Land and Maritime Zones of Peace in International Law. By SURYA P. SUBEDI. [Oxford: Clarendon Press. 1996. xlvi, 240, (Select Bibliography) 21 and (Index) 9pp. Hardback £45·00 net. ISBN 0–19–826096–2.]

THIS work is the revised version of a doctorate dissertation of Oxford University, submitted in 1993. Its aim is to examine the legal aspects of the concept of Zones of Peace, both on land and at sea. Zones of Peace are areas which are intended by their authors to be insulated from militarisation and from outside interference falling short of aggression. Neutrality and neutralisation are two long-established means of creating such areas but in the last 25 years the United Nations General Assembly, the Association of South-East Asian Nations (ASEAN), Nepal and even the Tibetan government in exile have declared areas of sea and land to be Zones of Peace. Associated with the concept are nuclear weapon-free zones established by the Treaty of Tlatelolco for the seas off Latin America and the Rarotonga Treaty for the South Pacific, together with zones of particular aspects of peace, including the area beyond national jurisdiction under the 1982 Law of the Sea Convention, Antarctica under the Antarctic Treaty, the moon and other celestial bodies under the Outer Space Treaty and environmental protection zones. In all, there is a substantial amount of material to cover and very little literature which has dealt with the concept as a whole.

The first substantive chapter of the book deals with the history and content of the declarations made by the United Nations General Assembly for maritime Zones of Peace—the Indian Ocean in 1971, the South Atlantic in 1986 and, less substantively, the Mediterranean in 1981 and 1982. The author foreshadows the main legal problems which would arise from the implementation of such declarations, namely the geographical definition of the zone and the definition of the obligations of States within it. In his second chapter he considers the relationship of maritime Zones of Peace with the law of the sea, both within the coastal zones under national sovereignty or jurisdiction and on the high seas. The main problem here is reconciling the concept with those of innocent passage, transit passage and freedom of navigation for warships. The third chapter analyses the relationship of maritime Zones of Peace with other principles of international law particularly the non-use of force and the threat of force in Article 2(4) of the United Nations Charter, which is relied upon by proponents of the concept of Zones of Peace, and self-defence in Article 51 of the Charter, which is relied upon by its opponents. The author concludes that a customary law of Zones of Peace is being formed by State practice both within and outside the United Nations.

In the fourth chapter, the author discusses the history and content of the declarations of land Zones of Peace, in particular the ASEAN declaration of 1971, Nepal's proposal for its own territory in 1975, not supported by its powerful neighbour, India, and the somewhat academic proposal by the Dalai Lama in 1987 for Tibet. The fifth chapter deals with doctrines of a similar character to Zones of Peace, in particular permanent neutrality, such as Switzerland, Austria and Costa Rica, nuclear weapon-free zones, and principles relating to peaceful co-existence included in instruments such as the 1954 agreement between China and India which the author states were based on those of the *Panch Shila*, though he does not give any background on this Asian doctrine which might enlighten a European reader.

The bulk of the sixth and seventh chapters consists of legal analysis. First, the author discusses whether Zones of Peace, both maritime and land, fall within the "objective regimes" concept, so much talked about in the context

of the third-party rule in treaties. After an extensive analysis of the practice he concludes that they do. The seventh chapter deals with the methods of creation of Zones of Peace, particularly the fact that the basis of some proposals for zones has been declarations of international organisations, particularly the General Assembly, and the source of others has been limited-membership treaties, hence the importance of the "objective regime" argument.

The book, which is well-written and constructed, concludes helpfully with the texts of the General Assembly Indian Ocean and South Atlantic declarations and the 1971 ASEAN declaration printed in appendices. Although there is an extensive bibliography it is entirely anglophonic and the few works cited from German and French sources are given only in their English summaries or translations. As an indication of the topical nature of the subject-matter, two relevant and important treaties have been concluded in 1995, since the work was completed for the press, namely the African Nuclear Weapon-Free Zone Treaty (Palindaba) and the Treaty on the South-East Asia Nuclear Weapon-Free zone.

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Fairness in International Law and Institutions. By THOMAS M. FRANCK. [Oxford and Clarendon Press. 1995. xxxvi, 484 and (Index) 16pp. Hardback. ISBN 0–19–825901–8.]

THIS work is based upon Professor Franck's General Course at the Hague Academy of International Law. Like many other General Courses, Professor Franck's exposition of substantive principles of international law revolves around a theme; in this case the concept of "fairness" in the international legal system. As a rule, such thematic analyses are a risky undertaking. In an effort to explain the theme the author can descend into meaningless jargon, the theme itself may be nothing more than a vehicle for the author's own idiosyncrasies, or the perfectly coherent parts may, when linked by the theme, create a perfectly incoherent whole. There is a little of each of these in this work, but any such criticisms are but mere blemishes on a work of considerable scholarship and vitality.

The book begins with Franck establishing his field of play. He does not shirk from giving us his definition of "fairness" and it certainly is not a one dimensional concept. "Fairness discourse" embraces, *inter alia*, legitimacy in procedural fairness, distributive justice, and a variation of Rawls' concepts of moderate scarcity and "maximim". I enjoyed these opening chapters enormously. There may be too much word-play for some readers—I am still unsure what the "Existential Moment" is—but I found Franck's jurisprudence enlightening. His use of Rawls and critique of consensual positivism convinced me that the issue of "fairness", in all the forms identified by Franck, was one which any developed legal system had to address and which international law has to address more directly if it is to develop further. Likewise, I doubt there is a better analysis of the role of "equity" in international law than that contained in Chapter 3, "Equity as Fairness". This chapter, based on a previous collaborative publication, shows Franck at his best: historically accurate, loaded with detail and full of clarity and insight.