

In order to facilitate the comparative analysis, the authors cover similar issues for each system, including the historical construction of the regime, the basic legislation, the main powers, core actors and institutions, policy processes and major substantive cases. The last three chapters set the comparative dimension in the context of the globalization of economic activity and the internationalization of competition policy. Thus, the links with trade, investment and environmental policy, as well as the pressures for convergence, including the establishment of a new international institution to deal with competition policy, are also envisaged and discussed.

The comparative analysis of national competition regimes leads to the suggestion that competition policy is introduced for different political reasons and serves a distinctive role within each society. As Doern and Wilks conclude, the variations of timing of, and the motives for, the introduction of competition policy have then affected the extent of the six jurisdictions analysed, the fashion in which policy has been inserted into the institutional structure of the state, and the stringency of enforcement. However, the lessons to be drawn from this volume for the purpose of an international competition policy and institution are rather disappointing.

Although some aspects of the competition regimes discussed in this book have changed since the Ottawa Conference (e.g. in the United Kingdom), it continues to merit reading for the high academic quality of the contributions. The greatest strength of the book, however, is its novel approach to an issue traditionally dominated by the disciplines of law and economics. It offers a public policy analysis to deal with the role of institutions, policy processes and political priorities. This contributes to gaining an adequate understanding of such a complex and multi-disciplinary area as competition policy. The insights gained from political science and public administration clearly complement the legal and economic perspectives. This volume will therefore be invaluable for policy-makers and scholars, and will surely be helpful for practitioners.

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Guyaz, Alexandre. *L'incrimination de la discrimination raciale*. Berne: Editions Stämpfli & Cie S.A., 1996. Pp. 335.

In a thesis successfully submitted for the degree of Ph.D in Law at the University of Lausanne, Alexandre Guyaz analyses the new Article 261 bis of the Swiss Penal Code, which makes punishable the public incitement to racial hatred or discrimination. This article came into effect on 1 January 1995. Its introduction caused a heated debate in the Swiss Federal Assembly and required the consent of the Swiss people by way of referendum.

After an explanation of the etymology of the term 'race' and a review of various racist theories, the author addresses the subject in light of public international law. To this end, he conducts a thorough analysis of various international conventions, such as the Charter of the United Nations (1945), the European Convention on Human Rights (1950), and the International Covenants of 1966. Then he turns to the 1996 International Convention on the Elimination of All Forms of Racial Discrimination and shows how Switzerland's adhesion to that Convention motivated its adoption of the new Article 261 bis of the Penal Code.

The second part of the book focuses on a comparison between the solution adopted by the Swiss Penal Code and the options retained by two of its neighbours, France and Germany. In the third and final part of the book, strictly confined to Swiss law, the author presents penal law as a possible remedy for racism and xenophobia. In so doing, he analyses the different conditions, hypothesis and justification for 'punishment as a cure' before going on to address the problem of the boundaries of such punishment by civil liberties or constitutional rights such as freedom of speech. This is probably the most intellectually stimulating — and controversial — part of the book. It raises an essential question:

What constitutes an adequate antidote to racial discrimination? Should it be solely punishment or a carefully weighted combination of punishment and education? The author favours the former option, without however addressing the latter. Be that as it may, Mr Guyaz's thesis is well structured and well documented. The range of his analysis, which touches Swiss law as well as international and European law, makes it a valuable work not only for Swiss lawyers but also for foreign lawyers willing to learn about — and meditate on — racial discrimination.

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Martin, Pierre-Marie. *Les échecs du droit international*. Paris: Presses universitaires de France, 1996. Pp. 128.

Pierre-Marie Martin, Professor at the University of Toulouse 1 (France) has written a short book on the setbacks of public international law. After a brief introduction — containing judicious remarks on the oft misused concept of *international community* — the first part of the essay deals with the failure of the international law-making process. Exclusively centred around treaties and resolutions of international organizations, the study is well conducted, though one may be disappointed to find that the analysis does not cover important topics such as custom, general principles, unilateral acts of states and judicial decisions.

The second part of the book tackles the failure of the implementation of international law. The first chapter in this part studies the obstacles erected by the sovereignty of states. This is followed by an analysis of the difficulties — to say the least — relating to the efforts to suppress the use of force in international relations. Finally, a third chapter explores the uncertain implementation of the so-called international law of development. The topics examined in these first two chapters, although well chosen, do not provide a comprehensive coverage of the issue. They do, however, offer an acceptable overview. The chapter on the

international law of development, on the other hand, deals with an area of law that is far from being universally accepted and determined. Therefore, one may question whether it was worth occupying nearly a quarter of the book with this subject at the cost of other essential matters, such as the debate on the efficiency of international justice.

Published in a series intended for the general public, this essay does not provide particularly useful material for the experienced international lawyer. A sound — though incomplete — criticism of public international law, it does not particularly stand out among similar — and often more stimulating — works. Still, the law student already familiar with the basics of public international law may find in this accessible volume some interesting, albeit not original, thoughts on the imperfect generation and implementation of the rules of the 'international judicial order'.

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Paye, Olivier. *Sauve qui veut? Le droit international face aux crises humanitaires*. Brussels: Bruylant and Éditions de l'université de Bruxelles, 1996. Pp. 313.

In this interesting volume Olivier Paye, assistant professor at the University of Brussels, examines the present state of international humanitarian law.

The author begins by exploring the international law of humanitarian *assistance* in the first two chapters. The presentation is structured around the rights and duties of the *assistant states* and the *assistees* (i.e. the territorial sovereigns that benefit from humanitarian assistance). The primacy of the state — a 'classical' postulate — is the cornerstone on which Mr Paye bases his analysis. This is particularly obvious in the first section of the second chapter, where it is emphasized that no assistance is possible without the express consent of the *assistee*. One may question this rather drastic thesis. Yet it is probably the view which best reflects the current rules of