United Nations, including military enforcement measures authorized by the Security Council. The controversial issue of (unilateral) 'humanitarian interventions' to restore democracy without an explicit Security Council mandate — raised, for instance, by the 1989 US intervention in Panama or the 1997 ECOWAS intervention in Sierra Leone[11] — is briefly mentioned, but not further elaborated.

In terms of ambition and originality the final chapters can certainly not compete with the earlier parts of the book. Chances are, however, that the reader will have already given up on *Right to Democracy in International Law* at a much earlier stage. This assumption is not based on the author's approach or his (partly) intriguing legal analysis; it is solely based on the book's striking flaws in terms of style and scholarly accuracy. The text is abound with mistakes in writing and typing; whole paragraphs, sometimes even pages, are repeated up to three or more times at different places; and many footnotes are so overloaded with lengthy and repeatedly used literal quotations that to call their reading arduous is almost an understatement. It seems as if the book has not been edited or even read by anyone (including the author) before it went into print. Moreover, the most recent literature to be found dates back to 1996, which is surprising, given the fact that the book was published in 2003.

The last word has certainly not yet been said on the emerging international law of democracy, a difficult and inherently controversial research area that requires a particular degree of subtlety and academic circumspection. The books under review here represent a further attempt to grapple with the manifold theoretical and legal challenges posed by the global trend towards popular sovereignty and democratic governance. Both are a testament to the ambitious approach of their authors in their quest to analyse — or at least to come closer to — the meaning and norma-

tive implications of 'universal democracy'. For the reasons stated above, however, both books should not be the first choice for scholars, practitioners and students of international law who want to have recourse to a profound and up-to-date treatment of the fundamental issues involved in the debate on democracy as an international legal principle.

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Thomas Jaye. *Issues of Sovereignty, Strategy and Security in the Economic Community of West African States (ECOWAS): Intervention in the Liberian Civil War.* Lewiston, New York: Edwin Mellen Press, 2003. 360pp. £74.95 ISBN: 0773468064; Adekeye Adebajo. *Liberia's Civil War: Nigeria, ECOMOG, and Regional Security in West Africa.* Boulder: Lynne Rienner, 2002. 300pp. $55, £46.50 ISBN: 1588260526; Adekeye Adebajo. *Building Peace in West Africa: Liberia, Sierra Leone, and Guinea-Bissau.* Boulder: Lynne Rienner, 2002. 150pp. $12.95, £10.95 ISBN: 1588260771

If Western media reports are to be believed, the African political landscape is perennially littered with recurrent human savagery and intractable internecine wars.[1] In this saga of anomie, Africa has become a byword for political instability and brutal civil wars. The rest of the world seems to be weary of African misery or, perhaps, it would seem that the

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[11]   See S. Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (2001), at 88.

[1]   For a recent review of the historical distortion of the African imagery in the Western media, see for example, Milton Allimadi, *The Hearts of Darkness: How White Writers Created the Racist Image of Africa* (2003).

racialization of political instability as a peculiarly African phenomenon has benumbed 'the self-introspective capacity of individuals to empathize with [African peoples] or recognize duties to "distant peoples" or in Midgley's words, "people belonging to quite other communities".'[2] This may explain the cavalier, if not irresponsible manner in which African crises and recent cases of genocide (for example, Rwanda),[3] chronic civil wars (Zaire/ Congo, Sudan, *et cetera*) and state failure are interpreted in the West, not only in the popular media, but also among the literati.[4]

A close analysis of some of the literature on the subject reveals a discomfiting pattern in which pseudo-experts in African affairs, ensconced in ivory towers located thousands of miles away from Africa, interpret African bloody civil conflicts as the 'natural expressions' of 'tribal' warlords and barbarous peoples. In this simplistic, distorted and racist construction of African conflicts, political instability is simply 'how Africa works'.[5] To

this school of thought, savagery and barbarism is African, and Africans are by the logic of this argument, savages and barbarians.[6] In this 'state of *enlightened ignorance*'[7] of the causes, dynamics, and normative implications on the global order of African conflicts, little regard has been paid to the relationship between international law and institutions with state failure, warlordism and political instability in Africa.

The normative significance and impact on international law and global order of African conflicts, particularly, the increasing willingness of African states to militarily intervene in the affairs of neighbouring states is a phenomenon that threatens the international regime on use of force by states. The unilateral intervention of West African states marked the beginning of what John Quigley aptly characterizes as the 'privatization' of United Nations Security Council enforcement actions.[8] Regrettably, contemporary scholarship has for a long time not appreciated the manifold ways in which political instability in Africa problematizes various principles of international law. Unless a rigorous and empirical appreciation and narration of African conflicts is undertaken, however, international law will be deprived of the useful insights which developments in Africa offer to

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[2]   Agbakwa, 'A Line in the Sand: International (Dis)Order and the Impunity of Non-State Actors in the Developing World', in A. Anghie *et al.,* (eds), *The Third World and International Order: Law, Politics and Globalization* (2003); Midgley, 'Towards an Ethic of Global Responsibility', in T. Dunne and N. J. Wheeler (eds), *Human Rights in Global Politics* (1999).

[3]   Mutua, 'From Nuremberg to Rwanda: Justice or Retribution?', 6 *Buffalo Human Rights Law Review* (2000) 78; Mutua, 'Never Again: Questioning the Yugoslav and Rwanda Tribunals', 11 *Temple International and Comparative Law Journal* (1997) 167–170.

[4]   Okafor and Agbakwa, 'Re-Imagining International Human Rights Education in Our Time: Beyond Three Constitutive Orthodoxies', 14 *Leiden Journal of International Law* (2001) 563.

[5]   Mkandawire, 'The Terrible Toll of Post-Colonial "Rebel Movements" in Africa: Towards an Explanation of the Violence against the Peasantry', 40 [2] *The Journal of Modern African Studies* (2002) 181; Mkandawire, 'Rejoinder to Stephen Ellis', 41 *The Journal of Modern African Studies* (2003) 477.

[6]   Wa Muthua, 'Savages, Victims and Saviours: The Metaphor of Human Rights' 42 *Harvard International Law Journal* (2001) 201.

[7]   This phrase has been happily borrowed from my friend and colleague, Shedrack Agbakwa. The concept of enlightened ignorance is derived from the 'uncritical trust and reliance on profoundly manipulative Northern news media. Because of this uncritical reliance, there is usually no interest in looking beyond the news media for reality checks. Yet, these corporately owned or controlled mainstream news media are known to, perhaps by 'general tacit agreement', keep away 'inconvenient facts'. See Agbakwa, *supra* note 2, at 11.

[8]   Quigley, 'The "Privatization" of Security Council Enforcement Action: A Threat to Multilateralism', 17 *Michigan Journal of International Law* (1996) 249.

our understanding of the legal regulation of the use of force in international relations.

Conflicts in West Africa, their causes and regional responses to them offer a rich material or body of evidence for understanding how the doctrines of international law, especially on non-intervention in the internal affairs of states, humanitarian intervention, collective security, and unilateral interventions by regional bodies, have been given practical expression in the practice of states. Hence, studies of West African crises, nay African conflicts, should no longer be regarded as a tedious chronicling of state anomie, poverty of leadership, and the malevolence of nature or a descriptive re-telling of the supposed incapacity of Africans to run their own affairs in the post-colonial age. To the contrary, the impact on international law of the tragic events in Africa bear out the prophetic pronouncements of Louis Henkin that 'in the final quarter of the twentieth century, the character and significance of international law will be importantly influenced by the Third World'.[9]

In the past year, however, three books have devoted their attention to West African crises and the implications for global order. The books, *Building Peace in West Africa: Liberia, Sierra Leone, and Guinea Bissau* and *Liberia's Civil War: Nigeria, ECOMOG, and Regional Security in West Africa*, both authored by Adekeye Adebayo, and another, *Issues of Sovereignty, Strategy and Security in the Economic Community of West African States (ECOWAS): Intervention in the Liberian Civil War*, authored by Thomas Jaye offer critical insights into the nature and dimensions of the recent civil strife in some West African countries. These books examine the crises in Liberia, Sierra Leone and Guinea Bissau, probe the causes of those conflicts, analyse the manner in which they were ostensibly resolved and, more importantly, deduce the impact of such conflicts on the character and significance of international law as a body of rules, institutions and norms regulating inter-state relations.

Authored by political scientists, these books also illuminate certain points that are of importance to the international lawyer. They are some of the most recent and empirical studies of the tragic set of events that triggered the Charles Taylor insurgency in Liberia, a brutal train that traversed Sierra Leone and devastated both countries while offering a fearful model for the mayhem which occurred in Guinea-Bissau. In all cases, the regional security arrangement of the Economic Community of West African States (ECOWAS), as embodied in various protocols and pacts on mutual assistance in defence, was called forth to help restore normalcy in the troubled West African states of Liberia, Sierra Leone, and Guinea Bissau. The ECOWAS Cease-Fire Monitoring Group (ECOMOG) interventions in Liberia, Sierra Leone and Guinea-Bissau are unprecedented in many respects and their implications for the global order are manifold. Taken in the face of inaction and neglect by the Security Council of the United Nations, the ECOMOG interventions raise serious and unsettled questions about some of the preeminent issues in modern international law, especially the emerging shape of global (dis)order and legitimate use of force in international relations in the aftermath of the Cold War.

This review evaluates how the books by Adekeye Adebajo and Thomas Jaye elucidate some of these problematic issues of global security. One significant aspect of the books is that unlike a lot of literature on international law and Africa, African scholars have themselves seized the initiative to tell their own stories of African challenges in state formation and regional collaboration. Unlike in the past when European and North American scholars seemed to possess a monopoly of narrative skill and wherewithal to retell African stories to the global audience, African scholars are increasingly lending their voices to the articulation of events in Africa, particularly in international law. Whether this phenomenon marks the beginning of a genuine process of the internalization of international law

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9   L. Henkin, *How Nations Behave: Law and Foreign Policy* (2nd ed., 1979), at 155.

remains to be seen, but the process seems an encouraging one.[10]

In the first book, *Building Peace in West Africa*, Adekeye Adebajo poses four questions or identifies four lines of inquiry. The first question examines the political, security and economic constraints to the establishment of a sub-regional security mechanism in West Africa.[11] No other part of Africa has witnessed a greater number of conflicts than states or countries of the west coast of that continent.[12] In a continent saturated with conflicts, the concentration of violent upheavals in its most populated section has led to massive bloodshed and dislocation of millions of people. Ironically, the West African sub-region also has one of the most coherent regional security and economic arrangements, the Economic Community of West African States (ECOWAS)[13] and the Protocol on Mutual Assistance on Defence (PMAD).[14] Adekeye Adebajo locates and analyses the impact of the colonial partitioning of Africa on contemporary West African politics and security.

For his part, Thomas Jaye carefully details and analyses the origins of Liberia, and the distortion of its polity by the elite and President Doe. Finally, he probes how regional politics and the self-interest of the leading states in the sub-region affected various stages of the intervention. Ultimately, Adebajo and Jaye find compelling evidence to blame both African states and the global order for the perennial conflicts in West Africa. Like many other commentators, Adekeye[15] and Jaye[16] locate the causes in the democracy deficits symptomatic of dysfunctional states and the meddlesomeness of powerful global actors. For African states, deficits of domestic legitimate governance have often led to fragmentation and armed uprisings against the constrictions of the unviable state boundaries bequeathed to Africa by departed colonial overlords.[17]

Both authors point to the colonial mutilation of Africa as causative agents of contemporary absence of legitimate governance in Africa. But tracing the causes of African conflicts to colonial uprooting of indigenous political structures and the transplanting of debased varieties of Eurocentric political systems to African soil hardly answers the difficult question of how modern Africa is to pacify the ghosts of its restless past within the constraints of international law. Beyond colonialism, the politics and manipulation of the Cold War frustrated the emergence of legitimate governance in Africa.

What roles did the norms of international law play in all these developments? In proposing legitimate governance as a panacea to African political crises, it has to be borne in mind that the concept of legitimate governance in international law has been evolutionary rather than revolutionary.[18] International

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[10] Jessup, 'Diversity and Uniformity in the Law of Nations', 58 *AJIL* (1964) 343; Jessup, 'Non-Universal International Law', 12 *Columbia Journal of Transnational Law* (1973) 415; Head, 'The Contribution of International to Development', 25 *Canadian Yearbook of International Law* (1987) 29.

[11] A. Adebajo, *Building Peace in West Africa* (2002), at 16.

[12] Austin, 'The Uncertain Frontiers: Ghana and Togo', 1 *Journal of Modern African Studies* (1963) 1.

[13] Treaty of the Economic Community of West African States, 28 May 1975, 14 ILM 1200.

[14] M. Weller, *Regional Peacekeeping and International Enforcement: The Liberian Crisis* (1994).

[15] Adebajo, *supra* note 11, at 15.

[16] T. Jaye, *Issues of Sovereignty, Strategy, and Security in the Economic Community of West African States (ECOWAS): Intervention in the Liberian Civil War* (2003), at xxiii.

[17] Mutua, 'Why Redraw the Map of Africa: A Moral and Legal Inquiry', 16 *Michigan Journal of International Law* (1995) 1113; O. C. Okafor, *Redefining Legitimate Statehood: International Law and State Fragmentation in Africa* (2000).

[18] Okafor, 'The Global Process of Legitimation and the Legitimacy of Global Governance', 10 *African Journal of International and Comparative Law* (1998) 20.

norms on participatory governance and economic self-reliance, as adapted to African cultures, must be called in aid of Africa.[19] As the present writer argued elsewhere, achieving legitimate governance in Africa 'must necessarily involve a deconstruction and reconstruction of the structure and concept of African statehood, a pan-Africanist orientation, economic self-determination for African peoples, and a redefinition of leadership in the continent'.[20]

Regrettably, there is a simplistic assumption in both the West and among African interventionist forces purportedly acting in defence of 'democracy' that 'democratic elections' in the aftermath of repeated carnage in Africa is the immediate solution to the deep-rooted malaise in African polity. As Nicholas Kristoff poignantly noted, 'without much of a sense of gritty realities in the developing world, we in the West tend to regard "democracy" as simply elections. When trouble erupts — in Cambodia, Somalia, East Timor, Afghanistan, Angola — we prescribe elections, bless the results as democracy, and hurry off.'[21] The lightning speed with which 'rebel movements' in Africa transform themselves into 'political parties' after every 'post-conflict' phase ought to alert serious-minded people to the dangers inherent in such dramatic epiphany, especially when it entails immunity and impunity for warlords who have committed terrible crimes against humanity. For those who think that post-conflict elections are the surest panacea to political instability, it is worth noting that this is a mindset that often leads to the immediate pacification of warlords with plum jobs or 'elective' offices.

In his book, Thomas Jaye probes the dysfunctional character of the Liberian state, the intrigues in West African politics, attrition and rivalry between Nigeria and Côte d'Ivoire (as a proxy of France) and observes that the simplistic assumptions that elections are coterminous with political stability is not borne out by the facts. The sad reality is that the short shrift given to justice ultimately robs the outcome of such elections the indispensable legitimacy it needs to deal with the challenges of governance. In the words of Thomas Jaye:

> [T]he holding of general and presidential elections in Liberia was greeted by the UN, INN, and other international bodies as a success story for regional conflict management. The UN in particular, indicated that the election was impartial and transparent, and declared that with it the Liberian peace process had come to a successful conclusion. However, critics think that the intervening forces only managed to establish a government in Liberia for the purpose of order and not justice. According to them, if justice had been pursued Taylor and other warlords should never have been allowed to contest the elections. The human rights abuses perpetrated by the NPFL and other warring factions were carried out with impunity . . . there can be no lasting order without justice; they are inextricably linked.[22]

Is it not ironic and tragic that the United Nations, the universal defender and guardian of international norms on human rights would turn a blind eye to the terrible abuses wrought on the Liberian peoples by the Taylor insurgency? Yet, Charles Taylor, who in the words of Adekeye Adebajo turned Liberia into a 'banquet for the Warlords'[23] was rewarded with the presidency of Liberia in a 'democratic' election engineered by the interventionist ECOMOG forces and supervised by the UN. The triumph of expediency in the shortsighted cold calculations of the UN and ECOWAS reveals the sinister aspects of international relations. If 'enough' is to be 'enough', the cycle of impunity must be broken. Warlords who commit egregious crimes against humanity must be brought to

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19 Agbakwa, 'Reclaiming Humanity: Economic, Social, and Cultural Rights as the Cornerstone of African Human Rights', 5 *Yale Human Rights and Development Law Journal* (2002) 177.

20 I. Mgbeoji, *Collective Insecurity: The Liberian Crisis, Unilateralism, and the Global Order* (2003), at 128.

21 As cited to in Mgbeoji, *supra* note 20, at 11.

22 Jaye, *supra* note 16, at 206.

23 Adebajo, *supra* note 11, at 7.

justice, not appeased with 'elections' and the spoils of 'elective' posts. The current indictment of Charles Taylor by the UN-backed Special Court for Sierra Leone on what the court characterizes as his [Taylor's] 'greatest responsibility for war crimes, crimes against humanity and violations of international humanitarian law'[24] shows that such course will sooner or later lead the UN into contradictions.

International law, in the words of Professor Michael Reisman, is subjected to ridicule when 'ruthless and self-serving powerful states [add, institutions] embrace the butchers of Tiananmen and the butcher of Ham so that the United Nations can repel the butcher of Baghdad'.[25] Clearly, the greatest threat to global stability and peace is not in 'the failure to invade [failing states] but in the hedonistic conception of the function of law in the global system'.[26] Further, Adekeye and Jaye point out, the problems of African political instability and the impact of a hedonistic praxis of international law require bold thinking and indeed, bolder actions at both African and global levels.

Furthermore, Adebajo and Jaye's analyses of the relationship between ECOWAS and the UN in the West African conflicts raise the issue of the relationship between security organizations with the UN. Are regional organizations best adapted to appreciate regional security concerns? Should groups of states sharing similar visions of security be at liberty to determine for themselves when a set of events constitutes a 'clear and gathering danger'? The disturbing point here is that ECOWAS intervention in Liberia inaugurated the first phase in international law where groups of states either in an alliance (for example, NATO in Kosovo) or purporting to have a common vision of danger (for example,

'coalition of the willing' in Iraq)[27] take the law into their own hands. Although regional security organizations are supposed to have a better appreciation of whether regional political concerns are potentially threatening to international peace, more often than not they are blinded by their proximity to the conflict.[28] These 'kind-hearted gunmen'[29] often step in to fill the vacuum created by UN Security Council inaction and are hardly disinterested interveners.

Again, on the perennial question of inconsistency and hypocrisy in international relations, what is equally interesting in the ECOMOG interventions in Liberia, Sierra Leone and Guinea-Bissau is that powerful states in the sub-region such as Nigeria and Guinea, which intervened in Sierra Leone to establish 'democracy', had no democracy in their own homes. While Nigerians suffered under the boots of unelected soldiers, their generals were rushing to Sierra Leone to establish democracy. One would have thought that international law would benefit from some consistency between what states preach and what they in fact are. After all, how could undemocratic states ruled by totalitarian soldiers love democracy so much that they would sacrifice lives and scarce economic resources in alleged defence of democracy?

The answers to this question may be twofold. The first revolves around the deterioration of the concept of collective security as envisaged by the UN Charter and the second is a function of the self-interest of the major

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24 The Special Court for Sierra Leone, Case No. SCSL-03–1, *The Prosecutor v. Charles Ghankay Taylor*.

25 Reisman, 'Some Lessons from Iraq: International Law and Democratic Politics', 164 *Yale Journal of International Law* (1991) 203.

26 Okafor, *supra* note 18, at 270.

27 Mgbeoji, '"Coalitions of the Willing" and Non-Defensive Use of Force: The Legitimacy of Canada's Participation in International Conflicts without UN Authorization and Parliamentary Assent', 8 *Review of Constitutional Studies* (2003 forthcoming).

28 Bah, 'ECOWAS and Regional Peacekeeping: Unraveling the Political Cleavages', 15 *International Insights* (2000) 61.

29 I. Brownlie, 'Thoughts of Kind-Hearted Gunmen' in R.B. Lillich, ed., *Humanitarian Intervention and the United Nations* 139 (Charlottesville: 1973).

powers in the sub-region, especially Nigeria. On the former, it is significant that African states, especially the West African countries, have come to the gritty conclusion that waiting on the Security Council to intervene and resolve regional conflicts is an exercise in futility. And if the inaction and indifference of the world to the Rwandan genocide, Zairean warfare, Sudanese attrition, and other forgotten but brutal killing fields of Africa are evidence of the cynical calculations that often underlie global interventions, West African states are wise. The neglect of Africa may not be unconnected with the *realpolitik* of the post-Cold War praxis of international law.

In effect, in the Cold War aftermath, states or groups of states have come to realize that they may in some circumstances use force unconstrained by the United Nations Charter in their own attempts to remove what they perceive to be 'threats to international peace', especially, in their own backyards. The normative impact is ominous for global order. With increasing frequency, states or groups of states, perhaps taking their cue from ECOWAS, have engaged in non-defensive actions. Some of this resort to use of force has often been justified on the grounds of alleged imminent danger to regional stability,[30] or protection of democracies,[31] or the alleviation of alleged humanitarian crises.[32] What is often characteristic about these recent cases of non-defensive use of force by groups of states is the absence of prior authorization of the United Nations Security Council. If the outlawry of war as an option of state policy is to

have meaning, the emerging trend must be carefully rethought. It does not lie in the mouth of states or groupings of states to determine for themselves that a particular set of events has become a threat to international peace, and then proceed to impose their own vision of law and order on those sets of events. The object of the Charter is to constrain states in their ability to recourse to force in the resolution of disputes.

Although the UN Security Council, for unjustifiable excuses, failed to act or was tardy in responding to crises in Rwanda, Zaire, Liberia and Kosovo, there is no doubt that it is the only international organ vested with the responsibility of determining the existence of threats to international peace and removing them via the mechanism of Chapter 7 of the UN Charter. From the foregoing, it is clear that no enforcement action may be taken by any organization or state without the authority of the Security Council. Therefore, if the interventions of ECOWAS in Liberia, Sierra Leone and Guinea-Bissau are to be lawful as enforcement actions, the Security Council must authorize them.

Given that the ECOWAS intervention in Liberia was not with the prior authorization of the Security Council, questions are raised as to the future relevance of the Security Council in an emerging regime of unilateralism coupled with indifference to African crises. If the Security Council fails to live up to its responsibility, those who live at the margins of global oversight must one way or the other fend for their own security. This seems to be the lesson which Africans, especially West African states have learnt in the past two decades. But it is a dangerous lesson. More pathetic and cynical is the exploitation of 'UN Imprimatur' for purely illegal acts in the use of force. Increasingly, some of these crisis situations and the unilateral decisions to resort to use of force have become subjects of subsequent ratification or acquiescence by the Security Council. No sooner have unauthorized interventions or enforcement actions been undertaken by unilateral interveners than such interveners return to the Security Council asking for a ratification of their actions. If this

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[30]   Ofuatey-Kodjoe, 'Regional Organizations and The Resolution of Internal Conflicts: The ECO-WAS Intervention in Liberia', (12 *International Peacekeeping* 1994) 1; M. Vogts (ed.), *Liberian Crisis and ECOMOG: A Bold Attempt at Peacekeeping* (1992).

[31]   Falk, 'The Haiti Intervention: A Dangerous World Order Precedent for the United Nations', 36 *Harvard International Law Journal* (1995) 341.

[32]   Cassese, '*Ex Inuria Ius Oritur*: Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?', 10 *EJIL* (1999) 1.

trend continues, it is probable that the Security Council will lose its credibility, if not legitimacy. Groups of states that constitute themselves into arbiters of world peace, democratic values, or humanitarianism impulses must appreciate the severe damage that such presumptuous acts wreak on global order.

Unless the will to a truly collective response to common dangers and threats to international peace is developed, the concept of collective security on which the UN structure is based risks becoming anachronistic. The messianic interventions of some states in troubled states, whether under the auspices of ECOWAS in Liberia, Sierra Leone, and Guinea-Bissau, NATO in Kosovo, or the 'Coalition of the Willing' in Iraq, all compel an immediate need to rethink the structure of the Security Council, its relationships with regional security arrangements, and the future direction of the global regime on the use of force by states.

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Nicholas M. Poulantzas, *The Right of Hot Pursuit in International Law*, Second Edition. The Hague, Martinus Nijhoff Publishers, 2002. ISBN. 9041117865.

Since this work was first published in 1969 it has become a primary point of reference for public international law scholars, especially for those with an interest in the exercise of criminal jurisdiction at sea. Given the fact that it has been out of print for many years, its renewed availability is to be warmly welcomed.

It must be emphasized, however, that this is not a new edition in any orthodox sense. Rather, as Soons notes in his foreword (p. vii): 'This edition consists of a reprint of the first edition preceded by a brief update on state practice relating to hot pursuit at sea. This update is based on an article by Professor Poulantzas published in 1997 in the *Revue de*

droit international.' That review addresses, among other matters, the impact of the 1982 UN Convention on the Law of the Sea on the pre-existing law, a range of hot pursuit incidents, and some of the growing case law in this area of practical law enforcement interest. The latter includes a brief, but welcome, analysis of the 1 July 1999 judgment of the International Tribunal for the Law of the Sea in *The M/V 'Saiga' (No. 2) Case*. It also treats a range of municipal law cases, from a variety of jurisdictions, in which the international law rules concerning hot pursuit at sea arose for consideration.

Unfortunately, several interesting cases at the domestic level do not find a place in the analysis. These include, by way of illustration, the 1995 English decision in *R v. Mills* and the 1998 Canadian case of *The Queen v. Rumbaut*. Both contain detailed treatment of the important issue of the position of the doctrine of extended constructive presence in customary international law. Both resolved this and other controversial elements of the doctrine of hot pursuit in a manner which favoured the policy goal of the effective enforcement of the criminal law (arguably) at the expense of other central and long-established values of the international legal order. Both prayed in aid elements of the modern literature favouring such an approach including the influential 1989 article by Craig Allen in *Ocean Development and International Law*. Unfortunately, the framework adopted by the author in the preparation of this updating section does not provide for a systematic examination of such scholarly works and their influence on judicial decision-making.

It is also to be regretted that Professor Poulantzas did not take this opportunity to explore recent US treaty practice in a more comprehensive manner. For example, extensive and innovative bilateral practice over recent years (especially with the states of the Caribbean basin) in relation to drug trafficking have the effect of significantly extending the right of pursuit at sea for the jurisdictions concerned. Such 'shiprider' agreements typically include provisions on pursuit into the territorial sea, overflight, and like matters.