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BOOKS RECEIVED

DECOLONIZATION AND WORLD PEACE. By Brian Urquhart. Austin, Texas: University of Texas Press, 1989, 121 pp.

Decolonization and World Peace is a collection of lectures delivered by Brian Urquhart for the Tom Slick World Peace lecture series at the University of Texas at Austin. This book features the vast body of knowledge Mr. Urquhart garnered during his remarkable career with the United Nations. Beginning with the U.N.'s birth in 1945, his career lasted until his retirement in 1986 after serving a twelve-year tenure as Under Secretary-General for Special Political Affairs — the equivalent of commander of UN peacekeeping operations.

The Introduction gives a brief summary of the development of the U.N. during the past five decades. He describes the basic foundation of both the League of Nations and the U.N. as the principle of self-determination which is an ideal championed by the United States. The decolonization principle became the basis for world-wide decolonization during the post-World War II years. This process was to be supervised by the victorious members of the U.N. Security Council with an almost automatic Western voting majority.

However, because of the onset of the Cold War, this revolution of decolonization took place in a near-vacuum of international authority. Ironically, decolonization eventually toppled the once automatic voting majority enjoyed by the erstwhile champion of decolonization, the United States. As the honeymoon atmosphere of decolonization was replaced by harsh economic realities, many new nations turned to heavy anti-Western rhetoric. In the mid 1970's, this rhetoric resulted in a backlash from the U.S. which now considered the organization it had founded as a Soviet-controlled, anti-American entity and down-played its role in the international arena. As a result, the 1980's became a testing and frustrating period for the U.N. Nonetheless, with the current warming of U.S.-Soviet relations, Urquhart believes that the prospect for more constructive times is encouraging.

In Chapter One, Urquhart traces the origins and process of decolonization. He states that the original role of the United Nations, of maintaining international peace and security, was paralyzed by the Cold War between its two most powerful members. Although the U.N. created new conflict-control mechanisms during the initial stages of

decolonization, its subsequent attempts were unsuccessful largely because of this internal strife. Urquhart argues that, in the face of revolutionary social and economic forces, the most urgent priority is for an effective international entity to manage this chaotic revolution.

In Chapter Two, Urquhart chronicles the disastrous origins of the present Palestinian issue. He provides an excellent summary of the series of misunderstandings and missed opportunities for peaceful settlement that created the current Middle-Eastern crisis. In his view, the issue can be resolved through negotiations and a willingness to compromise and make concessions. Past negotiations were plagued by the self-destructive tendency of both sides to avoid making necessary concessions at the same time. He also believes that the recent U.S.-Soviet spirit of cooperation will eliminate what was once a major problem of extreme partisanship.

Chapter Three describes how decolonization has drastically changed the African continent. Here, Urquhart states that the problem was that the aim of decolonization was not matched by the method used to achieve it. Thus, the tidal wave of African decolonization during the 1950's and 60's resulted in violent civil wars and demoralizing economic and natural disasters.

Chapter Four discusses the Iran-Iraq War, an episode not directly related to decolonization but illustrative of the problems international organizations face in dealing with regional conflict in a decolonized developing world. Urquhart describes how, in theory, the U.N. system was created to replace the colonial system but in practice proved quite difficult. The decolonization process created power vacuums throughout the world giving rise to regional conflicts which were further complicated by the U.S.-Soviet antagonism. The net result was a divided world, a dangerous nuclear arms race, chaos in the Third World, and a growing disillusionment with the U.N.'s failure to fulfill its goal of making the world a more orderly, peaceful, and just place. The Iran-Iraq war was an example of this failure. Neither side trusted the U.N.'s ability to mediate the dispute because the Security Council was considered to be a tool of the U.S. State Department and a weak ineffective organization lacking the authority to compel action.

In the appendices, the book includes transcripts of Urquhart's speeches on the future of the United Nations and Peacekeeping. The book ends appropriately with his remarks at the 1988 Nobel Prize Banquet where the U.N. Peacekeeping force, which he commandeered for many years, received the Nobel Peace Prize.

FINANCING THE EUROPEAN COMMUNITY. By Michael Shackleton, New York, NY: Council on Foreign Relations Press, 1990, 101 pp.

Financing the European Community, outlines the European Community's budgetary process. The author, Michael Shackleton, is the Principal Administrator in the Secretariat for the Committee on Budgets of the European Parliament. He outlines the budgetary process by using, as his primary vehicle, the results of a 1988 extraordinary meeting of the European Council. This meeting was held to alleviate a budget crisis precipitated by the Council's inability to meet Treaty imposed deadlines for drafting a new budget.

The author provides insight into how budgetary problems were resolved in the 1988 budget crisis. The primary message of *Financing the European Community*, however, is that the question of how to raise and spend money in the European Community will be a major source of contention for years to come.

The book is divided into six chapters which provide a background to the 1988 budget crisis, the steps taken to alleviate the crisis, and the implications for the future. It also has an extensive appendix reproducing applicable EEC Treaty provisions, and implementing documents.

Mr. Shackleton stresses that the European Community (EC) budget is small when compared to national budgets. The total EC budget is equal to about 4% of the total national budgets, or about 1% of the EC's Gross Domestic Product. Part of the reason for the small size of the EC budget is that costs for defense and social security continue to be the responsibilities of individual nations. The author points out, however, that the EC budget has shown a rapid increase in recent years. In the period from 1973 to 1988 the budget increased by a factor of nine in absolute terms, and an inflation adjusted factor of three. This budget is expected to increase as the EC moves toward implementation of a single market in 1992 and will require more EC services.

The struggle for the control of the EC budget is ultimately a struggle to control the policies and direction of the European Community. Primarily, the allocation of money to various sectors determines which policy concerns will be pursued vigorously.

The European budgetary process is pulled in many different directions by opposing forces, both internal and external. For example, the Council of Ministers, which is substantially controlled by the individual states and has a large role in creating legislation, tends to view EC law and priorities as expressed in legislation as taking precedence over budgetary concerns. On the other hand, the European Parliament views budgetary matters as taking precedence over legislation.

Other sources of tension surrounding the budget include an imbalance between member states as to the amount of money paid to the EC compared to the amount of money received from the EC in services. Funds for the EC budget presently come from the member states via three revenue categories; (1) customs duties on goods from outside the community and subject to the Common Customs Tariff, (2) agricultural levies on products from outside the community, and (3) a percentage of the Value Added Tax, calculated by a uniform base formula. Although suggestions have been made for raising new revenue directly on an EC-wide basis, those ideas would also create conflict and charges of unfairness between states. For example, a community-wide tax on oil imports would penalize states that need to import oil, without regard to the strength of that state's economy.

Nonetheless, as 1992 approaches, the EC budget must increase because of the need to finance large EC projects such as a high speed rail network to facilitate the transport of goods and services throughout Europe. In addition, areas requiring increased attention from the EC include pollution and environmental control.

This book is targeted to the reader with a pre-existing knowledge of the European Community and its budgetary process. Many of the author's references to facts, figures and Treaty obligations become confusing to the reader who does not possess an intimate knowledge of the internal workings of the European Community. Mr. Shackleton concludes that the budgetary debate within the European Community is evolving and will continue to be in a state of flux for many years to come.

GUIDE TO INTERNATIONAL LEGAL RESEARCH. The George Washington University Journal of International Law and Economics. New Hampshire: Butterworth Legal Publishers, 1990, 400 pp.

Whether you are a veteran international legal scholar or receiving your first exposure to international legal research, the *Guide to International Legal Research* is an important addition to your personal resource library. First published in *The George Washington Journal of International Law and Economics* in 1981, and later published as a double issue of the *Journal* in 1986, this recent edition is a stand-alone, comprehensive, and up-to-date resource for international legal research. The *Guide* is more than a simple listing of sources. It is full of descriptive information on how to approach international legal research, what resources are available, and where those resources might be found. In addition, it provides names, addresses, phone numbers, and contacts of organizations that can assist the researcher as she seeks a particular source.

The *Guide* is divided into four principal parts: Introduction, Primary Sources, Secondary Sources, and Research Tools. The first part, the Introduction, written by John Williams, is a well written piece on research tips in international law. It provides a basic framework for understanding international legal research which is especially helpful for easing the new international legal student into this complex world.

After a brief overview of legal research Professor Williams' introduction proceeds to distinguish among four levels of international legal documentation and devotes a subsection to each. In his subsection on the bases of international law, Professor Williams discusses the philosophical origins of international law, an understanding of which he indicates is fundamental to international legal scholarship. In his subsection on the sources of international law, he focuses on Article 38 of the Statute of the International Court of Justice as a starting point for guidance. This is followed by a classification of international resource materials. Williams concludes with a discussion of the Library of Congress as the best international research tool.

The second principal part is Primary Sources. Section I examines the codified law. Divided into subsections on constitutions, treaties, statutes, legislative materials, and administrative and regulatory materials, each subsection provides the researcher with a plethora of information on bibliographies, indexes, collection and non-collection sources as appropriate to the particular source. Section II presents sources of case law materials including where to find decisions of international tribunals, decisions of national courts, arbitration decisions, and United States case law.

The third principal part is Secondary Sources. It continues with Section III on serials which is divided into subsections on mass media, bulletins and newsletters (organized both geographically and by subject matter), periodicals, periodical indexes, annuals, loose leaf services, and digests. Section IV, devoted to analytical tools, is divided into two subcategories. The subsection on textbooks, casebooks, and classics recognizes that such sources are an excellent place for the novice to begin legal research. This subsection provides a bibliographic and descriptive reference to the various materials in this regard. A similar description of legal encyclopedias and dictionaries is also provided.

The fourth principal part is Research Tools. It continues with Section V on practice and research aids which help the researcher focus his/her search for information and documentation. This section is divided into (1) subsections on practice manuals and formbooks (2) handbooks, manuals and guides, and (3) bibliographies of international law. Section VI on reference sources highlights those organizations believed to be of most interest to the international legal scholar. The section is divided into subsections on U.S. government agencies, private organizations, and the Library of Congress and university libraries. Brief descriptions of each organization's resources are included along with the name, address and telephone number of the organization, the name of a person to contact, and a notation on public access. Section VII concludes with the newly added subject matter index and title/author index which indicate that the Guide has become a sophisticated resource document.

The staff of *The George Washington Journal of International Law and Economics* have committed themselves to keeping the *Guide* as an up-to-date and authoritative research tool by revising the *Guide* on a regular basis. To this end, legal researchers, and in particular, students of international law, will be appreciative for years to come.

PALESTINIAN LAWYERS AND ISRAELI RULE: LAW AND DISORDER IN THE WEST BANK. By George Emile Bisharat. Austin, Texas: University of Texas Press, 1989, 251 pp.

The conflicts and tensions experienced by the Palestinian legal profession in the West Bank since the Israeli Occupation in 1967 provides insight into the larger conflicts between the two societies. Mr. Bisharat analyzes how the interests of Palestinian lawyers have been damaged by the indeterminate political future of the Occupied Territories. Unlike prior studies of the Palestinian legal profession, Mr. Bisharat's focus extends beyond the struggle between the two societies. He examines the development of the legal profession which emerged from the Ottoman Empire and flourished under the British Mandate into a position of respect and prominence in Palestinian society, and comments on their cultural hesitation in embracing the western legal model. The author's principal aim is to answer the question: What accounts for the profession's actual decline and social marginalization when conditions appear to have granted it significant opportunities for advancement?

Mr. Bisharat creates the context for his analysis by explaining the strong Palestinian court system which was modeled after the British. Under the League of Nations Mandate System, the British were legally responsible for fostering the development of local administrative and political institutions to promote the development of an independent Palestinian State. Throughout the Mandate period, the social and political power of the lawyers grew. During this period of reform, the spread of private property and the creation of elaborate economic organization stimulated the demand for legal services. The author comments on the importance which culture has played in the West Bank, explaining how the Palestinian's are legally under-developed and avoid the state bureaucracy whenever possible. He recognizes the prominence of honor in Palestinian culture and the difficulty in integrating the internal tribal adjudicatory process into the formal court system.

The author proceeds to examine the various impacts which the Israeli Occupation has had on the West Bank lawyers practice. The discussion focuses on the creation of the Israeli military government and military court system which has expanded its jurisdiction, consequently swallowing up many cases otherwise processed through the West Bank civil court system.

The Israeli military regime is characterized as intrusive, omnipotent and capricious. Additionally, the government practices are in direct contradiction with the communities interests. The author points to the Israeli method of land acquisition and Israeli settlement in the West Bank as primary examples of these diametrically opposed inter-

ests. The author explains how the Palestinian land base is a national trust, and represents the material foundation for a future Palestinian state. The Palestinian lawyers' power is diminished because they are structurally dependent on the formal institutions of the state and Israeli controlled courts, whose integrity and efficiency are beyond their control.

The ethnography of the legal profession in the West Bank creates a context for examining the present deterioration of the profession. With the waning of jurisdiction in West Bank civil courts and the relative inefficacy of appearing before military tribunals, the legal profession faces extreme economic difficulty. The essence of legal work is litigation, the most highly valued legal service. Because the profession is extraordinarily dependent on the court system, the quality of their service depends on its efficiency and integrity.

The deterioration of the court system has created a parallel deterioration in the legal profession. The Israeli military legal system has cannibalized the jurisdiction of the West Bank civil court system. The military courts are a tool for the implementation of the policies of the Israeli Occupation rather than forums for justice and Palestinian lawyers are severely disadvantaged in these forums. The courts are a means of implementing policies directed at the suppression of Palestinian national expression and the seizure of Palestinian land.

The legal profession was a vanguard of nationalist opposition to foreign rule in 1967. Without alternatives to resolving their disputes with the Occupying power, the profession augmented a strike to protest the annexation of Jerusalem and the changing structure of the civil courts. During the period of the strike, the number of lawyers in the West Bank has increased 1000% but the number of practicing lawyers has less than tripled. The once political presence and strength of the legal profession has suffered because of the changed nature of law in the Occupied Territory. The Israeli presence has created unpredictability and insecurity in the Palestinian community under occupation.

Mr. Bisharat concludes with a prognosis that should the Israeli presence continue, lawyers may, only marginally broaden their professional opportunities by gaining access to Israeli courts and perhaps handling more litigation. Realistically, the military government is unlikely to implement any reform which would diminish their ultimate control over the legal system. The author predicts that the West Bank may well founder in its current state of fragmentation, given the indefinite nature of its future.

REFUGEE LAW AND POLICY, INTERNATIONAL AND U.S. RESPONSES. Edited by Ved P. Nanda. Westport, Connecticut: Greenwood Press, 1989, 228 pp.

"At the beginning of 1988, over 13 million people were refugees," begins Mr. Nanda. Laid out in five major parts, the book surveys refugee law and policy on an international and domestic scale. Specifically, Part II focuses on international responses to the refugee situation, whereas Part III deals exclusively with the U.S. response. Part IV explores the involvement of citizens and church-affiliated groups.

International responses to the refugee problem have been narrowly selective and discriminating. In Part II, Richard Falk argues for more accountability and a flexible doctrine of asylum. He criticizes the all too common motivating factor behind international refugee policies — the volatile influence of global politics and ideological rivalry — and calls for a more humanitarian response.

Bruce C. Bailey proceeds to explore the trends in Western European refugee law and policies. He compares the legal structures for determining refugee status in France, former West Germany, and the United Kingdom. He notes their tendency over the last 15 years towards more restrictive immigration policies. Absent from his discussion, of course, is any speculation as to whether the restrictive immigration policies of Western Europe will change given the historic events in Eastern Europe over the last year to 18 months.

The response of the United States in the areas of refugee and immigration policy dominates Part III. In Chapter 6, Peter Koehn criticizes the United States for allowing "short-sighted foreign policy objectives" to dictate its immigration and refugee policy. Mr. Koehn notes the differences in treatment between refugees of "friendly" countries and refugees of "adversary" countries — differences that include different standards of evidence needed to establish the well-founded fear of political persecution. Mr. Koehn argues that the United States has an obligation to share the costs through a more humanitarian immigration policy of assisting the victims of the regimes that it has supported.

Subsequent chapters focus on the United States response to Central American refugees and African refugees, respectively. Angela Delli Sante cites that between 500,000 to 850,000 Salvadorans sought safe haven in the United States since 1979 when their civil war erupted. Nevertheless, the United States continues to deny refugee status to Salvadorans. Thus, the citizens of a "friendly" nation remain in a precarious situation. In contrast to the position taken by Ms. Sante, Robert F. Gorman writes of the "genuine concern" of the United States for the welfare of African refugees. Even though he concedes that U.S.

refugee policy toward Africans involves a weighing of humanitarianism versus politics, Gorman praises the United States as the lead donor of emergency relief and managerial assistance to the various African countries.

Part IV, entitled "The Response of Citizens and Church-affiliated Groups," explores the sanctuary movement that has emerged from the plight of Central American refugees. While only able to help a small percentage of refugees, the sanctuary movement has succeeded in calling national attention to the problem. Echoing an earlier theme of the book, Charles S. Milligan asserts that the U.S. has a minimum obligation to extend relief and refuge to the extent that it has contributed to the causes of the refugee problem. He cites as a prior example the refuge extended to the Vietnamese boat people and believes that such refuge should also be extended to Salvadoran refugees.

In conclusion, Mr. Nanda calls for a multi-disciplinary approach to the refugee problem which must come from the international community. Recognizing that the refugee problem is at a crisis stage, Mr. Nanda appreciates the role non-governmental organizations have played towards the plight of the refugees by shifting the public attitude from one of charity to one of responsibility. Durable solutions, according to Mr. Nanda, will only come by being able to both avert the flows of refugees and provide protection and material assistance.