
This is a modest but useful work on the neuralgic issue of the legal consequence for societies in transition of human rights violations by a previous government. It contrasts the practices of South Africa (post-apartheid) and Germany (post-Nazi and post-communist) in the areas of punishment and reparation. As several of the contributions make clear, there are important contextual differences between the two countries, most notably that in South Africa the transition had to be negotiated. The negotiation, as is convincingly argued in a foreword by a key participant for the ANC, A. M. Omar (now Minister of Justice), demanded compromises especially in the area of individual accountability. This was reflected in the postamble to the interim constitution of South Africa, which explicitly provided for amnesties for those involved in the pre-settlement conflict.

The solution eventually found, a truth and reconciliation commission capable of recommending individual amnesties for those who make a clean breast of their offences, is one of the more creative: it avoids blanket amnesty or indemnity and demands full individual accountability. So even though prosecution and punishment may be avoided, individual criminal violators of human rights are in a sense still “brought to justice”. Omar’s diffident defence of this arrangement, of which he invites criticism, makes his thoughtful foreword alone worth the cost of the book.

The section on reparation is also very informative, focusing not only on compensation but also on other areas of redress, including (of especial importance in South Africa) land restitution. In this field the key difference between Germany and South Africa is, of course, that of relative resources available for financial or other material reparation.

The generally authoritative papers were prepared in connection with a June 1995 conference arranged in Cape Town by the Community Law Centre of the Faculty of Law of the University of the Western Cape. The book is a useful complement to the more comprehensive Impunity and Human Rights in International Law and Practice (edited by Naomi Roht-Arriaza), reviewed in (1996) 45 I.C.L.Q. 489.

Nigel S. Rodley


This is an excellent casebook compiled by six law teachers from across Canada. Quite rightly, it reflects the increasing move in Canada away from English law and precedents in the conflict of laws. Canada (like Australia) came much later than the United States to the realisation that the development of a federal State demanded that its constituent parts
should not treat one another as if they were foreign countries. It should now seem self-evident that a court in Toronto should not treat British Columbian law as if it were Indonesian law, or a Newfoundland judgment as if it were a Costa Rican judgment. The leading Supreme Court cases in this development, from *Aetna Financial Services Ltd v. Feigleman* (1988) 15 D.L.R. (4th) 161 to *Tolofson v. Jensen* (1994) 120 D.L.R. (4th) 289, are discussed in stimulating notes, which are an excellent feature of what will be a very useful collection, not only in Canada but elsewhere.

**Lawrence Collins**


The subtitle of this book is “The Hague Convention on the Law Applicable to Agency”. This dates from 1978 and had, by the time the book was published, been ratified by four States—Netherlands, France, Argentina and Poland; the Convention was 17 years old, and as far as international action goes, lies somewhat becalmed. It is not altogether clear what has happened to call forth a long and exhaustive treatise on the subject, except that the author has written it.

The work has considerable merits. It is well and clearly written and suitably organised. It is for the most part, if not entirely, a learned and scholarly exercise. It is not only a study in private international law but also calls upon the techniques of comparative law to provide the legal background to the Convention. In this sense it can be said to be a significant addition to the literature.

However, the book has certain defects. It is too long and there are times when the reader’s interest flags under the weight of its learning. It tends to read like a doctoral dissertation. It is not easy to understand at what readership it is aimed. One cannot imagine many students rushing to consult the work, or, in spite of its being supported by a leading firm of solicitors in the City of London, many practitioners doing so. It seems to be by a scholar for other scholars.

Moreover, as the author himself says, it is heavily slanted towards Dutch law and decisions of the Dutch courts. This is not at all surprising, given the author’s nationality, but it hardly serves to give the book a wide international appeal. The author cannot be accused of not being candid. At the start of the book he says that in studying foreign (to the Netherlands) legal systems, he has consulted authoritative textbooks rather than examining statute and case law directly. He adds that as regards English law he has relied heavily on *Bowstead on Agency*. This does not seem to be an apt method of conducting scholarly research.

Finally, the price is outrageous. One can buy a copy of *Cheshire and North*, covering the whole of English private international law in 900 pages, for much less.

**J. G. Collier**


*Transnational Tort Litigation* is a collection of essays representing the work of the Committee on International Civil and Commercial Litigation of the International Law Association from 1992 to 1994. The impetus for this work came from a workshop on “Catching the Foreign Defendant” held at the 64th Conference of the International Law Association. The emphasis at that workshop was on the pursuit of fraudulent defendants and, while there is still a strong flavour of fraud to some of the essays in this collection, it has been broadened