. Paul Weis is Honorary Professor at the University of Vienna and was, until 1977, Lecturer in Law at the University of Zurich. He has held numerous UN administrative posts and is presently Honorary Consultant to the High Commissioner on Refugees.

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ZURAWICKI, L., *MULTINATIONAL ENTERPRISES IN THE WEST AND EAST*; Sijthoff & Noordhoff International Publishers, Alphen aan den Rijn, The Netherlands (1979); available in the United States from Sijthoff & Noordhoff, 1600 Research Blvd., Rockville, Md. 20850; ISBN 90-286-0419-7, LC 89-779; xi, 207 pp.; footnotes, bibliography, index, appendices, case studies.

The book consists of six chapters which are entitled: "Theories of the MNE (Multinational Enterprise)," "The Impact of MNEs upon the International Specialization of Production and Trade," "Multinationals and the Economic Sovereignty of States," "The International Character of Socialist Common Enterprises," "The Role of MNEs and SCEs (Socialist Common Enterprises) in East-West Relations," and "The Prospects for East-West-South Cooperation".

The book discusses the economic reasons for the viability of MNEs, the methods of and motives for their expansion, and the MNEs manipulation of their product supplies to alter their market share in a foreign country, as well as the mutual links between MNEs and the harmonious collaboration of MNEs in certain markets. The book also addresses problems MNEs present for trade unions, conflicts between MNEs and host states, conflicts between host states and source countries for MNE capital, and the need to establish international standards and regulations regarding the scope of MNE activities.

The activities of the socialist counterparts of MNEs, the SCEs, are also examined. The main difference between MNEs and SCEs is that SCEs contribute to the political and economic integration of the socialist countries. However, due to the advanced technology and strong financial

and competitive position of the MNEs, SCEs prefer MNEs as partners in transactions with the West. The author hypothesizes that this collaboration offers interesting possibilities for common undertakings involving MNEs, SCEs, and Third World nations, and that such undertakings would be mutually beneficial.

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