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BOOKS RECEIVED

COMMON LAW IN SOUTHERN AFRICA. By Peter B. Kutner. Westport, Connecticut: Greenwood Press, 1990. \$55.00.

Peter B. Kutner is a Professor of Law at the University of Oklahoma who has published a number of articles on torts and conflicts of law. His latest work, *Common Law in Southern Africa*, identifies and describes judgments of southern African courts that can serve as authorities to common law jurisdictions for their treatment of conflicts and tort issues. The book is the product of Kutner's studies of law and tort questions in the southern African states of South Africa, Zimbabwe, Botswana, Lesotho, Swaziland, Namibia, and Kenya, which adopted Roman-Dutch law as the basis of their substantive law. The text details southern African cases and statutes that are most pertinent to questions of jurisdiction, choice of law, family law, and torts.

In *Common Law in Southern Africa*, Kutner surveys the judgments that are published in South African Law Reports and the official law reports of other southern African states from 1947 to the present. English language commentaries on the cases and statutes discussed in the text are cited in the notes. A Table of Statutes, Table of Cases, Conflict of Laws Index and Torts Index also are provided.

COMMON HERITAGE OR COMMON BURDEN? By Markus G. Schmidt, New York, New York: Oxford University Press, 1989. \$72.00.

In *Common Heritage or Common Burden?*, Markus Schmidt assesses the United States role in the negotiations on the United Nations Convention on the Law of the Sea (UNCLOS). In particular, Schmidt focuses on the negotiations relating to the ocean floor beyond national jurisdiction, as well as the political implications of the sea-bed negotiations for the United States and for international relations.

Common Heritage or Common Burden? draws on materials obtained through interviews with most of the UNCLOS key negotiators, as well as such public sources as *UNCLOS Official Records*, United States congressional records, and delegation and press reports. The work first examines the events leading to UNCLOS, including Arvid Pardo's suggestion that the sea-bed beyond national jurisdictions be declared the common heritage of mankind. Schmidt includes an examination of the United States position on sea-bed policies from the perspectives of the executive branch, Congress, the mining industry, nongovernment organizations, and the media. Schmidt then analyzes the United States position

in the negotiations of UNCLOS and the Reagan Administration's law of the sea policy. Schmidt concludes his book by suggesting possible improvements that could prove useful to the next round of talks on deep sea-bed mining.