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Solomon Slonim

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such cultural property at the request of the state of origin, if it is prepared to pay just compensation to an innocent purchaser or to a person who has valid title (Article 7b). The parties further agree to take necessary measures, consistent with existing national legislation, to prevent museums and similar institutions within their territories from acquiring cultural property originating in another country (party to the Convention) which has been illegally exported after entry into force of the treaty (Article 7a). (The United States has submitted its understanding that our private museums and other private institutions will *not* be legally bound by the Convention and that the agreement does not require the enactment of new legislation to establish national control over such institutions.) Article 9 of the Convention contemplates application (by mutual agreement of the states parties most concerned) of import and other controls on an *ad hoc* basis to specifically defined archaeological or ethnological materials in situations in which a state's cultural patrimony is in jeopardy from pillage of these materials.

Along similar lines, the United States ratified the bilateral treaty with Mexico in 1971 that provides for the return of stolen archaeological and cultural materials of "outstanding importance." But as Meyer points out, even with these U.S. measures—the Mexican Treaty, the ratification of the UNESCO Convention, and the statute that prevents the import of pre-Columbian monumental or architectural sculpture and murals into the United States—"the combined effect will only be to lessen, not eliminate, the plunder of ancient sites."

While Meyer might have treated the legal issues regarding the protection problem in more depth, he has contributed provocative and valuable background material for the lawyer who seeks to be well versed in the specifics of art transactions and the intricacies of museum policymaking. It is not only in museum acquisition that Meyer sees ramifications for public policy; he recognizes the importance of mankind's cultural past as an irreplaceable resource that is being destroyed, and even carries his analogies into the realm of environmental law—advocating demonstrations of social consciousness:

It [the destruction of the past] is a collective failing, with roots in archaic notions of sovereignty and property; like peace the past is truly indivisible. If it is being destroyed piecemeal, it is because of our inability to view its preservation in larger terms. Before that outlook can be changed, enough people must have enough information to know that a problem exists.

MEREDITH A. PALMER

*South West Africa and the United Nations: An International Mandate in Dispute.* By Solomon Slonim. Baltimore and London: The Johns Hopkins Press, 1973. pp. xix, 409. Appendices. Bibliography. Subject Index. \$13.50.

Dr. Slonim has brought together in this work, completed at the Hebrew University of Jerusalem, the fruits of both Australian and American legal

training. Its quality is a tribute to both traditions, and to his own scholarly abilities. I would like to think that its precise and bold confrontation of legal issues and its meticulous regard for documentation stems from Australian tradition (though I would have to add that, in the latter regard, the teaching of Manley O. Hudson has become part of the Australian tradition). Certainly the author's combination of technical legal skills with bold and wide-ranging political insights stems from the best older traditions of American international lawyers, of which the late Quincy Wright at his best was a fine exemplar. By the same token this book stands apart from more recent tendentious trends to expound an international law remade to match each writer's "heart's desire." It does not confuse *lex ferenda* with *lex lata*. It does not identify a traditional international law which is down to earth (and by that workable) with law that is mired and therefore contemptible. It does not mistake the law's prudent hesitations, ambiguities, and silences for doorways to the millenium.

The still unfolding story of South West Africa from the grant of the League Mandate in 1919 (App. I) to the 1971 Namibia opinion (1971 ICJ Reports 16) is here followed through within the flow of historical events with close and critical analytical attention to the issues as they emerged and changed in the flow of those events. These qualities are well sustained for the tangled history of the general Mandate system (Part I, pp. 1-74), for the abortive post-World War II effort to convert the Mandate into a Trusteeship (Part II, pp. 75-124), and for the efforts of the 1950's to use the International Court's advisory powers to hold South Africa as Mandatory *cy-près* to Trusteeship obligations (Part III, 125-66).

These qualities persist throughout the author's work on the more complex, topical, and controverted issues surrounding the efforts to use the General Assembly (pp. 110-84), the Security Council (pp. 315-46 *passim*), and finally the International Court (pp. 185-309) as instruments against South African control of South West Africa and also against South Africa's sovereignty and control over its own metropolitan territory (not least by implication from the attacks on its apartheid policy, pp. 224-78).

Even in a work of this level of uniform lucid scholarship, the brilliant accounts of the Jurisdictional (1962) and Merits (1966) Phases of the *South West Africa Cases*, brought by Ethiopia and Liberia (pp. 167-312) and of the *Namibia Advisory Opinion* (1971, pp. 329-44) are outstanding. By sheer analytical power and integrity, these pages provide an unrivalled account of the precise international law issues involved. They are rescued from final obfuscation beneath the political and ideological tactics, maneuver and doubletalk which have understandably accompanied some of the most burning issues of our troubled times. The author has sustained these exacting tasks with close attention to the social and political contextual background, and also to the pleadings, oral arguments, and documents submitted by the parties in the flow of litigation. That he has succeeded in doing all this without political and ideological *parti pris* on his own part means that this work will establish itself as a definitive book for students of international law and of international politics. And it makes

this book also an invaluable teaching instrument in these subjects—for course reading as well as for case study in graduate seminars.

Scholars engaged in research on these various cases will find many discussions of principle which, as far as I know, are unparalleled elsewhere in the literature. They will find original criticisms of positions which have hitherto been commonly accepted without serious examination.<sup>1</sup>

One of our generation's most acute political thinkers observed in 1970 that "the UN debases its currency and its credibility when it blows thunderous trumpets as in the case of South Africa which cause no walls to fall down and leave intact what has been destroyed in words."<sup>2</sup> Dr. Slonim has provided us with a comprehensive, incisive, convincing, and dismaying account of the costs which inevitably fall, in the course of such operations, on the delicate fabric of the legal and judicial institutions of the society of nations.

JULIUS STONE