

BRITISH DIGEST OF INTERNATIONAL LAW, PHASE ONE, PART VI. Edited by Clive Parry. [London: Stevens. 1965. Vol. 5, xxx + 641 pp. £6. 15s.; Vol. 6, xxxvi + 852 pp. £7. 17s. 6d.; Vol. 8, xxvi + 699 pp. £7. 5s.]

For some years now there has been an increasing realisation that diplomatic papers form one of the most useful storehouses of material on international law. Whatever the working definition of international law that may be adopted, all agree that this system of law primarily applies to the relations between States. Clearly, therefore, the documents that foreign offices put out and the Opinions that their legal advisers produce, together with White Papers and Blue Books deserve careful attention when seeking to ascertain the national view of international law on any subject.

The evidence of United States practice as shewn by such papers has been available in the collections of Wharton, 1886, Moore, 1906, Hackworth, 1940, and now Whiteman, the first volume of which was published in 1963. In 1962 Kiss published the first volume of his Repertoire of French practice, but in so far as the United Kingdom is concerned there has been no official publication or comprehensive work based on official sources, although yeoman labour has been done by Lord McNair. Now, under the auspices of the International Law Fund, the gap is being filled.

With Dr. Clive Parry as editor, and Sir Gerald Fitzmaurice as consulting editor, a *British Digest of International Law* is being prepared. While British practice in international law probably goes back further than that of any other State the *dies a quo* for this *Digest* has been taken as 1860, the year in which the Foreign Office 'Confidential Print' became important, and the *dies ad quem* is 1960, clearly indicating a break with the normal 'fifty-year rule'. For the sake of convenience the work has been divided into two Phases with the outbreak of the First World War as the watershed. Phase I will comprise ten volumes dealing, respectively, with the nature of international law and international persons, covering States, recognition and succession; territory, including international waterways; jurisdiction, divided into territorial, personal and external, as well as the legal regime of the sea — the Plan of the Work makes no specific provision for limitations upon the exercise of jurisdiction; State responsibility; the individual, embracing nationality, aliens, extradition and rendition; State organs; treaties; the settlement of disputes; and war and

neutrality. Phase Two which will include both World Wars, the League of Nations and the first fifteen years of the United Nations will follow the same scheme, but is intended to be completed in only five volumes.

The first volumes to be published are volumes 5, 6 and 8 of the First Phase, comprising Part IV on the Individual and part of Part VII on State Organs. Volume 5 deals with nationality and protection and considers the British view of *jus sanguinis* and *jus soli*, acquisition and loss by common law and by statute, the status of protected persons and the nationality and protection of corporations. It may be of interest to mention a note from the Colonial to the Foreign Office in 1910 pointing out that the Government of Siam 'has agreed to, or acquiesced in' natives of the Federated Malay States and Johore being regarded as British protected persons in Siam. The British Minister in Bangkok, however, indicated that the Siamese authorities were not too happy about giving such recognition to the inhabitants of territories which had but recently been Siamese. The British, however, refused to accept any discrimination.

Today, among the most important issues concerning individuals in international law are those relating to aliens, extradition and rendition. In so far as asylum is concerned, the earliest entry is a quotation from Blackstone on the admission of aliens, but perhaps of more interest is the lengthy correspondence relating to the treatment of anarchists and the British Memorandum to Germany of 1902 expressing willingness to co-operate in international efforts to control this menace, although 'H.M.G. desire to lay stress upon the importance of keeping these arrangements as secret as possible, and would, for this reason, prefer not to enter into formal or publicly-avowed arrangements on the subject.' Of local interest is the report of an incident in 1896 when the Spanish authorities in the Philippines recognised the sovereign authority of Britain over British North Borneo. There is also an interesting account of the way in which extradition agreements came to be concluded between Siam and the Malay States.

Vol. 8 deals with Consular Officers and Foreign Marriages. Here will be found reference to the refusal in 1877 to confer immunity from taxation upon the Consular Corps in Singapore; in 1887 non-acceptance of a Turkish Consul and in 1899 denial of immunity from libel proceedings for the French Consul there.

Obviously, the true value of this work will not be appreciated until at least Phase One is completed. In the meantime, however, the three volumes under review show how varied has been the experience of the United Kingdom in this field — and how comparatively constant has been its practice. Dr. Parry and his colleagues are to be congratulated on and thanked for the very useful task they have undertaken and on the promise of fulfilment, held out by these two volumes.