

Book Reviews

mental protection policies face similar problems of a political economy nature: 'both ... lend themselves to protectionist abuses because they involve powers to tax and restrict domestic citizens and to redistribute income among domestic groups' (p. 8). But not only are the problems similar, the solutions, too, are comparable in that legal instruments in both areas can be ranked according to their efficiency. And Petersmann further argues that if policy makers were always to make use of the first-ranking legal instruments, there would be no tension between protection of the environment and trade liberalization.

That is certainly an approach with which one could take issue. However, it must be emphasized that the author's effort to structure the thinking on the role of the law in the approach of these far-ranging issues is utterly remarkable and displays a strong grasp of the subject. For the international trade law side, this is not surprising, given the author's career. But Petersmann is also well versed in European Community law and in international environmental law.

For the present reviewer the book is also fascinating because it is one of the first real attempts to compare international trade law in a particular area with EC law. Too often the relationship between those legal systems is looked at in terms of conflict, whereas there is a wide range of issues where a comparative law approach may well yield far better and more interesting results.

What the reader will not find in this book are the ultimate answers to the many legal questions which the interface between international and European trade law and environmental law raise. However, he or she will discover an extremely useful access to the political and legal debate, replete with exhaustive references to legal instruments, case law (both reproduced in helpful annexes), and literature, in an analysis leaving no stone unturned.

Piet Eeckhout

Dahlitz, Julie (ed.). *Avoidance and Settlement of Arms Control Disputes*. (Vol. 2, *Arms Control and Disarmament Law*). New York: United Nations, 1994. Pp. vi, 239. \$35.

This collection of essays results from the follow-up to a UN Symposium on *The International Law of Arms Control and Disarmament* held in 1991, the proceedings of which were published that year. The main idea running through the text is that further developments in international law in the area of arms control could well serve the goal of avoiding disputes and settling them in a more effective way. Also, the developments in this area could advance dispute resolution concepts and methods in other areas, such as environmental law and border disputes (see the Introduction by Dahlitz).

The need for a reassessment of the entire field of disarmament and arms control as a result of the end of the Cold War and the emergence of various new sources of tension gives works in this area a particular pertinence, and this volume is especially welcome. It attempts to tackle, while keeping a strictly legalistic approach, a multifaceted and difficult subject.

The contributions have been arranged in three main sections, respectively concerning supervision and jurisdiction in the avoidance and settlement of arms control disputes; assessment and adjudication; and, finally, arms control disputes in a global context.

The first section opens with a comprehensive essay by E. Ifft on 'The Use of On-Site Inspection in the Avoidance and Settlement of Arms Control Disputes', which assesses the different kinds of on-site inspections (OSI) as appropriate techniques for monitoring compliance with arms control agreements. The author is optimistic, with regard to both the increased diffusion of OSI (even in a bilateral context) and their effectiveness as a tool for monitoring compliance. This essay (which might possibly have been more appropriately placed in the second section) is followed by two others, on 'Arms and Dual-Use Goods Exports in the European Community' and 'Security Powers and Possibilities'. The first, by N. Prouvez, sheds some light on the subject of licensing practices in EC Member States, an area otherwise not widely familiar. Most of the author's considerations concerning future developments have proved to be correct – the essay was written before the entry into force of the TEU, and obviously could not cover subsequent developments (including

Book Reviews

the adoption and entry into operation of the Dual Use legislation). The second essay, by J. Dahlitz, contains not only a survey of Security Council powers in this field, but also a proposal for enhancement of these powers by means of the creation of a number of standing committees.

An interesting essay by H. Fujita on 'The Role of Transparency in the Avoidance and Settlement of Arms Control Disputes' heads the second section of the book. This is followed by G. Cottureau's useful 'Comparative View of Arms Control Disputes', with an evaluation of the adequacy of the different means of settling them. While recognizing the usefulness of elaborating provisions for the peaceful settlement of disputes, the author expresses a clear preference for diplomatic, rather than judicial, means. G. Lysen's contribution on 'The Adequacy of the Law of Treaties to Arms Control Agreements' is a systematic work on the application of the provisions of the Vienna Convention on the Law of Treaties (at least those provisions which uncontroversially embody customary international law) to arms control agreements, such as the ABM Treaty and the Partial Test Ban Treaty (PTBT). The last essay of the second section, by E.P.J. Myjer, deals with 'Supervi-

sory Mechanisms and Dispute Settlement' and compares the mechanisms of supervision under the Seabed Treaty with those of the Chemical Weapons Convention (CWC).

Finally, the essays in the third part are not linked systematically, but treat various topics, namely 'Some Matters of Interpretation: the ABM Treaty', by B. Tuzmukhamedov, 'Some Matters of Accommodation - Third Party Input', by M. Boethe, 'Arms Restraint and the Avoidance of Force', by F. Calderon, and finally, 'The Legal Aspects of Nuclear Weapons Proliferation Concerning the Former Soviet Union', by C. Yamada and M. Asada.

Although it lacks to some extent a guiding thread (which is perhaps inevitable in a collective work on such a multifaceted topic), this volume provides an invaluable amount of information in this field. It is to be hoped that other publications of a similar nature will follow, which will take into account events subsequent to 1994 (such as the entry into force of the CWC) and others still to come.

Antonio Tanca
Legal Advisor
Council of the European Union

Books Received*

- Ambos, Kai. *Straflosigkeit von Menschenrechtsverletzungen*. Freiburg i. Br.: Edition Iuscrim, Max-Planck-Institut, 1997. Pp. xxxv, 439.
- Barav, A., and D.A. Wyatt (eds.). *Yearbook of European Law 1995*. Oxford: Clarendon Press, 1996. Pp. xvii, 647. Index. \$215 hardcover.
- Blanco, Louis Ortiz, and Ben van Houtte. *EC Competition Law in the Transport Sector*. New York: Oxford University Press, 1997. Pp. xlviii, 278. Index. \$145 hardcover.
- Boeles, Peter. *Fair Immigration Proceedings in Europe*. The Hague, London, Boston: Martinus Nijhoff Publishers, 1997. Pp. xviii, 487. Index. Dfl265; £117; \$172.
- Breutz, Iris. *Der Protest im Völkerrecht*. Berlin: Duncker & Humblot GmbH, 1997. Pp. 198. Index. DM 98; öS 715; sFr 89.
- Cholewinski, Ryszard. *Migrant Workers in International Human Rights: Their Protection in Countries of Employment*. Oxford, New York: Oxford University Press, 1997. Pp. lxxii, 452. Index. £50.

* Mention here neither assures nor precludes later review.