

## Book Reviews

should be studied closely by decision-makers who deliberate on possible modalities for regional cooperation in managing freshwater or other shared resources in other parts of the world. Another article dealing with international cooperation in managing resources (Barbara Kwiatkowska and Alfred H.A. Soons) examines emerging global and regional principles concerning the trans-boundary movement and disposal of hazardous wastes. Two other articles discuss the important issues of intercountry adoption (J.H.A. van Loon) and the concept of reciprocity in the relations between the EEC and third states (M.H. Touiti).

The second part of this Yearbook carries yearly reports on the activities of international law institutions located in The Hague, namely, the International Court of Justice, The Iran-United States Claims Tribunal, the Permanent Court of Arbitration, and the Hague Conference on Private International Law. These reports, covering the period of 1991-92, provide a good overview of the activities of these institutions. Of particular interest is the report on efforts made (and early indications of their success) to increase international awareness of the work of the PCA. Indeed, the report on the activities of the Secretary-General of the PCA attests to the growing effectiveness of the PCA in giving effect to arbitration clauses in international agreements, as well as to the potential for further development in this context.

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Meissner, Boris, Dieter Blumenwitz and Gilbert Gornig (eds.). *Das Potsdamer Abkommen. III. Teil: Rückblick nach 50 Jahren*. Wien: Wilhelm Braumüller, 1996. Pp. 243.

In this third volume of a series on the topic initiated in 1977, the editors aim to present a final evaluation of the Potsdam Agreements on Germany and to offer an outlook on the creation of a European order of peace and the rule of law. The book's perspective of the past, however, is rather one-sided. Of course, there is much to reproach the Allied Powers for, namely their failure to resist the violent expulsion of hundreds of thousands

of Germans from their home lands. But the contributors do not find it necessary to contemplate the relationship between Potsdam and the preceding aggression by Nazi Germany and the atrocities committed during the War. Otto Kimminich's contribution sympathetically analyses the British and US positions at Potsdam, but does not even seek to understand the Czech and Polish viewpoints. Horst Glassl even diminishes the declaration made in the 1960s by the Polish bishops, who generously professed their readiness to reconciliation. Burkhard Schöbener manages to write an article about the Dachau trials – the equivalent to Nuremberg for the personnel of the Dachau concentration camp – with only bare mention of the criminal character of the camp as such and the atrocities committed there by the defendants. Instead, he squabbles over the punishment of the Dachau personnel for participation in 'common design' and 'conspiracy' and insinuates that the Dachau guards were – innocent? – '*kleine Leute*', 'ordinary people'. The articles on the Far East show considerable sympathy with Korea, but limit their treatment of the Japanese case to the Kuril isles.

The promised outlook falls rather short. Several authors recognize the final character of the German-Polish border after the conclusion of the 2 + 4-treaty and the German-Polish treaty of 1990, but Bernhard Kempen believes it necessary to add the possibility of its 'peaceful change'. In a contribution filled with pseudo-technical vocabulary, Jürgen Schwarz hopes for the benefits of 'interlocking organizations' in the new European 'security architecture'. One can only hope that the European future will be based on a deeper understanding of European history than that professed in this volume.

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Martin, Stephen (ed.). *The Construction of Europe – Essays in Honour of Emile Noël*. Dordrecht, Boston, London: Kluwer Academic Publishers, 1994. Pp. xvii, 270. Index. Dfl 180; \$108; £72.

It is a difficult task to assess a collection of essays that have not much more in common

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than their dedication to Emile Noël, as a long-time Executive Secretary of the EEC Commission and later head of the European University Institute in Florence, one of the grand *maîtres* of European integration. Taken together, however, the fourteen contributions, whose authors all crossed Noël's path at some point in their career, seem like a cubist picture of European Community politics since the 1950s. In a way, they provide a full picture, but one whose parts do not form a coherent, frictionless whole. Out of this grows the particular strength of the book. Even the long-term EC observer will have gained many new and thought-provoking insights on the theory and practice of European integration after having read *The Construction of Europe*, including the essays by Werner Abelshauser and Richard Griffiths on the importance of the political considerations for a closer cooperation within Western Europe in the 1950s; the discussion by Stephen Martin and Andrew Evan as well as by Stuart Holland of the role of the structural funds for regional and social cohesion in the Community; the accounts by Renaud Dehousse and Giandomenico Majone, Roger Morgan and Thomas Christiansen, Jean Blondel, and Domenico Mario Nuti of the institutional and structural challenges which the EC has encountered since the Single European Act; the application of a game-theoretic model by Louis Philips for assessing the Commission's competition policy in respect to instances of price parallelism; and, last but not least, the overviews presented by Jürgen Schwarze, Francis Snyder and Yota Kravaritou on various aspects of European law. The volume is complemented by two brief reviews of Noël's achievements in his functions as Executive Secretary of the Commission and Director of the European University Institute by Klaus Meyer and Marcello Buzonetti.

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Delbrück, Jost (ed.), *Allocation of Law Enforcement Authority in the International System. Proceedings of an International Symposium of the Kiel Institute of Interna-*

*tional Law. March 23-25, 1994.* Berlin: Duncker & Humblot, 1995. Pp. 198.

The very topic of this Kiel Symposium presupposes a 'from the top to the bottom' view of international law – a centralized international law distributing enforcement competences rather than a weak international order built by consensual arrangements and customs. In such a view of the international system, the United Nations embodies the 'organized world community'. The contributions to this volume accordingly focus on the law of the UN Charter, its 'allocation' of competences among the Security Council (Chapter VII), 'regional arrangements' (Chapter VIII) and collective self-defence (Art. 51). Professor Paul Szasz advocates a strong Security Council, without the limiting effects of checks and balances being imposed by a body such as an International Court of Justice reviewing its decisions. Professor Fred Morrison sees regional organizations as 'significant actors', but supports the Security Council remaining in charge of military interventions. In contrast, Professor Klaus Dicke believes in the larger capacities of regional organizations. In a thoughtful article, Professor Torsten Stein analyses the role of the state in such a system as being between an agent of the system as decentralized law enforcer and a self-interested defender of individual interests. Professor Delbrück argues – in a way which he himself refers to as reaching 'the borderline between sober analysis and "imaginative daydreaming"' – that 'global threats to the survival of "Space Ship Earth"' were transforming international law into 'World Internal Law (*Weltinnenrecht*)'. Not surprisingly, not all of the participants at the Symposium, especially those from the United States, shared his optimism. As Professor Mary Ellen O'Connell put it: '[T]he ability or the chance of having a truly progressive, community-oriented response to violations of the most important rule of international law, Article 2 (4) of the UN Charter, has not changed as much for states as might have been, at one time, hoped.'

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