case independently of their presentation by the parties. The Court was even obliged to explore the facts since otherwise the control of the legality of Community acts would be incomplete (p. 181). However, the European Court of Justice usually refrained from an inquiry into the facts. According to the author, this shortcoming is balanced by negative consequences attached to an insufficient exposition of the facts by the parties (p. 184) and by the duty of the parties to cooperate with the Court (p. 186). Nevertheless, a more intensive inquiry is desirable. The self-restraint of the Court of Justice was mainly induced by the workload of its members. This aspect was one of the reasons why a Court of First Instance has been established, as the author relates (p. 194). The practice of this Court shows that greater efforts are feasible (cf. p. 197).

Burden of proof is rather concisely dealt with (pp. 198, 199). The control of the appreciation of the facts by the Community institutions is debatable because of the discretion granted to the political institutions. It is a good idea to begin with Article 33 of the ECSC Treaty because this provision explicitly contains an exemption from judicial control of a situation caused by the appreciation of economic facts and circumstances. This limitation was transposed to the EEC by the European Court of Justice (p. 237). Instruments of control were mainly evidence of a mistake (p. 263) and gene ral principles of law, such as the princi ples of proportionality, equality, legitimate expectation and legal certainty (pp. 263–270). Because of the looseness of these instruments, rules on the form of an act and on the applicable decisional procedure were of particular interest (p. 270). Finally, the author reflects on the more rigorous control in competition law.

In general, this book contributes to a better understanding of the procedural measures applied by European courts. The author has thus produced a useful basis for an improvement of the judicial power in Community law. The work would have been of even greater value if the author had amalgamated the comparative aspects with the actual legal situation in the Community.

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Craven, Matthew C.R. *The International Covenant on Economic, Social, and Cultural Rights*. New York: Oxford University Press, 1995. Pp. xxix, 406. Index. $80.

Given that the two sets of human rights are, at least according to UN mythology, equally important, remarkably little sustained scholarly research has been devoted to economic, social and cultural rights. Craven's book, up to date as of mid-1994, is an exhaustively researched, carefully written and nuanced review of the seventeen years since the Covenant's entry into force and the first seven years of existence of the Committee on Economic, Social and Cultural Rights (ESCR Committee).

Ian Brownlie justifiably lauds the work in his 'Editor's Preface'. He is not correct, however, in saying that 'the whole extended family of Covenant-related topics is examined' (p. v). In fact, the author has followed the rather odd example of McGoldrick in his companion volume (both written as doctoral dissertations at Nottingham) on the Human Rights Committee, of dealing only with a selection of the rights recognized in the Covenant. Thus, it covers articles 2 and 3 (non-discrimination), 6 (work), 7 (conditions of work), 8 (trade unions), and 11 (an adequate standard of living). The reasons given for this limited focus (p. 2) are not wholly convincing and the lack of comprehensiveness of the coverage is a definite shortcoming.

Some 20 per cent of the book is devoted explicitly to the role and functioning of the ESCR Committee. Craven is generous in concluding that the Committee has 'in a relatively short period of time – transformed the supervision system beyond recognition', thereby achieving 'one

of the most developed and potentially effective reporting mechanisms of all of the human rights supervisory bodies' (p. 102). But he is also quick to point to the shortcomings of that system: the inadequacy of states' reports, their tardiness in reporting, the lack of expertise within the Secretariat, the unevenness of the Committee in terms of membership, and, most important of all, the breadth of the rights contained in the Covenant and the lack of case law at the national and international levels.

He is a strong supporter of the creation of a complaints procedure (modelled upon the procedure contained in the Optional Protocol to the Covenant on Civil and Political Rights), which he would consider to be 'the single most important development in the history of the Covenant' (pp. 105, 358). He identifies the extent of NGO participation in the Committee's work as 'perhaps the most controversial aspect' of its activities (p. 80). The book's greatest strength is that it provides the only systematic examination available in any language of the 'jurisprudence' generated by the Committee in relation to each of the specific rights analysed.

P.A.

Schachter, Oscar, and Christopher C. Joyner (eds.). *United Nations Legal Order* (2 vols.). Cambridge, New York, Melbourne: Cambridge University Press/American Society of International Law, 1995. Pp. xxiv, 1119. Index.

Book reviewers, it seems, are supposed to feign ignorance of any reviews of the same book by others. But the present reviewer can hardly ignore the glowing review accorded to these volumes by Professor Thomas Franck in the *American Journal of International Law* (90 *AJIL* (1996) 519–23). He considers the collection a splendid and 'richly satisfying' one, characterizes the twenty-two authors as either 'well-known experts' or 'newly revealed praetor[s]', and describes individual chapters as remarkable, fascinating, excellent, and so forth. He knows 'of no other work as valuable to an understanding of how the global legal system works now'. While this fulsome praise is qualified by a few minor cavils, one might expect an absolutely outstanding collection. Instead, it is merely a solid, informative and reasonably comprehensive one, with many of the shortcomings of such collective volumes.

Schachter's introduction is, as usual, a masterly synthetic characterization of the 'UN Legal Order'. Sohn's chapter on 'The UN System as Authoritative Interpreter of its Law' is much too narrowly drawn and ends up as primarily a vehicle for a case study on the response to apartheid by the principal UN organs. Fleischauer's chapter on 'Inducing Compliance', although equipped with the disclaimer that he is writing in his personal capacity, is singularly disappointing. It contains little more than a few observations relating to the Iraq–Kuwait case study, rather than coming to grips with a subject that has given rise to a vast literature in recent years and is of major importance. His chapter ends with the rather tedious reminder that the UN is 'not a world government' (p. 238). The absence of strong chapters on these two key issues is a disappointment.

In contrast, the chapters by Szasz on 'General Law-Making Processes' and Kirgis on 'Specialized Law-Making Processes' are masterly surveys of a vast range of disparate material and make important contributions to the literature. Similarly, many of the chapters dealing with relatively narrowly drawn topics are very well done. They include Marks on UNESCO, Kirgis on both shipping and aviation, Tomasevski on health, Dobbert on FAO, Hannum on human rights, Lyall on posts and telecomunications, and Alvarez on finances. Other excellent chapters are by Leary on labour, Martin on refugees, and Cook on women.

Several authors are given impossible tasks. In particular, Murphy is expected to deal in one chapter (entitled 'Force and Arms') with the use of force, collective security, peace-keeping, regional arrangements, arms control, disarmament, non-proliferation and safeguards. Hardly surprising that he is forced to a conclusion