

rechtlichen Grundprobleme des Vertragsschlusses (einschließlich der Sonderfragen der vorvertraglichen Beziehungen, der Einbeziehung von Standardbedingungen und des Sprachenstatuts), der Vertragsform, der Vollmacht sowie der Gerichtsstandsvereinbarungen und der Schiedsabreden stehen Darstellungen des materiellen Rechts und des Vertragskollisionsrechts von 14 ausgewählten ausländischen Staaten, mit denen die Bundesrepublik besonders engen Handelsaustausch pflegt. Hierin liegt ein besonderes Verdienst des Werkes, da zwar die italienischen oder schweizerischen Regeln über die Einbeziehung von AGB in ihren Umrissen den interessierten Kreisen noch bekannt sein mögen, kaum aber diejenigen der kanadischen Provinz Quebec oder Japans über die Form des Vertrages etc. Nicht nur in den dem deutschen internationalen Vertragsrecht gewidmeten Passagen, sondern auch hier haben sich die Autoren in dankenswerter Weise der Mühe unterzogen, auch neueres Schrifttum und aktuelle Gerichtsentscheidungen soweit wie möglich zusammenzustellen und zu verwerten. Materialreiche Anhänge (etwa mit zwischenstaatlichen Abkommen über die Anerkennung und Vollstreckung von Gerichtsentscheidungen und Schiedssprüchen etc.) sowie ausgezeichnete Register erhöhen den Wert der beiden Bände noch weiter. – Abschließend sei ein Wunsch im Hinblick auf eine gewiß bald notwendige Neuauflage angebracht: Zwar ist es richtig, den Kautelarjuristen vor »juristischer Zukunftsmusik«, die in der wissenschaftlichen Diskussion um ein jenseits der nationalen Rechtsordnungen angesiedeltes, wahrhaft »internationales« Handels- und Vertragsrecht bisweilen mitschwingt, zu warnen (S. 99–104). Doch scheint mir eine breitere Darstellung des mittlerweile tatsächlich teilweise »internationalisierten« autonomen Vertragstyps, wie er immer häufiger zwischen Staaten der Dritten Welt und europäischen Unternehmen des Anlagenbaus oder des Baugewerbes abgeschlossen wird, unbedingt erforderlich.

Herbert Kronke

Göran Melander

Refugees in Somalia

Research Report no. 56

Scandinavian Institute of African Studies, Uppsala, 1980, 48 S.

Göran Melander's research on refugees in Somalia deserves respect. He writes on an happening that is more than often in Africa, whose screening in western news media has been causing a lot of concern. The poverty related to the position of refugees in Somalia is not only pitiful but a terrible African tragedy. But this is not only in Somalia. Refugees are found in many African countries. Göran Melander himself explains that today this continent has the largest number of refugees and that African countries have been most generous in trying within their limited sources, to provide hospitality for African refugees (p. 7). So, there are refugees in Sudan, in Tanzania, in Zambia, in Botswana, in Mozambique, to mention but a few places. Africa has between 4–5 million refugees.

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Melander's book has six parts – all very adequately researched. He gives an historical background of the Somali people, the boundary problems and the dreams for a Greater Somalia. Then the beginning of the refugee influx most of them from Ethiopia – the Ogaden area – and the nature of relief given to these people. He discusses at length the legal status of refugees in Somalia by examining the current international law position, the Refugee Convention of 1951 and the 1967 Refugee Protocol. He examines the OAU position as far as this problem is concerned by referring to the 1969 OAU Refugee Convention. Lastly he highlights the position of refugees in Somalia by examining national legislations – i. e. Article 35 para 2 of the 19 Constitution of the Somali Democratic Republic containing a provision on political asylum.

Melander compares the reasons for refugees being in Somalia and other countries. He derives similarities between Saharaouis refugees, and those ones in Somali. The driving force behind their outflux is that their countries are governed by non-white minority regimes. This similarity can somehow mislead readers who do not know what is the position in the Western Sahara Republic. When the Spanish did a dramatic departure, the Moroccan came marching in, – to occupy Western Sahara. The colonial era as far as the peoples in this area are concerned is far from over. Hence the fight for the right to self determination. Whether this situation can be referred equally to the Somalis in Ogaden, one should be prepared for a polemic confrontation.

Problems leading to peoples leaving their homes and settle somewhere as refugees are many. Mostly are political in nature – armed conflicts between states putting their population within cross fire range – the result is – departure of the people and settling in a third country. This is a headache for the third country. Internal disorders and outside interference have caused many people to become refugees, South America, the Middle East, the Far East, or the now old problem, Afghanistan – in Asia.

Is it the leadership in Africa that is not paying any attention to the welfare of its population? One feels like putting such a question after reading Melander's book. Whether the population remain in one country or move into the other, some leaders do not seem to diplomatically ease things. They don't worry – at least Macias Nguema and Bokassa did not, if we have to learn through history. And now Ethiopia!

Melander's research, though not exhaustive, is informative. One experiences the explosive tension weaved in ethnical aspirations in the Horn of Africa region. This is an exploding problem requiring urgent international attention. For people interested to know more about refugees in Somalia, and some glimpse of such problems in Africa, this is the right source book.

Costa Ricky Mahalu