

preparatory processes) on "Changing Requirements for International Information" (chapter 3), emphasising the political sensitivity of scientific information as an encroachment on sovereignty, and questioning who should exercise judgments on the conclusions to be drawn therefrom which engender new law-making; that by Peter Kőnz (former legal adviser to OECD and with the IAEA) on "Law and Global Environmental Management: Open Issues" (chapter 6), which seeks solutions to problems arising from the low management powers of intergovernmental bodies; and Alexandre Kiss's (of Paris and Strasbourg Universities) review of the conceptual "Implications of Global Change for the International Legal System" (chapter 10), as well as new rules and methods, and means of enforcement.

Two chapters (8 and 9) on human rights, respectively by R. Pathak (former member of the ICJ and Chief Justice of India) and A. Cançado Trindade (University of Brasilia), though highly informative, are disappointing in that, rather than addressing the question of whether there is any need for institution of environmental rights, they concentrate on the underlying philosophical and theoretical issues and on reviewing the basic rights in existing conventions. F. Orrego Vicuña's (University of Chile) extensive research on "State Responsibility, Liability and Remedial Measures under International Law: New Criteria for Environmental Protection" (chapter 5) has perhaps led him to minimise the limitations of the "channelling" conventions and the ability of the doctrine of State responsibility to adapt quickly to the new challenges of the remaining chapters. T. Iwama's (University of Fukuoka, Japan) brief account (chapter 4) of "Emerging Principles and Rules for the Protection and Mitigation of Environmental Harm" suffers from considerable overlap with issues and materials in other chapters; Lai Peng Cheng's (University of Fudan, China) on "The Legislation and Implementation of International Environmental Law and the Third World: the Example of China" (chapter 7) is wrong-footed on its opening step, viz. "on the spectrum of third world eco-systems, colonial plunder is the primary cause of environmental degradation"; and A. Timoshenko's (formerly of the USSR Academy of Science) support for the concept of "Ecological Security" as a response to global challenges (chapter 13) is somewhat undermined by Szasz's conclusion that it is difficult to interpret the UN Charter to accommodate this (pp.359-361).

There is no doubt that this is the most fecund scholarly work to date regarding new ideas and innovative thinking about the directions that international law is taking or might take the better to protect the environment, and though it is something of a "lucky dip" it is rich in prizes and surprises.

PATRICIA BIRNIE

*Basic Principles of Modern International Law. A Study of the United Nations Debates on the Principles of International Law concerning Friendly Relations and Co-operation among States.* By V. S. MANI. [New Delhi: Lancers Books. 1993. x + 440 pp. ISBN 81-7095-039-2. Rs.425]

TWENTY-FIVE years ago the UN General Assembly adopted by consensus Resolution 2625(XXV), approving the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. The Friendly Relations Declaration, as it is commonly known, was the product of eight years of deliberations in an *ad hoc* Special Committee and the Sixth Committee of the General Assembly. The adoption of the text by consensus meant that clarity and precision often had to be sacrificed to ambiguous or, at best, general compromise formulations. Thus it is not surprising that the Declaration itself, in its General Part, envisages the need for its interpretation. Professor Mani's detailed study of the UN deliberations, the *travaux préparatoires* of the Declaration, constitutes an important contribution to that interpretation.

In the first seven chapters of the book, which correspond with the seven principles of the Declaration, the author gives a well-structured summary of the views entertained by different States in the Special and the Sixth Committees on the various aspects of prohibition of force, non-intervention, peaceful settlement of disputes, sovereign equality, good faith, and equal rights and self-determination. He thereby identifies the contradictory views that States have found possible to reconcile with the formulations in the Declaration as well as formulations which never found their way into the Declaration for lack of consensus. Unfortunately, the author does not undertake to analyse the conflicting views in the light of State practice or decisions of courts. Instead, in chapter eight, after a lengthy summary of the previous chapters and a short excursion into the legal significance of the Declaration, he examines the impact of the Declaration on "the norm-setting function of the UN General Assembly". This last part consists mainly in the summary of subsequent General Assembly resolutions relating to the Declaration, many of which are also reproduced in full in the 68-page appendix.

The book, limited as it is with regard to analysis, is very useful as it makes easily accessible the preparatory work of the Declaration as well as related General Assembly resolutions. Regrettably, it is edited extremely sloppily. Besides some obvious misprints page numbers in the table of contents and page numbers in the text do not correspond and a not inconsiderable number of references are incomplete or (partly) incorrect.

STEFAN TALMON

*La Charte africaine des droits de l'homme et des peuples, une approche juridique des droits de l'homme entre tradition et modernité.* By FATSIAH OUGUERGOUZ. [Paris: PUF, Publications de l'Institut universitaire des hautes études internationales de Genève. 1993. xxix + 479 pp. ISBN 2-13-045325-2. FF.390]

THE African Charter on Human and Peoples' Rights is usually unknown and under-rated. Of course it is a latecomer, after the European Convention and the Inter-American Convention, but it is a courageous step for the African States, trying to promote an African approach to universal rights. Dr Ouguergouz—an Algerian citizen who is working in the Legal Department of the United Nations—has written an impressive work, with great knowledge of comparative law and a very useful analytical mind.

After a legislative history of the Charter, the book's approach is twofold, with the material aspects, "the rights and duties" set in the Charter (pp.79-288) on one hand, and, on the other, the institutional issues (pp.289-366). As Judge Keba Mbaye states in his substantial foreword, there is an apparent contradiction between these two elements. The Charter is a very innovative instrument, putting the accent on collective rights and individual duties, besides more classical individual rights, but the implementation and interpretation of these new concepts are left without a strong custodian. Ouguergouz shows the weakness of the actual Commission—created in 1987—and the absence of a court. For him, "the African Commission has still 'l'excuse de la jeunesse', but for how long?"

Perhaps, 12 years after the adoption of the Charter in 1981, it is possible to forecast a new step, with a protocol to fill the gap. During the *travaux préparatoires* of the Charter, the idea of an African court to deal with "crimes against humanity" was put on the table by Sekou Touré's Guinea. Now, with the reintegration of South Africa in the OUA, but also with the genocide in Rwanda, this project finds a new momentum. The great achievement of this thesis is to put all these questions into perspective, with the legal knowledge of a fine scholar and the political cleverness of a human rights militant.

EMMANUEL DECAUX