theoretical statements are invariably accompanied by clarifying examples.

This reviewer cannot resist the temptation to prove her thoroughness by mentioning a few minor points on which she disagrees with the author. Prof. Franck uses the term 'exterritoriality' in the context of immunities (p. 36), but this term was based on a fiction and has practically been discarded. The 1951 Fisheries case (p. 53) dealt with the territorial sea and not with the continental shelf. The author seems to assume that the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities offers autonomy to minority groups (p. 162), but the text only ensures those groups the preservation of their identity without granting them autonomy. These minor remarks are not intended to detract from the great value of the book.

To conclude, Professor Thomas Franck has written a masterpiece, a modern classic of international law.

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because states with other priorities would accept it in order to get the clauses they wanted.

Dr. Kontou writes clearly and rather elegantly. There is so much bad prose assaulting the reader of international law publications that it is a pleasure to read straightforward declarative sentences without entangling clauses. In the best tradition of British international law it is lucid and understandable — and mercifully condensed. It also has some of the limitations of the British tradition. The view it takes of custom is rather old-fashioned. One finds no reference to the works of such authors as David Kennedy and Martii Koskenniemi who have tested the rhetoric of customary law and found it inadequate to explain why and when a customary rule is binding. An infusion of that scepticism would have made the book more realistic, though probably less readable.

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Harvard Law School


This collection of essays by prominent academics and practitioners worldwide is one of the first surveys in print of the many substantive and procedural issues raised by the Security Council's establishment in May 1993 of an ad hoc Tribunal to judge crimes committed in the former Yugoslavia. These essays, all completed between late 1994 and early 1995, present a useful starting point for those interested in the growing field of international criminal law.1 Those looking for more philosophical analyses or for a full-fledged critique of the Balkan tribunal will be disappointed, however. The authors here are, with a couple of exceptions, advocates for internationalized war crimes proceedings and the glimmering goal of a permanent international criminal court. They applaud the creation of the Tribunal, seeing it as the forerunner of a permanent court and a worthy successor to Nuremberg. The challenges facing it are regarded as amenable to innovative, lawyerly solutions. Readers aware of continuing breaches of international humanitarian law in the former Yugoslavia and, through 1996, of the failure of virtually all involved to comply with those aspects of the Dayton Accords requiring cooperation with the investigation and prosecution of war crimes, will surely be less sanguine about the Tribunal's prospects.

Those familiar with the not entirely consistent interpretations of the Security Council's powers rendered by the trial and appellate judges in the course of the Tribunal's first trial2 will be neither surprised nor enlightened by the inconsistent rationales advanced here to justify the legality of the establishment of that Tribunal under the UN Charter. In this volume, Roman A. Kolodkin argues that the general and specific powers of the Security Council under UN Charter Articles 24, 25, and 41 (but not Article 29 on the establishment of subsidiary bodies) authorizes the creation of an ad hoc (but not a permanent) international criminal court. He further contends that such bodies cannot be created by the General Assembly under any circumstances (despite its creation of the UN Administrative Tribunal) or by the Council pursuant to an 'enforcement action' under Chapter VII (pp. 385-395). Kenneth S.

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1 Both the original journal format and the hard-bound published version contain handy appendices with some of the foundational documents for the Tribunal, including basic Security Council resolutions and the Statute and Rules of the tribunal. Page references in this review refer to the journal edition.
2 Dusko Tadic, Case No. IT-94-1-T, August 10 1995 (Trial Chamber); Dusko Tadic, Case No. IT-94-1-AR72, October 2 1995 (Appellate Chamber).