

Vanderbilt Journal of Transnational Law

Volume 17
Issue 2 *Spring 1984*

Article 7

1984

Books Received

Law Review Staff

Follow this and additional works at: <https://scholarship.law.vanderbilt.edu/vjtl>



Part of the [Civil Rights and Discrimination Commons](#), [Environmental Law Commons](#), [International Law Commons](#), and the [Law of the Sea Commons](#)

Recommended Citation

Law Review Staff, Books Received, 17 *Vanderbilt Law Review* 557 (2021)

Available at: <https://scholarship.law.vanderbilt.edu/vjtl/vol17/iss2/7>

This Book Review is brought to you for free and open access by Scholarship@Vanderbilt Law. It has been accepted for inclusion in Vanderbilt Journal of Transnational Law by an authorized editor of Scholarship@Vanderbilt Law. For more information, please contact mark.j.williams@vanderbilt.edu.

BOOKS RECEIVED

Law of the Sea: U.S. Policy Dilemma. Edited by Bernard H. Oxman, David D. Caron, and Charles L. Buder. San Francisco: ICS Press, 1983. Pp. x, 184. \$21.95.

The Law of the Sea Treaty, produced by the Third United Nations Conference on Law of the Sea, has been signed by one hundred twenty nations. The United States and several other highly industrialized nations, however, have rejected it. The editors of this book attempt to show that the Law of the Sea Treaty raises fundamental questions regarding private property rights, sovereignty, and the purpose of international law. The book's nine essays present a wide range of pertinent ideas. The author of one essay criticizes the Treaty because it allows the Pitcairn Islands, which have sixty inhabitants, to claim more oceanic resources than the Federal Republic of Germany, a nation of more than sixty million people. Another essayist criticizes treaty provisions governing deep seabed mining and the related political precedent that would have been established by United States ratification of the Treaty. In contrast to these positions, one essay argues that the cost of United States isolation resulting from a rejection of the treaty far outweighs the cost of ratifying the Treaty's rhetoric and principles.

The Fish Feud. By David L. VanderZwaag. Lexington, Massachusetts: Lexington Books, 1983. Pp. xiii, 135. \$21.95.

The United States and Canada are embroiled in a bitter trade dispute over ownership and regulation of fishing rights in the Gulf of Maine and the Georges Bank area. *The Fish Feud* examines the issues in the dispute as well as several possible resolutions. The author suggests that relations between the United States and Canadian fisheries would improve significantly if the International Court of Justice would draw a boundary line through the disputed area. He believes that the controversy could also be resolved by treaty, executive agreement, or informal consultations between the affected parties.

Negotiating Foreign Investments: A Manual for the Third World. Edited by Robert Hellowell and Don Wallace, Jr. Washington, D.C.: International Law Institute, 1982. \$95.00.

This two volume set is designed to facilitate investment analysis for the foreign investor or lender. Volume I discusses the multinational investor, regulation of foreign investment, project analysis, negotiation, and project financing. Volume II addresses investment agreements and changes in investment relationships. Both volumes of this work were intended for the practitioner and include forms and questionnaires for investment-related activities.

Political Rights for European Citizens. By Guido Van Den Berghe. United Kingdom: Gower Publishing Company, 1982. Pp. xii, 235. \$38.00.

This book emphasizes the importance of electoral procedures and political rights in the European Community to further the democratization of the system as a whole. It begins with a discussion of the Treaty of Rome's grant of political rights accomplished by securing the free movement of persons and the right of establishment. The book then surveys European Community voting rights in direct election and addresses the rights of Member States' citizens who reside abroad to vote in direct elections.

The International Law of Pollution. By Allen L. Springer. Westport, Connecticut: Quorum Books, 1983. Pp. xiv, 218. \$37.50.

Environmental problems continue to grow more complex. Managing them at the local level is difficult because the available options have an extensive impact and the interests affected are diverse. Pollution on an international scale introduces a new set of factors to the analysis. Springer's book begins by examining how the ecology is threatened, and looks at the factors impeding an international response to that threat. The book then focuses on rules of state responsibility for environmentally harmful activity and the methods of enforcing these rules. Some of the specific environmental problems addressed in this book include acid rain, ozone depletion, ocean dumping, and the pollution of international waterways.

The Lome Conventions and Their Implications for the United States. By Joanna Moss. Boulder, Colorado: Westview

Press, 1982. Pp. xvii, 218. \$19.50.

The Lome Conventions shape the European Economic Community's relations with African, Caribbean, and Pacific countries. This book analyzes the effect of the Lome Conventions on both the economic development of Third World countries and United States economic interests. The first chapter reviews the history of the European Economic Community's economic relations with Africa. Other chapters address European trade relations under the Lome Conventions, The European Development Fund's activities, and the investment, promotion, and technology transfer incentives within the Conventions. In the final chapter Moss reviews the trade, investment, and foreign assistance relationships between the United States and Convention member states, and then compares these relationships with those existing between the European Economic Community and Convention member states.

National Separatism. Edited by Colin H. Williams. Vancouver: University of British Columbia Press, 1982. Pp. ix, 317. \$25.00.

Linguistic and cultural differences encourage minorities who reject ethnic assimilation to demand self-determination. The book's stated purpose is to examine the influences and results separatist movements have had in developed countries. Six of the ten articles in this political science text discuss the separatist movement in Northern Ireland, Scotland, Wales, Quebec, Spain, and Belgium. The remainder of the book discusses major causes and effects of separatist movements.

Governmental Budgeting and Expenditure Controls. By A. Premchand. Washington, D.C.: International Monetary Fund, 1983. Pp. xxii, 530. \$18.00.

Governments' expanded role in providing social services demands sophisticated macroeconomic management. In this book Premchand, an adviser to the Fiscal Affairs Department of the International Monetary Fund, attempts to explain governmental budget planning constraints such as resource allocation, potential goals, and institutional limitations. The first chapters discuss budgeting from an economist's perspective. Subsequent chapters cover expenditure forecasting, inflation budgeting, zero-base budgeting systems, cash management, and governmental accounting. The final chapters discuss budgetary relationships between

national agencies, private enterprise, and state governments.

Essays on International & Comparative Law in Honour of Judge Erades. The Hague: Martinus Nijhoff, 1983. Pp. xi, 273. \$41.50.

This collection honors Judge Lambertus Erades of the Netherlands, whose contributions to the field of international law include chairing a 1968 arbitration panel that resolved United States-Canadian disputes over construction of a Canadian dam. These seventeen essays reflect the various interests of Judge Erades in the following fields: (1) arbitration; (2) the relationship between national and international law; (3) state immunities; and (4) comparative law. The editors have compiled essays on a wide range of topics. One essay discusses "soft law," international agreements containing obligations more stringent than nonbinding directives, but insufficient to create a valid legal result. Two other representative topics are civil procedure reforms in Sweden and the relationship between international developments and the nationality of ships in Yugoslav law.

The Office of the Attorney General in Ireland. By J.P. Casey. Dublin: Institute of Public Administration, 1980. Pp. 247. £ 11.99.

The Attorney General of Ireland once acted as the King's personal lawyer; he now acts as legal advisor to the Irish Cabinet. This book discusses the implications of the change as well as the constitutional authority of the Attorney General, his role in prosecutions, criminal appeals, and the Law Reform Commission. Casey concludes his book by explaining the role of Ireland's Attorney General as guardian of the public sector.

The Winding-up of Insolvent Companies in England and France. By Christopher Livadas. The Netherlands: Kluwer Law and Taxation Publishers, 1983. Pp. xxxvi, 382. \$70.00.

This book compares the law of bankruptcy of a civil law country, France, with that of a common law country, England. Livadas reviews the English and the French systems, and then examines each in the context of the European Economic Community efforts to harmonize bankruptcy law. To facilitate comparison, the author uses a tripartite formula. He first examines issues of jurisdiction and procedure in bankruptcy law, and then reviews the ef-

fects of the winding-up process. He also discusses acts and transactions that occur after commencement of winding-up and the specific rights of secured creditors and creditors with preferential claims. After addressing issues of proof in regard to debt, Livadas analyzes the liability of officers and directors. Last, he reviews the distribution of assets and the demise of the company. Livadas concludes that while each has its merits, neither the English nor the French system is clearly superior. He believes that harmonization of the laws within the European Economic Community is unlikely in the near future.

International Law of State Responsibility for Injuries to Aliens. Edited by Richard B. Lillich. Charlottesville: University Press of Virginia, 1983. Pp. xi, 412. \$35.00.

The Iranian Government's participation in the 1980-81 United States hostage crisis is a prime example of one nation's failure to adhere to international law governing the treatment of foreigners. The eight essays in this book discuss various aspects of diplomatic protection of citizens abroad. In the first essay, Lillich explores the present status of international law governing rights of aliens in foreign countries. The other essayists discuss topics including international contract and credit disputes between foreign governments and private corporations, the eligibility of individuals to file international claims, the doctrine of attribution, and the effect the law on injuries to aliens has on transnational enterprises.

Minority Rights. By Jay A. Sigler. Westport, Connecticut: Greenwood Press, 1983. Pp. 264. \$29.95.

The complete cultural separation of many minority groups from the majority often causes economic prejudice and social exclusion. This political science text examines various differences, such as ethnicity, race, and religion, which form the basis for discrimination against minorities. Sigler then analyzes the development of programs to counter existing discrimination, including development of collective rights, international protection of group minority rule, and affirmative action policies. In discussing both the present and future status of minority rights, Sigler presents case studies from the United States, India, the United Kingdom, Belgium, and the Soviet Union.

Legal Aspects of Doing Business in Japan 1983. Edited by Edward J. Lincoln and Douglas E. Rosenthal. United States: Practising Law Institute, 1983. Pp. 512. \$30.00.

The United States is pressing Japan to increase the number of United States lawyers permitted to practice in Japan. The issue is one of several addressed in this handbook on United States-Japanese business relations in the 1980s. An article discussing Japanese judges, public prosecutors, corporate in-house legal advisors, patent attorneys, tax attorneys, and other legal roles in Japan comprises half of the book. Other articles discuss the relatively small amount of litigation in Japan, the process of negotiating with the Japanese Government, and the representation of Japanese clients in the United States.

The Fund and China in the International Monetary System. Edited by A.W. Hooke. Washington, D.C.: International Monetary Fund, 1983. Pp. x, 187. \$10.00.

China has the seventh largest economy among International Monetary Fund (IMF) members; its gross domestic product is estimated as the largest in the developing world. These facts warrant a closer look at the Chinese interrelationship with the world economic order. This volume contains papers presented at a colloquium held in Beijing, China, in October 1982, on the role of China and the IMF in the international monetary system. The papers represent the views of economists at a number of leading Chinese universities and specialists on the IMF staff. The essayists attempt to illuminate the structure, policies, and practices of the IMF. They also attempt to gain a deeper insight into the Chinese economy and its interrelationship with the Fund and the global economy.