NEW STATES AND INTERNATIONAL LAW. By R.P. Anand. Vikas Publishing House, Delhi. 1972. Pp. 119. Rs. 22.

THE TRADITIONAL international law has been facing an interdisciplinary binge for the last few years. Rocked by the large increase in the number of new states since 1950, baffled by the change in balance due to the increased membership of the United Nations, and stunned by the adoption of the Resolutions on Colonialism and Ownership of the Natural Resources of States, together with the support for the adoption of the Legal Principles Underlying Friendly Relations of States, its devotees stand at cross-roads where they would be well advised to take note of the views of these newcomers if they want it to survive.

Professor Anand has chosen a subject for his lectures which, undoubtedly, is one of the most crucial problems of contemporary international law. The book consists of three lectures, *viz.*, Traditional International Law ; Legacy of the Colonial and Imperialist Age; Need for Stability and the Demands for Change; and Economic Development and International Law, besides an Introduction and Conclusions. It deserves praise in its conception, and though small in volume, it does contain contributions of distinction and value.

In the first lecture, the author puts forward a favourite thesis of many Asian authors about the existence of certain well-developed principles of inter-state conduct, before the birth of traditional international law, in certain countries of Asia and Africa. Their rulers possessed certain rights under the natural law doctrine, and as such the claim that the rules of traditional international law were the outcome of the Christian civilization of Europe, is not well founded. This is already, by and far, an accepted principle now. Dr. Anand has, of course, put the whole thing admirably.

In his second lecture, the author points out that the contention of the new states is that they cannot be regarded as bound by all the rules of traditional international law, designed to serve the colonial powers, as many of them are against their interest. The former, therefore, seek the replacement of such rules by those which would suit their needs. The author's observations on the unifying factors among these new states are of great interest. According to him, national interest rather than any cultural attachment, and their determination to see the end of colonialism in all its aspects, which is considered by them as continuing aggression, are mainly responsible to group them together.

After going through the whole of the second lecture, one feels that the author impliedly is trying to stress one proposition, *viz.*, there are two clear-cut divisions of the subjects of international law, the colonial powers and the new Afro-Asian and Latin American states, each trying to mould it according to its own interests. Thus he quotes: "National interest...seems

to be the decisive factor in the determination of policies toward international law and affairs".[1] Again, he observes : "All through history, attitudes of states towards different rules of international law had been affected by their national interests".[2] It is, however, submitted that it would be over-simplifying the problem to stress that national interests are the sole test in formulating the principles of international law. If that would be the situation, then there would be every possibility of new alignments being born soon. And it is highly presumptuous that national interests of the developing nations are the same to bind them together. Recent events that took place in Uganda are a glaring example of this. There already exists, in a way, colonial international law, American international law, communist international law, *etc.* What would check the split of universal international law in further regional systems like African international law or Asian international law ? Professor Anand has hardly touched this point. A more comprehensive and realistic picture would have emerged if the author had thought it fit to supplement his submissions and conclusions, keeping this point in view.

In the third lecture, the author deals with the economic problems of the poor and underprivileged peoples of Asia and Africa who have newly attained independence. To them their economic development is a matter of utmost importance, rather a matter of survival. Professor Anand has described what has been called the 'revolution of rising expectations', beautifully. The poverty of the less developed countries is an old story, what is new is their determination to do something about it, to achieve a better standard of living.

The author, in his discussion under the heading 'New Orientation of International Law',[3] has put forth a sound thesis to cope with the demands of new nations. In article 56 of the United Nations Charter, he discovers a parallel to the directive principles of state policy in the Indian Constitution which, though not legally binding, have an important part to play in the uplift of Indian society. The United Nations and hence the developed nations have, at least, a moral obligation to help the developing nations in achieving a 'higher standard of living, full employment, and conditions of economic and social progress and development'. It has rightly been pointed out by the author that economic concessions, if granted by the developed nations, will not only be in the interest of developing states, but in their own interest too. He makes some important suggestions for this like one-way free trade for tropical products, revision of tariff structure in favour of the developing countries and preferential entry for their manufactured goods into the markets of developed countries. It must, however, be remarked that these suggestions are rather far-fetched, and the developments in UNCTAD sessions belie any hope of change of hearts

1. R.P. Anand, *New States and International Law* 51 (1972).
2. *Id.* at 62.
3. *Id.* at 97.

on the part of the developed nations. The suggestions would be unworkable, unless it is realised that the relationship between the rich and the poor countries is not that of a donor and a donee, but that of partners having interests *inter se*.

The author rightly stresses the fact that for a peaceful world what is needed is not the continued monopoly of traditional international law, nor its outright rejection, but a compromise that may give it the shape of common law of mankind and may create international cooperation.

In conclusion, Dr. Anand's book is a major contribution in a growing field of international law. The book gets better the more one reads it. However, at places it contains too many quotations which interrupt the reader's line of thought. The book will be of direct interest to all those concerned with the development of international law in the present age. Pleasantly and in places captivatingly written, it is an excellent short treatment of the demands that international law must fulfil to enable it to develop a happy and healthy international society.

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