

on which States have asserted jurisdiction. This chapter is a particularly good one, although the present reviewer would take issue with the conclusion that international solidarity in the fight against restrictive practices may justify the extraterritorial application of antitrust laws (p.77) and with the criticism of the United Kingdom's Protection of Trading Interests Act (p.76). The two chapters on the use of force are also particularly stimulating, especially in their treatment of anticipatory self-defence, humanitarian intervention and the legal basis for the use of force against Iraq.

The result is an excellent book which should be read by any scholar with an interest in international law. In particular, its approach of tackling the difficult questions in contemporary international law, and doing so in the style of the lecture room rather than the monograph, make it a book which this reviewer would strongly recommend to students taking a Master's course in international law and to those undergraduates who have already grasped the rudiments of international law and want to dig deeper. Those who do so will find nuggets of gold both in the questions posed and the answers which Higgins puts forward. It is to be hoped that they also catch her enthusiasm for a subject which she describes as "a great and exciting adventure".

CHRISTOPHER GREENWOOD

*Third Party Dispute Settlement in an Interdependent World.* By MARCEL M. T. A. BRUS.  
[Dordrecht: Martinus Nijhoff, 1995. vi + 262 pp. ISBN 0-7923-3423-x. £65/US\$100]

THIS is an unusual study of dispute settlement. Instead of considering, as most writers do, the various methods available and examining their respective strengths and limitations, the author starts at the other end with the nature of international society. He therefore asks how current arrangements for dealing with international disputes reflect the characteristics of the present inter-State system and what changes may lie in the future. The key to the book is thus to be found in its subtitle, "Developing a theoretical framework"; for Mr Brus's aim is to construct a model, or rather two models, of the legal system and to show their significance for how international disputes are handled.

The first model, the "rule-book community", has accepted processes for generating rules and a general commitment to obey them. However, the rules are based on consent and so the obligations of the members of the community are essentially contractual. In contrast, in the "community of principle" the members recognise that behind the rules lie principles which concern community objectives rather than immediate individual interests. In the author's view the international system as traditionally conceived could be said, at most, to be a rule-book community, but recent developments in a number of fields reflect moves towards a community of principle. If this is correct, there are important consequences for dispute settlement. Whereas a rule-book community can leave the parties to a dispute to choose whatever procedure happens to suit their interests, in a community of principle obligatory third-party procedures are essential to ensure that disputes actually are settled and also that community interests, which may be different from those of the parties, are properly taken into account.

An analysis of the type presented here can obviously be evaluated from two standpoints. The legal philosopher will be concerned with the models employed, whilst the international lawyer will be interested mainly in their application. To satisfy the former, the author explains the models in much more detail than is possible here, taking into account the theories of, among others, Dworkin, Hart and (T. M.) Franck. As regards the application of the models, the author's characterisation of the traditional system is easy to agree with. Moreover, his argument that elements of a community of principle are emerging is made persuasively with reference to such diverse phenomena as regional integration in Europe, decision-making at UNCLOS III, the recognition of *jus cogens* and obligations *erga omnes*, the practice of the GATT and developments in environmental law. The case, however, is not

overstated and the author's conclusions are cautious, sensibly recognising that for a community of principle to come into existence issues of legitimacy, concerned for example with participation in the international legal system, will need to be addressed. Although relatively little is said about the impact of such developments on dispute settlement specifically, it is interesting that conciliation and advisory opinions are processes which the author sees as having more to offer than is often recognised.

The book has an excellent bibliography and as a thoughtful and original study can be thoroughly recommended.

J. G. MERRILLS

*The Responsibility of International Organizations Toward Third Parties.* By MOSHE HIRSCH. [Dordrecht: Martinus Nijhoff, 1995. 234 pp. ISBN 0-7923-3286-5. US\$105/£62.50]

THE book consists of six chapters. Only chapters 1 to 3 discuss the law relating to the responsibility of international organisations to third parties. The second part of the book, despite the title, deals with the responsibility of *members* of international organisations to third parties for the obligations of organisations. Chapter 6 is a concluding chapter with suggestions *de lege ferenda*.

The first part of the book, chapters 1 to 3, discusses such matters as the breach of international obligation and the attribution of responsibility in the context of the responsibility of international organisations. The author has done some useful research on the subject and its treatment is helpful to a reader who is trying to find out more about it. The reader should, however, be cautioned about the author's use of examples and precedents from the European Community (EC). The EC is a unique organism in international law and a great deal of its law flows from the specific terms of the agreements creating it and other relevant instruments. To generalise from these precedents would sometimes be a mistake. The author is concerned in certain areas particularly with some features of responsibility resulting from the precedents connected with the EC. The issue of responsibility for acts (both *intra* and *ultra vires*) of staff members could have been the subject of more thorough discussion. However, on the whole, the subject is to a large extent non-controversial among international lawyers and the author's treatment of it is generally even and balanced. He tries usefully to develop more detailed principles as well. Further, the conclusions are generally consonant with the evidence.

It would have been a useful addition to a book on this subject if responsibility to international organisations outside the membership relationship had been examined. This would have been a more rational linking of subject matter than the present joinder of the contents of chapters 1 to 3 and chapters 4 and 5.

The second part of the book (chapters 4 and 5 principally) dealing with the liability of member States of an organisation for the obligations of the organisation is far less satisfactory. The evidence is often not accurately presented, the evaluation and analysis are defective and the conclusions drawn seem to have been influenced by an *a priori* assumption that States should be penalised in order to protect individuals. The position is unreasonable and untenable that States are unworthy of protection in comparison to individuals, merely because they are States. It is not the reviewer's intention to labour the points made above but some examples will be given.

In regard to evidence, there is an imbalance, for instance, in the presentation of the views of authors and jurists. He refers to a number of authors who support the presumption of secondary responsibility of member States but fails to state that generally they had not examined the evidence with thoroughness but had merely expressed an undocumented preference. On the other hand, he mentions three jurists (Judge R. Higgins, Hartwig and the present reviewer), who were the only scholars to have examined at the time of his writing the