

INTERNATIONAL LAW. SECOND EDITION By Gurdip Singh, Macmillan India Ltd., Delhi, 2011, Pp. XIV +610, Rs.395/-

"It is probably the case that almost all nations observe almost all principles of international law and almost all of their obligations almost all the time"

Louis Henkin¹

International law is an ever evolving subject. It has played a significant role in creating conducive conditions for maintaining global peace and security ever since the treaty of Westphalia in 1648. Public international law has made phenomenal progress during the twentieth and the beginning of the twenty first century, due to the increase in global trade, environmental deterioration on a worldwide scale, awareness of human rights violations, rapid and vast increases in international transportation and boom in global communications. The principles of international law have their effect on all states—small and large, weak and powerful alike in this age of globalisation and interdependence. New global challenges such as environmental pollution, terrorism, armed conflicts and refugees etc. transcend national boundaries and affect the humanity as a whole. For translating the dream of peaceful and terror-free world into a reality, respect for human rights, ensuring fundamental freedoms, and the creation of worth-living environment is imperative. Just and transparent laws in the fields of international concern can, to a great extent, help in achieving the objective of establishing a peaceful world and a valued and trustful human society.

International law has remained a very organic and dynamic branch of social science and legal research and practice, which deals with various aspects of world affairs. It has always been the endeavour of the international community to produce an ordered and a just system of international relations. Recent years have witnessed a greater impetus to the development of international law than ever before. This was a natural result of the emergence of greater interdependence between states, and of the vastly increased intercourse between them due to all kinds of inventions that overcame the difficulties of time, space and intellectual communication. New rules

¹ Louis Henkin, HOW NATIONS BEHAVE (1968) 47.

had to be found or devised to meet new situations. The international law today has had to respond to the extreme complexities of the human activities world over and even beyond earth and for that it has to possess enough flexibility to accommodate the new impulses without, at the same time, compromising its normative character.

The sovereign nations observe rules of international law in their mutual relations showing generally due respect to rules of international law. It makes life in an interdependent world meaningful. We can notice a tremendous growth of international treaties, laws and conventions over the years, covering vast areas including human rights, development of women and children, combating terrorism, protecting environment and smooth growth of trade and commerce. A lot has been done but still a lot more to be done to meet the unprecedented challenges ahead. Although, international law is playing a paramount role in regulating the world affairs, yet it does not mean that the international law is far from controversy or not confronting any problems. The kaleidoscopic changes in public international law have revolutionized the whole perspectives. Despite the positivist outburst on the legal status of international law, the reckoning as on date is that international law is the superior law in the present context, having applicability over the States, international institutions, and the individuals as well.

International law governs the relations not only between states but also between the states and international institutions, international institutions and the individuals as well. It regulates the functioning of the international institutions, which possess international personality. The public international law confers rights on states and the individuals and at the same time creates obligations for them. It provides sanction against violation of mandatory obligations. Public international law has thus become an indispensable body of rules regulating relations between states for the most part, in the absence of which it would be virtually impossible for the international community to have steady and frequent intercourse

At the international arena, the legal system is full of challenges, necessitating research on new principles and directions to meet the challenges. In this process, the United Nations and other international organizations have concentrated on various issues of common concern to the international community and have adopted number of international legislations.

International Law Commission has put its sincere efforts in preparing drafts for conventions and treaties in different fields of international law, and is thus contributing effectively in the making of international law in a great way. At the same time, the contribution of international law experts at governmental level, of judges and jurists at the level of interpretation and decision-making, and of academics/scholars at the level of teaching and scholarly writings, holds significance in the making and shaping of international law.

The book under review is an attempt to analyze the efficacy of various existing instruments in different fields of international law. It provides detailed analysis and insights in this field and the author has undertaken exercise to historically analyse all significant developments in international law. The framework of study under the book comprises two Parts respectively dealing with "Peace" and "Conflict Resolution, War, Neutrality and Human Rights". The usefulness of this book is contained in its approach, its selection of topics and its inbuilt ambition to indepth research into each of the topic.

Part one includes chapters on topics relating to: development of international law; nature of international law; sources of international law; relation between international law and municipal law; position of individual in international law; recognition; State responsibility; modes of acquisition or loss of territorial sovereignty; individual and the state; law of treaties; jurisdictional immunities of states; diplomatic and consular relations; and law of the sea. The chapters under Part two are focused on: diplomatic modes of conflict resolution; arbitration; International Court of Justice; United Nations peace-keeping operations; compulsive methods; war; economic warfare; star wars; implementation of human rights; World Trade Organization; and international environmental law.

The hallmark of the author's quest is to identify and critically assess the contribution of international community to the codification and progressive development of various faculties of international law especially with reference to selected topics. The author has also made an attempt to evaluate the trends of international law, with a view to determine the extent that the existing instruments of international law have succeeded to attain in balancing the interests of the developed and developing states. A careful perusal of the book reflects that the author has conducted in-depth study

in highlighting the intricate problems related to international law areas dealt therein. He has adopted both empirical and doctrinal approach to project the causes of failure of international legal instruments in their respective fields. The author has emphatically focused on the growing needs of international society, which calls for review and updating of international law. The relevant and intricate queries on different topics have been elaborately discussed. Commentary on each topic is arranged under separate headings and sub-headings for easy reference. Reasoning given by the author with regard to his views concerning explanation of international law aspects is based upon relevant cases, references of which have been given in support at relevant places. Style and method of placing facts and law has been maintained in a perfect manner throughout the book. Most of the cases have been reported in a standard format indicating clearly the issues involved therein. The author has successfully attempted to deduce certain guiding principles. The observations and interpretations of the author are consistently discernable throughout the book.

In Part one, basic and traditional principles of international law highlighting the development, nature and sources thereof have been elaborately discussed. Individual's position under international law, which holds importance because of the emergence of individual as a subject thereof has been appropriately dealt. Sincere effort has been made to look into the functioning of institutions under the law of the sea. The skill put in preparing the diagrams showing the continental shelf and other important aspects of maritime zones would make it possible for the readers of this book to understand easily the law of the sea related concepts, which are very technical in nature. The relationship of international law with the municipal law is most significant to transform the international legal principles in the municipal law, to help reach the benefit of harmony between both the international and municipal legal systems to individuals, and to ensure proper and effective implementation of laws for that purpose. With this view, the author has ably explained the relationship between international and municipal laws, by having special focus on substantive laws and necessary practices in the fields of diplomatic and consular relations, and the laws relating to jurisdictional immunities and nationality. Extradition, being the most important means to curb international crimes including

terrorism by making the availability of absconding criminals possible for the purpose of prosecution, has been dealt under the chapter 'Individual and the States', by giving reference to Indian laws.

Under Part two, the author has tried to sail the readers through the history and basic principles of international law to the efforts of international community towards the resolution of international disputes. He has conducted in-depth research in different warfare, by putting the world community on alert regarding the gravity of the danger and consequences of international armed conflicts, and by suggesting the preventive and remedial measures for them. In this regard, his work on star wars deserves mention, which once being a scientific fiction only has now been translated into reality. The study, while making an analysis of different available means of dispute resolution, has mainly focused on resolution by peaceful means including arbitration. The author has provided a comprehensive overview of protection of human rights and environmental protection by highlighting the need for the effective implementation of the relevant international instruments in these areas. The author outlines in details the human rights implementation mechanisms at national as well as international levels which can enable the readers to perform in depth research into this subject to understand the law and practices of human rights. His exposition of laws of human rights and Indian laws provides a useful critical appreciation of the situation to the readers.

The history of international affairs of the last fifty years suggests that there are few states which have taken lead in ensuring that international law continue to further the goals of peace, rule of law, democracy, good governance and development, India being one of them. Its efforts to get the world rid of colonialism, apartheid, global economic inequality, etc. are the hallmarks of its contribution. India has played significant role in various fields of international law including the trade law, patents and, maritime laws. On the other hand, its efforts to reform international organizations like the United Nations and to ensure representation in the Security Council for countries which have made significant contributions to the realization of the purpose and principles of the United Nations indicate its commitment toward more democratic world institution. India has been a torchbearer in enhancing the ideals and idealism of international law through variety of ways and means. In this context, the author efficiently

gives an account of Indian interests, policy and law to assess their compatibility with the international standards. The author has enriched vocabulary to explain his viewpoint about the subject, which shows his long experience, vast knowledge and enough maturity about the law of nations. He deserves congratulations for taking all pains in compiling such an invaluable book and supplementing the literature on this important area. An exhausted subject index has enhanced the usefulness of the book.

The book would be a useful source of reference for the students of international law and for others who are associated, in any form, with the study, interpretation or application of international law. The price of only Rupees 395/- for such a content-rich book shows the generosity of the author and the publisher and their interest in imparting knowledge of international law and spreading the same at large scale among the users, by making it available at such an affordable price. One cannot help praising the publisher - 'Macmillan India Limited', for beautifully and impeccably publishing this book with flawless printing and proper proof reading.

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