THE STATUS OF PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES AND WEALTH: REPORT OF THE COMMISSION ON PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES. [New York: United Nations, xiii + 245 pp. U.S. $3.00.]

LEGISLATIVE TEXTS AND TREATY PROVISIONS CONCERNING THE UTILIZATION OF INTERNATIONAL RIVERS FOR OTHER PURPOSES THAN NAVIGATION. [New York: United Nations, xxxiii + 934 pp. U.S. $7.50.]

YEARBOOK OF THE INTERNATIONAL LAW COMMISSION, 1961, 1962, 1963, and 1964 Vol 1. [New York: United Nations. U.S. $5.00; $6.00; $5.50; $4.00.]

From the point of view of the international lawyer, perhaps the most useful activity of the United Nations lies in its publishing programme, particularly in connection with the codification and development of international law. Much of the work in this field has been done by the International Law Commission, while the Secretariat has frequently provided useful statements seeking to summarise the law as it is.

Ever since nationalisation programmes began on a large scale during the early part of this century, debate has been heated on the right of a State to take over its natural resources, even though a foreign alien may enjoy concession rights in respect thereof. The achievement of independence by a large number of former colonial territories, each highly conscious of its sovereignty, has emphasised the importance of this matter. At its 1958 session the General Assembly resolved to appoint a Commission to examine this issue and the Secretariat submitted a report to the Commission, which ultimately led to a further General Assembly Resolution, a statement of legislative and treaty stipulations on the matter and the Report of the Commission. In the Commissions view "the right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of the well-being of the people of the State concerned; .... the profits derived must be shared in the proportions freely agreed upon, in each case, between the investors and the recipient State, due care being taken to ensure that there is no impairment, for any reason, of that State's sovereignty over its natural wealth and resources; nationalization, expropriation or requisitioning shall be based on grounds or reasons of public utility, security, or the national interest which are recognized as overriding purely individual or private interests. . . . The owner shall be paid appropriate compensation, in accordance with the rules in force in the State taking such measures in the exercise of its sovereignty and in accordance with international law. In any case where the question of compensation gives rise to a controversy, national jurisdiction should be resorted to. ... Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the United Nations Charter. . . ." Finally, the International Law Commission was asked to hasten its work on State responsibility, so as to get this problem settled.

In addition to this type of Report, codification depends on knowledge of the existing law free of any political overtones produced by a Commission. The Secretariat has frequently been responsible for making this information available. One of the natural resources of States, the exploitation of which has proved highly dynamic politically, is water and bodies like the International Law Association have devoted much time and study to this problem hoping that an international convention might ensue. Even a cursory glance at the debates and writings on the subject indicates how much ignorance prevails on the matter and how often isolated statements have to be taken at their face value and in good faith. To a certain extent this no longer need be so, for the raw material has been provided for codification of the existing law on the basis of the highest common factor in State practice and for future development in the light of experience.

The new volume of *Legislative Texts and Treaty Provisions* is remarkable for the noticeable imbalance between municipal and international law in this field. Municipal legislation requires only 85 of the volume's pages and half of this comes from the United States. The only other countries represented are Mexico, the Netherlands, Norway and Sweden. The rest of the volume is devoted to bi- and multipartite treaties, together with such conventions as that of Barcelona, 1921, which may be regarded as of general significance in so far as an international water regime is concerned. Only those who have dealt with water problems will fully appreciate the valuable service provided by a volume which brings within one pair of covers relevant portions of the agreements on the Indus, the St. Lawrence, the Danube — the Belgrade Convention of 1948 (but not the Paris or Vienna Agreements), the Rhine and others, but not that of Berlin on the Congo. The omissions cannot be explained by desuetude, for the Franco-British arrangements concerning the use by Syria, Lebanon and Palestine of the Tigris and Euphrates as well as the waters of Tiberias and Huleh are included.

As has been pointed out, the chief instrument for the development of international law is the International Law Commission and its drafts have already formed the basis of new codifications which carry the law forward as well as making it known. Perhaps the best-known of these efforts lie in the field of the law of the sea and of consular and diplomatic activities. The volumes under review cover the activities

of the thirteenth to sixteenth sessions, and for the main part all have been primarily devoted to consideration of the law of treaties, a matter which is almost a perennial of the Commission and on which all the British members — Brierly, Lauterpacht, Fitzmaurice and Waldock — have submitted reports. It is to be hoped that before long the Commission will produce the final text of its draft on this vitally important part of international law so that it may form the working paper for a United Nations conference devoted to the adoption of a convention.

The Commission was the first United Nations organ to be enlarged so as to give more adequate representation to the increased membership of the world body. If there is to be any universal international law, the work of the Commission must of course be as representative as possible. For this reason it co-operates with other bodies in the same field, including those which are regional in character. Perhaps it is worth repeating part of the statement made by the representative of the Asian African Legal Consultative Committee at the fifteenth session: "As a first step towards strengthening international law, it was necessary to ensure that the rules of conduct to be observed by nations were such as to command universal respect. International law had often suffered from the fact that many of its rules were nebulous. There had also been a feeling in some of the Asian and African countries that international law was a product of the West and that many of its concepts needed re-examination in the light of the emergence of new nations. In order to strengthen international law, the existing rules should be re-examined and given shape by codification and progressive development, taking into account the views of the whole community; it was precisely in that task that the International Law Commission was engaged."

L. C. GREEN.