
Book Reviews

Packer, Corinne A. A. *The Right to Reproductive Choice: A Study in International Law*. Turku, Abo: Abo Akademi University, Institute for Human Rights, 1996. Pp. x, 213.

The abundance of literature dealing with reproductive rights issues bears witness to the considerable importance of the subject. Given that it is linked with issues relating to women, equality and public health, and also to the most intimate and emotional spheres of human life, an appropriate treatment has become a complex task. The author gives a very limpid overview, covering different aspects of the topic in seven chapters. Starting with the definition, understanding and sources of the right to reproductive choice, the author goes through its scope and the possibilities for full realization to show by what means respect of this right should be secured. The study is completed by a number of useful and easy to consult tables and appendices.

Although the author does consider sources that are not legally binding, she clearly prefers to base her analysis and reflections on human rights treaties that are binding for parties, e.g. the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights, the Convention to Eliminate All Forms of Discrimination against Women (Women's Convention) and the Convention on the Rights of the Child. In principle, one cannot take issue with this approach. However, it occasionally leads the author to regrettable conclusions. Such is the case, for instance, when she excludes infertility treatment from the scope of the right to reproductive choice, stating somewhat surprisingly that obliging states to make medically-assisted procreation methods available would be similar to obliging states to make supersonic jet planes available to enable free-

dom of movement (at 48). It is this reviewer's opinion that this is contrary to the definition of health given in the Constitution of the World Health Organization, according to which '[h]ealth is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being...'. The argument that the treatment of infertility is more recent than the UNHDR (1984), the ICCPR (1966) or the Women's Convention (1979) and is thus not included in the right to found a family (at 46-47) seems to be difficult to sustain if one bears in mind the tendency of newer — even if not legally binding — international texts (e.g. the Cairo Conference Programme of Action).

Similarly, in the chapter on abortion, the author maintains that existing international instruments are vague and unhelpful, and that international resolutions from the 1960s remain silent on the issue (at 73). To our knowledge, there is at least one text, Resolution 75(29) on legislation relating to fertility and family planning, of the Committee of Ministers, Council of Europe, which recommends: '[t]o ensure that all legal abortions are carried out under the best possible medical conditions' (Article D.2.). In our view, this should also cover the abortion pill RU-486 and, in spite of all controversy, it should be made available by governments in their efforts to make health care accessible to all.

One cannot but agree with the author when she states that the protections offered by treaties depend on what people are willing to make of them. This volume has the merit of showing very systematically the existence of international legal instruments which ensure protection of at least some of the components of the right to reproductive choice. Let us hope that human rights advocates and policy-

makers, for whom this book is intended to serve as a resource, will know how to find in them a broader understanding of the existing provisions.

*Swiss Institute of
Comparative Law*

Jarmila Looks

Wälde, Thomas W. (ed.). *The Energy Charter Treaty: An East–West Gateway for Investment and Trade*. London, The Hague, Boston: Kluwer Law International Ltd., 1996. Pp. xxvii, 678. Index. \$265.

The Energy Charter Treaty ('ECT'), signed on 17 December 1994, was negotiated in the early 1990s during the course of, and in response to, the redrawing of the political map of Eastern Europe and the former Soviet Union. The ECT originated as a mechanism for accelerating economic recovery and free market reforms in Eastern Europe and the former Soviet Union, while at the same time opening up investment opportunities for Western energy corporations and advancing the energy security requirements of Western Europe. It is a multilateral treaty, limited in scope to the energy sector (defined as coal, electrical energy, natural gas, petroleum and petroleum products, nuclear energy materials, fuel wood and charcoal). The ECT establishes obligations, in some cases binding and in other cases best efforts, relating to investment protection, trade, transit, competition and environment. At the time of publication of this book, the ECT had been signed by 49 countries, primarily in Europe and the former Soviet Union, plus the European Community, and awaits ratification by a total of 30 signatories before coming into full force and effect. The United States has not signed the ECT, and this fact is highlighted in the book as a major weakness of the ECT, particularly because most transnational energy corporations are headquartered in the United States.

The book is divided into 27 chapters, each written by a different author. Most of the authors are international law practitioners or academics from Europe and the United

States, although there are also chapters by several energy economists and one transnational energy corporation executive. The volume contains a foreword by Ruud Lubbers who, as Prime Minister of the Netherlands, first proposed to the European Council the initiative which ultimately led to the ECT. The editor, Thomas Wälde, provides a short preface to the book, as well as the most comprehensive examination of the ECT from an investor's perspective to be found in the book. The full text of the ECT and accompanying decisions and protocol are reproduced as appendices.

As Thomas Wälde indicates in his chapter on international investment under the ECT, the ECT is '... a complex instrument hermetically protected from easy access and understanding, and basically inaccessible to non-specialists'. The book's principal strength lies in its provision of expert analysis, often from different perspectives, of the historical context of the ECT, of the differing positions of key participants involved in negotiating the ECT, and of the most important provisions of the ECT. For the most part, the book is quite legalistic, more oriented to legal academics and international law policy analysts than to legal advisers or to executives of transnational energy corporations. In addition, there is a considerable amount of replication among the various chapters which detracts from the overall utility of the book. Its detailed index, however, will help the reader in mining the many interesting perspectives and insights contained in the book.

Harvard Law School

James Bell

Tuttle, William M., Jr. *'Daddy's Gone to War': The Second World War in the Lives of America's Children*. Oxford, New York: Oxford University Press, 1995.

During the 1996 American presidential campaign, much was made of the fact that Senator Robert Dole, the Republican candidate for President, was almost certainly the last veteran of the Second World War who would stand for the presidency. Although