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of the most developed and potentially effective reporting mechanisms of all of the human rights supervisory bodies' (p. 102). But he is also quick to point to the shortcomings of that system: the inadequacy of states' reports, their tardiness in reporting, the lack of expertise within the Secretariat, the unevenness of the Committee in terms of membership, and, most important of all, the breadth of the rights contained in the Covenant and the lack of case law at the national and international levels.

He is a strong supporter of the creation of a complaints procedure (modelled upon the procedure contained in the Optional Protocol to the Covenant on Civil and Political Rights), which he would consider to be 'the single most important development in the history of the Covenant' (pp. 105, 358). He identifies the extent of NGO participation in the Committee's work as 'perhaps the most controversial aspect' of its activities (p. 80). The book's greatest strength is that it provides the only systematic examination available in any language of the 'jurisprudence' generated by the Committee in relation to each of the specific rights analysed.

P.A.

Schachter, Oscar, and Christopher C. Joyner (eds.). *United Nations Legal Order* (2 vols.). Cambridge, New York, Melbourne: Cambridge University Press/American Society of International Law, 1995. Pp. xxiv, 1119. Index.

Book reviewers, it seems, are supposed to feign ignorance of any reviews of the same book by others. But the present reviewer can hardly ignore the glowing review accorded to these volumes by Professor Thomas Franck in the *American Journal of International Law* (90 AJIL (1996) 519–23). He considers the collection a splendid and 'richly satisfying' one, characterizes the twenty-two authors as either 'well-known experts' or 'newly revealed praetor[s]', and describes individual chapters as remarkable, fascinating, excellent, and so forth. He knows 'of no

other work as valuable to an understanding of how the global legal system works now'. While this fulsome praise is qualified by a few minor cavils, one might expect an absolutely outstanding collection. Instead, it is merely a solid, informative and reasonably comprehensive one, with many of the shortcomings of such collective volumes.

Schachter's introduction is, as usual, a masterly synthetic characterization of the 'UN Legal Order'. Sohn's chapter on 'The UN System as Authoritative Interpreter of its Law' is much too narrowly drawn and ends up as primarily a vehicle for a case study on the response to apartheid by the principal UN organs. Fleischauer's chapter on 'Inducing Compliance', although equipped with the disclaimer that he is writing in his personal capacity, is singularly disappointing. It contains little more than a few observations relating to the Iraq–Kuwait case study, rather than coming to grips with a subject that has given rise to a vast literature in recent years and is of major importance. His chapter ends with the rather tedious reminder that the UN is 'not a world government' (p. 238). The absence of strong chapters on these two key issues is a disappointment.

In contrast, the chapters by Szasz on 'General Law-Making Processes' and Kirgis on 'Specialized Law-Making Processes' are masterly surveys of a vast range of disparate material and make important contributions to the literature. Similarly, many of the chapters dealing with relatively narrowly drawn topics are very well done. They include Marks on UNESCO, Kirgis on both shipping and aviation, Tomasevski on health, Dobbert on FAO, Hannum on human rights, Lyall on posts and telecommunications, and Alvarez on finances. Other excellent chapters are by Leary on labour, Martin on refugees, and Cook on women.

Several authors are given impossible tasks. In particular, Murphy is expected to deal in one chapter (entitled 'Force and Arms') with the use of force, collective security, peace-keeping, regional arrangements, arms control, disarmament, non-proliferation and safeguards. Hardly surprising that he is forced to a conclusion

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that tells us little: 'If the past is prologue, the United Nations will continue to play a vital role in developing the international legal order to restrain the use of force among its member states' (p. 317). While Stephen Zamora does an excellent job on 'Economic Relations and Development', his brief is equally impossible, given that it encompasses GATT/WTO, UNCTAD, IMF, the World Bank, UNDP, UNIDO, WIPO, ECOSOC, the General Assembly and much of the UN system's operational activities over the past fifty years. The chapters on self-determination and the international civil service would have been interesting if written and read in the 1980s, but tell us little for the late 1990s.

In short, the collection has great strengths and significant weaknesses. It is nonetheless essential reading for those interested in the UN system in general or in international law-making processes more specifically.

P.A.

Suski, Birgit. *Das Europäische Parlament: Volksvertretung ohne Volk und Macht?* Berlin: Duncker & Humblot, 1996. Pp. 211. DM 84; ÖS 656; sFr 84.

Kluth, Winfried. *Die demokratische Legitimation der Europäischen Union*. Berlin: Duncker & Humblot, 1995. Pp. 157. Index. DM 68; ÖS 531; sFr 68.

'Democratic legitimation' and 'public participation' are two of the key terms in the current debate on the shape and future of the European Union. The frequency of their use is, however, often no proof of the depth of the discussion for which they stand. Going beyond the level of fashionable term-dropping requires a clear and comprehensive analysis. Birgit Suski's *Das Europäische Parlament: Volksvertretung ohne Volk und Macht?* and Winfried Kluth's *Die demokratische Legitimation der Europäischen Union* both try to reach this goal – approaching it from two different directions – and both fail to some extent.

Suski comes from a rather formalistic school of thought. She sets certain premises – often without giving due reflection to their usefulness and adequacy – and uses them as a comparative standard for an evaluation of the European Parliament's role as defined in the EC Treaty. Her line of reasoning goes as follows. In a first, lengthy part she defines the term 'people' in a legal sense and concludes that there is no single European people. This is certainly not new; more surprising is the reason given for this. Since each Member State still has the competence to restrict temporarily some of the freedoms guaranteed by the Union in order to ensure public order, security or health, the basic equality of all the citizens living within the borders of the Union cannot be assumed. This is certainly one of the oddest and most legalistic arguments that has ever been raised against the notion of a European people. But even more puzzling is the next step, where she somehow comes to the conclusion that the democratic principle is nevertheless fully binding for the Union. If there is no European people, not even in a functional-democratic sense, how then can one, without great effort and without giving any thought to the serious concerns that have been raised against the legitimacy of supranational democratic structures at the current stage of integration (not least by the *Bundesverfassungsgericht*, even if they might not be convincing in the end) simply postulate that the European Parliament has to replicate the functions of the national parliaments, which it obviously does not? This is not much more than an intellectual ghost-voyage.

Kluth, in contrast, starts by developing a general concept of democratic legitimation. He then evaluates the current arrangements in the EU, concluding that there is no democratic deficit. Although Kluth's line of reasoning seems more straightforward than Suski's, some of the same queries remain. The most fundamental is one of methodology. Democracy is by origin not a judicial invention. It was developed as a philosophical, a political, concept. The legal notion of democracy is only its transformation into a workable in-