

## NEW BOOKS

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#### Functional and Comparative Analysis

by  
**JEROME B. ELKIND**  
*Senior lecturer in Law*

#### LEGAL ASPECTS OF INTERNATIONAL ORGANIZATION 4

224 pp.  
Cloth Dfl. 110.00/£27.95      ISBN 90-247-2921-1  
August 1984, Martinus Nijhoff Publishers

This book deals with a problem which has become extremely vexing to those concerned with third-party settlement of international disputes. Increasingly, in recent years, States which have been cited by other States in unilateral applications to the International Court of Justice, have failed to appear or participate in proceedings on the ground, in each case, that the International Court of Justice has no jurisdiction to hear the merits of the dispute – this despite the fact that Article 36 (6) of the Statute provides that, in the event of the dispute over jurisdiction the matter shall be settled by a decision of the Court.

This book has been awarded the Prix Francis Lieber by the Institute de droit international which placed the question of non-appearance before the International Court of Justice on its agenda at its session in Dijon in 1981. It has a Preface by Madame Suzanne Bastid, membre de l'institut (of France).



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### ENFORCING REGULATION

edited by  
**KEITH O. HAWKINS**  
*Centre for Socio-Legal Studies, Wolfson College, Oxford University, England*

**JOHN M. THOMAS**  
*Center for Policy Studies, SUNY-Buffalo, NY, USA*

208 pp.  
Cloth Dfl. 95.00/£24.00      ISBN 0-89838-148-7  
February 1984, Kluwer Nijhoff Publishing

*Enforcing Regulation* is a collection of eight original essays on the regulatory process. The book is in two

parts. In part one, three essays deal with general theoretical issues involved in understanding the processes involved in regulating social and economic life. The purpose of this introductory section is to provide a theoretical context for the papers in part two. Part two itself, consists of five papers, which deal with the actual practice of enforcing regulation. All are drawn from first hand empirical analyses of the regulatory process. Governments have relied increasingly in recent decades on the use of mechanisms of regulatory control to cope with the growing complexities of modern society and their unfortunate consequences. In spite of this recent growth however, the nature and consequences of regulatory control have been little studied. This book is one of the first publications to explore theoretically and empirically some of the key features in the regulatory process across a number of different areas of protective social regulation.



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## ESSAYS ON INTERNATIONAL LAW AND ORGANIZATION (IN 2 VOLUMES)

by  
PROFESSOR LEO GROSS  
*Trufts University Fletcher School of Law and Diplomacy*

1230 pp.  
Cloth Dfl. 450.00/£114.50 ISBN 90-247-2910-6  
April 1984, Martinus Nijhoff Publishers/Transnational Publishers

*This book consists of 2 volumes. These papers are but a partial reflection of a life of distinguished scholarship. As these papers repeatedly show, Leo Gross has manifested an abiding concern for the proper application of the principles, rules and procedures of international organizations in a lawyer-like appreciation of the importance which procedure has for the fair achievement of substance. He has appreciated no less that precedent may be a two-edged sword, which can be applied to its makers in the fullness of time.*

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#### An Analytical and Prognostic View

by

GAMAL MOURSI BADR

*Adjunct Professor of Law, New York University Former Justice of the Supreme Court of Algeria*

#### DEVELOPMENTS IN INTERNATIONAL LAW 5

248 pp.

Cloth Dfl. 120.00/£30.50 ISBN 90-247-2880-0  
March 1984, Martinus Nijhoff Publishers

This work takes a fresh look at the doctrine of state immunity from both the historical and the analytical perspectives. The author challenges the commonly invoked historical credentials of the absolute doctrine of state immunity and proposes new objective and neutral criteria to distinguish the public acts of a foreign state from its private acts. Analysis (including a survey of the latest seven instruments on state immunity) leads the author to the conclusion that immunity covers only public acts of foreign states. Further analysis reveals the redundancy of state immunity in view of the more basic lack of jurisdiction where truly public acts of foreign states are concerned.



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## RECUEIL DES COURS

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Academie de Droit International

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