

## BOOK REVIEW

**DISPUTE SETTLEMENT THROUGH THE UNITED NATIONS.** Edited by K. Venkata Raman. Dobbs Ferry, New York: Oceana Publications, Inc. 1977. Pp. xix., 749.

This collection of UNITAR studies seeks to "explore the experience of the United Nations in helping States to resolve their differences"<sup>1</sup> and thus to honor Chief Simeon Adebo, former UNITAR Executive Director, and Oscar Schachter, former UNITAR Director of Research. The volume not only honors the scholarly structure that Adebo and Schachter have constructed, and which Davidson Nicol, the current Executive Director and a contributor to this volume, continues to supervise, but it demonstrates international interdisciplinary research applied to a major problem.

Sydney Bailey's paper, *Peaceful Settlement of International Disputes: Some Proposals for Research*, presents a framework for studying dispute settlement and outlines the answers that social science and law have offered to questions about conditions for conflict, the nature of aggression, traditional methods of conflict resolution, and more. The paper poses the broad questions that must be answered if the United Nations capability to settle disputes is to be improved. The remainder of this collection can be viewed as responses to the questions posed in this paper.

Frank Edmead's economic model of conflict and conflict resolution, in *Analysis and Prediction in International Mediation*, uses familiar economic terms, such as utility, diminishing returns, rationality, investment, and resources to build an operational model of mediation opportunities and strategies. His conclusion that the best times for mediation are during the early stages of a dispute, before the parties' investments become so high that none can back out, or during the concluding phase, when exhaustion and costs mount, seem testable against the United Nations' or regional organizations' experiences. Edmead foresees an institute within the United Nations to monitor events, to suggest mediation opportunities and to generate refinements in the basic world; the Secretary-General's office would implement mediation suggestions. Whether or not the institution emerges, political scientists and sociologists

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1. Nicol, *Foreward* to *DISPUTE SETTLEMENT THROUGH THE UNITED NATIONS* v. (K.V. Raman ed. 1977).

who use events data methods might be spurred by this study to identify strategic points for dispute settlement attempts.

Mixing legal, political, diplomatic, and psychological approaches, Vratislav Pechota,<sup>2</sup> former delegate to the General Assembly and former Chairman of its Sixth (Legal) Committee, analyzes third party involvement in dispute settlement in order "to define . . . the role of the third party, the sources of its authority, the means and instruments available to it, and specific properties imparted . . . by the respective adjustment structure."<sup>3</sup> His second contribution, *The Quiet Approach: A Study of the Good Offices Exercised by the United Nations Secretary-General in the Cause of Peace*, elucidates the Secretary-General's use of good offices by drawing on thirty years' experiences to identify the variety of good offices, the prerequisites for their successful use, and their evolution. He concludes that "the Secretary-General's good offices are not identical with those practiced in ordinary diplomacy. They extend far beyond the limits set by international law for classical good offices and include any conceivable method of conciliatory assistance which is in accordance with the United Nations Charter and reflects a realistic assessment of the potential and resources available to the Secretary General."<sup>4</sup>

Demonstrating that one honored need not be a bystander in his own *festschrift*, Oscar Schachter examines United Nations' actions regarding internal conflicts.<sup>5</sup> Recognizing that the Charter's prohibition on intervention has yielded to United Nations involvement, he analyzes the context and conditions for action and concludes that the problem is how to relate general norms to state behavior and how to link the norms to specific situations. "[G]overnments cannot reply simply on abstract principles and . . . they must be sensitive to the contextual setting and to the complexities of choice in each concrete case."<sup>6</sup> This legal and policy-oriented research demonstrates Rosalyn Higgin's assessment that Schachter

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2. Pechota, *Complementary Structures of Third-Party Settlement of International Disputes*, in *DISPUTE SETTLEMENT THROUGH THE UNITED NATIONS* 149 (K.V. Raman ed. 1977).

3. *Id.* at 153.

4. Pechota, *The Quiet Approach: A Study of the Good Offices Exercised by the United Nations Secretary-General in the Cause of Peace*, in *DISPUTE SETTLEMENT THROUGH THE UNITED NATIONS* 673 (K.V. Raman ed. 1977).

5. Schachter, *The United Nations and Internal Conflict*, in *DISPUTE SETTLEMENT THROUGH THE UNITED NATIONS* 301 (K.V. Raman ed. 1977).

6. *Id.* at 347.

rejects the view that law is about the strict application of neutral rules. He appreciates the idea that the concept of rules is a somewhat crude one . . . and that what is important "is that the context of a legal rule can only be determined in terms of the whole set of consequences that may flow from its application."<sup>7</sup>

This "rule, policy outcome, rule" approach is brilliantly employed to demonstrate the evolution of United Nations experience, its values and goals, and the methods of it uses in these dangerous conflicts.

The concluding section of the volume presents a book-length study by K. Venkata Raman<sup>8</sup> on the procedural aspects of United Nations intermediary assistance, and a study by F. Y. Chai<sup>9</sup> of the United Nations Security Council's use of consensus procedures to deal with current international problems. Raman's study is no mere recitation of legal norms applicable to the intermediary assistance of the United Nations organs, but is an examination of the decisions of United Nations organs and their field activities; procedural questions ultimately take on a policy relevance that can affect the outcome of dispute settlement attempts. This study of practice and procedure draws on a wealth of legal, social science, and United Nations data in a comprehensive analysis that mixes disciplinary knowledge that often separates scholarly activity.

This volume is a major achievement in the field of dispute settlement. The editor is to be congratulated on his selections, and although the contributors are often wide-ranging in their subjects and approach, they are by no means writing past one another. Readers will find the studies provocative, the bibliographic material and evidence from United Nations practice invaluable, and the suggestions for research engrossing.

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7. Higgins, *Oscar Schachter as Scholar*, in *DISPUTE SETTLEMENT THROUGH THE UNITED NATIONS* 11, 24 (K.V. Raman ed. 1977).

8. Raman, *The Ways of the Peacemaker: A Study of United Nations Intermediary Assistance in the Peaceful Settlement of Disputes*, in *DISPUTE SETTLEMENT THROUGH THE UNITED NATIONS* 367 (K.V. Raman ed. 1977).

9. Chai, *Consultation and Consensus in the Security Council*, in *DISPUTE SETTLEMENT THROUGH THE UNITED NATIONS* 517 (K.V. Raman ed. 1977).

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## BOOKS RECEIVED

**THE UNITED STATES AND THE SECOND HAGUE PEACE CONFERENCE: AMERICAN DIPLOMACY AND INTERNATIONAL ORGANIZATION, 1899-1914.** By Calvin DeArmond Davis. Durham, North Carolina: Duke University Press, 1976. Pp. ix, 398. \$16.75.

The original purpose of the Peace Conference of 1899 was to consider the limitation of armaments; later, improvements in the laws of war and arbitration were added to its agenda. The three topics are dealt with extensively, but the author particularly focuses on the efforts of the United States to make the Hague Conference a permanent institution and to create permanent international arbitral and judicial institutions.

**SANCTIONS, THE CASE OF RHODESIA.** By Harry R. Strack. Syracuse, New York: Syracuse University Press, 1978. Pp. xvii, 296. \$15.00.

This is a study of the effects of the various sanctions invoked against Rhodesia by the world community. Believing that Rhodesia's prosperity in the face of extensive restrictions raises serious doubts about the efficacy of sanctions, the work discusses how Rhodesia has both openly and covertly maintained and developed sufficient regional and international contacts to ensure her survival.

**THE DECISION TO DIVIDE GERMANY.** By John H. Backer. Durham, North Carolina: Duke University Press, 1978. Pp. x, 212. \$9.95.

This book deals with the circumstances which prompted the decision to divide Germany along the present borders. The author's thesis is that the division of post-war Germany might have been avoided since an American-Soviet compromise remained possible. The study further appraises the causes and the rationale of American policies viz. occupied Germany at the national and military government levels, as well as the resulting failure to unify the Eastern and Western Zones of occupation.

**TOWARD EQUAL JUSTICE: A COMPARATIVE STUDY OF LEGAL AID IN MODERN SOCIETIES.** By Mauro Cappelletti, Earl Johnson, Jr., and James Gordley. Dobbs Ferry, New York: Oceana Publications, 1976. Pp. xxvi, 756. \$25.00.

A major undertaking that attempts to document the different philosophies, models and techniques that have evolved in various countries in order to improve legal representation of low-income

individuals in their own countries. The work is divided into two principal sections. The first consists of three separate parts which together trace the historical development of legal aid from Roman times and analyze the features of the principal modern systems. The second section is comprised of excerpts from statutes, administrative regulations, court decisions, government reports, and articles pertinent to legal aid.

**INTERNATIONAL TRADE UNDER COMMUNISM—POLITICS AND ECONOMICS.** By Franklin D. Holzman. New York: Basic Books, 1976. Pp. xvi, 239. \$10.00.

The book's purpose is to explain how the international economic system of the Communist bloc operates and how economic factors constrain, are constrained by, and otherwise interact with political, diplomatic, strategic and military forces in international relations. The work traces this interaction between politics and economics in the trade and investment policies of Communist nations with each other, and with both advanced and the developing nations in the West.

**MANAGEMENT FOR THE FUTURE.** Edited by Lewis Benton. New York: McGraw-Hill Book Company, 1978. Pp. xii, 355. \$14.95.

A delineation of some of the ills now affecting various segments of the world, as stated by the editor, is followed by the views of twenty-seven experts who explore the current situation and offer their concepts of management for the future. Topics include: strikes in the industrial world, technology, nationalization, famine, nuclear warfare, energy, and overpopulation.

**LAW AND POLITICS IN CHINA'S FOREIGN TRADE.** Edited by Victor H. Li. Seattle, Washington: University of Washington Press, 1977. Pp. xx, 467. \$20.00.

A compendium of papers presented for scholars and businessmen, offering insights into attitudes and practices of Chinese society in areas of trade and foreign policy. Part I deals with Chinese trade experiences with individual countries, among them, the United States and the Soviet Union. The papers in Part II describe the structure and mechanics of Chinese foreign trade. The appendices contain copies of agreements and regulations, contracts, and insurance forms.

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**Books Received**

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**PATENT AND KNOW-HOW LICENSING IN JAPAN AND THE UNITED STATES.** Edited by Teruo Doi and Warren L. Stattuck. Seattle, Washington: University of Washington Press, 1977. Pp. x, 433. \$27.50.

A study by American and Japanese legal scholars of patent and know-how licensing agreements between the United States and Japan. Topics covered include: comparison of American and Japanese patent laws and procedures, taxation of patent and know-how licensing by both respective countries, matters to be considered in drafting licensing agreements, and antitrust aspects of licensing.

**PRIMACY OR WORLD ORDER.** By Stanley Hoffmann. New York: McGraw Hill Book Company, 1978. Pp. xiii, 333. \$12.00.

This book probes the inadequacy of the Cold War "containment strategy" of the 1950's and 1960's and the balance-of-power alternative applied by Henry Kissinger. First, Mr. Hoffmann analyzes the achievements and failures of American foreign policy between 1947 and 1968. After a survey of the changes in contemporary international politics and an analysis of the restraints and risks faced by the leading participants, the book tells why the United States must make world order its chief concern. Because of the complexity of global problems confronting us today, traditional world politics cannot continue, the author says, without risking violence and eventual chaos. This book shows why the United States cannot evade its enormous international responsibility.

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