1965

Book Review. Les Nouveaux États dans les Relations Internationales edited by J. B. Duroselle and J. Meyriat

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Les études de M. Dertilis, professeur d' économie et de législation financière à l' Université de Thessaloniki, présentent un intérêt multiple. Elles sont, tout d' abord, une riche collection de documents et de données statistiques concernant l' attitude en matière de finances des puissances de l' Axe pendant l' occupation de la Grèce. Elles contiennent, ensuite, une appréciation de cette attitude sous l' angle de la situation économique générale du pays occupé. Elles nous donnent, enfin, la conception que l' auteur se fait de ce qui devrait être la sanction en droit international du complexe de faits historiques auxquelles elles se réfèrent. C' est ce dernier aspect des études qui retiendra notre intérêt dans ce bref compte rendu.

M. Dertilis rappelle que les deux puissances occupantes ont, au moyen de différents procédés et surtout sous forme d' avances, reçu de la Banque de Grèce une somme d' argent de l' ordre environ de 250 millions de dollars et cela en plus des frais d' occupation convenus et régulièrement remboursés par le fisc grec. En vertu d' un accord intervenu entre elles à Rome le 14 mars 1942 et communiqué le 23 mars 1942 au gouvernement du pays occupé, les deux puissances occupantes s' étaient réservées de régler plus tard les dettes ainsi contractées. Or, ce règlement n' a jamais eu lieu. Aussi, lors de la négociation du traité de paix avec l' Italie, la délégation hellénique, après avoir échoué de faire adopter par les États signataires l' obligation de l' Italie de payer à la Banque de Grèce la somme de 64.800.000 dollars en remboursement de ses dettes durant l' occupation, s' est réservée, par déclaration insérée dans les procès-verbaux, de faire valoir ces droits par voie diplomatique ou autre. En ce qui concerne les réclamations de la Grèce à l' égard de l' Allemagne provenant de la même source, il a été convenu d' en discuter lors de la conclusion du traité de paix avec ce pays.

L' obligation aussi bien de l' Italie que de l' Allemagne de rembourser les sommes reçues par elles de la Banque de Grèce à titre d' avances et excédant les frais d' occupation, a, pour M. Dertilis, un triple fondement juridique. Elle découle, en premier lieu, de l' accord, ci-dessus mentionné, du 14 mars 1942, qui, bien que conclu entre les puissances occupantes, n' en détermine pas moins, également en ce qui concerne la Grèce, la nature juridique des paiements effectués par elle à ces puissances. En second lieu, lesdites personnes sont tenues à restituer les sommes ainsi reçues en vertu des principes de l' enrichissement sans cause que l' auteur considère comme appartenant à un fonds juridique universel en d' autres termes aux principes généraux de droit reconnus par les nations civilisées. Enfin, en troisième lieu, les conditions dans lesquelles ces paiements ont été infligés à la Grèce et les répercussions désastreuses qu' ils ont eues sur l' économie gravement souffrante du pays occupé, permettent à l' auteur d' affirmer, à juste titre d' ailleurs, que les puissances occupantes ont eu par là violé les dispositions du Règlement annexé à la 4e Convention de La Haye (1907) sur l' occupation de guerre, considérées comme expression du droit international positif en la matière, et se sont ainsi rendues responsables de réparer le dommage causé par leur comportement illicite au point de vue de droit international. Nous voudrions souscrire à ces arguments dont on aurait difficilement contesté le bien-fondé en fait et en droit. M. Dertilis, qui combine de façon rarement si heureuse sa formation d' économiste avec un raisonnement juridique sûr et perspicace, a su jeter de la lumière sur une des pages les plus inextricables et pénibles de l' occupation de la Grèce pendant la dernière guerre et donner aux réclamations grecques toujours pendantes une forme précise et un fondement solide.

D. J. EVRIGENIS

A net has been defined as a bunch of holes tied together by a string. One often wonders, on reading most collections of papers on a «common» theme, known somewhat ambitiously (or perhaps ambiguously) as symposia, whether there is anything, apart from the book covers, that binds together the disparate contributions. It is then an unaccustomed pleasure to find that the symposium under review has an internal unity of its own and constitutes an integrated study of its topic. Its unity is no accident, but the result of extensive collaboration of the authors and editors in the discussion and revision of the individual articles. A price had to be paid for it: the essays were first written in 1960, revised in 1961 and published in January 1963. In this field, where developments are rapid and radical, such a delay could easily have been fatal. It is perhaps the best measure of the books' success (and a tribute to the authors' and editors' skill) that it largely retains to-day its interest and usefulness.

Symposia are notoriously difficult to review within normal space limits. A summary description of this book may provide at this point a useful overview and free the reviewer from formalistic obligations of precise description and citation. The symposium is divided in three parts. The first, entitled The new states face the Soviet and Chinese models, consists of a general study of the topic, prepared by a research team from the Paris Center of Study of International Relations (which sponsors the book) and two case studies of the attitudes of India (by Gilbert Etienne and Harish Kapur) and the Middle states (by Hélène Carrère d'Encausse). The second part examines the relations between the new states and the former metropolitan powers. The successive chapters deal with the new states' attitude toward the metropolitan model of state organisation (Daniel Pepy), the evolution of the institutional ties between the new states and the ex-colonial powers (Marcel Merle), the economic aspects of decolonization (Raymond Barre), the situation of the labor unions (Georges Fischer) and the relations between France, Morocco, and Tunisia (Maurice Flory). The last part is devoted to the position of the new states in the international society. It consists of three articles, the first, by Jean-Louis Quermonne, dealing with the international undertakings of the new states, the second, by Léo Hamon, with their policies of neutralism and non-alignment, and the third, by Pierre Gerbet, with their role in international organizations.

The articles in the first part take as their starting-point the observation that the Soviet Union and China present to the new states a «model» of their respective systems, which may or may not correspond to the realities of the systems' operation, while the new states themselves have special concerns which affect their perception of these models.

This is an interesting and useful approach; indeed, one might go further and, paraphrasing Freud's dictum about lovers, say that, where two states confront one another, six actors, or six images, come into play. It is, therefore, rather disappointing to find that the articles in the book under review do not seriously attempt to develop this approach. The first, general, chapter is probably the best of the three, especially in its brief but excellent discussion of the communist views on economic development and the colonial question, of Soviet and Chinese planning, and the attitudes and policies of the communist states toward the «third world.» The regional surveys, in this and the following two chapters, are less satisfactory. Though reasonably informative, they tend to focus on official statements of highly uneven real significance and they treat the impact of the communist models almost in a vacuum, paying too little attention to the attitudes and concerns of the new states themselves.

In dealing with the relations between the new states and the former metropolitan powers the authors, as is to be expected, draw mainly on the French experience with the new African states. A clear pattern of evolution emerges: initially, the new state relies extensively on the former metropolitan country; it copies its constitutional, administrative and judicial systems and enters into close treaty relations with it. Soon, difficulties arise, which eventually lead to a reformation of the internal governmental patterns and a loosening of the treaty
relationships. Even the labor unions, after an initial stage of imitation, are now moving toward a basically nationalistic viewpoint, dominated by an affirmation of the overriding importance of national economic development and an unwillingness to become involved in the cold war. In most cases the metropolitan powers retain considerable influence and is widely imitated, even though its exclusive authority is shattered. This is perhaps especially (and paradoxically) true with respect to the new states’ economic policies: despite certain changes in the amount, direction and composition of their commercial exchanges, the new states often continue to be dominated by the former metropolitan powers on which they also largely depend for the provision of foreign aid. On the other hand, domestic economic policies have changed radically from pre-independence days and are now marked by an overwhelming concern for economic development and an intense desire for affirming the state’s economic sovereignty.

New states attach great importance to their international personality and its corollary, national sovereignty. From a study of the diplomatic representation of and the international agreements concluded by the new states Professor Quermonne draws two interesting conclusions: these states have closer contacts with the West than with the Soviet bloc, and the international contacts among new states are on the increase, thus lending a more realistic basis to the concept of a “third world.” The basic question remains that of the effects of the emergence of the new states on the structure of international relations, and particularly on traditional public international law and international organizations. Professor Quermonne raises, but does not really attempt to answer, this question. In a later chapter, M. Gerbet finds that the new states have affected United Nations policies and attitudes chiefly on those issues on which they have taken common stand: anti-colonialism, development assistance, disarmament. They have also had considerable impact on (and, at the same time, have been influenced by) some of the specialized agencies, such as W.H.O., I.L.O., and F.A.O... Generally, international organizations play, in the international relations of the new states, a role which is out of all proportion with their real power or effectiveness. This overevaluation leads to miscalculations and disappointments, but in the long run it may tend to increase the actual importance of international organizations.

In analysing the causes of neutralism, Professor Léo Hamon points out that initially non-alignment meant the refusal of the new states to identify themselves with the West, because of anti-colonialist feelings, a desire to affirm their independence, and perhaps a resentment of past unequal experiences. On the other hand, the governing elites in the new nations have generally refused to become part of the Soviet bloc. Even where they accept some elements of Marxism, they explicitly reject the Soviet or Chinese models; the fundamental reason probably is that they do not find them applicable to the African or South East Asian situation. Of course, these are not the only reasons for choosing neutralism. With both sides eager to provide economic aid, fence-straddling can be quite profitable. Moreover, by the time the new black African states emerged into independence, neutralism had become itself an ideology, an expression of Afro-Asian solidarity. Professor Hamon devotes a large part of his article to case studies. His analysis makes clear that there are many ways in which a state can be neutralised; and that many different considerations (domestic and international) may induce the local decision-makers to take neutralist position. Recent developments, and especially the sharpening of the differences between right-and left-wing neutralist states, may indicate that certain new factors are now operative, but this does not invalidate Hamon’s basic thesis.

As in the case of all symposia, the quality of the book under review is uneven: some articles are better than others, some of the authors more mature and better informed, some topics more manageable in a relatively short space than others. On many of the topics to which a chapter, or even a section of a chapter, is devoted, whole books have already been written: the authors cannot compete with them in the detail they provide or the qualifications and explanations that they offer. But this book retains enough important qualities to make it exceptional among symposia on current topics. Its unity has already been stressed; its completeness should also be mentioned. It is complete not in the sense that it exhausts its sub-
ject matter (even a reviewer cannot ask for the impossible) but because it deals with
enough facets of it to give a clear idea of its complexity and of the kinds of prob-
lems that arise. The authors are uniformly cautious in their generalizations:
they point to the lack of reliable or complete information and the need for research
on particular topics, and they try in most cases to rely on specific cases and to qua-
lify properly their conclusions. At the same time, they do not give up in des-
pair, but try to discuss intelligently the issues and problems. It is true that they
provide few definite answers; as a general rule, they are much better at stating
questions than in answering them. In fact, what one misses in this symposium
is a frankly speculative, imaginative essay extrapolating trends and attitudes
and venturing into rash prophecies. Still, this is not what the editors set out to do.
What they did try, they have done very well. In its less than five hundred pages,
this book gives an excellent, well rounded as well as reasonably sophisticated, in-
troduction to its immense topic. It is to be recommended as an example of modern
French political science at its best.

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C. WILFRED JENKS, Human Rights and International Labour Standards, Stevens

S’il est un domaine où les droits naturels de la personnalité humaine sont mis
en danger et souvent compromis, ce domaine est bien celui du travail. Et si la
nécessité de dépenser la sueur de son front pour gagner son pain constitue déjà,
en elle-même, pour l’homme une limitation de la liberté, des atteintes autrement
plus graves et nullement justifiées par la condition humaine sont portées aux droits
de la personnalité par les modalités et les formes que les différentes sociétés impos-
sent à cette prestation de travail. La protection des droits de la personne humaine
par des accords internationaux a préoccupé les États surtout après la seconde
guerre mondiale et c’est ainsi que virent le jour deux textes d’une importance
fondamentale, la «Déclaration Universelle des Droits de l’Homme» (1948) et la
«Convention Européenne pour la Protection des Droits de l’Homme et les Libertés
Fondamentales» (1950). Mais les intentions généreuses manifestées par ces textes
risqueraient de demeurer lettre morte, si d’autres accords internationaux n’entre-
prênaient de formuler leurs conséquences sur les relations de travail, cette pierre
de touche de toute protection efficace de la personnalité humaine. Déjà après la
première guerre mondiale, avait été constituée l’Organisation Internationale du
Travail (O.I.T.), qui avait accompli une œuvre extrêmement importante pour la
protection des travailleurs par l’établissement de règles internationales. C’est cet-
té Organisation qui se trouva chargée de promouvoir cette protection pour la rappro-
cher de l’idéal formulé par les déclarations et les conventions récentes.

Le livre de C. Wilfred Jenks nous offre un tableau complet des ef-
forts entrepris par l’O.I.T. dans ce domaine, des réalisation déjà acquises, des dif-
ficultés et des problèmes qui se présentèrent et se présentent. L’abolition du tra-
vail forcé, la liberté de l’association syndicale, l’abolition des discriminations (de
race, de sexe, d’origine, de religion, de couleur etc.) par rapport aux possibilités
et conditions de travail le principe de rémunération égale pour travail égal, les
assurances sociales, le droit au travail, la réglementation des conditions et normes
de travail et de repos constituent autant de questions magistralement traitées
par l’auteur. Une profonde connaissance des questions examinées, jointe à un
sens pratique, et réaliste caractérisent l’œuvre de C. Wilfred Jenks qui jouit,
en plus, d’une incomparable expérience, acquise au cours de son long service au
Bureau International du Travail (organe exécutif de l’O.I.T.), dont il est actuel-
lement le Directeur Général adjoint.

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