



Act, 1955].¹⁴ The power is to prescribe “rules of evidence” and not to terminate the citizenship by such rules if, in fact, a person has not acquired the citizenship of another country. The status of citizenship arises irrespective of any rules relating to proof. Foreign Citizenship is not acquired by an entry in a register or the issue of a passport . . .”¹⁵

The present work is marked for distinction yet for another reason. On all aspects relating to the citizenship law in general, the author has brought to bear a profound scholarship in the exposition of corresponding laws, both statutory and judge-made, prevailing in a great number of countries. Perhaps this explains largely why the learned author could not help avoiding detailed discussions of the Indian case law on the subject under review.

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International Law Through Cases : By L.C. Green, (Stevens), Second edition, 1959, pp. xxxii+886, price £ 3 15 s.

Professor Green makes it plain in the preface of the book that he has prepared the framework of his work by following, to a large extent, the pattern set up by Dr. Schwarzenberger in his *Manual of International Law* and *International Law as Applied by International Courts and Tribunals* and the case-book “is primarily designed to be used together with the *Manual*.” In adopting such a course, the editor has the advantage of being relieved from the burden of making his own arrangement. This method has its own disadvantages. Many points may be dealt with and many observations may be made, in a case of which some only constitute the *ratio decidendi* and others may be just casual remarks or *obiter dicta*. An author of an ordinary text book may have occasions to refer to a case in different contexts, but the weightage and the relevancy of the reference cannot be co-equal in all the contexts. If this fact is lost sight of, it results in reproducing a case at a place where it is least relevant with only a reference to it at places where it is most appropriate. One can find such instances in the book under review.

For example, *Legal Status of Eastern Greenland* case¹ is placed under the broad-title: ‘International Personality’ and chapter-title:

14. Section 9(2) of the Citizenship Act, 1955, states: “If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner, and *having regard to such rules of evidence, as may be prescribed in this behalf*.” Emphasis supplied.

15. P. 129.

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1. (1933) Series A/B, No. 53 (3 W.C.R., p. 151).



‘International Representation’,² whereas it should have been more appropriately reproduced at places like, title to territory or modes of acquisition of territory³ and treaties and engagements. Likewise, *Reservations to the Convention on Genocide* case⁴ is reproduced under broad-title: ‘State Jurisdiction’, chapter title: ‘Territorial Jurisdiction: Limitations under International Conventional Law’, and Section title: ‘International Criminal Law.’ The World Court made certain observations⁵ which, no doubt, would contribute to the growth of international criminal law, but they were merely *obiter*. On the other hand, the opinion is of high significance to the law of treaties because the World Court laid down certain first principles on the vexed question whether a State that made reservations to a multilateral convention which were accepted by some and rejected by other contracting parties could become a party to the convention. Being so, it would have been more appropriate to place it under the treaties section. Similarly, *International Status of South-West Africa* case⁶ and *South-West Africa-Hearing of Petitions* case⁷ are reproduced under broad-title: ‘International Personality’, and chapter-title: ‘Typical subjects of International Law’. But the opinions as reproduced in the book under review bear no obvious reference to the question of international personality, nor do they make it an issue anywhere. On the other hand, they deal elaborately with the competence and jurisdiction of the organs of the United Nations like the General Assembly. The apparent justification for marking out these cases at the place where they are is that Dr. Schwarzenberger treats them so in his *Manual* by

2. It is difficult to understand in what way this case is relevant to the subject of ‘International Representation.’

3. The Permanent Court of International Justice made in this case important pronouncements regarding this aspect: “A claim to sovereignty based not upon some particular act or title such as a treaty of cession, but merely upon a continued display of authority, involves two elements each of which must be shown to exist: the intention and will to act as sovereign, had some actual exercise or display of such authority,.....In many cases the tribunal has been satisfied with very little in the way of actual exercise of sovereign rights, provided that the other State could not make out a superior claim. This is particularly true in the case of claims to sovereignty over areas in thinly populated or unsettled countries.” See this book, pp. 128-129.

4. (1951) I.C.J. Reports, 1951, p. 15.

5. The Court observed at one place: “.....the principle underlying the convention (Genocide Convention) are principles which are recognised by civilised nations as binding on states, *even without any conventional obligation.*” See this book, p. 332 (Emphasis added).

6. (1950) I.C.J. Reports, 1950, p. 128.

7. (1956) I.C.J. Reports, 1956, p. 23.



including "League Mandates and United Nations Trust Territories" under his classified list, "Typical subjects of International Law".⁸ But curiously enough, Dr. Schwarzenberger has treated 'International Institutions',⁹ and Prof. Green has extracted the *Reparation for Injuries Suffered in the Service of the United Nations* case¹⁰ under the title, 'Non-typical subjects of International Law'. If the United Nations and the League of Nations are non-typical subjects of international law, it may be asked how the Mandates and Trust Territories, the regimes created and controlled by those 'non-typicals', can be 'typical' subjects of international law. In the context of non-typical subjects of international law, one may legitimately expect a reference to the *Nuremberg Trial*¹¹ which treated individuals as subjects of international law.¹²

By clinging close to the classification evolved by Dr. Schwarzenberger, Professor Green confronts the students with another difficulty. Dr. Schwarzenberger discards the traditional arrangement and adopts his peculiar methodology. Without meaning any disrespect to his great contribution to the science of international law, particularly through his inductive approach, one cannot help feeling that with meagre explanatory notes in his *Manual* many of his titles may be unintelligible to the students. Thus, for instance, he treats in his *Manual* several subjects like 'Territory', 'The High Seas', 'Ships and Air Crafts' etc. under the broad-head, 'Objects of International Law'. But he has not satisfactorily enlightened us as to what he means exactly by the expression, 'Objects of International Law'.¹³ This difficulty is all the more aggravated when one finds similar subjects

8. See George Schwarzenberger, *A Manual of International Law*, 4th ed., Vol. I (1960), Ch. 3, Sec. II.

9. See *Ibid.*, Ch. 3, Sec. VI.

10. (1949) I.C.J. Reports, 1949, p. 174. The decision deals more with the 'Law of International Institutions' (Part seven) than with 'International Personality', still no reference, not even a cross reference, is made to this case in dealing with the former subject.

11. (1946) Cmd. 6964 (1946), 22 H.M.S.O. *Trial of German War Criminals* p. 411.

12. The Tribunal observed: "Individuals can be punished for violations of international law. Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced." See this book, p. 685.

13. Dr. Schwarzenberger writes in his *Manual*: "International Personality means capacity to be a bearer of rights and duties under international law. An entity which possesses international personality is an international person or a *subject* of international law, as distinct from a mere *object* of international law." (p. 47)



with slight variations in nomenclature being treated under 'State Jurisdiction' (Ch. 4) and 'International Personality' (Ch. 3). The adoption of the same system in this case-book, may not be agreeable to all shades of opinion.

In fairness to the learned editor it must be added that advanced students of international law may easily overcome the difficulties referred to above, and to them the book will certainly serve a handy companion. The reviewer will be failing in his duty if he does not acknowledge the rare skill that the editor has exercised in editing and accommodating a large number of leading and representative cases without impairing the integrity of the decisions. It is hoped that in the coming editions Prof. Green will (1) incorporate cases decided by the courts of the Afro-Asian countries with a view to promote the growth of the 'general principles' referred to in the Statute¹⁴ and, (2) invent his own pattern of arrangement without unduly attaching his work to this or that text-book so that every student who follows any standard text-book on international law can make best use of the case-book.

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Law Relating to Bill of Lading and Charter Parties, By B. C. Mitra, B.A., LL.B., of the Middle Temple, Barrister-at-law, Senior Advocate, Supreme Court of India. 1962. The Indian Press (Pubs.) Private Ltd., Allahabad, pp. xxiii and 227 including index. Price Rs. 18/-.

Mr. B. C. Mitra's treatise on the Law relating to Bills of Lading and Charter Parties, as applied in India, will satisfy a long-felt want. The expanding volume of India's maritime trade and commerce has lately been impressing on lawyers and merchants alike the necessity of

"Lack of international personality is the common characteristic of all objects of international law. In other respects, they may be of somewhat disparate character: individuals, tribes, nations, cars, trains, ships, aeroplanes, land, lakes, rivers, seas, beast, fish and fowl." (p. 113) (Emphasis supplied).

The above description does not convey clear expression of the connotation of the conception, 'Objects of international law.' His treatment of these concepts gives the impression that what is not a 'subject' of international law must, by compulsion of his description, be an 'object' of international law. If so, the list of 'objects' is inexhaustible and there is no inherent logic in picking up only a few objects as though they alone are without international personality. Besides, it is difficult to appreciate what purpose is served by calling all things in the world without international personality as 'object' of international law.

14. See, Art. 38(1)(c) of the Statute of the International Court of Justice.

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