

BRITISH INTERNATIONAL LAW CASES, Vol. 3. British Institute Studies in International and Comparative Law No. 1. [London: Stevens & Sons. 1965. xx + 829pp. £8.17s. 6d.].

BRITISH DIGEST OF INTERNATIONAL LAW. Phase 1, Part I, Vol. 7. Edited by Clive Parry. [London: Stevens & Sons. 1965. xliii + 1009 pp. £7. 5s.].

The publication of the series of volumes known as *British International Law Cases* together with the *British Digest of International Law* constitutes what is probably the greatest landmark in British publishing in this field. It is being more and more realised that the day of the authoritative textbook, treated as an authority simply because it is a textbook, is over. Today the international lawyer, particularly the one called upon to advise a government or to appear in court, is concerned with what has happened in the past, either as evidence in judicial practice or as recorded in State documents.

The third volume of the *Cases* is concerned with jurisdiction, territorial, personal, extraterritorial and on the high seas. While both *Jameson* and *Casement* are reported under the personal jurisdiction, Joyce appears under territorial jurisdiction in the section devoted to 'Criminal Jurisdiction over Foreigners'. To include it under this subheading is reasonable, but since the jurisdiction was based on the allegiance that is the concomitant of protection resulting from possession of a passport, one might have expected to find the case with the others just named.

In the light of constitutional developments in Malaysia and the decision in *Kelantan v. Malaya*, the section on exemptions from jurisdiction of States and their sovereigns will be of interest. But *Mighell v. Sultan of Johore* and *Duff Development Co. v. Kelantan* (both in the Court of Appeal and the House of Lords) are included but the later cases of *Sayce v. Bahawalpur* and *Kahan v. Pakistan* have been omitted, and no note is provided as to whether they will be included in some future volume.

Volume 7 of the *Digest* to some extent may be treated as a companion volume to the third volume of *Cases*, for it deals with the organs of States and diplomatic agents. Among the matters considered is immunity from jurisdiction and at the relevant place there is a cross-reference to *Mighell* and *Duff Sayce* and *Sultan of Johore v. Abubakar Tunku Aris Bendahara* are cited, but no suggestion is made that either will be reported in the *Cases*.

The value of the *Digest* lies in the fact that it enables one to see how official practice coincides with judicial decisions and at times makes explicit what in the past might almost have been treated as petty treason. Thus, the section on the Foreign Office and its head is introduced by a quotation from Oppenheim which talks about the Secretary of State for Foreign Affairs. Of this, Dr. Parry comments: "In so far as the designation of the responsible Minister is concerned, the foregoing statement is somewhat coloured by British practice and it is more usual to designate him the Minister for Foreign Affairs or Relations." Any discussion of the Foreign Office and its function must include some reference to the nature of the 'Foreign Office Certificate', the authoritative character of which may well be regarded as casting some doubt on the nature of the separation between executive and judiciary. In this volume a large number of such certificates are reproduced, facilitating the task of any person who may wish to do research into this subject.

Modern States have become extremely sensitive about foreign intervention, while the military operations in Suez and in Vietnam have drawn attention to the problem of the war power of the head of State. Among the issues considered here is the punitive expedition sent by the Governor of the Straits Settlements from Singapore and Penang to Pasir Salak in Perak as a result of the murder of a British officer. Queen Victoria said of this in the Queen's Speech when opening Parliament in 1876: "I trust that the operations, which have ably and energetically conducted, though not without the loss of valuable lives, have restored order, and re-established the just influence and authority of this country."

In view of the discussions that periodically take place with regard to the recognition of the Government of the People's Republic of China and which invariably get bogged down by careless reference to legal obligations — as well as, perhaps, oversensitivity to American opinion — it may be as well to refer to two statements made in connection with the Peruvian Provisional Government after the revolution of February 1914: ". . . Beyond the U.S. whose policy in regard to these matters is variable and inconsistent, we have no information as to what other Governments have done. . . . The question of recognition or non-recognition of the Provisional Government by H.M. is purely a question of policy."

Apart from the Foreign Office documents, the volume contains a useful collection of statutory and international instruments relating to diplomatic immunities, including the Vienna Convention of 1961, the Diplomatic Privileges Act of 1964 and the Explanatory Memorandum which was attached to the draft bill, and the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961.

From what has been said it should be clear that the debt owed to Dr. Parry and the other compilers of these two series is immeasurable. When the series are complete it should be possible to gather a comprehensive picture of the judicial and diplomatic practice of the United Kingdom which, in conjunction with such works as Whiteman's *Digest* now coming from the State Department, and Kiss's *Repertoire* from Paris, will enable those seeking to know international law as *lex lata* rather than *ferenda* to get some idea of the extent of consistency that is to be found at least where the three leading western States are concerned.