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Books Received

Consensus and Confrontation: The United States and the Law of the Sea Convention. By Jon M. Van Dyke. Honolulu: The Law of the Sea Institute, University of Hawaii, 1985. Pp. x, 576. \$29.50.

In 1984 the Reagan Administration rejected the Law of the Sea Convention based on its objection to the Convention's deep seabed mining regime. However, the Administration has expressed support for most of the Convention and has argued that the remainder should be viewed as "customary international law" binding on all nations. This book focuses directly on the United States decision and its effect on resolving the major ocean policy issues of this decade. Key diplomats and noted ocean law scholars analyze the decision and its impact of fishing, deep seabed mining, the environment and enforcement issues. A major concern of the participants in the Law of the Sea Institute's workshop was the Reagan Administration's balancing of the costs of the deep seabed mining regime and the substantial benefits that the Convention provides through its navigational freedoms. Representations of the United States articulate and defend the Administration's decision, while representatives from developing nations argue in support of the Law of the Sea Convention; these arguments are analyzed by scholars from the United States and nations of the Asia-Pacific region.

Free Flow of Information; A New Paradigm. By Achal Mehra. Westport, Connecticut: Greenwood Press, 1986. Pp. xiii, 225. \$32.95.

A common and frustrating source of concern for international journalists is the difficulty inherent in the exchange of information among societies with varying levels of permissible free expression. This book focuses upon the problem of government restraint of communication in the international context, and offers proposals for its solution. The author begins examining the free flow of information doctrine by outlining its basic tenets and tracing its historical development. He next addresses the criticisms of the doctrine, as well as the main restraints on free flow and several long-standing sources of debate in the area. The final chapter is devoted to a proposed "new paradigm" for the flow of information consistent with the first amendment of the United States Constitution.

The Fund Agreement in the Courts, Volume III. By Joseph Gold. Washington, D.C.: International Monetary Fund, 1986. Pp. xvi, 841. \$45.00.

Sir Joseph Gold, General Counsel of the International Monetary Fund from 1960 to 1979 and presently Senior Consultant to the Fund, is one of the most prolific and authoritative legal writers on the Fund. In this third volume of a series, Gold reviews and criticizes recent decisions involving the Fund's Articles of Agreement from national courts around the world. Most of the cases involve Article VIII, Section 2(b), dealing with the enforceability of exchange contracts which violate the exchange controls of other member countries. Other topics include: the SDR and other composites of currencies as units of account, capital transfers and exchange rates. Also included is an extensive discussion of the Foreign Relations Law of the United States as it relates to the international monetary system. This volume is both larger and more comprehensive than its predecessors and is a valuable addition to the available literature on the law of the Fund.

A Standard for Justice; A Critical Commentary on the Proposed Bill of Rights for New Zealand. By Jerome B. Elkind and Antony Shaw. New York: Oxford University Press, 1986. Pp. xvi, 238. \$29.95.

A longstanding debate exists as to whether the government of New Zealand should adopt a Bill of Rights. The discussion has been transformed by a White Paper containing a proposed Bill of Rights, published in 1985. According to the authors of *A Standard For Justice*, the focus of the debate has shifted from whether a Bill of Rights is desirable to whether the new proposal is adequate to address the human rights issues facing a modern democracy. The authors begin this book by arguing in support of a Bill of Rights for New Zealand. Chapter two examines the Draft Bill in detail, assessing its strengths and weaknesses. The final chapter presents the authors' proposal for a Bill of Rights. This work is not intended exclusively for those with an interest or background in New Zealand law. Its authors are concerned with human rights on a universal scale, and seek a Bill of Rights which will serve as a model for other nations to emulate.

Legal Traditions and Systems; An International Handbook. Edited by Alan N. Katz. Westport, Connecticut: Greenwood Press, 1986. Pp. xi, 450. \$55.00.

This ambitious effort compares the legal systems of some eighteen nations and regions, analyzing each in terms of historical development, the

role of legal practitioners, public attitudes toward the law, and the structure of the court system. The use of a uniform format throughout provides the reader with a concise, systematic vehicle for contrasting and evaluating the legal systems of the world from legal, historical, sociological, and political viewpoints. It may be used as a reference guide for students of comparative law, or can provide those familiar with American law the perspective through which to evaluate their own system.

Fiscal Policy in the Smaller Industrial Countries, 1972-82. By Gïšli Blöndal. Washington, D.C.: International Monetary Fund, 1986. Pp. ix, 232.

The energy crisis and a continuing global recession had a far reaching impact on the budgets and fiscal policies of every industrialized nation during the 1970s. This was particularly true for the smaller economies of Europe and Oceania. Although policies varied among the thirteen countries surveyed, each assumed a defensive stance intended to reduce unemployment and protect economic activity. Yet by attempting to expand their economies, these nations found themselves facing sharp increases in government expenditures in relation to total output, growing tax burdens and widening fiscal deficits. Afraid that the massive absorption of resources by the public sector would impair future economic performance, these countries strived during the late 1970s and early 1980s to reduce these imbalances. The book begins with a comparative analysis of the fiscal policies of the thirteen nations, including growth of the government sector, obstacles to fiscal improvement, and implications of past fiscal developments. It concludes with an in depth treatment of each country, emphasizing changes in expenditure, revenue and the fiscal balance. Abundant and well chosen charts throughout the book aid the reader in understanding the statistics presented.

Protecting Human Rights in the Americas: Selected Problems. By Thomas Buergenthal, Robert Norris, and Dinah Shelton. Kehl: N.P. Engel, 1986. Pp. xviii, 398. (Second Editon).

The Inter-American system for safeguarding human rights is predicated on two documents, the Charter of the Organization of American States and the more recent American Convention on Human Rights. This textbook, the only one in English devoted to the Inter-American human rights system, examines these two documents in the light of advisory opinions of the Inter-American Court of Human Rights and the 1985 amendments to the Regulations of the Inter-American Commission on Human Rights as well as national legislative and judicial materials

and secondary sources. The authors devote the first half of the work to human rights obligations of member states of the Organization of American States, the substantive rights protected, protecting human rights in individual cases and the country report as a mechanism for safeguarding rights in the event of widespread violations. They then turn to problems presented when guarantees are suspended. Finally, they analyze the integrity of the present system. The book's extensive appendix includes basic documents pertinent to the readings, the state of ratifications and a select bibliography.

Chinese Yearbook of International Law and Affairs, Volume 4 (1984). Edited by Hungdah Chiu. London: Chinese Society of International Law, 1985. Pp. ix, 393, \$12.00.

This yearbook compiles articles and comments presented at the Conference on Contemporary Issues of International Law held in Taipei on June 26-28, 1984. The articles, written by both Chinese and Western specialists, cover a variety of international law topics such as the legal aspects of intra (East-West) German relations, protection of individual human rights through international law and laws concerning transnational corporations. A "contemporary practice" section is devoted exclusively to judicial decisions of the Republic of China relating to international law. In addition to articles and comments by international scholars, this yearbook contains bibliographies, book reviews, and the texts of recently enacted treaties. In sum, it constitutes a considerable collection of essays on international law from diverse perspectives.