interference. Anaya's presentation of the history, continuing struggles and achievements of the indigenous rights movement is exemplary scholarship.

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Garrett, James J. (ed.). *World Antitrust Law and Practice.* Boston, New York, Toronto, London: Little Brown and Company, 1995. Pp. lx, looseleaf. $ 145.

In the wake of economic liberalization, business transaction with an international dimension have become a matter of routine. It has long been realized that this development entails a globalization of anti-competitive threats. There is no uniform system of world competition law in sight that could help to tackle these problems, but there is an increasing number of states that have adopted antitrust statutes. As business activities cut across national boundaries, so does the application of national laws against cartels and abuse of market power. This has prompted antitrust authorities from different jurisdictions to look for efficient froms of cooperation in antitrust enforcement. From an academic perspective, the emergence of a decentralized structure of mutually interdependent and competing laws (i.e. of a legal structure that is – somewhat paradoxically – copying the structure of the economic system it controls) is a most interesting field of research that is likely to spur lively debates for some time to come. From a practitioner's perspective, it may be just a burdensome exercise to keep up with the pace of entrepreneurial clients and relentlessly active national legislatures and authorities as their counterparts. James Garrett's *World Antitrust Law and Practice,* with contributions by 45 authors, is designed to assist busy practitioners (and confused clients) by providing them with, as Garrett puts it, 'a sort of road map through this maze of evolving laws and practices'.

The book is structured in three parts. In its first part, it covers US federal antitrust law; the second focuses on EC competition law; and the third part examines antitrust laws from 31 jurisdictions, ranging from Norway to New Zealand. In terms of quantity, James Garrett's claim of 'the most comprehensive coverage of world *competition law ever attempted in one volume' is un*doubtedly justified. In terms *of quality, the book leaves so*mething to be desired. There are fourteen chapters on US antitrust, written with abundant expertise by American authors, all active or former partners and associates of US law firms. Seven chapters deal with EC competition law, treating the subject in less, yet sufficient detail, taking into account the purpose of the book to provide basic information on antitrust. But there is only a collection of brief sketches on the rest of the world (including national laws of EU Member States), some of which are shorter than five pages. The practical value of these chapters is rather dubious. At times, the quintessential message seems to be the advice to consult an antitrust expert as soon as possible. Besides, not much encouragement is given to the reader to use the second and third parts of the book. The index refers to US law only (as the reader is told), and so do the table of cases and the table of statutes (as the reader is not told). There are only two matrices, one on substantive law and one on enforcement, covering 'law in foreign jurisdictions'. Readers without specific knowledge in the field of competition law will certainly need more guidance to identify antitrust problems that might occur beyond the ambit of their national laws. This is even more so since a single phenomenon (e.g. franchising) may belong to different legal categories, depending on the law that applies. Moreover, in view of Garrett's foreword characterizing the multi-jurisdictional application of competition laws as one of the most important current trends, jurisdictional issues are not given the attention they deserve. If they are considered at all, the sections on these issues are rather superficial (compare § 15.1.1. and § 15.2.2. providing nothing but a thumbnail rule on extraterritorial application of EC law) or even misleading (compare the outdated 'double barrier' approach in Rupert Bondy's description of the relationship between UK law and EC law in § 25.1).

This criticism is not intended to discredit Garrett's ambitious project to present an

outline of world antitrust law in one volume. The potential strength of the book lies in its as yet weakest part. Considering the lack of easily accessible up-to-date information (in English) about most of the laws described in the third part, anyone interested in antitrust will warmly welcome the attempt to give a clear and precise account of the law in national jurisdictions outside the United States. The size of the book need not be altered by any improvements to that particular part. There is ample literature on EC and US antitrust, covering the whole range from pamphlets to encyclopaedia. Barry Hawk (in *United States, Common Market and International Antitrust*), for instance, presents both legal systems in a way that this book cannot compete with. Instead of adding just another introductory text to the existing body of literature in the field, the space devoted to US and EC law could perhaps be better used for a more elaborate description of antitrust laws in other jurisdictions.

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Thürer, Daniel, Matthias Herdegen, and Gerhard Hohloch, *Der Wegfall effektiver Staatsgewalt: 'The Failed State.'* Heidelberg: C.F. Müller Verlag, 1995. Pp 197. Dm 94; öS 686; sFr 89.

This volume presents the proceedings of the German Society of International Law 1995 Leipzig meeting on 'The Failed State'. It consists of presentations by the three authors as well as the full text of the ensuing discussion. The first two presentations address public international law issues arising from the breakdown of effective government, such as in Somalia. The third deals with the private international law consequences of this phenomenon.

Thürer's analysis is based on the continued existence of the failed state, despite the fact that its structure of government has ceased to exist, both for internal and external purposes. This implies the duty to respect the typical obligations *vis-à-vis* foreign states, including the prohibition of the use of force. On the other hand, the Security Council's practice demonstrates that grave and systematic violations of human rights, even without immediate trans-boundary repercussions, may be classified as threats to the peace in accordance with Article 39 of the Charter, and can lead to action under Chapter VII. Situations of internal turmoil and general lawlessness typically create challenges to human rights as well as to humanitarian law. Thürer stops short of condoning unilateral armed humanitarian intervention, but notes the United Nation's tendency to undertake or authorize humanitarian activities, if necessary, including the use of force. He advocates the reactivation of the Trusteeship Council to administer failed states, a step that would require an amendment to the Charter, as well as the creation of a rapid reaction force at the disposal of the Security Council and the completion of the International Law Commission's projects on a Code of Crimes against the Peace and Security of Mankind and on the creation of a permanent International Criminal Court. He adds a number of suggestions on measures to reconstruct the failed state's institutions.

Herdegen argues that the paralysis of elementary state functions suspends the application of certain international law principles which presuppose the effective existence of the state. In the context of the state's external representation, the last government's democratic legitimacy may, for a while, compensate the lack of effectiveness. But ultimately the absence of an effective government will destroy the representative powers of any still existing diplomatic or consular missions. Most importantly, Herdegen pleads in favour of a restrictive interpretation of the Charter's prohibition of the use of force in situations of internal anarchy. While he supports Thürer's thesis on the interpretation of Article 39 and the use of Chapter VII, he would go one step further, arguing that armed intervention by individual states or groups of states for strictly humanitarian purposes is to be permissible in cases of genocide and other massive human rights violations. This result is justified on the basis of ethics, a teleological interpretation of Article 2/4. It is also based on the assertion that the disappearance of an effective central power causes the state itself to disappear, hence losing its protection under the Charter. Not surprisingly, under this ap-