

Ademuni-Odeke

Protectionism and the future of International Shipping

Dordrecht, Boston, Lancaster: Martinus Nijhoff Publishers, 1984, pp XXIII, 446.

Dr. Ademuni-Odeke, lecturer in maritime law and legal aspects of international trade at the University of Aberdeen, wrote a voluminous book about protectionism, flag discrimination and preferences, cargo reservation, state interventionism and maritime subsidies. His ambitious project in seeking to assess the future prospects for international shipping, concentrates on the one hand on the developing maritime nations'(DMNS) and on the other hand on the traditional maritime nations'(TMNS) shipping policy, especially the United States. He examines the Third World methods to achieve the establishment of a national merchant fleet, critically examines the ideologies of laissez-faire in the developed countries and states that world shipping will not be viable if competition increases but the answer is to be found in the development of joint ventures and other forms of cooperation between third and first world maritime nations: »The fact that the DMNS wish to establish and/or develop national maritime fleets more for political, than economic reasons would seem to eliminate the feasibility of this solution . . . what is required is compromise and consultation between the TMNS and the DMNS; cooperation on the part of the TMNS and reason on the part of the DMNS . . . Joint ventures and cooperation in shipping between all parties would best serve their respective interests and save international shipping from disintegration.« (p. 305).

The book has six parts, presents partly unknown documents, a glossary, a bibliography with countless books and articles with a lot of references by mistake, and an index. There could be grounds for the assumption that Dr. Ademuni-Odeke would present a reliable and systematic assessment of supply and demand interventionism in international shipping, the repeal of the freedom of the seas and the repercussions for marine industries in the Third World and industrial economies. What is well-known today is the initial position of his book: »Protectionism is a practice that has dominated issues in international shipping in the past, and will do so for the decades to come« (p. XVII). At the end of the book the reader will not know much more than this; he will be confused, because the analysis does not give any deeper insight in the working of the international shipping market segments. Despite detailed knowledge of different aspects of maritime affairs the author lacks some fundamental economic principles. For example Ademuni-Odeke assesses the costs of cargo reservation: It is not true that »both maritime subsidies and cargo reservation are likely to cause overtonnaging« (p. 272). Subsidies may increase the supply of ships worldwide but it is not the basis for surplus, on the other hand cargo reservation does not result in overtonnaging but leads to disintegration of one or more market segments.

In a time of recession, disintegration in international markets, protectionist supply and demand measures in OECD-and Third World countries, it could be more helpful for the interested public to present an economic, political and legal analysis of the main developments of protectionism in international shipping but a confusing picture of all ramifi-

cations of the problems mentioned in the author's book. This requires that one has to work on more complicated and more relevant factors in worldwide interventionism, i. e.: shipper-shipowners changes of relationship since World War II, technological revolutions which exert an influence on the maritime cycle, on building up of the shipping industry in Third World countries (see container transport and capital needs for new generation ships), theoretical discussions about infant industries in the Third World, and dependence and dominance in maritime affairs. By neglecting these main problems of world shipping Dr. Ademuni-Odeke guessed quite wrong. Unfortunately the author did not bring his full knowledge to bear, especially the legal one.

The author was governed by the idea of cooperation and joint venture shipping. Although he did not reflect dominance and dependence in the maritime history of nations he concludes that the plans of the Third World »for expanding their merchant marines will necessarily be on the whole ineffective« (p. 297). Dr. Ademuni-Odeke should offer evidence and try to recapitulate the history of leading, rising and declining maritime nations and the role of protectionism in history (see Prussia vs. UK, Japanese nationalism, and f. i. Friedrich List as one of the few authors who analysed nationalism in international affairs).

Robert Kappel

Otto Kimminich

Rechtsprobleme der polyethnischen Staatsorganisation. Entwicklung und Frieden

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Das Buch von Otto Kimminich widmet sich der Frage, wie das Zusammenleben verschiedener Volksgruppen im Staat organisiert werden kann. Es behandelt damit einen Fragenkomplex, der – obwohl er den Weltfrieden unmittelbar berührt – noch weitgehend ungelöst ist.

Die inhaltlichen Darlegungen sind in fünf Kapitel gegliedert: I. Allgemeines; II. Völkerrecht; III. Volksgruppen und Minderheiten im Spannungsfeld zwischen Staat und internationaler Organisation; IV. Innerstaatliches Recht; V. Schlußfolgerungen für die polyethnische Staatsorganisation. Diese Hauptkapitel sind wiederum in Teilabschnitte untergliedert. Das Buch ist klar und eingängig geschrieben. Es enthält eine Fülle von Literaturhinweisen, die es dem Leser ermöglichen, sich im Bedarfsfall zu einzelnen Fragen vertiefend zu informieren.

Im ersten Kapitel macht der Verfasser deutlich, worum es ihm geht: um eine ausführliche Untersuchung der Frage, wie die Staatsorganisation beschaffen sein muß, um mit dem Problem der Polyethnizität fertig zu werden. Dafür umreißt er knapp und treffend die Probleme, die mit den Begriffen Volk, Volksgruppe, Nation, Minderheit, Ausländern, Selbstbestimmungsrecht und Fremdenrecht zusammenhängen und zeigt die Gemeinsamkeiten auf völkerrechtlicher und innerstaatlicher Ebene auf.