

**The Treaty Maker's Handbook.** Edited by Hans Blix and Jirina H. Emerson. *Uppsala: The Dag Hammarskjöld Foundation; Stockholm: Almqvist and Wiksell; Dobbs Ferry, N.Y.: Oceana. 1973. 355 pp.*

THIS handbook is a systematised collection of treaty drafting forms. Typical clauses and provisions are taken from a wide range of treaties under heads of constitutional provisions on the conclusion and application of treaties: full powers; preambles; consent to be bound; state succession; entry into force; participation; duration, withdrawal and termination; interpretation and enforcement; territorial and internal application; reservations; registration; amendment. Further sections include a useful selection of texts of types of treaties and instruments resembling treaties, and the Vienna Convention on the Law of Treaties. There can be no doubt that this handbook provides in convenient form references and models that any treaty drafter would find helpful, with one large qualification: all textual examples are in English. No account is taken of the elementary fact that virtually all treaty drafting involves the concepts, if not the use, of at least two languages; and that the accommodation of languages, particularly where the treaty text is to be authentic in more than one, is a central problem. If the handbook is to have wide use, a later edition should deal with this through at least a glossary of terms in English, French and Spanish.

J. E. S. FAWCETT

**Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws.** By M. B. Hooker. *Oxford: Clarendon Press. 1976. 601 pp. £15.00.*

IT is most unusual for a book of this kind to carry no description of its author in the preface, frontispiece or on the cover. But internal evidence points to his expertise in *adat* law; and he has in fact written an earlier work, also published by the Oxford University Press without author description, entitled *Adat Laws in Modern Malaya* (1972).

After an introductory essay on 'the ethnography of law', which is the theme of the book, there are concise historic surveys, coming up to the last decade, of British colonial laws, where the common law met systems of religious jurisprudence—Hindu, Burmese 'Buddhist' and Islamic—and where it met largely customary law—African, Malay *adat*, and Chinese, law. Similar surveys follow of French colonial law in Algeria, other African countries, and Indochina, and of Dutch colonial law in Indonesia, where *adat* law appears again. An interesting comparison is made between English law, primarily derived from the pronouncements of powerful, centralised courts, and French law, conceived primarily as legislation, with the courts in a subordinate role.

The legal status of indigenous peoples in South Africa, the United States, New Zealand, Australia and the Soviet Union, is also reviewed; and Soviet practice is placed in the context of an essay on Marxism and law. The voluntary adoption of Western laws in Turkey, Thailand and Ethiopia is separately described; and a short appendix surveys 'the laws of China in the twentieth century', but, strangely, does not mention the 1954 Constitution revised just before the book was published.

For an essay in the sociology of law, the canvas is too vast and varied for clear demonstrations; and the discussion often becomes simply a guide

through the voluminous legal and sociological literature—the bibliography occupies nearly 80 pages. Nevertheless the sheer mass of material and its comparative handling makes the book a valuable source of information on the emergent patterns of many newly independent countries.

J. E. S. FAWCETT

**The European Convention on Human Rights.** By Francis G. Jacobs. *Oxford: Clarendon Press. 1975. 286 pp. £7.25.*

THE European Convention on Human Rights has been largely ignored in the United Kingdom, despite the fact that Britain ratified it as long ago as 1953 and has for ten years been subject to the right of individual petition. Some fifty complaints against Britain have cleared the major preliminary hurdle of being found admissible by the Commission, and one has so far reached the Strasbourg Court. (It was decided, unanimously, against Britain.)

In recent months there has begun to be serious talk of incorporating the Convention into English law, or even of developing our own tailor-made Bill of Rights. But in the meanwhile, the Convention is the nearest we have yet got to a Bill of Rights. Full exploitation of its potential could show that civil libertarians have been wrong to undervalue it.

Francis Jacobs has written a book that will greatly assist anyone wishing to know about the Convention and its practical working in the European forum. He explains the machinery of the Commission and of the Court. But more important, he evaluates the meaning of the provisions of the Convention in the light of the existing jurisprudence. (It is a pity that the book does not contain a copy of the Convention itself.)

The book is written from the general European point of view, and is perhaps a little thin on the specific implications for Britain. Professor Jacobs does not, for instance, attempt to speculate much about the meaning of the convention beyond the existing case law, nor to explore areas of potential significance in the British context. But as a statement of what the Convention appears to mean in the light of the case law, the book is a valuable guide.

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**The Public Order of Ocean Resources: A Critique of the Contemporary Law of the Sea.** By P. Sreenivasa Rao. *Cambridge, Mass., London: MIT Press. 1975. 313 pp. £11.00.*

THIS study applies 'Yale school' concepts—base values, claims, expectations, strategies, outcome—to the law of the sea, but conceptually adds little to the magisterial work by McDougal and Burke—*The Public Order of the Oceans*.<sup>1</sup> It nevertheless provides a systematised and well-documented survey of competing maritime jurisdictions and uses, and efforts to accommodate them, up to the end of the third Law of the Sea Conference at Caracas, although the concept of exclusive economic zones does not get the degree of attention that it demands. The ocean resources dealt with are mainly those of the sea-bed and subsoil, and there is little on fisheries.

<sup>1</sup> New Haven: Yale University Press. 1962. Reviewed in *International Affairs*, April 1964, p. 302.