human rights and good governance' of 1998.[1] It also highlights the possible contribution of reporting mechanisms such as the production of an annual report on human rights. Overall, however, the feeling is created that the EC is too often tempted to act unilaterally, bypassing opportunities for consultation, dialogue, and negotiation, calling into question its own understanding and pursuit of 'good governance'. Arts, however, sets this in longer historical perspective, arguing that the process, still in its infancy, can now be expected to mature quickly.

Chapters 7 and 8 look at measures adopted to influence the human rights situation in particular states, dealing with 'positive' and 'negative' approaches respectively. Dealing with positive approaches, which include principally admission to the Lomé process itself, the issuing of formal statements commending human rights successes, and EU-financed projects which aim to contribute to the realisation of human rights, Arts demonstrates the substantial endeavour of the EU in this field, while acknowledging the difficulty of assessing the actual impact of such activities on the ground. Negative approaches range from private demarches through public condemnation to the withdrawal of financial or other support and suspension of cooperation. Here, inconsistencies and a lack of transparency within the Commission are observed, though the author does acknowledge the difficult assessment and balancing judgments involved in this area.

Some final observations draw together the conclusions of this body of work and offer an assessment of the overall contribution and success of the Lomé process. Arts proceeds with caution, but presents a convincing case that the Lomé process has been the source of many innovative approaches to the management of development cooperation, and has influenced, at times, the development of both international and EU law. He also, however, identifies a number of substantial weaknesses in the Lomé process, notably the EU's tendency in some areas towards unilateralism, and inconsistencies in the EUs approach, particularly between Lomé and non-Lomé developing states. This section serves both as an assessment of the record and as an indication of future concerns. Substantial annexes draw together a wealth of factual information about, inter alia, the participation of AC and ACP states in multilateral human rights treaty regimes, their human rights records and the record of the EU in supporting or condemning human rights developments in ACP states. A substantial bibliography and an index are also included.

This is an excellent study which makes a valuable contribution to discussion about the way in which development cooperation is pursued, and about the potential for linking this activity to the development of respect for human rights. While written from a legal perspective, it will be of wider interest to political scientists and development studies scholars interested in these questions.

FIONA BEVERIDGE

*International Contracts and National Economic Regulation: Dispute Resolution Through International Commercial Arbitration*. By MAHMOOD BAGHERI [The Hague: Kluwer Law International, 2000, 312 pp. ISBN 90–411–98105–5. Hbk]

This work manages to reconcile general and universal principles of law in a very discrete and specific context, underscoring its enduring value to legal scholarship and to the practical determination of international contractual disputes. Its relevance is not only to the context in which it is located, international arbitration, but also to national law in its relations to the international legal order with which national norms increasingly intersect.

Taking the new phase of national and international interaction, a product of the growth of regulation, as its starting point, the work skillfully navigates the complex cycle of the emergence of national economic law (principally securities law, competition law, foreign investment, and exchange controls), its impact on international contracts and the resolution of conflicts with reference to transnational private law (*lex mercatoria*) and public international law. Its locus of analysis

[1] COM(98) 146 final, 12 Mar 1998.

is contractual failure based on incompatibility with regulatory norms, thus it begins with the objective of identifying the normative justifications for contract and regulatory law in order to find a logical and just accommodation. Next, with globalization having moved the ideal of contractual failure based on regulatory norms into a different context, it places this accommodation in the international context. More than attending to individual state-confined applications of contract and regulatory norms, the work acknowledges that the public aspect of regulatory law necessarily invokes public international law and that the private law of conflicts necessarily brings private international law into play. Thus the public, private, local and international norms converge under the rubric of international economic law to resolve contractual disputes in the setting of international commercial arbitration. While a contractual dispute may be rooted in contract law, economic regulations, private or public international law, reliance on a single area for a result fails to recognize the multi-faceted nature of the disagreements and risks the blind privileging of one area over another. Through the interaction between two paradigms, the regulatory and the contractual, the author demonstrates the shortfalls of conventional conflict of laws approaches in coherently, consistently and fairly accommodating the dialectic between these two.

Effectively, in operating on two distinct levels, the author merges the theoretical and the practical, offering concrete solutions to the handling of multi-faceted international contractual disputes. Theorizing conflict of laws, he suggests new theoretical approaches. The implications of different theories would not be so significant if an international factor were not involved. When such disputes acquire an international dimension, the practical implications of the theories of contract and regulatory law emerge. The author then tests these theories in the very practical and concrete context of international commercial arbitration awards, a context which, likewise, is not known for its theoretical inquiries. Having demonstrated the difficulties the arbitrator faces in identifying the exact scope and meaning of contractual terms in an overwhelmingly regulatory environment, the theoretical concepts developed in this project provide international arbitrators with the tools needed to produce fairer and consistent solutions. Moreover, the location within the international forum tends to generate a more neutral dispute resolution system, one in which competing national regulatory norms are apt to be considered equivalent. Although much knowledge can be drawn from a national medium, the purposive location in an international arbitration context enhances the claim to impartiality and furthers the universal appeal of the conclusions.

The work adopts unique approach to conflict of laws which reflects an integrated perspective on international conflict resolution, merging both public and private international law to derive the most practical, fair, and enforceable outcomes. Given its breath, this book is an incredibly dense read but well worth the effort. It applies to a very practical context yet is animated throughout by a consistent theoretical framework. Rich in content and scholarly integrity, it benefits the practice of international arbitration and constitutes an original, robust and intelligent contribution to the conjunction of the national economic law and the global economic order.

MICHELLE GALLANT

*European Public Law*. By PATRICK BIRKINSHAW: [London: Butterworths, 2003. liv + 637 pp. ISBN 0–406–94266–9. £29.95]

Public law is changing and developing within Europe. It is developing in that the EU as an institution, and the Council of Europe as a supra-national standard setting body, are creating bodies of norms applicable in their own spheres of influence. National legal orders are changing because the European developments just outlined force them to adapt to their place as part of a multi-jurisdictional legal order. They can no longer construct their national public law around the peculiarities and interests of their own state governmental and administrative system. They are also changing because new norms have been agreed at European level which apply directly or indirectly in the national legal order. Birkinshaw's new work tries to chart these developments with a focus of attention on the impact on the United Kingdom. There are lots of books and articles

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