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## BOOKS REVIEWED

THE INTERNATIONAL LAW OF THE SEA: CASES, DOCUMENTS, AND READINGS. By Gary Knight and Hungdah Chiu. London: Elsevier Applied Science, 1991, 923 pp.

This fine volume of teaching materials is the first comprehensive casebook on ocean law. For the many instructors who have taught International Law of the Sea courses by using their own miscellaneous materials — or by using earlier versions of Gary Knight's looseleaf materials that formed the basis for this casebook — the publication of this volume is a welcome event that will fill a serious void in the literature.

Professor Knight first assembled materials on this subject in 1969 and kept his materials up-to-date until 1980 using a looseleaf format. The many changes in this subject brought about by the completion of the 1982 United Nations Law of the Sea Convention and other recent developments justify Professor Chiu's substantial revision of these earlier materials. The current version builds admirably on Professor Knight's foundation materials and includes a vast array of cases and documents on current controversies.

This volume includes well-edited cases, substantial excerpts from the key treaties and other international documents, useful introductions, maps to effectively illustrate the disputes concerning boundary delimitations and substantial lists of references to guide students interested in a greater understanding of the issues. It provides so much material and covers so many topics that the individual instructor can draw upon the volume to emphasize the subjects that are of most concern and interest.

The most serious omission, from this reviewer's perspective, is the very limited inclusion of problems and questions with which to encourage the student to consider the many issues that remain unresolved. Although an occasional question is posed, most sections do not end with real or hypothetical problems that test the student's understanding of the materials. Indeed, it may take a fairly sophisticated instructor to use these materials to their full advantage as some of the sections provide documents and materials without any discussion of the background and context in which they have been developed. By way of

example, the text of the 1972 London Dumping Convention is included (at pages 727-33), however, no other materials are provided to assist the student in understanding how this treaty fits together with other international activities. Furthermore, no questions are asked that would encourage the student to explore how the treaty is to be interpreted and applied.

A final suggestion for future editions would be to provide the 1982 Convention as a separate supplement, or in a collection with other key documents. The current edition scatters Articles of the Convention throughout the book linking them with topics under discussion. As the Convention is designed to be viewed as a comprehensive whole, students may find it difficult to discern the overall goals of the document and the vision of its framers. It should be noted, however, that the inclusion of a good index somewhat alleviates this problem.

Although there is some room for further improvement, the present edition of these materials should prove to be a fine teaching instrument for students and instructors alike, and will also be a rich source for researchers addressing topics covered in this volume. I am sure I speak for all persons interested in this field in expressing thanks to Professors Knight and Chiu for undertaking the preparation of this new book.

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INTERNATIONAL ORGANIZATIONS, CONSTITUTIONAL LAW, AND HUMAN RIGHTS. By John S. Gibson. New York: Praeger Publishers, 1991, 265 pp.

In *International Organizations, Constitutional Law and Human Rights*, Professor John S. Gibson argues that there exists an international constitutional system that can guarantee the security and well-being of nations and individuals. The system is a collection of organizations and treaties, most of which were created after the Second World War, administered primarily by the United Nations. He gives particular attention to the development of international human rights law to illustrate one way in which a particular area of international law has been created, institutionalized, and, to some degree, internalized in individual countries of the international system.

The first part of the book is a survey of the development of international organizations. The author traces their rise from antiquity to the modern era. The driving force behind this development is what Gibson calls "the cycle of invention, discovery and necessity." Technological advances increased mankind's ability to attain new and more distant objectives. In particular, the discovery of "new" lands in the fourteenth and fifteenth centuries, accomplished by longer sea voyages than western mankind had hitherto known, led, by necessity, to inventions for better sea navigation. These inventions, in turn, led to new discoveries and the cycle continued. The author describes similar patterns in agriculture and industry.

These developments led to tremendous growth in both the amount and scope of international interactions, particularly in commerce. As the international system became more interdependent and the global marketplace expanded, rules developed slowly that sought to enhance national security while simultaneously facilitating trade. Eventually, formal international organizations were created. They had to be strong enough to ensure stability, yet flexible enough to adapt to changing paradigms.

Professor Gibson demonstrates that wars often were the impetus for the creation of formal organizations. The United Nations, and the system of organizations created within and around it, serves as the centerpiece for the body of international constitutional law created in the past half century. The main objective of the organization is to create shared security and provide for the well-being of all the people and nations of the world.

International law is effective only when states domesticate the treaties they sign. The great challenge for the world-wide system has been to reconcile universal goals with the goals of the individual sover-

eign nations within the system—the dichotomy of High State Authority versus Supra Organization Authority. High state authority is the retention by a state of significant sectors of national policy that may be contrary to international policies and agreements. The super and major powers do this to a significant degree, but few states actually retain a very high degree of high state authority.

This problem is primarily manifested in security areas. Because states still compete for the “goods” that enhance their own security, their leaders continually perceive that the security of their neighbors comes at their expense. However, the author emphasizes recent instances in which the United Nations succeeded in arriving at an effective definition of shared security. The collective response to the invasion of South Korea is one example and the coalition that was created to wage the recent Gulf War is another.

The Gulf War example, however, may only be applicable to the unique confluence of interests that arose from the Iraqi invasion of Kuwait. Systematic historical studies have yet to be conducted on precisely how the Bush administration carved out the grand coalition. History may prove that the incentives other nations were given to fall in line behind the United States were of a more coercive than cooperative nature. While this may pass for shared security, it could also represent a security imposed from above. Furthermore, international paralysis in the face of the calamity in the former Yugoslavia casts grave doubt on any assertion that the United Nations has developed a meaningful definition of shared security. While freed from the shackles of the bi-polar world, the United Nations has failed to develop a sophisticated shared security philosophy for the post-Cold War world.

Nevertheless, Professor Gibson finds that states have created institutions that delegate a significant amount of authority to international organizations. Articles 51 and 53 of the United Nations Charter grant the Security Council tremendous powers. The United Nations and related organizations like the World Health Organization and World Bank have formidable mandates to effect “social progress and better standards of life” for all the world’s people.

The second part of the book is a case study of the legal, administrative, and organizational components of international human rights protection. Beyond discussing the specific issue, the author’s aim is to provide a model for studies of similar international regimes like the International Monetary Fund and the World Bank.

The United Nations has formalized human rights law and procedure by creating the Commission on Human Rights and passing the General Assembly resolution known as the Universal Declaration of Human Rights. From these flow the large legislative and administrative

apparatuses dedicated to the international protection of human rights.

Paralleling the earlier part of the book, the author devotes considerable attention to the tension between realizing internationally mandated goals for human rights and reconciling those goals with the goals of the individual state governments (i.e., High State Authority versus Supra Organization Authority). States naturally try to influence international legislation to achieve objectives ordained by domestic political imperatives.

U.S. human rights policies substantially reflect this dilemma. The author contrasts the Carter administration's approach to human rights with the policies of the Reagan administration. Carter's policies generally were consistent with then current international human rights policies. By contrast, the Reagan administration drew a distinction between "traditional authoritarian nations," like those in Latin America, and mostly Communist totalitarian regimes. The administration preferred quiet diplomacy regarding the former group and open condemnation for the latter. The Reagan administration successfully pressured the Human Rights Commission to devote considerable attention to Cuba, thus causing it to give only limited attention to other pressing matters.

The author describes and evaluates the procedures that are in place to receive reports about human rights abuses, investigate them and bring them to the attention of the offending government for remedial action. He demonstrates that, by using quiet diplomacy, public condemnation, or deprivation, international bodies have been successful in causing offending regimes to comply with international human rights standards.

The author largely achieves his first objective, to provide a model for future studies. A student embarking on an in-depth study of such organizations would considerably enrich his or her learning by reading this book. Professor Gibson does a good job of establishing theoretical and historical background in Part One and mirroring it in the case study of human rights in Part Two. The only quibble one might have is that a considerable number of errors suggest that the book may have been rushed.

The author's second purpose is to convince the reader that constitutional systems are in place to cover seemingly every aspect of human interaction. At the end of the book he concludes that "what remains is the political will and support by domestic sources of policy to give genuine meaning to shared security and progressive well-being."

By emphasizing "will" the author virtually ignores his own thesis that "cycles" of invention, discovery, war and trade caused advances in the international organizational system. International organization was

more a reaction to events than a manifestation of "political will." Unfortunately, Professor Gibson fails to resist the naive notion that we live in a more enlightened period in which reason and will can lead to the creation of a just world order. The author demonstrates that World War II and its "six years of human malignancy" produced the currently effective, yet diffuse, international organizational scheme. Another calamity may be required to give that system the power the author would like it to have.

THE INTERNATIONAL LAW AND PRACTICE OF EARLY-WARNING AND PREVENTIVE DIPLOMACY: THE EMERGING GLOBAL WATCH. By B.G. Ramcharan and A.D. Dordrecht. The Netherlands: Martinus Nijhoff Publishers, 1991, 185 pp.

“One of the signal advances in human thinking, and a relatively recent one, is the realization that war should be seen as an unacceptable means of pursuing national interests other than the basic interest of self-defense.” Relying on this assertion, B.G. Ramcharan proposes the need for both a more sophisticated global information network and an international system to analyze and act upon this information. The main focus of such an international system should be not only to react after the fact, but to develop an early-warning system that prevents political, humanitarian, and environmental crises. Crisis prevention is the basis for the early-warning system outlined in Ramcharan’s work.

Currently, the duty of international early-warning is delegated largely to the United Nations. A major problem encountered by the U.N. is developing a successful system of early warning, encompassing all the potential causes of conflict, without contradicting the U.N. doctrine of non-intervention in a nation’s domestic affairs. Conflicts today are increasingly domestic in nature and when there is a denial of human rights, the international community does have the right to intervene in domestic matters to a point. However, this right is limited by the doctrine of non-intervention. Exactly how far international intervention into a nation’s domestic affairs should be permitted is not clear. The author asserts that increasing global interdependence is causing a move away from the concept of state. Therefore, he believes, the reduction of state sovereignty is desirable so that global players can more effectively use early-warning diplomacy to prevent both war and abuses of human dignity.

Ramcharan theorizes that the intertwined nature of today’s problems reduces the effectiveness of piecemeal, individual solutions: If the international community is to develop an effective global watch, the authority of the U.N. must be expanded. In particular, this will require more U.N. power to deal with internal conflicts within nations. Although the author believes the principle of non-intervention remains basically intact, “the exercise of governmental competence comes under increasing scrutiny” and “the areas in which the international community may legitimately interest itself in, and take appropriate action on, are growing.”

The U.N. Charter currently details a framework establishing four sources of early-warning activity and creating “parallel competencies” between them. The four sources include: the General Assembly, the

Security Council, "collective measures," and the Secretary General. With respect to authority, the General Assembly is empowered to consider any questions relating to the maintenance of international peace and security, while the Security Council retains primary responsibility for prompt and effective action. "Collective measures" are to be taken for "the prevention and removal of threats to peace," and the "good offices of the U.N. Secretary General" are to bring matters of importance to the attention of the Security Council. To accomplish this goal, the Secretary has a fact-finding team which is "a small, highly competent crisis-management group of specialist-assessors" that filters large amounts of information and passes it on to the Secretary for decision making. The fact-finding team makes it possible for the Secretary to closely monitor the most critical situations in the world and to employ preventive diplomacy. These four means provide a structure within the U.N. which must be more fully developed if early-warning is to be successful.

The author illustrates numerous preventive diplomacy successes in several areas which provide the reader with insight into the potential of preventive diplomacy and how it is employed. For example, during the Iran/Iraq conflict in 1984, the Secretary General issued messages to both sides on behalf of the international community. The messages condemned the use of chemical weapons and notified both nations that the use of such weapons would not be tolerated by the international community. Subsequently, the use of such weapons was deemed unacceptable. Ramcharan also points out that preventive diplomacy may be applied in humanitarian cases. A Security Council resolution condemned the continued massacres of the oppressed people of South Africa and demanded the prompt and unconditional release of all political prisoners. Such international pressures have dramatically changed the situation in South Africa. Finally, the U.N. has also implemented early-warning action in the environmental context. "Earthwatch," a U.N. organization, monitors potential environmental hazards and determines the condition of natural resources. In 1985, Earthwatch conducted a study of chlorofluorocarbons (CFC) and warned states of the climatic changes that could arise if the governments did not limit CFC emissions. An agreement was reached in 1987 by 24 nations to impose legal limits on CFC emissions.

These examples form the beginning of a framework for dealing with global crisis. Yet, given the rise of global interdependence, Ramcharan calls upon the U.N. and other international organizations to expand their current procedures for early warning and crisis prevention. This expansion, cautions Ramcharan, must develop gradually in order to properly account for the power of political regimes already in

place. Ramcharan also outlines broad principles to direct the actions of the U.N. in devising a more effective international early warning system. If properly structured, he concludes, an early-warning system may well prove instrumental in anticipating and resolving conflicts. However, the U.N.'s resources are limited and an important key to the future success of early-warning activities will involve an increase in U.N. partnerships with regional organizations who can support U.N. efforts.

Ramcharan's book is useful in revealing and raising interest in the potential of early warning systems and preventive diplomacy as it presently exists within the U.N. structure. However, the book provides little in specific workable guidelines. Such guidelines would prove invaluable in pursuing more advanced systems of early-warning. Instead, Ramcharan offers only general guidelines that may be used as overriding principles. Nevertheless, if this book brings about a renewed international commitment to implementing its principles and philosophies, then Ramcharan will have achieved his goal.

ON INTERNAL WAR: AMERICAN AND SOVIET APPROACHES TO THIRD WORLD CLIENTS AND INSURGENTS. By William E. Odom. Durham, North Carolina: Duke University Press, 1992, 271 pp.

Is the cold war really over? Despite the collapse of the Soviet Union, there are a number of third world nations around the globe where U.S. interests in strategic security and promoting democracy remain threatened by the specter of communism. In *On Internal War: American and Soviet Approaches to Third World Clients and Insurgents*, William E. Odom, a retired general and former Director of the National Security Agency, examines and compares past United States and Soviet policies towards third world internal wars. As a road map for future policy, Dr. Odom evaluates the success and failure of the various military, economic, and political efforts employed by both sides in light of five goals for political development: (1) economic growth; (2) social equity; (3) democracy; (4) political stability; and (5) political autonomy. Dr. Odom's overall assessment of modern United States policy towards internal wars is generally positive; however, when examined in its component parts, several aspects of United States policy are demonstrated to have effects different from their objectives. Odom also sounds the call for administrative consolidation as a solution to the sometimes poor coordination of insurgency support functions among executive branch agencies and the military.

Dr. Odom begins with an historical examination of U.S. and Soviet approaches to the support of insurgencies. Internal wars are generally fought within a nation's borders between groups with differing political and philosophical motivations. Often, there are numerous factions that become united to pursue the short term goal of overthrowing the government currently in power. External wars, those fought between two or more nations, are not a focus of Dr. Odom's study. However, the author points out that in some circumstances, internal wars overlap with external wars, complicating and muddying the planning and execution of foreign policy.

Odom examines Soviet policies toward third world insurgencies, tracing them from their Marxist-Leninist theoretical foundations up through the policies of the Gorbachev regime. The initial goals of promoting widespread international class struggle under the Marxist-Leninist ideal were recognized as practically unattainable not long after the Russian revolution. The Soviets then refined their foreign policy to encourage the development of communist "client" states around the globe as part of a long term, piecemeal approach to continuing the revolution worldwide. For the Soviet Union, support for emerging client

states legitimized the continuation of the Soviet system and enhanced its security interests around the globe.

The U.S. policy towards insurgency is examined in light of modern political objectives rather than on philosophical terms. Some scholars and many politicians have justified the United States' support for insurgencies as a means to promote the inalienable rights of third world citizens. However, modern U.S. foreign policy has operated more on notions of promoting democracy and freedom in opposition to the oppression and violation of human rights typically prevalent in third world communist regimes. U.S. policy has primarily looked towards the United Nations and to international law for providing the moral basis for actions aimed at achieving the spread of democracy. As with the Soviet Union, U.S. economic and security interests play a central role in prioritizing where resources and attention will be focused.

Odom moves from his historical review of United States and Soviet policies to an examination of the context in which insurgencies occur. He examines the conditions under which insurgencies arise through economic and political analysis in addition to a review of the governmental, ethnic, religious, and cultural aspects of a nation that form the volatile mix necessary for revolution.

The primary focus of Odom's study is a series of case assessments focusing on El Salvador, Guatemala, the Philippines, the Middle East and Southwest Asia. For each case assessment, Odom examines the economic, social, and cultural conditions in each nation or region, noting important external and historical influences. The motivation and structure of the insurgencies in each nation are explained in detail as well as the policies of the incumbent governments facing each. Odom conducts an assessment for each nation, comparing the prospects for both U.S. and Soviet success through various mechanisms of economic and military support. The reader may be daunted by the tremendous amount of detail contained within these assessments, each replete with facts, names, and policy initiatives. Odom concludes with a series of insightful observations derived from the case assessments, which, though not particularly specific, could serve as a framework for future U.S. foreign policy.

While *On Internal War* was published in April of 1992, much has changed since that time. In the introduction, Odom acknowledges that the break-up of the Soviet Union and the aftermath of the Gulf War necessitate a wait-and-see approach to the issues addressed by his work. However, he notes several important lessons, particularly the lackluster success of economic aid as a catalyst for democracy in the third world and the administrative division of foreign policy functions in the U.S. government that require greater balancing and tighter coor-

dination. These lessons, along with the approach Odom takes to dissecting the causes of internal war, provide a worthwhile study of third world insurgencies and the role U.S. foreign policy should play in the future.

IMPORT AND CUSTOMS LAW HANDBOOK. By Michael J. Horton. New York: Quorum Books, 1992, 291 pp.

“Customs officers are at heart revenue officers. Therefore, it should come as no surprise that the primary tenet of the customs officer is: *protect the revenue*. This rule pervades the thinking of customs officers.” Michael Horton begins this handbook by explaining the history and philosophy of the Customs Service to help importers better understand the laws and regulations with which they must comply and how the decision-making process resolves disputes. This book is intended to provide guidance to importers and employees responsible for Customs clearances and related matters, including how to attain legal compliance and improve communications with customs officials by understanding the important legal aspects of importing. Three basic doctrines must be appreciated to understand the basis of the legal obligations that the Customs Service expects the importer to fulfill: (1) the U.S. Customs Service is a revenue producing agency; (2) importing is a privilege not a right; and (3) the Service assumes voluntary compliance.

The author draws on his extensive customs background, first as a former officer of the U.S. Customs Service and then as an attorney exclusively practicing Customs Law since 1977, to explain the legal aspects of importing in a way that is concise and readily understandable. The book is well written and comprehensive, taking a maze of laws and regulations and presenting them in a manageable and digestible form. Horton explains that the Customs laws and regulations, set forth respectively in approximately 500 pages of Title 19 of the U.S. Code, and Title 19 of the Code of Federal Regulations and comprising 850 pages of text, are essentially lengthy and confusing. He also explains how to obtain a copy. The book is a thoughtful guide through what would be a difficult and intimidating task for most people.

As the preface points out, the book was not written as a “how to” book for becoming an importer, but for the company owner, employee or department responsible for complying with Customs requirements. However, importers of all sizes would also benefit from having this handbook to guide them through the network of laws and regulations with which they must comply. Despite the fact that the vast majority of Customs entries are handled by licensed customs brokers (agents hired by the importer and not a part of the Customs Service), the importer should not be lulled into a false sense of security that the broker will ensure regulatory compliance. It is the ultimate responsibility of the importer to direct the activities of the agent to ensure compliance with the law. Further, it is always the importer who is responsible to the

Customs Service, even for the negligent mistakes of the broker. The principal is expected to provide the agent not only with the correct information, but with all of the information necessary for a legal import entry. Consequently, the burden is on the importer to understand what is required by the Customs laws and regulations.

This burden can present a daunting responsibility for the importer without a basic understanding of the applicable laws and regulations, and can also be very costly if done incorrectly. Ignorance of the law is not permitted as a defense in a Customs civil penalty action, although a plea of inexperience as a mitigating factor may reduce penalties. Penalties for non-compliance can hit a company's bottom line hard and are not tax-deductible. Though violations of Customs requirements are taken very seriously, the Customs Service is a relatively small organization and lacks the staff to police every transaction. As a result, the agency makes the legal assumption that all importers are in voluntary compliance with the law.

The book is divided in two parts: 1) Rules, Procedures, and Laws Every Importer Must Know; and 2) Helpful Things to Know about Importing Merchandise into the United States. Part I focuses on laws and regulations, with special focus on how to determine reportable costs. This is important for avoiding the most frequently imposed penalties, liquidated damages and seizure. Part II explores ways that duty payments can be reduced or avoided altogether and how to obtain refunds. Also addressed are the use of Customs warehouses and foreign trade zones, and how to obtain written rulings from the Customs Service. Part I is a technical analysis whereas Part II draws from the author's experience in the field to give practical advice including practices to hold down costs.

Applicable laws and regulations are quoted in each part for easy reference to specific subjects. Since reportable costs are so critical in the process of importing, two major chapters are dedicated to this area. The book breaks this subject into two manageable subcategories, Classification of Merchandise and Appraisal of Merchandise. The rules are set forth and then explained using easy to understand prior rulings by the Customs Service.

Areas covered by other chapters include Country of Origin Marking Requirements, Recordkeeping and Inspection of Records by Customs, Communications between U.S. Customs and the Importer, and Protection for Trademarks, Trade Names, and Copyrights. However, to keep the book in an easy to use form, several areas are not covered in depth, such as Duty Exemptions, Special Rate Programs and Temporary Importations. However, the author does provide some background on these specific areas and refers to pertinent rules with suggestions for

further investigation of the subjects.

Although the Customs Service also performs compliance services on imported merchandise for approximately 40 other federal agencies, including the FDA and DEA, these relationships are not within the scope of this book. For the importer, these may be the most exasperating and confusing relationships to understand and deal with successfully, but help will not be found here.

Overall, the book is comprehensive and achieves its objectives. As the title aptly points out, it is a handbook, and used as such it can provide answers and understanding, in addition to serving as a guide for discovering questions that should be asked and researched further. Importing can be a lengthy process tying up important company resources. A successful manager should not leave this process solely to the customs broker and chance, but should undertake to fully understand how the Customs Service works. This book will not only help to avoid penalties by explaining how to achieve compliance, but recommends procedures to minimize entry time and to reduce duties.

UNITED NATIONS GENERAL ASSEMBLY RESOLUTIONS IN OUR CHANGING WORLD. By Blaine Sloan. Ardsley-on-Hudson, New York: Transnational Publishers, Inc., 1991, 591 pp.

In *United Nations General Assembly Resolutions In Our Changing World*, Blaine Sloan examines the present and potential roles of the General Assembly of the United Nations in the development of international law. Sloan identifies some of the significant developments in the present international scene: the erosion of the bi-polar world, the strengthening of the European Community, and the shrinking of the globe to a common neighborhood. The result is an improved political climate which fosters a growing awareness of interdependence among nations and of the need for international solutions. These changes offer a unique opportunity to make "improvements . . . in the working of the present international system in general and the United Nations in particular." The author's optimistic predictions on the increasing role of the UN are based on his observation that "[t]he UN is the paramount international organization with a membership now approaching universality. The General Assembly, as the organ in which all Members are represented, has the best claim to represent the international community of States as a whole."

The book begins with an attempt to accurately characterize the nature and function of United Nations General Assembly resolutions. The General Assembly has adopted over 7,000 resolutions on problems of peace and security, and on economic, social and humanitarian concerns. A study of the effects of these resolutions dispels persistent myths that the General Assembly can only make recommendations without legal effect and that the General Assembly lacks lawmaking capacity. The author structures his analysis of the General Assembly's operations by dividing resolutions into three main categories: decisions, recommendations, and declarations.

Decisions are resolutions having binding force or operative effect. Many decisions deal with organizational and other matters internal to the UN, such as budgetary decisions. Other decisions have operative effects outside the UN such as those relating to the administration of territory or the direction of UN economic, social or peacekeeping agencies. By contrast, recommendations do not have such binding force, though they are significant as representations of the will of a majority of nations. They may perform a legitimizing function, protecting a state acting in accordance with a recommendation from charges of illegality or they may also delegitimize contrary action. "The judgment by the General Assembly as a collective world conscience is itself a force external to the individual conscience of any given state." Finally, decla-

rations are assertions of law that either interpret the UN Charter or enunciate principles of general international law and can cover topics such as human rights and foreign investments.

Chapter II offers an analysis of the relationship between General Assembly resolutions and sources of international law. Resolutions gain strength from and contribute to sources of international law such as treaties and international custom. A treaty may authorize the General Assembly to make a recommendation which the parties agree to accept as binding. "With respect to custom, resolutions will declare existing law, crystallize emerging law, be a focal point for future development of a customary rule, or they may create or develop new rules."

Chapter III examines the consequences of General Assembly resolutions and the obligations they create for member states. Even non-binding resolutions have legal and practical consequences. For example, resolutions such as the Universal Declaration of Human Rights have been incorporated into national constitutions and regional treaties. This chapter also discusses a number of factors which influence the practical effects of resolutions and determine whether their provisions will be accepted as law. These factors include the terms and intent of a resolution, voting patterns in support of a resolution, and consistent or conflicting state action in response to a resolution.

In the final chapter of the book, Sloan gives interesting proposals for strengthening the United Nations. "The opportunity exists on three levels of ascending challenge and reward: first, the opportunity under the existing United Nations Charter; second, the opportunity under an amended Charter, but within the present international system of nation-states; and third, the opportunity under an emerging new world system." On the first level, Sloan notes a failure to utilize existing provisions of the UN Charter as sources of international law. Quoting Article 94 (2), regarding judgments of the International Court of Justice:

If any party to a case fails to perform the obligation incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Sloan observes that the lack of political will and the threat of imminent vetoes have prevented enforcement actions under this article. In many cases, treaties and resolutions are effective sources of international obligations.

At the second level, the author suggests specific amendments to the UN Charter that would expand the General Assembly's role in law

determination and enforcement and a more significant legislative function in relation to General Assembly resolutions. Suggested amendments would broaden the jurisdiction of the International Court of Justice and make resolutions to disputes binding on member states. Some of Sloan's ideas could prove more difficult to implement than others. For example, the suggestion concerning the veto power of the Permanent Members of the Security Council will meet strong opposition from the most powerful UN members. Yet Sloan notes that "[i]f . . . we are serious about strengthening the rule of law, the veto must be eliminated or severely restricted."

Finally, the author discusses the possibility of creating a new world system. He notes that much can be accomplished under the present UN Charter, and even more will be accomplished if the Charter is amended. However, the author is aware of the limits to international development inherent in a system of nation-states:

[I]t is an inescapable conclusion that States are prepared to ignore their international obligations when it seems in their national interest to do so. They will also apply a double standard with respect to the actions of other States, depending on their sympathy or lack of sympathy with the country concerned and on their own self-interest. Moreover, there is an understandable reluctance to apply enforcement action on an interstate level except in the gravest circumstances since enforcement may end up as "war" under another name.

Sloan sees a better future if a new world system could be created. He analogizes this process to the creation of a strong federal government in the United States: "leaders of . . . nations from all corners of the globe, have the opportunity to become, if not the Washingtons and Jeffersons, at least the Madisons and Hamiltons of a United Nations of the World." The author predicts that the rewards of establishing a world government will outweigh the difficult process of changing the present international system.

In *United Nations General Assembly Resolutions In Our Changing World*, the author effectively describes the structure of the United Nations and how this structure can accommodate an expanded role in future international law. "With the infrastructure at hand, bold and innovative leadership is necessary to carry us across the threshold into a new world system where the individual, not the State, is the basic unit and peace, justice and the rule of law may have an opportunity to flourish." Sloan convincingly characterizes the present international scene as a "unique opportunity" for increasing international coopera-

tion. However, the question of whether and to what extent world leaders will act on this "window of opportunity" remains open. Developments in international law and the role of the UN are likely to remain significantly limited by member states' reluctance to sacrifice their sovereignty.

