

Book Reviews

Birgit Schmidt am Busch, *Die amerikanisch-sowjetische Rüstungskontrollabkommen im Recht der völkerrechtlichen Verträge*, Berlin, Duncker & Humblot (1993) 364 pages.

Though limited in number, the bilateral treaties between the United States and the Soviet Union (and the latter's successor States) on disarmament, arms control and crisis management are not only of great political and military importance but also raise numerous interesting questions on the level of international law. In her doctoral dissertation at the University of Munich, Birgit Schmidt am Busch shows a remarkable knowledge of both the substance and the legal aspects of those agreements. After giving a brief survey of the milestones on the road to recent genuine disarmament, she focuses on various issues in the field of the law of treaties against the backdrop of two overriding conflicting interests which the contracting parties try to promote: on the one hand, stability in their relations and consequently, the formulation of precise rules and their strict observance under effective verification; on the other hand, the need for flexibility and therefore the possibility of adapting and even terminating their security arrangements. The author first deals with the legal nature of the agreements under consideration (legally binding treaty or merely political pledges?), the procedure of their conclusion, their contents and entry into force, as well as the prohibition to frustrate the objects and purpose of a treaty in the period between its signature and entry into force, a principle of particular significance in the area of arms control. The analysis also includes the complex problems of interpretation, the characteristic withdrawal clauses, the reasons for the lack of provisions on the peaceful settlement of treaty disputes and on sanctions.

Finally, the effects of the agreement *vis-à-vis* non parties are discussed, a question of concrete relevance for certain allies of the two superpowers in the case of the INF Treaty. Although the Vienna Convention on the Law of Treaties (which the United States has not yet ratified) is not directly applicable, its provisions are used as points of reference, because the author rightly regards most of them as codification of customary international law. In the last chapter of the book, problems of State succession, to which the dissolution of the Soviet Union in 1991 has given rise, are raised. Birgit Schmidt am Busch is to be commended on her analytical skills and her solid legal argumentation. Whenever she takes a stand on a controversial issue, her position is at least tenable, in most cases convincing. One has no difficulty in subscribing to her main conclusions, including her proposal for a typology of international treaties not only according to formal criteria but also on the basis of their subject matter, with arms control and disarmament agreements providing a good example.

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Books received

- Piero Bernardini and Andrea Giardina, *Codice dell' Arbitrato - Aggiornamento*, Milano, Giuffrè (1994) xiii + 828p.
- Maurice Bertrand, *L'ONU*, Paris, Editions la Découverte (1994) 125p.
- Georges Couffignal, *Le régime politique de l'Espagne*, L.G.D.J. Montchrestien (1993) 158p.
- Georges Kaminis, *La transition constitutionnelle en Grèce et en Espagne*, L.G.D.J. (1993) 325p.
- B.V.A. Röling and Antonio Cassese, *The Tokyo Trial and Beyond*, Cambridge, Polity Press (1993) ix + 138p.
- Eileen Servidio-Delabre, *Le rôle de la Chambre d'accusation et la nature de son avis en matière d'extradition passive*, L.G.D.J. Montchrestien (1993) 207p.