

Noteworthy New Titles

Bibliographical

Oxford Dictionary of American Legal Quotations. By Fred R. Shapiro. New York: Oxford University Press, 1993. Pp. 582 (Cloth). Price: \$49.95. Reviewed by Daniel L. Wade.

Who said, "International law is part of our law"? Where was the word *genocide* coined? What is the source of the "new world order"? What did Alexander Hamilton say about treaties? What are the famous passages in Robert H. Jackson's opening statement at the Nuremberg war crimes trial? The answers to these questions, and many others, about the American literature of international law and countless other legal subjects, can be found in *The Oxford Dictionary of American Legal Quotations*. This welcome addition to the bookshelves of lawyers and law libraries was compiled by Fred R. Shapiro, Associate Librarian for Public Services and Lecturer in Legal Research at Yale Law School.

The *ODALQ* includes over 3,500 quotations by Americans about law and by non-Americans (such as Burke, Tocqueville, and Solzhenitsyn) about American law. The editor attempted to collect the most famous American legal quotations, as well as many others notable for their wit, insight, or historical importance. He has succeeded admirably in this task, producing a volume that is both an invaluable reference work for tracking down legal passages and phrases and an entertaining browse. (Sources include not only Supreme Court opinions and legal treatises, but novels, movies, songs, and even lawyer jokes.)

Legal scholars, students, attorneys, and librarians will be delighted to find that the editor verified the quotes in their original sources and provided *Bluebook* citation form for all of them. The editor has also furnished authoritative annotations explaining the significance or context of quotations when necessary. The book is organized by subject, with the topical arrangement supplemented by a voluminous key-word index and an author index.

It is hoped that the publisher will soon make a paperback version available so that students on a tight budget will be able to add this valuable resource to their personal libraries.

Comparative Law

Under the Shadow of Weimar: Democracy, Law, and Racial Incitement in Six Countries. Edited by Louis Greenspan and Cyril Levitt. Westport, CT: Praeger Press, 1993. Pp. 221 (Cloth). Price: \$55.00. Reviewed by Mark Wiedman.

What can liberal democracies teach one another about suppressing racist political agitation through laws that curb freedom of speech? In this book, Professors Louis Greenspan and Cyril Levitt, both of McMasters University in Canada have compiled reports of practical experience from scholars of six nations — France, England, Germany, Israel, Canada, and the United States — in pursuit of an answer.

Overshadowing the contemporary debate on the use of law to curb racist assaults is the history of the collapse of the Weimar Republic. Levitt places the memory of that democracy's capitulation to racist agitation at the forefront of the reader's thoughts.

Although the six contributing authors — ranging from a French jurist to a British law professor to an Israeli criminologist — touch briefly upon their own divergent normative beliefs, the essays serve best as a catalogue of the history and underlying ideology of each nation's efforts to suppress racist speech. Their accounts reflect the national confines of the six countries' debates, each embedded in the assumptions and fears of its particular milieu. Together, they seem less a dialogue among rapporteurs than a set of dispatches from disparate fronts. The chief merit of the book, then, rests in the opportunity for readers to absorb each perspective and then to assess their respective national debates in comparison. American certitude about the value of absolute freedom of expression, for example, contrasts sharply with French self-assurance of the wisdom of state supervision of citizens' speech. An international lawyer's concluding survey helps to order the reader's understanding of the variation among the six contemporary legal cultures and to highlight the difficulties of facile comparisons among them.

Although the essays' strict focus on legal problems makes the book too technical for the general reader, it offers a rich storehouse of experience for those who would fashion laws restricting free speech — or those who would challenge their efficacy.

Modern Japanese Law. By Hiroshi Oda. London: Butterworths, 1992. Pp. 444 (Cloth). Price: \$68.00. Reviewed by Kenji Yoshino.

The Japanese legal system has been heavily influenced by its European and American counterparts. Far from exerting any reciprocal influence on either of these systems, however, it remains poorly understood outside Japan. Hiroshi Oda, Professor of Japanese Law at the University of London, is a Japanese national well situated to offer a comprehensive survey of Japanese law.

Oda puts forward a number of reasons to study Japanese law. First, he argues that Japanese law is interesting in its own right, both as a synthesis of legal principles from various foreign countries, and as a powerful force in the much-touted modernization of Japan. Second, he states that some institutions of Japanese law — such as alternative dispute resolution and pollution control — may be of practical significance to foreign legislators. Third, he posits that global economic interdependence in general, and the economic ascendancy of Japan in particular, call for a greater understanding of the subject. Finally, he considers the insight Japanese law gives us into Japanese culture, arguing that the law's impact on Japanese society forces us to reconsider the putative conservatism of that culture.

Oda's book succinctly outlines the history, structure, and procedure of the Japanese legal system, then describes various substantive areas of the law, including corporate law, property law, and labor law. While generally more descriptive than prescriptive, the volume does pose and answer interesting questions about the implications of legal syncretism in Japanese law and the correctness of the conventional wisdom about Japanese legal culture (such as the ostensible non-litigiousness of the Japanese).

Oda states that his book is directed at professional scholars of comparative law, practitioners, and students. For any of these groups, it should prove a useful introduction and reference guide to Japanese law.

The Central American Peace Process, 1983-1991: Sheathing Swords, Building Confidence. By Jack Child. Boulder: Lynne Rienner Publishers, 1992. Pp. xiv, 200 (Cloth). Price: \$32.00. Reviewed by Douglas L. Stevick.

Using an analytical framework derived from an emerging literature on measures for peacekeeping, peace verification, and confidence building, Jack Child traces the Central American peace process from the formation of the Contadora group to the signing of the Salvadoran peace accords on December 31, 1991. Child, Professor of Spanish and Latin American Studies at the American University, argues that the peace process was a watershed in Inter-American relations, because it built confidence among the Central American

nations and allotted substantive roles to the United Nations and the Organization of American States (OAS) in the verification of peace accords.

After introducing the basic ideas of peaceful conflict resolution in the Latin American context, Child examines the Contadora process of 1983-87. The Contadora Group, named for the island off the Panamanian coast on which its members first met, consisted of Mexico, Venezuela, Colombia, and Panama. Although the Group's negotiations and draft treaties did not produce an effective and verifiable peace accord, they did build mutual confidence among Central American leaders. The process injected realism into the discussion of peace verification and established the conceptual and legal framework for later negotiations. Child specifically praises Canada, previously detached from the Inter-American system, for its unheralded work on the technical aspects of peace observation and verification.

The body of the work analyzes the Arias/Esquipulas Peace Plan of 1987 and its implementation under the auspices of the United Nations and the OAS. The Arias/Esquipulas Peace Plan, which was signed by the presidents of the five Central American states, called for an end to foreign military assistance to the region and established a time frame for regional demilitarization. The author sees the Esquipulas accord and its successor agreements as the healthy progeny of the Contadora process, with the Central American nations as the protagonists. Child discusses the treaties and the processes by which they were negotiated and implemented. In particular, he examines the specific peacekeeping and confidence-building measures that led to the acceptance of the accords by the five Central American presidents and the region's two major insurgencies, the Salvadoran FMLN and the Nicaraguan *contras*. He also stresses the facilitating roles of the United Nations, the OAS, and third parties like Spain and Canada.

Especially valuable is an extended analysis of the demobilization and repatriation of the *contras* from the months leading up to the Sandinistas' February 1990 electoral defeat to late 1991. Child details the difficulties faced by the International Commission of Support and Verification (CIAV) of the OAS, the agency responsible under the Esquipulas accord for overseeing the reintegration of the *contras* into Nicaraguan society. In particular, because CIAV's legal mandate was to provide for the material needs of the *contras* and report allegations of human rights violations by the Sandinista army to the Chamorro government, the Sandinistas accused it of favoring the *contras*.

The book's final section summarizes the principles of peacekeeping and confidence building that the Central American peace process has helped to develop. It emphasizes the specifically Latin American concept of "zones of peace." The book has four appendices, including the text of the Arias/Esquipulas Peace Accord of August 1987.

Environmental Law

Planning and Environment Law in Queensland. Edited by W.D. Duncan. Sydney: The Federation Press, 1993. Pp. xlii, 405 (Paperback). Price: \$65.00. Reviewed by Jeffrey S. Kinsler.

More than any other policy issue, regulation of the environment causes individuals to reconsider their fundamental political, social, and economic beliefs. Using Queensland, Australia, as a backdrop, this work examines the inherent struggles involved in environmental regulation and planning in a developed nation. The editor, W.D. Duncan, Professor of Law at Queensland University of Technology and Director of the Centre for Commercial and Property Law, provides a deeper understanding of the motivations of governments, politicians, and interest groups in regulating the environment in Australia's "Sunshine State," a state that is often criticized for having an outmoded and ineffective environmental program.

According to the editor, environmental regulation presents a battle of several competing interests. First, there is the traditional conflict between environmentalism and developmentalism. Like their counterparts in the United States, Australian environmentalists advocate stricter government regulation, notwithstanding their deep suspicion of government. Australian developmentalists, on the other hand, are popularly portrayed as greedy, corporate interests, but are more accurately described as those who see resource development as an integral part of economic growth and job creation.

The struggle between environmentalists and developmentalists, the editor argues, is simply the latest chapter in the ancient battle between private ownership of property and government regulation of conduct. This treatise illustrates Australia's attempt to reconcile the inherent conflict between environmentalism and developmentalism, and in particular a middle-ground program the Australians call "sustainable development."

The editor contends that a second barrier to environmental regulation in Australia is federalism. Unlike the federally dominated U.S. regulatory system, Australian environmental regulation was traditionally the sole province of the states. Under the constitutional arrangement of federal and state powers in Australia, all matters not specifically delegated to the federal government are conferred upon the states. During the past two decades, however, the federal government has sought to increase its role in preserving the environment. The Australian judiciary has supported the federal government's quest for control of environmental matters.

The book suggests that the struggle to enact environmental regulation extends beyond the boundaries of individual nations. There is also environmental tension between developing and developed countries. The quest for economic growth by developing nations comes at a time when wealthier

nations are proposing global environmental standards, which may very well limit economic opportunities in the developing world. Ironically, the wealth of the economically stronger nations, in many instances, was derived from the extraction of resources from poorer nations during a period that placed little or no importance on the environmental consequences of industrial, agricultural, and mining activities. Many developing nations perceive global environmental regulation as a program of "do as I say and not as I do."

Australia's environmental problem cannot be fully understood unless it is analyzed in its entirety. To this end, the editor amply characterizes the environmental activities of the Australian federal government, the state and local governments of Queensland, and the Australian judiciary. This book would make a fine addition to the libraries of lawyers, solicitors, and scholars who specialize in international environmental law.

Ethnicity and Conflict

The Ethnic Dimension in International Relations. Edited by Bernard Schechterman and Martin Slann. Westport, CT: Praeger, 1993. Pp. vi, 185 (Cloth). Price: \$35.00. Reviewed by Aaron Xavier Fellmeth.

The ethnic turmoil that characterizes current international relations attests to the need for Bernard Schechterman and Martin Slann's illuminating collection of eleven essays by university professors, doctoral candidates, and lecturers, most in the field of political science. The essays examine a wide range of nationalistic ethnic discord in world affairs, concentrating on separatist movements in particular. In spite of the variety of the contributors' perspectives, they seem to agree at least on the difficulty a people faces in gaining recognition of its right to self-determination, and the injustice of dismissing its claims without serious consideration. A few essays expound international theory only, but most study a particular people. The essays cover the historical separatism and mistreatment of the Miskito Indians, Tibetans, Palestinians, Azeris, black South Africans, Kurds, Ethiopian Eritreans, and the peoples of the Baltic states. Most discussions are fairly brief — between ten and twenty pages long.

The theoretical essays provide some very enlightening perspectives about the role of ethnicity in geopolitics. Bernard Nietschmann's article alone makes the entire book worthwhile. Nietschmann is Professor of Geography at the University of California (Berkeley), and a specialist in geopolitics. After a much-needed clarification in the terminology of "state," "nation," and "country," Nietschmann argues that the world has some five thousand "Fourth World" nations who hold legitimate claim to territory and nationality counter to the hegemonic claims of the established First, Second, and Third World

countries. As an illustrative example of the repressive tactics that hegemonic states typically take toward activist Fourth World nations, Nietschmann discusses the Miskito nation of Central America. He asserts that the Miskito, like many or all of the five thousand nations, have a right to self-determination, notwithstanding Harrison Ford's insinuations to the contrary in the movie *The Mosquito Coast*. To summarize the problem, Nietschmann notes: "Nicaraguans say that the Miskitos are but five percent of the population, who are claiming almost half the country. The Miskito assert that they are 100 percent of the population of their country, two-thirds of which is claimed by Nicaragua, with Honduras claiming the other third." Those who thought that the major problems of native-population claims to land died with the formation of reservations in North America may be surprised to learn that even today states all over the world face continuing, high-technology struggles very similar to those between the original white settlers and the North American Indians. Overall, Nietschmann's chapter provides excellent and sympathetic insight into an indigenous people's struggle against often brutal oppressors.

Each editor also contributed introductory articles about ethno-nationalism. Slann, a professor of political science at Clemson University, briefly discusses the importance of ethno-nationalism in international relations, correctly identifying it as the root of much internal violence and political maneuvering. The introduction seems particularly timely in light of the recent raging debate in *Foreign Affairs* centering around Samuel P. Huntington's *The Clash of Civilizations*, which also emphasizes the importance of ethno-nationalism in geopolitics, only in more sweeping terms. The other editor, Schechterman, is former chair of the Department of Political Science at the University of Miami. He provides a brief and rather involved analysis of the historical treatment (or, more accurately, non-treatment) of ethno-nationalism in U.S. textbooks since the 1950s.

Two articles will be of particular interest to scholars of international law. The first, by Lynn Berat, considers the need for a bill of rights in South Africa and proposes the African Banjul Charter as a culturally appropriate model. The second, by Franke Wilmer, analyzes the history of and prospects for international political activism of indigenous peoples. Wilmer discusses the means of gaining and keeping political power in the international community and the difficulties these means pose for indigenous peoples. She concludes that indigenous peoples may have more success than they formerly had by asserting their "rights" in recognized international legal organizations. Historically, however, this strategy has not benefited too many nations, as evidenced by the experience of the many nations described in the present collection. Thus, the essays collectively tend to impart a sense that the chances for indigenous peoples to gain recognition are, in general, discouraging.

Human Rights

The United Nations and Human Rights: A Critical Appraisal. Edited by Philip Alston. Oxford: Clarendon Press, 1992. Pp. xiii, 765 (Cloth). Price: \$145.00. Reviewed by Bardo Fassbender.

When the International Law Association met in Prague in 1947, Professor Hersch Lauterpacht explained that "the authors of the Charter studiously refrained from endowing the United Nations with coercive powers for enforcing, as a matter of normal procedure, the respect for and observance of human rights." More than forty years later, the global observation of governments' adherence to human rights has become "a matter of normal procedure" for the United Nations. Although many U.N. bodies are entrusted with this task today, "enforcement" is too strong a word for their functions: the collection of reports and urging of compliance with international norms. It is still controversial under which circumstances the Security Council, the only U.N. organ endowed with coercive powers, can treat violations of human rights as a threat to international peace and security under Chapter VII of the U.N. Charter.

The book under review, edited by Professor Philip Alston, the Director of the Centre for International and Public Law at the Australian National University, does not deal with the post-World War II development of substantive international human rights law. Instead, it undertakes to describe "[t]he functions, procedures, and performance of each of the major U.N. organs dealing with human rights matters." It is "a study of institutional arrangements for the promotion and protection of human rights" as established by the United Nations. Therefore, "Manual of U.N. Human Rights Institutions" might have been a more accurate title for this work.

The book first addresses "U.N. Charter-based organs," which are defined as "organs whose establishment may be justified by reference to the provisions of the U.N. Charter": General Assembly, Economic and Social Council, Commission on Human Rights, Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Commission on the Status of Women, and the Security Council. It then examines "organs monitoring treaty compliance" — committees of experts that have been instituted under the provisions of special human rights treaties. Unlike the Charter-based organs, which have a universal mandate, the jurisdiction of these committees is limited to those states that have ratified the particular treaties and specifically have accepted the committee's authority. The last part of the book discusses the role of the U.N. secretariat in protecting human rights, the experience of the International Labour Organisation (should not a similar article have been devoted to UNESCO?), and problems of human rights coordination within the U.N. system. A fairly comprehensive bibliography follows. The reader will

especially appreciate the references to official U.N. documents in the field of human rights, which are not generally indexed elsewhere.

The book is an excellent source of reliable, well-documented, and up-to-date information on the work of the different U.N. institutions. It will also be very helpful for non-governmental human rights organizations that want to influence the work of the various bodies. The editor has been able to assemble a group of highly qualified contributors, most of them legal scholars or diplomats — who in one way or another themselves have contributed to U.N. human rights activities.

On the other hand, this authoritative and encyclopedic character of the work, together with the insider position of its contributors and the "realist" approach most of them choose, result in a certain restraint of originality and imagination. This is certainly not the place to find truly innovative, let alone radical, ideas for the future structure of U.N. human rights mechanisms.

Also missing is a synthesis, drawing conclusions from the descriptions of the various bodies and characterizing their respective roles, relative success, and the different lessons to be learned from their experience. Has, for instance, the fragmentation of human rights issues, as reflected by the many different treaties and committees, been a curse or a blessing? In his introductory remarks, the editor sets out the methodological difficulties of evaluating the achievements and shortcomings of the various bodies, and points to the common failure to specify the criteria being used for such appraisals. Professor Alston is certainly right about the need for further work on appropriate evaluation standards. It seems that his belief in the absence of a sufficient methodology and the fact that the essays "do not . . . share a common framework for evaluation" prevented him from formulating some general insights at the end of the work. So one has to turn to sources outside the book to find such evaluative remarks.

It would have been useful if the volume had addressed the regional human rights institutions in Europe, America, and Africa — not by assigning additional essays to each of them, but rather by analyzing, in a comparative way, their operation and problems of competing jurisdiction and cooperation with the U.N. bodies. The old conflict between "universalism" and "regionalism" in international organization could become increasingly important in the area of human rights protection, especially if universal institutional mechanisms were made more effective. As the U.N. Secretary-General observed in his 1990 report to the General Assembly (U.N.Doc. A/45/1), the recent past "has seen the conversion of human rights from a subsidiary theme of the international discourse to a dominant concern."

The book under review illustrates in detail to what extent governments, since the founding of the United Nations in 1945, could be persuaded to qualify the traditional notions of sovereignty and *domaine réservé* in order to allow international institutions to observe their domestic human rights

performance. At the same time, the book is striking evidence of how far we are still from Lauterpacht's world organization "with coercive powers for enforcing, as a matter of normal procedure, the respect for and observance of human rights."

Development Aid and Human Rights Revisited. By Katarina Tomasevski. London and New York: Pinter Publishers, 1993. Pp. xvii, 223 (Cloth). Price: \$55.00. Reviewed by Xiao-Hong Jing.

The work of Katarina Tomasevski, Senior Research Fellow at the Danish Center of Human Rights, focuses on the human rights aspects of international development aid, the human rights of women, health, and the protection of prisoners. Her first edition of *Development Aid and Human Rights* criticized the international donor community for its failure to link human rights with development aid. Since its publication, virtually all donors have begun to recognize the importance of human rights. This book examines the new linkage of human rights and development aid. It introduces a human rights impact assessment procedure geared to reviewing development aid by human rights criteria.

Exploring the interrelationship between human rights and development aid, the author asserts that, more often than not, the two are dissociated. She further argues that the current donor policies have reinforced this dissociation, treating human rights as a self-contained issue, quite distinct from mainstream development policies and practices. Nevertheless, Tomasevski contends that the donor countries' practice of cutting off aid to governments that violate human rights has proven neither effective nor necessarily beneficial to human rights. She further points out that some development activities have proven negative effects on human rights. For example, large scale industrial projects and development projects involving migration and resettlement usually entail human rights violations unless safeguards are incorporated into their design and implementation. It is, therefore, critical that donors apply human rights standards to their own work rather than simply to the governments of aid-receiving countries.

This book also includes discussions of the role played by the United Nations, development finance agencies, and the European Community in the formulation of aid-giving policies; donors' controversial practice of punishing aid-receiving countries for the sins of their rulers; and possible ways to make the linkage of development aid and human rights work. It should be of great interest to aid agencies, development and human rights organizations, international aid lawyers, and students of development studies.

International Legal Process

Law-Making in the International Community. By Gennady M. Danilenko. Netherlands: Martinus Nijhoff Publishers, 1993. Pp. 343 (Cloth). Price: \$122.00. Reviewed by Michael A. Scodro.

Law-Making in the International Community is the fifteenth book in a series by Martinus Nijhoff Publishers entitled "Developments in International Law." The author, Dr. Gennady M. Danilenko, leads the Center for International Law at the Russian Academy of Sciences' Institute of State and Law.

This book surveys the theory and practice surrounding the formation of international law. The author premises his study on the claim that certain accepted lawmaking procedures are essential to the stability of the international legal framework, and that a rule's legitimacy in the global context is contingent upon its origin in a recognized process, or a "formal source" of law. Unlike many other theorists, Danilenko argues that we should look to the procedural origins of a rule, rather than its substance, as the primary criterion for determining the rule's validity. He thus sees Article 38(1) of the Statute of the International Court of Justice as a comprehensive list of the recognized sources of international law. Defined in this way, the Statute provides the framework for much of the book's discussion. The author devotes several chapters to the investigation of recent trends, in both theory and practice, surrounding each of the sources of law enumerated in Article 38(1). Responding to suggestions that new mechanisms are now in their formative stages as legitimate rulemaking procedures, he then moves on to consider possible additions to the current set of "formal sources." Danilenko seriously questions, however, the viability of most theories that identify these potential new sources of law. Indeed, although each proposed addition to the set of recognized sources would arguably yield certain intuitively appealing results, more subtle, practical concerns frequently render such sources problematic and ultimately unworkable.

Danilenko concludes, nevertheless, with the claim that it *is* possible to create some form of law-generating procedure capable of producing norms accepted universally in the community of states and competent to address a growing number of global problems. He cautions that the development of such a highly consensual mechanism demands that states first alter their notions of sovereignty and give global concerns a higher priority than they do now. The creation of truly universal norms could not precede this dramatic structural change in international relations.

Throughout the book, Danilenko introduces personal theories, defines his claims in light of competing theory, and bolsters them with factual accounts. Given this structure, the work provides a broad survey of the thought and practice surrounding the formation of international law. The author's approach

thus satisfies the needs of the reader eager to explore the concepts and historical experience surrounding international lawmaking procedures.

International Order

The Real World Order: Zones of Peace/Zones of Turmoil. By Max Singer and Aaron Wildavsky. Chatham, New Jersey: Chatham House, 1993. Pp. xvi, 205 (Cloth). Price: \$25.00. Reviewed by James J. Holt.

The authors of this volume present a novel assessment of the post-Cold War world order and offer policy recommendations based upon it. Their assessment leads them to an optimistic view regarding the spread of peace, wealth, and democracy.

Max Singer and Aaron Wildavsky propose that the world should now be seen as divided into zones of peace and prosperity on the one hand, and zones of turmoil and development on the other. The safety and survival of the great democracies does not depend upon what happens in the "turmoil" zones: not only will the stability of democracy in the most powerful nations preclude the possibility of war among them, the superiority of their military power will eliminate the possibility that developments involving other nations will threaten the democracies' survival. As a result, the great democracies may use their influence to augment forces, such as the natural process of economic development and the decline in political legitimacy of nondemocratic regimes, that will serve to bring the rest of the world into the zones of peace and prosperity. The authors take account of the problems posed by nuclear weapons and by instability in Russia, but conclude that peace, wealth, and democracy will continue to spread.

The policy considerations in the second half of the work include a plan to reform the United Nations and a discussion of important questions facing the European Community. The authors advocate a role for the United States as a willing but careful interventionist, and recommend multilateralization of peacekeeping duties. They also urge that policymakers in the great democracies make the degree of democratization an important factor in shaping their dealings with other countries.

The work is an interesting and thorough presentation of an innovative position on the current state of international politics. It lays new groundwork for discussion of the problems faced today by those working in the field.

On Internal War: American & Soviet Approaches to Third World Clients & Insurgents. By William Odom. Durham: Duke U. Press, 1992. Pp. viii, 272 (Cloth). Price: \$29.95. Reviewed by Aaron Xavier Fellmeth.

William Odom wrote this survey of American and Soviet geopolitical ideology and strategy in the Third World when the Soviet Union was still unified and somewhat imperialistic. Although we can now safely contradict his contention that the Soviet Union may still be a major factor in Third World insurgent movements, the book has by no means lost all relevance, at least from a historical perspective.

Lieutenant General Odom served in Vietnam and on the planning staff of U.S. Military Assistance Command, and he is now the Director of National Security Studies at the Hudson Institute and an adjunct professor of political science at Yale University. The book analyzes political, economic, and military techniques of Soviet and American ideological conversion in the Third World in a very sophisticated way. It does not, however, account for cultural and psychological differences between the Third World states and the centers of influence. Odom first argues that the Soviet political conversion technique easily attracted Third World insurgents and leaders, because it imparted stability and political control while allowing short-term economic growth. Certain Third World governments were especially susceptible to this influence because of their political instability. The result has often been internal war of the kind that has characterized much of the Third World over the last fifty years. Odom's main argument is that United States foreign aid to the Third World paradoxically undermines strong government in the face of communist insurgency movements. Governments, he argues, become dependent on the aid and stop collecting taxes and interacting with the populace. Although the overall rate of Soviet success in such internal wars was low, and the success of the United States was high (where we've actually tried), our methods of advancing our ostensible goals of democracy have been counter-productive.

Odom assesses at length four cases of foreign involvement: El Salvador, Guatemala, the Philippines, and the Middle East. For each region he evaluates the socioeconomic factors, history of Soviet or Cuban involvement, and history of U.S. involvement. He advocates that the United States cease intervention in countries unlikely to achieve democracy in the near future, unless they have major strategic importance to the United States.

Odom's most important insights in this book come from his recommendations about future U.S. policy regarding Third World countries. He claims that, historically, where the United States has intervened in internal disputes it has usually done so legally, and where it intervened illegally it was in response to others also having done so. The United States entered into Afghanistan, for example, to counterbalance the Soviet invasion. The point

that must be recognized and openly discussed is that most internal wars in the Third World are much more *external* than they appear on the surface. Cuba's covert sponsorship of communist rebels in Nicaragua serves as one such example. Odom proposes that international law be reformed to account for the external character of these wars and to prevent Marxist-Leninist states from exploiting the law.

Odom identifies five political development goals for the Third World: stability, social equity, economic growth, political autonomy, and democracy. To help achieve these goals, the United States needs to reevaluate its foreign policy. He suggests that, to protect nations from outside communist interference, the United States must choose between directly attacking external intervenors like Cuba, or withdrawing early to let the client state struggle alone. He emphasizes that the United States cut foreign aid to help foster Third World autonomy. If the government does not tax the people, insurgent groups will. He perceptively observes that "a government that does not raise its own revenue is not a real government." He also advocates that the Third World effect land reform and keep a strong and busy military that combats insurrections and keeps out of politics. Such reforms might temporarily entail direct U.S. rule of the client state in order to achieve land redistribution, law and order, and democratic reforms. Odom is not bothered by this seemingly drastic measure, for "there is much to be said for a period of authoritarianism in sponsoring the preconditions for democracy." Economically, he proposes that the United States provide debt relief and lower trade tariffs to revitalize the Third World economies.

The book concludes with a convincing condemnation of current U.S. foreign policy. Although ideally "we should eschew involvement in internal wars entirely," it is often pragmatically necessary to intervene. Where we do intervene, we need to identify regions of strategic importance, like Central America, the Middle East, and perhaps the Philippines and Thailand. The means of influence should not be economic aid, but rather real reforms and maybe training in counter-insurgency tactics. Odom believes that democratic military training can strengthen the democratic resolve of military leaders. The currently popular "low intensity conflict" strategy encourages a limited military technical approach to what are essentially political problems. Politics supplies a better weapon against politics — to expose the communist connections with internal insurgents to the world through the media might cause international pressure to discourage the communist country's intervention. Where the military must be involved, its presence should be narrow, but it should be ready for fast and decisive action. The overall message of the book is that military, economic, and political approaches to problems of internal war in the Third World must be advanced separately, not amalgamated as a panacea for all societies under any circumstances. And despite the fact that the relevance of Odom's treatment of the Soviet Union is mainly of

only historical interest, his reminder is well taken that, just as civil wars are rarely civil, internal wars — especially in Third World countries — are seldom purely internal.

International Organizations

The Challenging Role of the UN Secretary-General: Making "The Most Impossible Job in the World" Possible. Edited by Benjamin Rivlin and Leon Gordenker. Connecticut: Praeger Publishers, 1993. Pp. xvi, 301 (Cloth). Price: \$59.95. Reviewed by Kevin S. Chou.

The Ralph Bunche Institute on the United Nations convened a conference in September 1991 to examine how the role of the U.N. Secretary-General has changed with recent political developments in the international community. Benjamin Rivlin, the Director of the Ralph Bunche Institute, and Leon Gordenker, Senior Fellow of the Institute, produced this compilation of fifteen papers presented at the timely conference. The wide spectrum of contributors to this work include university professors, directors of major research institutes studying international organizations, and former U.N. officers, including Sir Brian Urquhart, former Undersecretary-General of the United Nations.

The Secretary-General's role in world politics has been limited throughout the history of the United Nations. The U.N. Charter espouses two conflicting roles for the Secretary-General. On the one hand, the Secretary-General acts as an independent agent representing the Secretariat, one of the five major organs of the United Nations. On the other hand, the Secretary-General serves as the representative of the other organs of the United Nations, particularly the Security Council and the General Assembly, which are dominated by various political factions. Thus, throughout the Cold War era, the major powers' inability and unwillingness to cooperate limited the role of the Secretary-General and the United Nations in affairs of the international community and hindered the Secretary-General's ability to act on those matters. The Secretary-General acted mostly as a "face-saver," helping disputing states resolve conflicts without losing face before the international community. With the end of the Cold War era, however, the international community is now calling upon the Secretary-General to take a larger role in world affairs, as Javier Perez de Cuellar did during the Persian Gulf crisis. Now more than ever a mediator, conciliator, peacekeeper, and peacemaker, the Secretary-General must lead and take initiatives, but still must do so with caution and restraint.

The fifteen essays in this volume provide a comprehensive look at this multifaceted role of the Secretary-General and explore how that role must

expand and adapt to the international conditions created by the end of the Cold War era. Although economic and social issues make up much of the United Nations' current agenda, this book, with the exception of three essays, focuses on the political and administrative functions of the Secretary-General. The essays are organized into five sections, including those on the Secretary-General's role in the world political arena, in managing and improving the United Nations, and in advancing and maintaining peace and stability. The section of the book on the Secretary-General's role in advancing and maintaining peace is especially interesting, as it presents four essays examining the limitations of the Secretary-General's powers in resolving international security disputes in the Middle East, Central America, South Africa, and Cyprus during the Cold War era. This section stands in stark contrast to, yet provides the basis for, the rest of the book, which seems to take pains to justify expansion of the Secretary-General's role.

The work concludes with a look at the future prospects for the U.N. Secretary-General position. In the final essay, Gordenker explores the potentials for the Secretary-General's role in the international community. While acknowledging the Secretary-General's newly extended leadership in the post-Cold War world, Gordenker points out that numerous barriers still exist to the effective utilization of the Secretary-General position in world affairs. This book takes a step towards defining and outlining the role of the Secretary-General and effectively points out the limitations to that role. Perhaps with a better understanding of the position and its limitations, as this work comprehensively provides, more effort will be taken in the future to make the Secretary-General a more influential figure in world politics.

Reforming the United Nations: The Challenge of Relevance. By K.P. Saksena. Newbury Park, CA: Sage Publications, 1993. Pp. 271 (Cloth). Price: \$25.00. Reviewed by Aaron Xavier Fellmeth.

The title of this book is deceptive: it should have been called *United Nations and the United States: United to Exploit Developing Countries*. Although its five chapters each treat relatively diverse subjects, the recurrent theme is the trivialization of the United Nations as a mechanism for promoting the economic and technological advancement of developing countries, and as an instrument for furthering the political and economic agendas of the developed countries. K.P. Saksena, a member of the Indian Delegation and an official in the U.N. Secretariat, wrote this study for the Indian Council for Research on International Economic Relations (ICRIER).

The first third of the book describes the historical tendency of the major economic powers to enervate the economic role of the United Nations by manipulating its budget. Saksena argues that these powers' persistent calls for

budgetary reforms vastly exaggerate the United Nations' fiscal problems, and disguise the ulterior motive of economically exploiting developing countries. Thus, while developing countries use their superior voting power to institute economic and technological programs, developed countries, claiming that the United Nations already wastes too much money with its inefficient bureaucracy, use their superior economic power to deny these programs funding. Saksena provides evidence that the United States is a particularly flagrant offender in this area, since it alone controls twenty-five percent of the United Nations' budget and tends to oppose a unanimous General Assembly on many economic issues. The stalemate that typically results supplies many commentators with ammunition for their charges that the United Nations is irrelevant. As an observer from a developing country, Saksena communicates the fear and distrust among such countries that the United Nations represents nothing more than a tool of the manipulative United States. The rest of the book outlines the functions and the financial skeleton of the major economic and social programs of the United Nations. Saksena concludes with a lengthy defense of the possibilities of the United Nations as a forum for economic negotiations, and some proposals about how to give the United Nations more autonomy. He points out, however, that the ability of the United Nations to make itself relevant to international economic relations depends heavily on the participation and will of the member nations.

Some might find the book to be stylistically too unfocused. Yet, it does provide a wealth of information about the United Nation's sumptuary activities and presents some useful insight into the realities of its internal politics. The author assumes that the reader already has some knowledge about the activities and structure of the United Nations; his level of specificity and detail are considerable. The book also contains many handy references, including the full text of the U.N. Charter, a list of member-states, a brief outline of the 1992-93 budget appropriations, and a list of the dreaded and fulsome acronyms in use at the United Nations.

International Trade

Sizing Up U.S. Export Disincentives. By J. David Richardson. Washington, D.C.: Institute for International Economics, 1993. Pp. xii, 182 (Paperback). Price: \$21.95. Reviewed by Paul Robinson.

This work by J. David Richardson, Professor of Economics at Syracuse University and Visiting Fellow at the Institute for International Economics, provides a comprehensive quantitative analysis of the effects of government-imposed disincentives on U.S. exports. A disincentive is an intentional action or failure to act by the government that ultimately hinders U.S. exports. The

book is particularly timely given the increased public focus on exports and trade resulting from the recent NAFTA debates.

After discussing the nature and importance of export disincentives (XDs), Richardson uses three different methods to analyze and quantify their effects. First, he conducts a wide survey on U.S. export policy among academic, government, and private sector experts, who describe different export disincentives and their effects. Second, he constructs several industry simulations and then analyzes the effects of different XDs. Third, he performs a multiple regression analysis of U.S. exports across many countries. This analysis computes the ideal level of exports given complete free trade, compares this to actual exports, and ascribes a percentage of the difference to the effect of export disincentives. The conclusions of the different analyses are largely consistent. All studies showed that export controls and sanctions account for the most lost exports, while inadequate export financing is a moderate XD, and taxes, regulations, and other cost-increasing XDs have relatively little effect. The experts surveyed misjudged the actual quantitative effect of each disincentive (overvaluing the effect of taxes and regulation in particular), but correctly estimated the order of importance. The regression analysis revealed an unexpected correlation between exports and some policies that are thought to be purely domestic. Richardson concludes that inadequacies in education and labor policies can be indirect but important export disincentives.

Richardson finds that XDs as a whole have serious economic costs for the United States — an estimated total of between \$4.6 and \$29.5 billion in 1989 alone, with annual costs increasing in the 1990s. These costs are borne disproportionately by high-technology industries, which often face export controls on the new and sophisticated products in highest demand.

The most concrete recommendation that Richardson makes as a result of this study is for an increase in official U.S. export financing. U.S. firms face severe disadvantages, compared to foreign rivals, in obtaining financing for some types of projects. This results in a significant amount of lost exports.

Richardson admits that some XDs, especially national security export controls, have benefits that he did not consider in this study. Nevertheless, his conclusions are important because policymakers need to be aware of the full costs of export disincentives as exports become increasingly important to the U.S. economy.

Reconcilable Differences? United States-Japan Economic Conflict. By C. Fred Bergsten and Marcus Noland. Washington, D.C.: Institute for International Economics, 1993. Pp. ix, 286 (Paperback). Price: \$19.95. Reviewed by Mark Wickersham.

Are the United States and Japan on a collision course? Or will economic tensions between the two superpowers ease in the near future? Fred Bergsten, Director of the Institute for International Economics and Chairman of the Competitiveness Policy Council, and Marcus Noland, currently Senior Economist for the Council of Economic Advisers, explore the likelihood of these two scenarios in this recent work, which analyzes the underlying causes of, and offers solutions to resolve, the conflict. They conclude both countries bear the burden of resolving the conflict that resulted from success in their fundamentally different post-World War II economic goals: for the United States "to create the world's greatest consumer society" and for Japan "to create a production machine."

The authors explore in considerable detail the history, issues, and causes of the conflict. They then propose a four-part strategy, with short- and long-term components, designed to resolve it. The first addresses trade imbalances, suggesting that the countries take a series of macroeconomic steps to lower their global current account imbalances to less than one to two percent of their gross domestic products. The United States would need to reduce its budget deficit and support its domestic competitiveness, and Japan would need to stimulate its annual domestic demand growth to almost four percent. The long-term goal of this first part is to prevent another cycle of macroeconomic imbalances.

The authors view part two of their strategy as the most promising method of solving the underlying causes of the conflict. It proposes a series of Structural Convergence Talks to quicken the pace of the convergence of the countries' structural differences that the authors claim is already occurring. They want short-term priorities of the talks to address, for example, the American education system and tax incentives to promote private saving and investment, as well as Japanese shareholder rights and products liability law.

Part three calls for sector-specific negotiations to overcome the hurdles individual industries and products face. The resolution of these negotiations should eliminate the practices in each country that impede bilateral trade. Options include the Japanese cartels' acceptance of competitive American companies as members, as well as temporary Voluntary Import Expansions to aid competent foreign company access to somewhat closed markets.

The fourth part of the authors' strategy recognizes that the past unilateral U.S. leadership of the world economy should be replaced by a collective leadership, shared by the United States and Japan. Bergsten and Noland recommend several key steps to begin the collaboration, including the

adoption of target zones to reform the international monetary system and the institution of a "GATT for investment" to cover the international investment problems not yet addressed by the GATT and other international agreements.

This comprehensive study of the macroeconomic and microeconomic causes of the existing conflict sheds light on the major issues involved: imbalances of trade, both bilateral and global; the countries' significant structural differences; access problems in a wide range of sectors; exchange rate and other policies; and the responsibilities each country has in the global economic system at large. Bergsten and Noland suggest that the new U.S.-Japan trade negotiations, begun in the summer of 1993, after *Reconcilable Differences?* was published, should address all of these issues.

Pacific Dynamism and the International Economic System. Edited by C. Fred Bergsten and Marcus Noland. Washington, DC: Institute for International Economics, 1993. Pp. xiv, 402 (Paperback). Price: \$25.00. Reviewed by Alan G. Cannon.

This work assembles the papers presented at the 20th Pacific Trade and Development Conference, which was sponsored by the Institute for International Economics. The Institute, based in Washington, D.C., is a non-profit organization dedicated to furthering research and debate about international economic policy. Although the Institute receives the majority of its funding from sources within the United States, one of its main goals, successfully realized in this publication, is to encourage and present economic commentary from throughout the Pacific region. *Pacific Dynamism* represents scholarly work from several nations, including Australia, Japan, Singapore, South Korea, and the United States. It addresses how the growing economies of the Asia-Pacific region will fit into the global trading system.

The first three papers attempt a survey of current trends in international trade. Their broad-ranging nature and adoption of differing terminologies at times threaten the collection's sense of cohesiveness. However, given the pace of current trade developments this broad scope reflects more the ongoing search for meaningful trade theory in the face of competing analytic approaches rather than any editorial failing. Indeed, early exposure to these competing approaches allows the reader to reach a more independent evaluation of the other, more narrowly focused papers. For example, the third piece, by Soogil Young, serves as a bridge to the rest of the collection by bringing into focus the question of whether regional trade groups promote or hinder free international trade.

Young's piece is followed by papers examining regional arrangements in Europe, North America, and the Pacific. They reveal the concern of scholars over how further development of the European Community and America's

involvement in the North American Free Trade Agreement (NAFTA) will affect expanding trade in the Pacific Basin. With the passage of NAFTA by the U.S. Congress, the discussion of whether NAFTA will prove to be a natural, trade-enhancing regional bloc or become a closed, trade-restricting reactive grouping remains timely. An interesting paper by Lee Tsao Yuan and Chia Siow Yue, both of the National University of Singapore, analyzes subregional economic zones (SREZs) within the Asia-Pacific region. Their case studies of the Singapore-Johor-Riau and Hong Kong-South China-Taiwan economic SREZs contribute to a more detailed understanding of the dynamic, private sector-driven nature of emerging Asian trade relationships alluded to in earlier papers.

The remainder of the collection also focuses on specific topics of importance in the Pacific region. Discussions of the pattern of direct investment in the region, the importance of the yen in international trade, worker migration, environmentalism and trade, and the post-Cold War Pacific security order all serve to flesh out the reader's understanding of trade issues in the region and justify the volume's "Pacific" billing.

