

A TEXTBOOK OF INTERNATIONAL LAW. By S. R. Patel. [London: Asia Publishing House. 1964. xii + 322 pp. 42s.]

Perhaps the leading contribution to international law to be found in Professor Patel's *Textbook* is his promulgation of the 'Nehru Doctrine'. This is derived from Nehru's various speeches and means and signifies Asian solidarity which arises out of the commonness of approach resulting from common problems facing Asia, which in spite of her varying situations and traits makes a third bloc of nations in the world. Naturally the chief characteristics of this doctrine are: opposition to colonialism and racialism, non-interference in Asian affairs by non-Asian powers, no further colonialisation or aggression in Asia, non-entanglement in power blocs, and Asian independence. The proof of the existence of a common Asian viewpoint is overwhelming. At the United Nations the activities of the Arab-Asian bloc reveal a sense of shared interests. . . . The inherent superiority of the Nehru Doctrine is centred in the fact that it was not proclaimed in a spirit of self-defence as was the case with the Monroe Doctrine, nor was it announced to extend the spheres of influence as in the case of its Japanese counterpart, nor was it declared to guarantee colonial gains as it was true of its British version, but it is intended to further the ideals of human unity, freedom and peace in the world situation obtaining as at present.' Professor Patel seems to overlook Nehru's view that 'a government functions for the good of the country it governs and no government dare do anything which in the short or long run is manifestly to the disadvantage of the country . . . whether a country is imperialistic or Socialist or Communist, its Foreign Minister thinks primarily of that country.' This would imply a somewhat less altruistic basis for the 'Nehru Doctrine.' It would be interesting to know what Sisir Gupta\* the author of *India and Regional Integration in Asia* thinks of Professor Patel's interpretation of India's policies and the prospects of successful Arab-Asian co-operation.

For the main part, however, Professor Patel's *Textbook* is traditional in approach, even to the extent of emphasising the over-riding role of states: international law is 'an aggregate of rules which principally regulates the conduct of self-governing states, though it incidentally governs non-state entities, groups or individuals even'. This traditional approach has led him at times to overlook some of the more recent developments and not enough attention is paid to agreements like those of Geneva in 1949 on the law of war or the later ones on the law of the sea. It would also be interesting to know why he leaves the impression that the Second Hague Conference dealt merely with maritime law, and what he has in mind when he states that 'the *International Commission of Jurists* for the codification of international law has done much work for the progress and development of international law' (italics added).

Again, one is inclined to inquire whether it is a general view of the Kellogg Pact that this 'was a treaty between the United States and France thought repudiation of war was agreed to by almost all nations.' Again, idealism apart, it is doubtful whether it is generally accepted that 'the United Nations has recognised certain fundamental freedoms available to all men. *They directly create rights for individuals which may be available even against their own states*' (italics added).

\* Reviewed at p. 238 *infra*.

Professor Patel's idealism and ideology constantly break through. He regards the usually accepted four conditions of sovereignty as mandatory, and this leads him to question whether the states of Eastern Europe are truly states. Again, he asserts that 'wars of aggression have always been illegal and the judgments of the Nuremberg and Tokyo Tribunals confirmed the view that a war of aggression or war in Violation of international treaties is illegal.' In the light of this statement about the Trials his comments about war crimes — in which he twice includes 'refusal of quarters', (*sic*) — are of interest. He asserts that the use of flying bombs and atomic bombs 'was *certainly* a crime against international law and humanity' (italics added); that the atomic bomb was 'unprecedented cruelty' transcending the acts of the Nazis; 'the [Nuremberg] trial for the first time attempted to import into the Law of Nations the Marxist and Nazi concept of justice'; but the 'Nuremberg Trail constitutes a milestone in the progress of international law. Henceforward, international law is made a stronger law. It has made future world wars impossible'; while Justice Pal's dissenting judgment at Tokyo 'is a landmark in the annals of international law'.

Professor Patel is an ardent believer in the rule of law in international life and, despite his awareness of its shortcomings, is still prepared to regard the United Nations as 'world government in miniature'. Recent events lend weight to his view that 'the world can be saved from a catastrophe only if the U.N. functions in a spirit of love, truth, non-violence and dedication. Racial arrogance and feelings of political domination must give way to emphasis on a ceaseless endeavour to establish world peace. What is required is goodwill among nations and it is only then that peace and prosperity can be possible in the world.'