

entitled to claim compensation on behalf of all beneficiaries of that global trust. The Åbo Academy's project is a good start.

Munich

Peter H. Sand

Raisch, Marilyn J. and Roberta I. Shaffer (eds). *Introduction to Transnational Legal Transactions*. New York, London, Rome: Oceana Publications Inc., 1995. Pp. xxi, 363; Seer, Gitelle and Maria Smolka-Day. *Introduction to International Business Law: Legal Transactions in a Global Economy*. New York: Oceana Publications Inc., 1995. Pp. xix, 295.

These books are the result of institutes organized in 1994 and 1995 by the American Association of Law libraries for the purpose of training law librarians in international, comparative and foreign law. Their utility extends to others learning about and researching these areas.

*Transnational Legal Transactions* contains lectures by the presenters at the 1994 Institute. The presenters included a mixture of law practitioners, librarians and professors. The focus of these materials is principally on international civil and commercial litigation, international criminal litigation, international commercial arbitration and substantive law issues in private international law. There is also selected coverage of other areas, such as international intellectual property, waste disposal in Europe, and international trade and the environment. Some of the contents amount to introductory articles (with footnotes), while the majority are bibliographical listings and research and source guides.

*International Business Law* derives from the 1995 Institute. It contains roughly the same mixture of lecture materials found in the first book, although somewhat more practitioner-oriented. There is coverage of international joint ventures, undertaking business abroad, US regulation of international trade, extra-territorial antitrust, intellectual property law, international taxation, labour law, the World

Trade Organization, international business law and law firm global information needs.

One can easily imagine usage of these materials in librarian and student training, which is perhaps their principal utility in print. Since they age rapidly, it would be helpful if the bibliographic and source guides were posted on a web site and then regularly updated. Indeed, a well-maintained collection of useful web sites for international, comparative and foreign research would be a major asset. This would be an undertaking worthy of the American Association of Law Librarians. University of San Diego Ralph Folsom School of Law

Gourion, Pierre-Alain and Georges Peyrard. *Droit du commerce international*. Paris: Librairie Générale de Droit et de Jurisprudence, 2ème éd., 1997. Pp. 205. Index. Fr. 95.

Commercial lawyers and businessmen have every reason to feel pleased with the recent updating of the first edition of P.-A. Gourion and G. Peyrard's *Droit du commerce international*. Using simple, direct language and illustrating their remarks with numerous examples drawn from the most recent events, Gourion and Peyrard provide a study which facilitates understanding of the fundamental legal principles governing international trade. The authors have clearly favoured a practical approach to a technical, disparate and diverse body of law, happily managing to summarize their arguments in some 200 pages.

The work is divided into three parts. The first section describes the structure of the principal world and regional organizations which regulate international trade. In this first section, the authors also list the various state sources (international conventions) and non-state sources (*lex mercatoria*) relating to international commercial activity. The second section sets out the categories of legal structures enabling companies to extend their activities abroad by way of export strategies, establishing overseas branches or by partnership, based on preliminary market analysis. A

brief chapter is, moreover, devoted to a comparative legal study of the control of mergers and monopolistic practices. Finally, the third section, entitled 'Legal Techniques of International Trade', which alone takes up about half of the book, analyses in detail contracts of international sale, the control of international transport, the role of insurance, guarantees for the execution of contracts and the settlement of international trade disputes.

Highly structured, the text goes straight to the heart of the issues considered, but without falling into the trap of over-simplification or departing from its scientific rigour. The concepts used are carefully defined, compared and put in proper perspective. Thus, the authors' analysis of the founding texts of relevant international organizations is peppered with case studies, which will enable readers to sharpen their critical faculties. In these case studies, the authors underline some of the commonly criticized gaps and other weaknesses affecting political stability and commercial relations between industrialized and developing countries.

In this revised edition, the authors have retained their notable argument in favour of the principles derived from the *lex mercatoria*, which they describe as an essential source of law for controlling international trade. Following the case of *Pabalk Ticaret v. Norsolor* (25 ILM [1985] 360), it has been established that French law, both judicial and arbitral, is in fact particularly favourable to such a process. Gourion and Peyrard support this, dedicating a substantial part of their work to analysing the use of mercantile law, praising its qualities of adaptability to the exigencies of modern economic reality. At the end of their study, the authors provide a very complete analysis of INCOTERMS and the diverse techniques of documentary credit, which practitioners will find useful.

It is regrettable that the section relating to the settlement of international conflicts in general, and in particular arbitration, has been awarded such a small share of the book. Judicial and arbitral case law occupies an important place at the core of international trade law. Undoubtedly, the enormity of the

matter led the authors to refer the reader to specialist works.

The book discussed here can without hesitation be recommended to students, but also to those working with this area of law, be they lawyers or businessmen. Everyone concerned will find in this book a condensed and critical study of the principal legal concepts of international trade law.

Harvard Law School *Phillippe Deschamps*

Bourgeois, Jacques H. J., Jean-Louis Dewost and Marie-Ange GaiFFE (eds). *La Communauté européenne et les accords mixtes: Quelles perspectives?* Brussels: Presses Interuniversitaires européennes, 1997. Pp. 114.

In this small 'bilingual' paperback the future of the phenomenon of mixed agreements, i.e., agreements with third countries or international organizations to which Member States are parties alongside one or more of the European Communities, is discussed. The booklet, based on a conference held by the College of Europe in Bruges, does not attempt to deal with all the problems arising from mixed agreements. As the title indicates, the text concentrates on broad aspects relating to the future of this phenomenon.

The centrepieces of the book are without doubt the contribution by Ramon Torrent on a subject he refers to as '*le quatrième pilier de l'Union Européenne*' and the chapter by Jacques Bourgeois on 'Mixed Agreements: A New Approach'. Worthy of note among the other contributions, which are however all of good quality, is the chapter by Christian Tomuschat, in which he raises the important question of 'How to Handle Parallel Treaty-Making Powers of the Member States and their Territorial Subdivisions'.

It is likely that the high quality and innovative ideas contained in the contributions by Torrent and Bourgeois will result in their becoming 'classics' in the evolving debate and in the literature on the topic. While Bourgeois vehemently argues for the elimination of mixed agreements, Torrent maintains that