

The author's views are plainly worth having. It would, therefore, have been useful to have his views on whether the view expressed in *Seelander Shipping & Forwarding v Slash Clothing Co (Pty) Ltd* 1987 (2) SA 635 (W) 639 I - J is to be preferred to that expressed in *Mofokeng v General Accident Versekering* 1990 (2) SA 712 (W) (his paragraph 2.28). It would have been useful to have his views on what case law on the old rule 34 of the Uniform Rules is applicable to it after its amendment in 1987 (his paragraph 7.18).

Should practitioners buy the book? Undoubtedly, yes.

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### The legal role of the Bill of Lading, Sea Waybill and Multimodal Transport Document

by Carol Proctor

Interlegal, Pretoria (1997)

xxvii + 164pp

R85 + R11,60 (postage & packaging)

PROCTOR'S "pocket-book" is an essentially introductory discussion of the three types of document listed in the cumbersome title. In addition, it contains discussion of some academic concerns not untypical of a thesis, which is the form that the work originally took.

The book will be useful as a background discussion of the various types of documents and their roles in international commodity sales transactions. In particular, the historical development of the bill of lading is set out, and how it relates to payment in the sale transaction, particularly by letter of credit. If such a background is what the reader is looking for, then the book will be worth referring to. The book is not, and does not profess to be, a comprehensive "textbook" on the area. It will be of limited use in finding answers to problems that arise in practice. The book does not have extensive case references, but it does refer to old South African cases which is useful because of the dearth of writing in this area in South Africa.

Proctor makes some criticism of the usefulness, and appropriateness of the bill of lading in modern conditions. She makes the point that where the goods travel faster than the documents, whether because of faster load-

ing, carriage and discharging times, or because of short carriage distance, the late arrival of the bill of lading can delay discharge. This arises, she argues, because of modern transport systems. Further, where there is no need in a particular transaction for a negotiable transport document, the use of the bill of lading merely creates unnecessary risks because it may come into the wrong hands. In such circumstances, a sea waybill should be used. These issues, though perhaps alive in international trade forums, will have little relevance in court.

Proctor makes little of the system of law which might apply to any particular dispute, proceeding on the assumption of a universal *lex mercatoria*. Where there is recognition of different systems of substantive law, these are passed over. In practice the applicable law will be the starting point of the enquiry, and may determine the outcome of the dispute.

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### International Human Rights Standards (Volume 1 - "Administration of Justice")

by H A Strydom, J L Pretorius and M E Klinck

Butterworths (1997)

xiv + 357pp

Soft cover R135,66 (VAT incl)

THE authors of this work set out to provide basic source material of international human rights standards in an accessible form. The underlying assumption of the work is that the new constitutional and legal order ushered in by the post-apartheid constitution and, in particular, the Bill of Rights, finds itself on a stage devoid of the backdrop developed over the past decades by the international community because it was ignored by the previous constitutional and legal establishment.

This volume groups together material relating to the administration of justice and has three sections, namely:

- A The Courts, judicial officers and criminal proceedings;
- B The treatment of prisoners and detainees;
- C Law enforcement.

Each of these sections is dealt with by way of a general introduction which contains a very basic summary of international standards arising from the various international instruments. The instruments referred to are annexed as appendices to that section. Most of these arise from the deliberations of the United Nations or specialised bodies or congresses relating to the United Nations.

In Section A, for example, Appendix 1 is a document entitled "Basic Principles on the Independence of the Judiciary". This was adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and endorsed by two General Assembly resolutions.

The source documents form the bulk of the work with Section A containing approximately 22 pages of introduction and 80 pages of appendices, Section B containing 39 pages of introduction and 145 pages of appendices and Section C containing 8 pages of introduction and 25 pages of appendices.

The introductory material is well written and gives a fairly crisp overview, both historical and explanatory in nature.

The book will form a valuable tool for practitioners for at least two reasons, namely:

- (a) The Republic of South Africa is in the process of adopting many of the instruments contained in the book and, whilst these relate to standards as opposed to enforceable legislation, practitioners may well require access to them.
- (b) The section dealing with interpretation of the Bill of Rights in the Constitution of the Republic of South Africa Act 108 of 1996 refers to values that underlie an open and democratic society based on human dignity, equality and freedom. The international standards dealt with in this book will thus provide tools for a practitioner's approach to such issues.

The brief outline prior to annexing the instruments themselves is a successful method of dealing with the material. It is a useful resource which provides a point of departure for research on international standards. As such, the work succeeds in its goal and is recommended.

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