

THE PROPER LAW OF INTERNATIONAL ORGANISATIONS. By C. Wilfred Jenks. [1962. London: Stevens, xli + 282 pp. £2 15s.]

LEGISLATIVE TEXTS AND TREATY PROVISIONS CONCERNING THE LEGAL STATUS, PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS. [1959. New York: United Nations. United Nations Legislative Series. xvi + 292 pp. 39s.]

For some years now Dr. Jenks has established himself as one of the leading exponents of what might be termed international constitutional institutional law. He has now decided to publish his views in the form of a trilogy on the Law of International Institutions, and the second volume of the series is concerned with *The Proper Law of International Organisations*. When all three volumes have been produced it will be possible to estimate to what extent Dr. Jenks' view of a 'common law of mankind' has become a reality due to the activities and existence of international organisations, and to what extent this remains an ideal *de lege ferenda*: in other words, how far it is in fact true that 'international organisations are a bridge-head towards the future and the sovereignty of States an inheritance from the past'.

In this volume Dr. Jenks has analysed the law governing the legal status and transactions of international organizations, including their own conflict of laws and their administrative law. He is of opinion that as time passes, and more institutions are established and the practice of those already in existence becomes more stable, it will be found that international bodies corporate possess a personal law which comprises the international rules applicable to them together with the rules for the choice of law in determining their personal status; an international administrative law which regulates the relations of the institution with its officials, employees and agents; and their own conflict of laws controlling the transaction between the institution and third parties, and which may arise eventually from the custom of such international bodies corporate.

In so far as institutional administrative law is concerned, it is clear in the light of the practice of the international administrative tribunals that, although employees are engaged on contract, in respect of the international civil service at least the trend is from contract to status. Similarly, although in all respects the controlling law is to be found in agreements, there is a tendency, at least procedurally, to assimilate international institutions to States, with the various agreements being interpreted in accordance with 'general principles of law'. Dr. Jenks tends to regard these 'general principles' as equivalent to those mentioned as a 'source' of international law in Article 38 of the Statute of the World Court. This analogy may, however, be carried too far—murder is contrary to 'general principles of law', but

it is doubtful whether it is, *per se*, contrary to international law. Frequently, this term has no more significance than accepted usage and the concept of the custom of the trade.

Since agreements are so important in construing *The Proper Law of International Organisations*, the recent publication by the United Nations of *Legislative Texts and Treaty Provisions concerning the Legal Status, Privileges and Immunities of International Organizations* may be regarded as a supplement to Dr. Jenks's monograph. Here are to be found the international agreements dealing with this matter as well as municipal legislative enactments giving effect to the provisions embodied in the treaties. To a certain extent this collection puts into book form the cyclostyled Handbook on the subject prepared by the Secretariat in 1952; and it is interesting to note that the laws of China, India and Syria included in the earlier volume are omitted now, while the South African Act of 1951 has been left out because the text is reproduced in the United Nations collection of Laws and Regulations regarding Diplomatic and Consular Privileges and Immunities.

From the point of view of completeness it is perhaps a pity that the new volume omits the annexes of its precursor, for here was to be found a record of the contribution made by the Preparatory Commission of the United Nations in 1946, as well as the most useful collection of General Assembly resolutions relating to privileges and immunities of the United Nations. This collection ends in December 1959 and by now the volume of municipal legislation has increased. When a new edition is published, perhaps the Secretariat might be persuaded to print at least the General Assembly Resolutions, and perhaps also the Staff Regulations. With this material, this compendium of legislative documents will be an even more useful adjunct to Dr. Jenks's work on *International Institutions*.