

Droit international public

Patrick Daillier & Alain Pellet. 6th edition. L.G.D.J. 1999. 1454 pages.

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Daillier & Pellet present a perfect example of what a Sisyphean task writing a comprehensive introductory book about international law is. «Law books lead the field in built-in obsolescence,» claims Dr Geoff Gilbert, a senior lecturer from the University of Essex, «[the finished work] may be said to be already dated.» This also holds true about Daillier & Pellet's work because it is only now that they include a section about environmental law—six years after the Rio Declaration! Similarly, lately there has been a lot of support for a complete face-lift for the United Nations, but the authors steer clear of any of these arguments and still insist on placing a strong—perhaps excessively strong?—emphasis on the UN. These tendencies might also reflect the fact that the authors have a strong background in French foreign policy and promote a traditional view of international law. Pellet is an advisor of French government, and he and Daillier are professors in the University of Paris X, an university which together with *École nationale d'administration* have the responsibility of educating the cream of *l'administration française*.

The reason why Daillier and Pellet's work has been resistant towards change might have something to do with the fact that *Droit international public* is like Titanic—

painting a hull of the massive ship with a new color is no peanuts, such a change takes time. The book covers a frightening amount of source material: an estimated total of over 600.000 pages in five different languages. The first edition was published 1975 by Professor Nguyen Quoc, and since 1977 the work has been continuing with the help of Daillier and Pellet. The authors use a rather conformist structure of division into three parts, the first part titled «La formation du droit international» is followed by «La communauté internationale,» and the book finishes with a part titled «Les rapports internationaux.»

Hard work that Daillier & Pellet have done for their book has paid off because it is highly valued by many authors of international law. «Naturally, when somebody is writing about the international law and they have read something in French, Daillier & Pellet's work is at the top of their list,» law professor Jan Klabbbers from the University of Helsinki comments the popularity of Daillier & Pellet. The authors certainly also benefit from the dominant position that France maintains in the international scene and in institutions such as the United Nations. How will the popularity of Daillier and Pellet hold up, given the fact that there is a growing backlash to-

wards the status quo? There is an onrush of introductory works, such as Franche's *Fairness in International Law and Institutions* and Charlesworth & Chinkin's *The Boundaries of International Law: a Feminist Analysis*, which are not afraid to criticize traditional views. In comparison, Daillier and Pellet's book is definitely more conservative. Although seemingly more neutral than the aforementioned works, Daillier and Pellet do give the subject a twist of their own. «What they promote is international law as experienced by *Quai d'Orsay*, the French Foreign Ministry. [This approach] looks neutral, but is actually as neutral as the Marxist theory of international law,» Professor Klabbers quips.

«The politics of *Quai d'Orsay* have always emphasized the role of administrative elites. I think that maybe the United Nations is becoming such an elite in the world at the moment. This emphasis together with France's influence in the UN can give [a French academic] more of a feeling that this is where the power lies,» Outi Korhonen, docent, professor of international law, University of Helsinki, explains the interaction between jurisprudence and politics. From the two authors, Pellet has written many books about the United Nations and his special relationship with this institution plays a part in *Droit international public* as well. Two sections concentrating on the role of the United Nations, «Règlement pacifique des différends internationaux» and «Le recours à la contrainte dans les relations internationales,» are heavily dotted with references to the UN Charter (almost a half of all 270 references are made here). The other half of the references are made elsewhere,

where the articles of the Charter are integrated into the discussion of various aspects of international law. The book also places a strong emphasis in a fine analysis of the law of treaties, the approach which goes in line with the tradition of French positivism.

Besides having an ideological slant, many international law books are also somewhat ethnocentric. This cultural slant is manifested by authors' use of sources and by their choice of examples. Professor Klabbers points out that in general English language sources make up 80% of all the sources that English writers use in their works. Daillier & Pellet do better in this aspect because only 55% of their sources are French. However, they do not fare so well if one examines the content of their examples. Whenever an author of an international law book discusses the law in a national level, the examples given are affected by the author's cultural identity. For example Malanczuk in his *Akehurst's Modern Introduction to International Law* gives examples mostly from the USA or the UK; Daillier & Pellet, examples from France. This reflects a natural phenomenon: authors tend to speak to the audience of their cultural peers. The author's and the audience's nationality affect how the story is told. A French author will use material that he/she is the most familiar with and chooses the illustrations accordingly.

While the book with its cosmopolitan approach works for the reader's benefit, it also demands a lot from him/her. The biggest demand the book makes is a high degree of specificity, in which Daillier and Pellet cover their topic. On the other hand, the language used is simple French which spa-

res the reader from difficult technical terms. The book has a good introduction dealing with theoretical and historical aspects of international law. These chapters set up a foundation, giving the reader a richer and more in depth view of the field. Also, the layout, which divides into sections in large and small type, allows the reader to focus more into main points. Unfortunately, the main points are sometimes too few and far between and do not contain all the necessary information; these parts become unattached from one another, and the reader is on the verge of losing track of the story

line. Because the book is so demanding, it is obviously not meant to be a required reading material for undergraduate introductory courses. In spite of that, this book is a great work of reference to postgraduate students; the amount of source material listed helps them to find information in their area of interest.

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