

INTERNATIONAL LAW. By Gurdip Singh. Delhi: Macmillan India Ltd., 2003. Pp. xiv+585, Rs. 270/-, ISBN 1403 909946.

In the contemporary world, international law is a proven reality as a necessary means of establishing a world order committed to peace and security. 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, a valued and trustful human society.

It has always been the endeavor of the international community to produce an ordered and a just system of international relations. International law is organic and dynamic in nature, which deals with various aspects of world affairs. It has expanded enormously during the twentieth and the beginning of the twenty first century. 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 had to be found or devised to meet new situations. Therefore, phenomenal changes have taken place over the time in international law areas. As a result, the international law today has had to respond to the extreme complexities of the human activities world over and even beyond earth.

Public international law has progressed by leaps and bounds through the ages. 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. 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 universal application over the States, international institutions, and the individuals as well.

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. The international society is able to enjoy the benefit of trade and commerce, of exchange of ideas, and of normal routine communication pursuant to international regulations in the relevant fields. It governs the relations not only between the 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.

Because of frequent far-reaching developments at the world level in political, economic, technological and other spheres, international law is always an evolving subject. Therefore, at international arena, with other systems, the legal system is also 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, *International Law*, is an attempt to analyze the efficacy of various existing instruments in different fields of international law. The framework of study under the book comprises two Parts respectively dealing with "Peace" and "Conflict Resolution, War, Neutrality and Human Rights".

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.

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 through out 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. While giving the structure and functioning of important international organizations including the United Nations and WTO, the author has worked his wisdom on the International Court of Justice also, which is the principal judicial organ of the world. Additionally, 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. Apart from that, protection of human rights and environmental protection has also been discussed, highlighting the need for the effective implementation of the relevant international instruments in these areas.

Further, the author has 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. In this context, he 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.

It may not be out of place to mention here that because of frequent changes at international plane due to new technological developments, conflict of political and economic interests, and other international events, tremendous efforts are underway by the international community, at different forums, to review the existing laws for the purpose of revising them, with a view to cope with such changes and challenges ahead. For example, provisions of the Charter of the United Nations are under review by the 'Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization'. The important proposals under consideration of the Special Committee *inter-alia* relate to assistance to third States affected by sanctions issued by the UN Security Council under Chapter VII of the Charter, establishment of international peace and security, and reforming the United Nations, in particular, its structure, and functions and powers of the General Assembly and the Security Council. In the area of the law of the sea, apart from the Seabed Authority and the International Tribunal for the Law of the Sea, Commission on the Limits of Continental Shelf beyond 200 nautical miles has been established. The states claiming the continental shelf beyond 200 nautical miles will have to place their claim submissions before the Commission for examination. Russian Federation, Brazil and Australia have so far submitted their claims. India has to so submit its claim any time up to 12 May 2009. High debate is currently ongoing on the legitimacy of the use of force without authorization of the Security Council and on the doctrine of preventive strikes. It is desirable for a comprehensive study on international law to include the current developments in these important fields in detail. Further, International Criminal Court has entered into force since 1st July 2002. Hence, it is also desirable to make detailed analysis of the provisions of the Statute of the criminal court, which is set to act as an effective instrument to curb international crimes and by doing so to protect the human rights. However, the international law being so vast an area and many of the developments having taken place after the research work on the topics of the book under review was over, seem to have been the obvious reasons for the absence of the desired details. But, still the author has touched these issues briefly in such a manner that makes them sufficiently useful for course content of the universities.

The book is the result of the high scholarly stature and constant efforts of the author in the field of public international law. It is a reflection of the sincere attitude of the author and his interest towards the deep study in the literature of international law and the problems related thereto. 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. Additionally, the price of only Rupees 270/- 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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