

NEW DIMENSIONS IN INTERNATIONAL LAW (1986). By Gurdip Singh. Pioneer Publications, Delhi. Pp. xviii+416+v. Price Rs. 50.

SINCE THE turn of the current century, international law has assumed new dimensions. This has come about with more intensity, *materiae* and *ratione personae* since the establishment of the United Nations Organisation. In its inception, this organisation was the brain child of developed countries and international law was primarily an imprint to subserve more the interests of such countries, notwithstanding its profession for basic equalities for all humans and nations for their all round development with dignity and self-respect. The increase in awareness resulting from advances of research in science and technology and courage of standing up, shown by decolonised and developing Asian and African countries, more particularly in the last 25 years, have played a major role in the process of international law making in new directions.

Students, opting for international law whether for their degree courses or for competitive examinations, have been facing great difficulty in updating their knowledge of the subject as most of the books in the market carried hackneyed, old information scissored from different places. There was dearth of books containing information systematically and sequentially given with requisite references to original UN documents/authoritative writings on different topics. This is now made available by the author along with his considered opinion.

The author has really put in a good amount of labour and skill in the book under review. His work gives readers a wholesome idea of different topics of international law of peace with sufficient material about genesis, development and present day position. He has been magnanimous to different viewpoints and has, at the same time, endeavoured to give a proper place to viewpoints of the Government of India. He has sought support for statements made in the book by reference to international conventions, treaties and case law and then updated them. Lest there is any confusion left lurking in the mind of the reader, he has summarised each chapter in one or two paragraphs.

The book has been divided into 13 chapters. The first chapter deals with the nature of international law and successfully establishes that this law, though not coming from a sovereign body and not law in the strict sense of the term, has developed for itself a mechanism and position so that nations will not be able to flout it lightly. The second chapter traces the origin, development and codification of international law systematically and chronologically by reference to various international conventions, treaties and case law as handed down by the International Court of Justice. The third chapter comprehensively and critically examines various sources of international law, both traditional and modern, and highlights their

respective importance. The fourth chapter deals with state responsibility. The fifth chapter is devoted to various theories of recognition and non-recognition. This brings out how, in ultimate analysis, political considerations weigh with different states in according or withholding recognition. India's policy of recognition is succinctly stated and the history of recognition of government in seven states in recent times given.

In the sixth chapter, the author argues comprehensively how international law is no more the law of nations alone; individuals are not only indirectly but also directly becoming its subject matter. The European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 is a big step forward in establishing the status of the individual in international law. The machinery set up by the convention consists of the European Commission of Human Rights and European Court of Human Rights. It grants limited procedural capacity to individuals to file petitions before the commission to investigate its alleged breaches and to secure a friendly settlement of the matter, if possible. In case of failure the commission draws up a report stating its opinion, transmits the same to the European court. The seventh chapter discusses the relation between international and municipal law.

The eighth chapter deals with basic principles of the law of treaties by reference to Vienna Convention on the Law of Treaties 1969 and various cases with adjudication on allegations of breach of treaties. Importance of fundamental change of circumstances as a reason for breach or suspension of the operation of a treaty has been adequately discussed/referenced.

Chapters nine and ten are respectively concerned with jurisdictional immunities of states and diplomatic and consular relations, bringing out distinction between a waiver of immunity from suit and a waiver of immunity from execution. The Indian position, as laid down in statutes and the Constitution and as developed by case law, has been dealt with elaborately.

In the eleventh chapter, the author has dealt with a few topics of international law concerning the relation of an individual with the state, more particularly pertaining to nationality, extradition and asylum. The discussion assumes greater importance in the context of increasing terrorism with international ramifications. In the twelfth chapter, a routine but important topic of modes of acquisition and loss of territorial sovereignty has been dealt with.

The last chapter is concerned with the law of the sea. It gives comprehensive discussion of the relevant law as in the past and as it has been hammered out in different UN conferences on the law of the sea from 1950 onwards till the adoption of the UN Convention on the Law of the Sea in 1982. The author has endeavoured to make even a lay reader understand reconciliation of the concepts of territorial sea and innocent passage of foreign ships therethrough, liberty of high seas and rights of coastal states in protection of latter's strategic, economic and navigational interests, rights of developing states in animate and inanimate wealth in sea water and seabed

of exclusive economic zone *qua* developed states on the one hand, and land-locked states on the other. He has pictorially brought out complications in the idea of continental shelf, its extension and division between adjacent/confronting states. He has also discussed in detail the position of the law of the sea in the Constitution of India and various statutes enacted/amended after the adoption of the 1982 Convention.

To make the book more useful, the author has given a list of Latin terms along with their meaning in English, table of abbreviations along with their explanations and three appendices, *viz.*, "The Charter of United Nations and the Statute of International Court of Justice," "United Nations Convention on the Law of the Sea 1982 (Selected Articles)" and "The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act 1976."

This is one of the finest books on international law dealing with the topics comprehensively but in precise terms with due references to original sources and an elaborate discussion of Indian statutes and case law. It should prove to be of great use to students, practitioners and candidates for competitive examinations. Opinions expressed by the author at various places are thought provoking and provide good vistas for further research. There are, however, spelling mistakes at some places and it is hoped that care will be taken in the next edition to rectify the same.

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