

## Book Reviews

the EC in trade related issues in order to achieve overall consistency between the CCP and other EC policies, remain in current debate. They are elements of any thorough reflection on the future path of the CCP, especially after the Court of Justice's opinion 1/94 which added some disturbing elements to this discussion.

The book is to be recommended as a useful overview of basic concepts underlying the Community's external relations policy and its cross-relations with other policy areas. It also serves as a powerful reminder of the ever-expanding breadth of the Community's commercial policy.

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Berr, Claude J., et Henri Tremeau. *Le Droit douanier Communautaire et national*. 4ème édition. Paris: éditions Economica, 1997.

Claude J. Berr, Professeur agrégé des Facultés de Droit françaises et Henri Tremeau, ancien directeur régional des douanes, collaborent depuis une trentaine d'années à des ouvrages consacrés au droit douanier. La jonction des points de vue d'un praticien et d'un universitaire confère à leur travail une grande valeur scientifique et pratique et fait leur autorité dans ce domaine particulier et à première vue aride du droit douanier. Plus de vingt ans après la première édition de leur traité de Droit douanier, ces auteurs viennent d'en faire paraître une quatrième sous-titrée «Communautaire et national» (éditions Economica, Paris 1997).

Le contexte libéral du commerce mondial a fait évoluer de manière significative le droit douanier qui d'instrument du protectionnisme national qu'il était est devenu un véritable support juridique de la mondialisation des échanges. Dans cette perspective les auteurs ne se sont pas contentés d'exposer le droit national; ils ont procédé à une présentation d'ensemble des textes d'origine communautaire et des textes nationaux, compte tenu notamment de l'étroite harmonie d'inspiration existant entre eux. Le plan du traité a été inspiré par les divers objectifs du droit douanier, la distinction fondamentale ayant été faite entre l'objectif tradition-

nellement fiscal (IIème partie: le droit fiscal douanier) et l'objectif économique nouveau (IIIème partie: le droit économique douanier). Une partie est consacrée au contentieux douanier (IVème) qui garde son unité du fait que les règles relatives à la répression s'appliquent aussi bien dans le domaine économique que dans le domaine fiscal. Enfin, une partie liminaire (Ière) est consacrée à une étude d'ensemble des problèmes généraux du droit douanier.

Cet ouvrage, bien documenté, bien charpenté, retient l'attention du lecteur car il ne se contente pas d'exposer et analyser les réglementations communautaires et nationales mais il a soin de dégager constamment, afin de rendre les textes plus intelligibles, les tendances et les fondements économiques et juridiques de la matière.

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*Hague Yearbook of International Law* (Vol. 5). Dordrecht: Martinus Nijhoff Publishers, 1992. Pp. xix, 283. \$157.50; £107.50.

This yearbook comprises two parts, the first of which contains a number of articles, dealing mainly with different aspects of regional and global cooperation. The first of these articles is 'Delimitation of the Continental Shelf in an Enclosed Sea' (Stanimir A. Alexandrov). Despite the title which suggests a broader outlook on this subject, the article focuses on the more narrow issue of the continental shelf of part of the Black Sea. It analyses the conflicting arguments of Bulgaria and Turkey with respect to its delimitation, in light of the jurisprudence of the ICJ and of state practice. In contrast, the title of the second article, 'The Finnish-Swedish Frontier Rivers Commission' (Malgosia Fitzmaurice), conceals its wide significance. This article describes the mechanisms of a regional institution which manages shared water resources. The author delineates the extensive administrative and even judicial powers enjoyed by this very interesting and innovative Commission. As the author rightly states, this comprehensive arrangement is an example of fruitful cooperation that

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should be studied closely by decision-makers who deliberate on possible modalities for regional cooperation in managing freshwater or other shared resources in other parts of the world. Another article dealing with international cooperation in managing resources (Barbara Kwiatkowska and Alfred H.A. Soons) examines emerging global and regional principles concerning the trans-boundary movement and disposal of hazardous wastes. Two other articles discuss the important issues of intercountry adoption (J.H.A. van Loon) and the concept of reciprocity in the relations between the EEC and third states (M.H. Touiti).

The second part of this Yearbook carries yearly reports on the activities of international law institutions located in The Hague, namely, the International Court of Justice, The Iran-United States Claims Tribunal, the Permanent Court of Arbitration, and the Hague Conference on Private International Law. These reports, covering the period of 1991-92, provide a good overview of the activities of these institutions. Of particular interest is the report on efforts made (and early indications of their success) to increase international awareness of the work of the PCA. Indeed, the report on the activities of the Secretary-General of the PCA attests to the growing effectiveness of the PCA in giving effect to arbitration clauses in international agreements, as well as to the potential for further development in this context.

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Meissner, Boris, Dieter Blumenwitz and Gilbert Gornig (eds.). *Das Potsdamer Abkommen. III. Teil: Rückblick nach 50 Jahren*. Wien: Wilhelm Braumüller, 1996. Pp. 243.

In this third volume of a series on the topic initiated in 1977, the editors aim to present a final evaluation of the Potsdam Agreements on Germany and to offer an outlook on the creation of a European order of peace and the rule of law. The book's perspective of the past, however, is rather one-sided. Of course, there is much to reproach the Allied Powers for, namely their failure to resist the violent expulsion of hundreds of thousands

of Germans from their home lands. But the contributors do not find it necessary to contemplate the relationship between Potsdam and the preceding aggression by Nazi Germany and the atrocities committed during the War. Otto Kimminich's contribution sympathetically analyses the British and US positions at Potsdam, but does not even seek to understand the Czech and Polish viewpoints. Horst Glassl even diminishes the declaration made in the 1960s by the Polish bishops, who generously professed their readiness to reconciliation. Burkhard Schöbener manages to write an article about the Dachau trials – the equivalent to Nuremberg for the personnel of the Dachau concentration camp – with only bare mention of the criminal character of the camp as such and the atrocities committed there by the defendants. Instead, he squabbles over the punishment of the Dachau personnel for participation in 'common design' and 'conspiracy' and insinuates that the Dachau guards were – innocent? – '*kleine Leute*', 'ordinary people'. The articles on the Far East show considerable sympathy with Korea, but limit their treatment of the Japanese case to the Kuril isles.

The promised outlook falls rather short. Several authors recognize the final character of the German-Polish border after the conclusion of the 2 + 4-treaty and the German-Polish treaty of 1990, but Bernhard Kempen believes it necessary to add the possibility of its 'peaceful change'. In a contribution filled with pseudo-technical vocabulary, Jürgen Schwarz hopes for the benefits of 'interlocking organizations' in the new European 'security architecture'. One can only hope that the European future will be based on a deeper understanding of European history than that professed in this volume.

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Martin, Stephen (ed.). *The Construction of Europe – Essays in Honour of Emile Noël*. Dordrecht, Boston, London: Kluwer Academic Publishers, 1994. Pp. xvii, 270. Index. Dfl 180; \$108; £72.

It is a difficult task to assess a collection of essays that have not much more in common