guing that membership necessarily entails residuary responsibility. Unfortunately, however, Hirsch barely addresses the issue.

Apart from not quite living up to its title and the use of a less than fully convincing theoretical framework, Hirsch's study suffers from some additional defects. The international legal personality of international organizations is, for instance, simply 'presumed' (p. 10, n. 50). Whether organizations need to have a distinct will is a question that remains unaddressed. And most curiously, the chapter ostensibly devoted to breaches of international law by organizations (Ch. 2) does nothing of the kind; Hirsch analyses the possible sources of international obligations of international organizations, but does not examine 'breach' itself. The pertinent rules on the breach of the treaty are not even mentioned.

Surprisingly, although Hirsch's study is vulnerable to criticism both on theoretical and methodological grounds, it is a quite valuable study. In spite of the flaws noted above, the subsequent analysis is convincing on most counts, and, as mentioned, the chapter on *lex lata* with respect to responsibility of member states for acts attributable to international organizations is a gem. Moreover, the proposals Hirsch makes *de lege ferenda* appear quite reasonable as far as the results are concerned.

Moshe Hirsch's study does not solve all the riddles relating to the responsibility of international organizations. It does, however, provide fertile soil for further debate and study, and presents some useful suggestions regarding urgent practical problems. These facts alone suffice to make it an important contribution to the international legal literature.

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Collins, Lawrence, *et al.* (eds.). *Dicey and Morris on the Conflict of Laws* (2 vols.). London: Sweet & Maxwell, 1993. Pp. xix, 1602. Index. $469.50.

The leading treatise on the English conflict of laws is now in its twelfth edition, issued in 1993 and updated by cumulative annual supplements. The 1996 Supplement marks the centenary year of the publication of the first edition by Albert Venn Dicey. Through the contributions of its successive editors, particularly John Morris who revived the text after a half-century and is now identified as its co-author, this treatise has remained authoritative in England and influential throughout the common law world. The twelfth edition of *Dicey and Morris*, the second to be edited by Lawrence Collins and a team of specialist editors, continues to provide a clear and comprehensive statement of the laws in this technical area. In the first volume, Part 1 discusses a number of 'Preliminary Matters': the nature and scope of the subject, characterization, the incidental question, the time factor, *renvoi*, exclusion of foreign law, and domicile and residence. Part 2 concentrates on procedural questions, while Part 3 covers issues of jurisdiction and recognition and enforcement of foreign judgments, including arbitration and arbitral awards. Volume 2 primarily addresses choice of law issues in family law (including significant statutory revisions enacted since the eleventh edition), property (including succession and trusts), corporations, insolvency, contract, restitution and tort. The volume concludes with rules concerning foreign currency obligations.

Dicey and Morris focuses on the doctrine of the current law of England as manifested in judicial decisions and statutes. The doctrinal orientation is reflected in the continued use of Dicey's original format of Rules (black-letter statements of doctrine drawn from statutes and cases), Comments (elaborations and discussions of Rules), and Illustrations (mostly capsule summaries of decided cases). The editors provide limited treatment of general theories of the conflict of laws, interdisciplinary approaches and the broader political, economic or social context of rules. Such matters are generally left to scholarly discussion outside the text, selectively referenced in the notes. Sustained critique and reform proposals are typically limited to those situations where judicial decisions and statutes have left the law ambiguous.

Notwithstanding its doctrinal orientation, the twelfth edition provides much evidence

of the significant changes that have occurred over the last decade in the conflict of laws. Two general tendencies are particularly evident in the revisions to be found in this edition and the 1996 Supplement. Most obvious is the expanding influence of European developments. The chapters on jurisdiction and recognition and enforcement of judgments continue to trace the dramatic reforms brought about by the enactment in the United Kingdom of the Brussels Convention and, new to this edition, the Lugano Convention as well as the 1989 Accession Convention to the Brussels Convention. The chapters on choice of law in contract have been transformed to reflect the Rome Convention on the law applicable to contractual obligations, given effect by the Contracts (Applicable Law) Act 1990. Although, as the editors note, the Act is largely consonant with the common law, the new regime inevitably creates new issues and uncertainties. A good example of this is the meaning to be given in England to the civil law concept of characteristic performance in the choice of law rule for contractual situations where no law has been expressly chosen by the parties. The editors at several points wrestle with the concept, and one can sympathize with the sense of impatience felt in England over the uncertainty aroused in an area which English lawyers had considered among the most refined and settled in the common law tradition. The Rome Convention also affects other subjects such as rules on moveable property and the rules on jurisdiction, arbitration and choice of law clauses. European Community Directives are yet another source of change, most notably in the field of insurance contracts.

A second general characteristic of changes found in the twelfth edition is that many are consonant with the perceived need to facilitate international commerce and rationalize international dispute resolution. The European developments are of course justified principally by the demands of an integrated common market. A similar tendency is found in judicial reforms of the common law rules of jurisdiction in the direction of greater deference to foreign jurisdictions, through the use of doctrines of *forum non conveniens* and *lis alibi pendens* as well as through limits on the issue of anti-suit injunctions, triggered by the House of Lords decisions in *Spiliada Maritime Corp. v. Cansulex Ltd.* [1987] A.C. 460 and *Soc. Nat. Ind. Aérospatielle v. Lee Kui Juk* [1987] A.C. 871. Such changes confirm the internationalist movement in international dispute resolution evident in judicial and statutory support for the effectiveness of jurisdiction and choice of law clauses, the enforcement of arbitration clauses and arbitral awards (the latter through the influence of the New York Convention), and the spread of interim measures available in support of both arbitration and foreign litigation. In choice of law, the movement towards standardization and coordination is evident not only in the reforms to the rules for contract, but also in the enactment of the Recognition of Trusts Act 1987 giving effect to the Hague Convention on the law applicable to trusts, as well as in the dramatic revisions, outlined in the 1996 Supplement, to the rules for choice of law in tort made by Part III of the Private International Law (Miscellaneous Provisions) Act 1995 and in effect as of 1 May 1996.

The cumulative changes of the last two decades at times challenge the format and approach of the text. The editors must now consider a complex range of sources: traditional coverage of judicial decisions from common law jurisdictions competes for space and analysis with detailed consideration of international conventions and European materials. The chapters on choice of law in contract, for example, must consider not only English precedents but Convention texts, the official Giuliano-Lagarde Report, European Court of Justice and continental judicial decisions, and academic writings. The chapters on recognition and enforcement of judgments describe three different statutory regimes in addition to common law rules, which necessitates sometimes awkward repetition, cross-referencing and introductions. The uncertainty in the law in areas such as choice of law in contract force the editors to engage in speculation and make recommendations far more than is typical in *Dicey and Morris*. In general, however, the editors succeed in providing careful and current guidance that will ensure that *Dicey and Morris* remains an indispensable aid in the

analysis of the complexities of contemporary conflict of laws.

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S. James Anaya, *Indigenous Peoples in International Law*. New York, Oxford: Oxford University Press, 1996. Pp. xi, 253. Index.

Indigenous peoples are often treated as a peripheral (and problematic) minority within their home states. Their perceived position under international law can be cased in similar terms.

The struggle of indigenous peoples to counter the impact of colonization on their lives and to protect their rights has included efforts to harness international law to aid their domestic agendas. The resultant strategies have had a dynamic, though rarely recognized, impact on international law. Indigenous peoples have facilitated the development of a specific body of law surrounding indigenous issues and, in a broader context, changed procedures in international forums and helped to define the substantive content of international norms. For example, the UN Working Group of Indigenous Populations has developed, within the United Nations, a forum whose procedures are reflective of the cultural values of the indigenous peoples involved. The flexible procedures have created one of the few areas within the United Nations system where an international forum is open to individual participants.

The situation of indigenous peoples also provides a good case study for the evaluation of the effectiveness and the shortcomings of the international human rights framework, both in substance and in practice.

Anaya confronts these evolutions, tensions and phenomena in *Indigenous Peoples in International Law*. His concise text is meticulously footnoted and laced with succinct, pertinent examples. Part I is a historical account of the development of international law and its employment to justify the colonization and dispossession of indigenous peoples throughout the world. He also describes how the emergence of a human rights framework transformed international law.

Part II describes the development of the norm of self-determination. Anaya eloquently discusses the different definitions given to the term and the implication of the adoption of each. He then links self-determination to other norms in the fabric of international human rights, arguing that these rights work together to give substance and flexibility to the notion of self-determination. Anaya clarifies the relationship of self-determination to decolonization, emphasizing the need to discern remedies from rights.

Part III looks at the relationship between international law and domestic law on matters pertaining to rights of indigenous peoples. Anaya also presents a survey of the various monitoring and complaints procedures available to indigenous peoples within the human rights framework.

The historical analysis and discussion of enforcement procedures (Parts I and III), though perhaps elementary to those working in the area, provide an excellent introductory synopsis of the position of indigenous peoples under international law.

The major achievement of the book is Part II. Anaya's distillation of the complex debate surrounding the content of the right to self-determination has a clarity that is often missing in discussions of the term.

Anaya's command of this area of jurisprudence is evident in his ability to understand the (continuing) complicity of international law in the colonization and dispossession of indigenous peoples whilst being able to celebrate the extent to which indigenous peoples have been able to harness international laws and gain access to international forums in order to advance their claims. He comprehends the enormity of the tasks accomplished by indigenous peoples as they have managed to utilize international law while understanding the limitations of the international system of rights. He understands that the glass is both half-full and half-empty.

The experiences of indigenous peoples under international law can give insight into many broader aspects of international law: the application of and effectiveness of human rights instruments, the impact of international law on domestic law, the evolving nature of the notions of sovereignty and non-