

BOOK REVIEWS

International Law: A South African Perspective. By JOHN DUGARD. [Capetown: Juta & Co. Ltd. 1994. xxxiv + 372 pp. ISBN 0-7021-3071-0. R135 (hbk); R99 (pbk)]

THIS is the right book at the right time from the right place. The dramatic changes that have taken place in South Africa have, despite continuing difficulties, encouraged us all and led to a powerful resurgence of interest in that country and its problems. In particular, it is now no longer beyond the pale to examine South Africa's approach to international law from its own particular historical and cultural perspective. It is therefore a delight to have an author of the quality and experience of John Dugard to act as our guide.

The book itself takes the form of an introduction to international law and maintains the traditional pattern of such works by ranging from an introductory chapter through sources to international and municipal law, Statehood, recognition, territory, jurisdiction, responsibility, human rights, the law of the sea, air and space law, treaties, peaceful settlement of disputes including the UN and the use of force, with a valuable final chapter on humanitarian law. As such it is interesting and clearly written, but its real value is with regard to the South African element.

That South Africa has one way or another contributed to the evolution of international law is undeniable, even if that contribution took the form of a negative, i.e. by taking measures (apartheid) that impelled the international community to react and thus consequentially to develop the principles relating to human rights, the UN, recognition of Statehood and the use of force. This is well recognised by Dugard (see e.g. p.19). One may simply point by way of example to the valuable treatment of the evolution of the doctrine of non-recognition in the context of the Bantustan "States" and his conclusion that the reincorporation of these entities into South Africa constitutes a victory for non-recognition as a way of preventing the acceptance of arrangements that violate the basic norms of international law. There is an especially interesting postscript on the new Constitution adopted in 1994, which contrary to earlier constitutions expressly recognises customary international law as part of the law of South Africa, indeed one with a particular status since the Constitution enshrining this is the "supreme law of the Republic". This postscript also picks up several other important developments occurring after the main text of the book had been completed.

This is a book that, unlike many in recent years, radiates hope and enthusiasm and demonstrates that, sometimes, good can come out of evil.

MALCOLM N. SHAW

The New World Order and the Security Council—Testing the Legality of its Acts. By MOHAMMED BEDJAOUI. [Dordrecht: Martinus Nijhoff. 1995. xix + 531 pp. ISBN 0-7923-3434-5. £154/US\$244]

THE views of a judge of the International Court of Justice on any issue of international law usually have added resonance for the reader, because of the knowledge that the writer may one day have to decide the issue in proceedings before the Court. Thus it is with particular anticipation that one approaches a book written by the President of the Court on one of the most controversial and pressing questions of the current international order, namely the powers of judicial review which the Court may exercise over the Security Council. In the context of increased activity by the UN Security Council, President Bedjaoui argues that the rapid political developments which have been enabled by the breakdown of the Eastern Bloc