agencies and tribunals throughout the 1990s generated a relatively abundant jurisprudential output which needed to be distilled, and no doubt gave Dr Zegveld sufficient material to work from. Still, there is an undeniable limitation in a study focusing on legal restraints in civil wars that does not take account of the activities of domestic tribunals and adjudicative mechanisms. These are no doubt relevant to the issue of AOG accountability, at least as a form of state practice if not as a source of exposition of international law.

Otherwise, the strength of Dr. Zegveld's study is that it systematizes the topic coherently and presents a generally convincing case for the constructive extension of behavioural legal limitations to AOGs and for the development of complementary forms of accountability to sanction violations of those norms. Indeed, the author is keen on suggesting ways to fill gaps, thereby expressing the *en puissance* completeness of the international legal system. Throughout the book, Zegveld's main concern is for the recognition of the actual social existence of AOGs in international affairs and consequently for the development of forms of responsibility attaching and specific to them. Her attempt to appraise the commission of war-related atrocities through lenses other than those of fashionable international criminal law is welcome and provides a denser approach to the problem. In a rare insight on how recourse to some solutions may thwart others, the author opines that the trend toward individual responsibility through criminalization might impede the elaboration of group accountability doctrines by dissociating individuals from groups.

Zegveld's effort to further push the fences of responsibility should only be seen as the starting point of a desirable movement reaching a wider range of actors loosely involved in patterns of organized violence. For those interested in constraining such actors, Dr. Zegveld's book proves a precious and insightful reading.

Robert Dufresne

JSD Candidate
New York University

William E. Butler. ***The Law of Treaties in Russia and the Commonwealth of Independent States. Text and Commentary.*** Cambridge: Cambridge University Press. 2002. Pp. 548, hardback.

Since the dissolution of the USSR, 12 newly independent republics have confronted the challenge of returning to the international community along the path of the rule of law and democracy, both of which had been absent in this region for 70 years. To this end, they founded the Commonwealth of Independent States (CIS) in late 1991. The organizational structure of the CIS was supposed to assist its member states in forming their own modern legal systems. A key issue in this context has been which approach these states should adopt in coping with the exigencies of treaty-making. Indeed, the 1995 Russian Federation (RF) law links international treaties directly with the creation of a rule-of-law state, which is a standard laid down in the 1993 Constitution of the RF.

The volume under review is the first of its kind in English to attempt a survey of the treaty practice of these states. It contains a comparative commentary on the laws of the 12 member states of the Commonwealth of Independent States, including the Russian Federation, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. The author presents an article-by-article commentary on the prevailing Law on International Treaties of the Russian Federation adopted in 1995 and compares it with the laws of other CIS countries.

William Butler has practised and taught law in Russia for more than 15 years. He has published and translated many books on the Russian legal system. This volume originated as part of the Lauterpacht Lectures delivered at Cambridge University in 1991. Much of the material was also used in a special course on the Law on International Treaties taught at the Moscow School of Social and Economic Sciences of the Russian-British postgraduate university since 1995.

In the introduction, Professor Butler briefly familiarizes Western readers with the legislative history of the countries addressed in the book and adapts Russian legal terminology to English parlance. Thanks to the commentary on applicable Russian legislation, readers also have an excellent chance to comprehensively learn about the legal procedure for the conclusion, fulfilment, ratification and termination of international treaties of the Russian Federation. Indeed, the book offers an opportunity to become acquainted with the basics of the Russian legal system itself.

Russian law determines the place and role of international treaties in the Russian legal system. Generally speaking, the 1995 Law follows the 1969 Vienna Convention in stipulating that it extends only to international treaties concluded in written form. However the author, in accordance with a long tradition of Russian opinion,[1] clearly expresses his point of view that neither the 1969 Vienna Convention nor the 1995 Law purports to restrict states in general or the RF in particular from concluding oral international treaties, for such treaties are binding under international law. Many Russian academics and practitioners hold the same position.

Since the 1969 Vienna Convention does not clearly determine which treaties are to be ratified, it is for national law to provide the appropriate ratification procedure of certain international treaties. According to the Russian Constitution and the 1995 Law, the ratification of international treaties in the Russian Federation is implemented in the form of federal law. Moreover, the Law provides that if an international treaty affects any province of the RF the government of that province should give its agreement to that international treaty. The 1995 Law does not exclude the possibility that a so-called special ratification procedure be used for the most important international treaties. Such a procedure requires either making appropriate changes to the Constitution before the ratification can go ahead (Article 5–6 of the 2001 Federal Constitutional Law on the procedure of adoption of a new territory into the Russian Federation and formation of a new province of the Russian Federation) or the organization of an all-nation referendum (Article 3 of the Federal Constitutional Law on Referendum). For example, the 2001 Federal Constitutional Law on the procedure of adoption of a new territory into the Russian Federation and formation of a new province of the Russian Federation specifically requires that the special procedure of ratification be adopted. Another Federal Constitutional Law on Referendum, adopted in 1995, provides that in certain cases of immense importance a treaty is to be ratified by an all-nation referendum.

A key issue examined in the book is the nexus between former Soviet legislation and post-Soviet laws in Russia and the other newly independent states. The newly independent states were not in a position to adapt the provisions of the Soviet 1978 Law on the Procedure for the Conclusion, Performance, and Denunciation of International Treaties of the USSR. Indeed, the regime under that law did not conform with the requirement of the new national constitutions that international treaties should take priority over national legislation.[2] Butler therefore concludes his review of the new states' practice by saying that 'in the post-Soviet era the member countries of the CIS had either to repeal the

[1] I.Iv. Lukashuk. Commentary of the Law of the RF on International Treaties. Moscow, 1995; see also International Law/ Ed.: Yu. M. Kolosov, E.S. Krivchikova.Moscow. 2000.

[2] According to Justice Chudov who is a member of the Constitutional Court of the RF and used to be one of the drafters of that Soviet Law, all attempts to include the provision on the priority role of international treaty over the national law had failed. The Soviets were scared that such a provision would have opened the way for individuals to invoke the Convenants on Civil and Political rights and Economic, Social and Cultural Rights before national courts. See: Newspaper "Vechernyaya Moskva", June 6, 1998. Interview with Justice Chudov.

1978 USSR Law on treaties (which none of them did) or replace it with their own (which eventually all of them have done)'. Every independent state and the Russian Federation have thus formally enacted their own laws.

The main difference between Russia and all the independent republics, however, is that only Russia considered that its law would apply to all international treaties concluded by the former USSR. Besides that of the Russian Federation, it should be noted that the Georgian Law on International Treaties adopted in 1997 also provides that it extends to international treaties of the former USSR, but only to those with regard to which Georgia declared itself to be a legal successor.

This practice was based on contemporary conceptions of legal continuance of a state's rights and obligations, devised by leading Russian jurists,[3] which are unique and new in international law and practice. That doctrine makes a distinction between succession and legal continuance. Whereas succession in international law means merely legal transition of the rights and obligations from one state to another, legal continuance means uninterrupted continuity of the international legal capacity of a state as a member of international relations. While it can be said that the reunification of Germany or Yemen, the disintegration of Yugoslavia and the division of Czechoslovakia and Ethiopia, as well as the creation of 15 newly independent states following the dissolution of the Soviet Union all fall under the 'succession' heading, Russia's position is unique according to that doctrine in that it considers itself to be a legal *continuation* of the Soviet Union.

There were a number of specific legal and political characteristics of both the Soviet Union and the Russian Federation that called for such a solution. Above all, the status of a nuclear super-power attached to the Soviet Union and its presumed political and legal responsibility in global perspective could not be divided among newly independent states. According to the legal regime of non-dissemination of nuclear weapons, for example, none of the newly independent states was entitled to legal dominion over these weapons, except for Russia given that the greater portion of the nuclear arsenal was stationed on the territory of the Russian Federation. In fact, the law of treaties excluded the possibility that the newly independent states could become successors to some of the Soviet Union's treaties. Indeed, the 1978 Vienna Convention on Succession of States in respect of Treaties provides that a treaty may not be applicable in respect of the successor state if such succession were incompatible with the object and purpose of the treaty or radically change the conditions of its operation. One can find a number of relevant examples in the USSR–USA relations during the Cold War era. For instance: the 1987 Agreement between the USSR and the USA on Centers for Nuclear Danger Reduction, as well as the 1976 Treaty on Underground Nuclear Explosions for Peaceful Purposes, the 1987 Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles and many others. These treaties only made sense if two nuclear powers are party to them. The only way that their legal force could be maintained was for Russia to continue the rights and obligations of the USSR. It should be noted that this means of dealing with succession was recognized by the international community. The 1992 Joint Declaration of the Russian Federation and the United Kingdom, for example, says that 'Russia shall continue all international rights and obligations of the USSR in full.'[4] Russia's adoption of the state continuance concept did not mean that other former Soviet republics were completely foreclosed from legally succeeding to certain rights and obligations of the former USSR, but

[3] See International Law/ Ed. R.A. Kalamkaryan, D.K. Labin, E.T. Usenko, G.G. Shinkartskaya. Moscow. 2003. P. 126–130; I. Iv. Lukashuk. International Law. Moscow. 2001. P. 344; International Law/ Ed. Yu. M. Kolosov, E.S. Krivchikova. Moscow, 2000.

[4] One US President Representative declared that Russia should be considered as a "continuance" of the Soviet Union. Izvestia. 1991. Jan. 24.

it did effectively bring the brunt of the USSR's treaty obligations to bear on the Russian Federation.

Throughout the commentary the author goes beyond the strict legal framework and gives substantial consideration to the theoretical underpinnings of treaty law. This is no mean achievement since it remains difficult to research the laws of these countries given their endemic instability. In general, the commentary nonetheless successfully manages to compare and contrast the legal similarities and differences among the CIS countries with respect to international treaties.

As an integral part of the publication, the full text of respective laws of every member state follows the commentary. The author himself has made all the translations of attached legislative acts from Russian texts published in official gazettes or in Russian texts supplied by the Ministry of Foreign Affairs of the respective countries. The vast bibliography is no less interesting for those who specialize in CIS law. The materials go beyond a standard collection on the subject and include official documents, codifications, general works, serials, textbooks and other sources of valuable information mostly published in Russian.

This book is undoubtedly a welcome contribution to a little-known regional treaty practice. It will guide and assist those who research and practise law in that region on a routine and scientific basis. It is a highly worthwhile first attempt to analyse this particular legislation for English-speaking readers.

Dmitry K. Labin
Ph.D.

Associate Professor MGIMO
Russia