

## BOOKS IN BRIEF

THE EXCLUSIVE ECONOMIC ZONE IN INTERNATIONAL LAW. By David J. Attard. New York: Oxford University Press. 1987. Pp. 350. \$78.00.

In 1947, Chile became the first state to extend national sovereignty to a two hundred nautical mile maritime resources zone. So began the seaward extension of national jurisdiction which has gained international stature and recognition as the Exclusive Economic Zone (EEZ).

During the time-frame of the many phases of the Third United Nations Conference on the Law of the Sea (UNCLOS III), the EEZ concept was transformed into customary international law. *The Exclusive Economic Zone in International Law* is a thoroughly researched and excellently crafted study of all that you ever wanted to know about the EEZ, to use a colloquial phrase.

The author commences his study by tracing the developments of the EEZ concept between 1945 and the UNCLOS III Conference, developments that demonstrate the classic *mare clausum/mare liberum* dilemma. He then examines proposals on the EEZ that were incorporated into the various UNCLOS III texts. The status and evidential value of the proposals are assessed in terms of the extent to which they reflect or contradict international law. Attard also outlines the controversial issues facing the Conference and considers the work of the Castañeda-Vindenes Group on the subject.

A preliminary consideration of four major judicial decisions delivered between June 1977 and May 1985 precedes an in-depth analysis of the EEZ model in the 1982 Convention. With regard to the EEZ's judicial status, the author views the EEZ to be *sui generis* rather than part of the territorial waters or part of the high seas.

The appearance and acceptance of the EEZ has had an impact on other aspects of the law of the sea. In a long chapter, the author provides detailed coverage of the relationship of the EEZ with other regimes; namely, the high seas, the territorial sea, the contig-

uous zone and the continental shelf. Notable differences and aspects of harmonization are discussed. Attard utilizes national legislation and state practice, the views of writers, existing treaty law, the position of UNCLOS Conference Committees, recommendations of other conferences, and judicial decisions, to alert the reader to potential controversies. He concludes that the freedoms associated with these other regimes may be limited or disturbed by the exercise of EEZ rights.

The provisions in the 1982 Convention dealing with conservation, exploitation, management and utilization of living resources in the EEZ are examined to determine the extent to which they mirror customary international law. A cross-section of State practice as shown through national legislation, marks the way for future problems.

Theoretically, the 1982 Convention offers geographically disadvantaged States the right to participate in the exploitation of living resources in the EEZ. The author examines the relevant provisions of the Convention which establish this right, and alludes to the difficulties of implementation. He then reviews the European Economic Community (EEC) approach in relation to its members and non-EEC States regarding the utilization of living resources in EEC waters. Basically, the disadvantaged nations remain out in the cold on the issue of marine scientific research in the zone.

In a careful assessment of the problems inherent in delimitation of the EEZ's boundary, the author sees national interests that inhibit agreement on an objective and workable legal formula. For example, the autonomy of the EEZ and continental shelf regimes means that it is possible for the EEZ boundary between two States to be incongruous to the shelf boundary. Attard envisages equitable solutions and highlights the approaches taken in the 1977 Channel Award, the 1982 Tunisia/Libya Judgment, the 1984 Gulf of Maine Judgment and the 1985 Guinea/Guinea-Bissau Award.

The study concludes with an examination of the current status of the EEZ. Once again, the author amasses detailed references to national legislation and state practice in support of what has become the customary law of the EEZ, found in Part V of the Convention. Any gauge of his accuracy will have to wait until procedures for settlement of disputes concerning the 1982 Convention on the Law of the Sea are activated or other judicial pronouncements are forthcoming.

In addition to a very good bibliography and workable index,

there are a number of helpful and informative aids, including: tables of relevant treaties; EEZ and Economic Zone Claimants; coastal, shelf and EEZ characteristics of States; maritime delimitation agreements; fishery agreements; national legislation; and cases, with citations of their location. A great deal of scholarship, skill and thought have gone into this well-produced book. The precepts of this study are being rapidly absorbed by those States recognizing the Exclusive Economic Zone and are included in the package-deal 1982 Convention, making this study all the more valuable for those concerned with the Law of the Sea.

*Reviewed by Professor Daniel C. Turack  
Capital University Law and Graduate Center*

**ESCALATING DISPUTES: SOCIAL PARTICIPATION AND CHANGE IN THE OAXACAN HIGHLANDS.** By Philip C. Parnell. University of Arizona Press: Tuscon, Arizona. 1988. Pp. 175. \$25.00.

In *Escalating Disputes: Social Participation and Change in the Oaxacan Highlands*, the shifts and changes in Mexico's economy during the 1970s and 1980s are examined from both an anthropological and sociological point of view. The book is a study of the complex interface between local customary law, village politics, and state government and its legal system.

Parnell examines the important role that dispute plays in the everyday life of peasant villagers in a small representative village in Mexico. The author finds that through disputes, they communicate their views, check up on one another, express their anger, and relieve the tensions bred into village conflicts.

**ISLAMIC CRIMINAL LAW AND PROCEDURE.** By Matthew Lippman, Sean McConville and Mordechai Yerushalmi. Praeger Publishing: New York, New York. 1988. Pp. 168. \$35.95.

Relatively little has been written in English about the Islamic legal tradition, a serious deficiency in light of recent tensions in the Middle East. The body of Islamic law, or *Shari'a*, is central to the understanding of Islamic society and the current conflict between fundamentalism and modernism in the Islamic world. The establishment of the *Shari'a* signified a progressive step in the development of legal practice as it modified the Islamic customs of retaliation and blood revenge. Nevertheless, Islamic law differs from common and civil codes due to its religious and virtually unchange-

able nature. While acknowledging the regional differences in the local characteristics of the *Shari'a*, this work provides a straightforward introduction to procedure and punishment, discussing the major concepts, principles, and practices.

The book begins with a discussion of the history and spread of Islam and outlines the origins of Islamic law. Then it discusses substantive criminal law, procedure and punishment. The work concludes with a discussion of the role of Islamic law in the twentieth century. The final chapter also identifies a number of issues that warrant further study. Unlike other treatments of Islamic culture, which make only passing reference to the body of law, and unlike more academic discussion of the *Shari'a*, this guide is useful to the academician and the general reader alike by placing Islamic law in the context of philosophy and administration. It provides important background for courses in comparative criminal procedure, comparative legal systems, and comparative politics in the Middle East.

**RESERVATIONS AND INTERPRETATIVE DECLARATIONS TO MULTILATERAL TREATIES.** By F. Horn. Elsevier Science Publishing Company: New York, New York. 1988. Pp. 514. \$131.50.

States restrict their commitment to treaty obligations by means of reservations. The objective of *Reservations and Interpretative Declarations to Multilateral Treaties* is to clarify the concept of reservation and facilitate the implementation of the reservation regime under the Vienna Convention on the Law of Treaties.

The work suggests that Article 2 of the Convention is not sufficiently clear when it states that a reservation "excludes or modifies the legal effect of certain provisions under the treaty." The author examines the reservation rules in the Vienna Convention and gives a sample outline of reservations and objections on the basis of treaties deposited with the United Nations Secretary-General. He tries to present distinguishing criteria between statements that are interpreted as reservations and those that are interpreted as declarations. The book further analyzes the effect of accepted and disapproved reservations with the aid of the Hohfeldian concepts of jural correlates and opposites, a method not used before with respect to reservations.

**TREATY CONFLICT AND POLITICAL CONTRADICTION: THE DIALECTIC OF DUPLICITY.** By Guyora Binder. Praeger Publishers: New York, New York. 1988. Pp. 240. \$39.95.

One of the first books generated by the new and controversial movement in jurisprudence known as critical legal studies, *Treaty Conflict and Political Contradiction: The Dialectic of Duplicity* explores the problem of treaty conflict in international law. Specifically explored are the problems inherent in inconsistent commitments by one nation to two or more other nations. Binder's work provides students and scholars of international law with an illuminating survey of the treaties and the theories of the State, in international jurisprudence.

The author further examines the structure of treaty law as the expression of a fundamental conflict of values and interests in world politics. Binder explores the continuing debate over the relative validity of conflicting treaty obligations, illustrating his arguments with insights into the background of the current crisis in the Middle East: the Egyptian-Israeli peace process, Zionism and Palestinian nationalism. By applying the methods and insights of critical legal studies to the analysis of an important issue in international law, Binder examines the complex ways in which nations relate to one another.

**LATIN AMERICAN STATES AND POLITICAL REFUGEES.** By Keith W. Yundt. Praeger Press: New York, New York. 1988. Pp. 256. \$37.50.

Beginning with the Nicaraguan revolution of 1978 and the subsequent violence that engulfed the Central American States, Latin American refugees have sought territorial asylum in growing numbers. *Latin American States and Political Refugees* focuses on these refugees using a regime analysis, a method whereby principles, norms, and social institutions are studied to identify the general obligation owed to refugees. The central concern of this study is the compatibility of the rules, norms, procedures and social institutions established under the United Nations' refugee regime.

Yundt begins his study with an explanation of the meaning of "regime." Throughout the book, Yundt examines the components and usefulness of an international regime as applied to the practice of Latin American states toward political refugees. The book further examines the history and current status of colonization and

immigration legislation in Central and South America.

Later chapters discuss the role of international organizations, including the League of Nations and the Organization of American States, in providing international legal protection to refugees. The global refugee system, its history, and how it relates to the inter-American system is also examined. A well researched book, *Latin American States and Political Refugees* will appeal to students and scholars of international organization and human rights law, as well as to the social and political sciences.