

international law as well as the realities of the international society.

This choice becomes even more evident in the two chapters devoted to the international law of humanitarian *intervention*. Here, the opinion advocated by the author can be expressed in two simple sentences: first, no humanitarian reason may justify the use of force against another state (except, of course, if the said state consents). Second, only the United Nations (and, more particularly, the Security Council) may resort to armed intervention in order to solve humanitarian issues. Here again, one can only concur with these conclusions for they are visibly detached from oversimplistic ideological options and are inspired by a realistic observation of the international society and its constraints. Yet, as a result of this realistic approach, the book suggests a dilemma — well known to most international lawyers — which the author fails to address: If the legitimate use of force belongs to the UN and the UN is apparently unable to efficiently exercise that prerogative, is there *really* an international law of humanitarian intervention?

Despite this slight reservation, the book is worth reading. Its main positive quality — apart from being a rigorously documented and quite comprehensive inventory — is to draw a clear semantic line between the law and the pseudo-legal farrago which improperly, and much too often, mixes legal language with a large dose of demagogy and wishful thinking. Indeed, and as deplorable as this may be, the so-called *right* of humanitarian intervention is not a legal category.

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Xuereb, Peter G. and Roderick Pace (eds). *The European Union, the IGC and the Mediterranean*. Malta: European Documentation and Research Centre, University of Malta, 1996. Pp. 318.

The reviewer of a book with this very wide-reaching title knows in advance that this must be a collection of papers prepared for a catch-all conference. What the reader cannot

imagine in advance is that some contributions to this lengthy volume do not even fall under the broad title given to it. For instance, one may ask what papers on 'Telecommunications and EC Law' or 'Public Procurement in Europe' have to do with the most recent IGC. Neither should the word 'Malta' or 'Maltese' in the title of a paper allow for automatic inclusion in a book focusing on the Mediterranean and the most recent IGC. Such is unfortunately the case of two very tedious pieces crammed at the end of the volume dealing with, of all things, Maltese central and private banking practices and their possible revision in the event that Malta should accede to the EMU.

Notwithstanding, one can only commend the work of the editors in their interesting and informative introduction, which neatly sums up the book's contents. The papers derive from a conference held well before the conclusion of the last change of government in Malta (which may explain the editors' selection of papers) and, more importantly, prior to the Treaty of Amsterdam.

As always in this kind of *ex-ante* exercise, some authors try their hand at predicting the outcome of the IGC leading to the Treaty and are completely off target (e.g., at 50). Of course, as we know now, what came out in the end of the last IGC did not bear much resemblance to what was initially scheduled. Readers therefore need to show understanding for these authors.

This being said, the level of most of the contributions veers to the high side and the editors and organizers of the conference should also be commended on this score. Two articles by John Redmond, University of Birmingham, are particularly noteworthy. The first article, on the problems and prospects of CFSP, is very incisive, inquisitive and caustic at places, all based on the observation of some empirical regularities, something quite typical of British scholars. The second one focuses on the Mediterranean aspects of the next Enlargement, setting it in a broader context, thereby introducing the reader to the virtues, but also the negative implications, of 'variable geometry'.

Simon Busuttill's contribution on Malta ('Small States in the European Union') is quite refreshing and surprisingly unpatriotic ('Malta should not ask whether it shall have the right to hold the rotating presidency of the Union, but it should also seriously address the issue of whether it is able to do so', at 70).

Alberto Bin's chapter on the 'New Dimensions of Security in the Euro-Mediterranean Area' sums up quite well the reasons behind the new European obsession (fascination for some, paranoia for others) with the subject. When trying to explain the new wave of migration from South to North, Bin stresses, alas, only the 'push' factors, missing entirely all the 'pull' factors operating on the potential migrant.

Finally, mention should be made of the very thorough article prepared by Marise Cremona on 'The Euro-Mediterranean Partnership: A Regional Strategy for the EU', which deals with the subject from a legal, and therefore quite original, perspective.

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De Guttry, Andrea. *Lo status della nave da guerra in tempo di pace*. Milano: A. Giuffrè, 1994. Pp. ix, 308.

In the realm of international law, few sectors can be deemed to have undergone such a radical change in the last decades than the law of the sea. Correspondingly, legal doctrine is called upon to verify how the traditional categories and concepts on which the law of the sea has rested for centuries must be adjusted to meet the new exigencies.

Among many, this book, which aims to describe the status of warships in peacetime, deserves attention. Its subject constitutes a point of intersection between different interrelating norms of international law. It is here that the main merit of the book lies, offering scholars and practitioners a comprehensive legal framework of the various situations in which warships may become involved. On the other hand, a major methodological difficulty arises from the fact that each of the norms dealt with has its own historical origins and

function in the system of the law of nations. To find a coherent order in such a broad and controversial set of norms may not be an easily accomplished task.

The book is divided into five chapters. The first chapter sets out to define the warship, while the next chapter looks into the status of warships in zones under the jurisdiction of coastal states. Special regard is given to certain problems of contemporary international law that are yet to be resolved, such as a balance between the claims of coastal states whose aim is to enlarge exclusive rights of control and exploitation and the counter-claims of other states whose objective is to reaffirm traditional freedom of the sea.

The third chapter examines the problems of navigation on the high sea. The legality of measures establishing security zones for military purposes and enforcing their effectiveness as well as other claims for exclusive utilization of zones of the high sea are discussed at length. Attention shifts in the fourth chapter to the tasks assigned to warships in zones in which coastal states may legally exercise their jurisdiction. Finally, in Chapter 5, the author deals with immunities and privileges afforded to warships in foreign waters. The legality of violation of these immunities and privileges as an act of countermeasure, in relation to a previous breach committed by means of warships, is the most interesting aspect of the section.

The book thus provides an excellent overview of the law and practice of states concerning the utilization of warships in peacetime. Some critical remarks, however, are in order. The first concerns the line to be drawn between the exclusive right of the coastal state to exploit resources in its Exclusive Economic Zone (EEZ) and the traditional freedom of the high sea, including for purposes of naval manoeuvres and exercises. The traditional view holds that the freedom of the high sea applies to the EEZ, albeit subjected to the duty of respecting rights and prerogatives of the coastal state. Within the perspective of the 1982 United Nations Convention, a competence of the coastal state to 'balance the equities' and to adjust the exercise of its own