

is assessed to conclude the analysis of the legal and political dialogue.

However it is in Part IV where the economic debate is dealt with, that the concept of sustainable growth and North-South relationships is critically examined. If substantive consensus exists on the Bruntland view that 'unsustainable' economic policies must be abandoned on grounds of fairness, in so far as they endanger the welfare of future generations, there is as yet no agreement between the economists and policy makers of industrialized and developing countries on the choice of viable instruments to achieve sustainable growth. The debate approaches delicate themes such as population growth, the inadequacy of current international institutions to address emerging environmental concerns and the role of industry in promoting sustainability. The discussion clearly shows the interdependence of environmental issues and current international trade systems. One of the sources of disagreement among the two blocks of developing and industrialized economies is the question of qualification and management of tropical forests. The question triggers the thorny issue of the retainment of sovereignty by nation states over natural resources and financial aids, identified by some authors as the major impediment to collective action to achieve responsible use and management of natural resources and pursue the long-term aim of sustainable growth.

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Hazel Fox and Michael A. Meyer (eds), *Armed Conflict and the New Law. Effecting Compliance* (Vol. II), London: The British Institute of International and Comparative Law (1993) 246 + xvii pages + Index.

The discrepancy between the norms of international law and their enforcement and implementation in practice plagues international law. It is a recurrent theme in debates concerning the nature and relevance of international law as a legal system. Yet, the issue of ensuring compliance with international law seemed, until recently, to draw less attention than the substantive and even procedural aspects of the international legal system. In this respect, Hazel Fox and Michael Meyer's book serves an important purpose by highlighting and bringing to centre stage the issue of compliance with the international law of armed conflict.

This book originated in papers submitted to the Discussion Group on the Law of Armed Conflict organized by the British Institute of International and Comparative Law. The first volume, published in 1989, dealt with law-making in the area of the laws of war (more specifically, with the two Additional Protocols of 1977 and the UN Weapons Convention). The thematic line pursued in the current volume emphasizes the need to foster compliance with existing legal norms of international humanitarian law rather than moving ahead in search of new substantive norms and standards.

The book is divided into six parts, each composed of two articles (chapters). Part I deals with general aspects of compliance with the international law of armed conflict. Chapter 1 identifies three factors – ignorance of the law; scepticism as to the possibility of enforcing compliance on others; and absence of effective monitoring, fact-finding, and dispute settlement mechanisms – which are considered as contributing to most failures of compliance with the law. The chapter goes on to examine their effect on compliance with the international law of

armed conflict. Chapter 2 examines, from both a legal and an institutional perspective, the proper role of international organizations (such as the UN and the ICRC) and of third party states not involved in a conflict in promoting and ensuring compliance by the parties to an armed conflict with their humanitarian obligations.

Part II, entitled 'Institutional Mechanisms', opens with Chapter 3, which reviews the issue of fact-finding in the context of the laws of war as well as in other areas such as human rights. Chapter 4 voices some 'concerns' about the *modus operandi* of the ICRC and the organization's adaptation to the growing global concern with human rights outside the sphere of armed conflicts. The authors suggest that humanitarian policy and what is done 'in the field' are of greater significance than legal provisions, demonstrating the point by examining some of the dilemmas facing the ICRC.

Part III deals with weapons. Chapter 5 (taking as a specific example battlefield laser weapons) focuses on the difficulties in regulating new types of weaponry arising from the need to derive specific rules from vague and broad principles – the notion of unnecessary suffering, prohibition against indiscriminate weapons, etc. – as well as from other practical factors. Chapter 6 discusses the regulation of biological and chemical weapons, emphasizing the importance of adequate deterrence capability. The two articles included in part IV, dealing with protection of the environment, represent the disagreement between those who seek to direct the efforts of the international community towards strengthening the record of compliance with existing norms (chapter 7) and those who advocate more law-making (chapter 8).

In part V, chapter 9 reviews the substantive norms concerning the use of naval, land and air transports. Chapter 10 is a brief discussion of the defence of superior orders. Finally, part VI focuses on the status and application of international

humanitarian law in the domestic legal system of the United Kingdom. The role of domestic law and legal institutions in enforcing norms of international law is underscored by the evident difficulties in ensuring compliance with those norms.

The strength of the book lies in its coverage of the different problems and difficulties facing States, international organizations, and the world community in ensuring compliance with international humanitarian law. The range and diversity of issues tackled by the different writers ensures that any reader interested in the international law of armed conflict will find something of interest in the book. Moreover, most articles are presented in a way which makes them relevant to experts in the various specific areas covered while still keeping them accessible to the novitiate. The articles also represent different approaches (although not always acknowledging that fact) to issues such as the interplay between law and politics in the international arena.

However, coverage of such a wide range of issues leads at times to lack of consistency and to abandonment of the book's self-declared goal, i.e., dealing with issues pertinent to 'effecting compliance'. Several articles do not seem to belong, either because their focus is not on issues of compliance (chapter 8); because they deal with the substantive norms of a narrow, technical area of the law rather than with compliance questions (chapter 9); or because they are treated in the book outside their more general context (chapter 10). On the other hand, little attention is given to enforcement of international humanitarian law, i.e., to coercing compliance. Moreover, there is hardly any discussion of such issues as verification and monitoring, without which attainment of a truly effective system of international law is unlikely.

In addition, while most articles do remain mindful of 'compliance', many of them seem to stop short of dealing with the other element appearing in the book's title, i.e., 'effecting'. In general, the strength of

most of the articles seems to be in pointing out obstacles preventing effective compliance with the norms of international law of armed conflict, rather than in providing suggestions on how to overcome them. Yet, in as much as understanding the problem is a substantial step towards its solution, the book moves us in the right direction.

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Theodor Baums, Richard M. Buxbaum, and Klaus J. Hopt (eds), *Institutional Investors and Corporate Governance*, Berlin, New York: Walter de Gruyter & Co. (1993) 696 + xxviii pages, DM 248.

This book contains the finalized versions of twenty three contributions to a colloquium held on July 9-11, 1992, at the University of Osnabrück, Germany. The volume is the work of non-American scholars and illustrates the links between corporate governance and the emergence of new types of stockholders. The book is divided into four parts. The first is a comparative analysis of international aspects. Parts two to four are country analyses beginning with the United States, followed by Europe and concluding with Australia and Japan.

The authors often explicitly cite as a point of reference the somewhat paradigmatic Anglo-Saxon vision of 'shareholder democracy' with its principal-agent relationship as a central cornerstone of a market economy. 'Institutional investors' fit in this scheme as strengthening democracy and hence efficiency. The authors state as a starting point that 'corporate governance' is a notion specific to each system and is characterized by legal, contractual and unspoken but fundamental values. 'Corporate governance' is not just the duty to the shareholder-consumer that his shares should yield a maximum at the stock exchange.

The main interest of this book is that it gives the reader an insight into the value-related patterns of relations between ownership and governance, specific to different societies. The book illustrates that 'institutional investors' is just a term that covers different realities. The governance rules, objectives and behaviour patterns of 'institutional investors' themselves vary according to their mission and to the national context.

This book is recommended particularly to those readers interested in the following issues: Can the shareholder-consumer dominated corporate governance system prevail? Can this system mitigate other systems? To what extent will other systems pollute the US shareholder-consumer system already streamlined and demonstrated by SEC accounting and reporting rules? These rules focus on ethic-related corporate governance. Is it possible without any direct link that the money will remain in the pocket of the shareholder?

As is always the case with books grouping contributions to a conference, this volume contains a unique in-depth insight into specific situations. It does not give a systematic view, but raises questions and opens doors for further research, even on specifically addressed issues. One of these issues, focusing on UK institutional investors, does not mention the fact that these investors organized an interest group of their own representing the shareholders in the Cadbury group of corporate investors. They did not intervene in favour of strengthening the rights of individual investors. Instead, they appeared to be part of the general cultural environment chaining directors of companies and financial investors. Institutional investors claimed that the Cadbury report favoured special relations between institutional investors and the board of directors. This conflicts directly with US law and philosophy of shareholder democracy. It also illustrates that the highly praised 'Anglo-Saxon model' is just a label covering fundamentally different models.