
Book Reviews

Brownlie, Ian (ed.), *Basic Documents in International Law*. 5th ed. Oxford: Oxford University Press, 2002. Pp. 354, £19.99 paperback.

Printed collections of documents should soon be a thing of the past in the era of the world wide web and beyond. But for at least a few more years student-driven demand for accessible paper versions, combined with the prescription of texts for courses, will keep the supply flowing.

When Brownlie's collection of *Basic Documents* was first published, in 1967, it had rather few competitors and certainly no electronic ones. It was widely used and much appreciated by students and teachers alike. But the fifth edition of the collection, published in May 2002, has many competitors. So if it is to be worth buying, it needs to be able to satisfy a reasonably demanding set of tests in terms of the timeliness, coverage and representativeness of the documents chosen. Unfortunately, this new edition is but a sad remnant of the past. It is chronically out of date. It omits some of the key documents that, by any reckoning, would need to be included and it does not make even a token nod in the direction of 'newfangled' areas of international law which have enjoyed major prominence in the past 20 years or more. Thus, for example, there is not a single document dealing with trade, international financial law or institutions, the environment, or transnational corporations. And this, despite the fact that the whole of Part 2 is devoted to the law of the sea and Part 3 to the law of outer space.

Part 1 is entitled 'International Organizations' and consists of five documents. The first is the UN Charter, which is introduced by a note informing the reader that 'Judicial interpretation of the Charter by the Inter-

national Court of Justice has occurred' in a series of listed cases. They date from the *Reparations* case of 1949 through to the *Namibia* case of 1971. The implication of this information would seem to be that the Court has not had occasion to interpret the Charter in the intervening 31 years. For information on the work of the UN, the reader is referred to the *Year-book [sic] of the United Nations* and the *UN Chronicle*, both of which were useful references a decade or so ago but have now lost most of their utility other than for members of the general public seeking some general guidance in their local libraries. The 1999 volume of the *Yearbook* was published in 2002. In fairness, a web address is also given for the UN (although not for the *UN Chronicle* which is available online), but no information is given as to the documentary resources available thereat. The third document in this part is entitled 'Statement of the four sponsoring powers on voting procedure in the Security Council'. No explanation is given as to the provenance or the date of this document, as to its significance or status, nor indeed as to its relevance more than 50 years after its adoption.

The section on international organizations is then completed with two other documents. The first is the constitution of the ILO; as the only international organization constitution to be included, this is a choice which is at least questionable in the twenty-first century. The constitutional documents of the World Bank, the IMF or the WTO might have been rather more useful. Several references to the ILO are cited by the author, but the most recent of them was published in 1979.

The final document in this section is the 1963 Charter of the Organization of African Unity. The introductory narrative informs the reader that 'events concerning Guatemala in 1953 and Cuba in 1962 highlighted the

problem of defining the limits of regional action purporting to maintain international peace and security, and the relations of regional organizations with the Security Council'. Given the number of issues of this very type that have arisen in relation to Africa itself in the past decade, the use of two examples from more than 40 years ago and from another continent is simply inexcusable. A reference to NATO and Kosovo might also not have gone astray. But the real *coup de grace* is the inclusion of the following statement:

In 2001 the Member States of the OAU declared their intention to replace the organization with a new body, to be called the African Union, the constituents of which are to be the subject of future agreement.

In fact the 'Constitutive Act' of the African Union entered into force in May 2001 and replaced the OAU Charter, although it was agreed at the time that the latter would remain operative for a transitional period until July 2002. The document collection thus offers the reader an obsolete Charter and not even a citation for its replacement. This is in keeping with referring readers interested in regional organizations to Kelsen's 1950 tome *Law of the United Nations* and Beckett's 1950 volume entitled *The North Atlantic Treaty, the Brussels Treaty and the Charter of the United Nations*. Again, in fairness, a third reference has been added. It is to the 5th edition of Bowett's *The Law of International Institutions*, published in 2001.

Part 6 of the collection deals with 'Human Rights and Self-determination'. Apart from the component parts of the International Bill of Human Rights, the only UN treaty reproduced is the Convention of the Elimination of All Forms of Racial Discrimination. The reader is not informed of the reasons for this choice, although it is tempting to speculate that its privileged position is due to its being the only one of the major treaties which came into force before 1970 and thus in time for the

early editions of this collection. Even leaving aside the two International Human Rights Covenants, the Convention on the Rights of the Child, in view of its almost universal ratification, or the Convention on the Elimination of All Forms of Discrimination against Women, given the centrality of gender issues in today's human rights domain, would both seem to have stronger claims for inclusion in a twenty-first century collection. Despite the plethora of recent important works published on the Universal Declaration of Human Rights, the only post-1958 reference given is to Brownlie and Goodwin-Gill, *Basic Documents on Human Rights* (2002). Only one reference work is cited in relation to the International Covenants on Human Rights and that is Louis Henkin's 1981 volume on the Covenant on Civil and Political Rights. Of the European regional candidates for inclusion in the collection, only the European Convention on Human Rights and relevant Protocols are included, with no reference being made to even the European Social Charter, the European Union's Charter of Fundamental Rights, or any of the OSCE documents.

The final part of the Collection, dealing with 'Responsibility for Serious Violations of International Humanitarian Law', contains only the 1993 Statute of the International Criminal Tribunal for the Former Yugoslavia. No reference is made to the Statute of the International Criminal Tribunal for Rwanda let alone to the Rome Statute of the International Criminal Court which had entered into force even before most readers will see this book. The only saving grace of the collection comes as a result of the inclusion of the up-to-date set of Articles on State Responsibility, adopted by the International Law Commission in 2001.

In general, it is difficult to comprehend how such a distinguished author and such a discerning publisher could have inflicted such an outdated collection on the academic market.

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