

A DIPLOMAT'S HANDBOOK OF INTERNATIONAL LAW AND PRACTICE. By
B. Sen. [The Hague: Martinus Nijhoff. 1965. xxxiii + 522 pp.
Guilders 58.50].

Too often textbooks on international law tend to be written with the law student in mind and in a language that is particularly suited to their mental approach. In addition, doctrinal writers have not yet all been persuaded of the importance of dealing with international law as a live and practical subject that States actually follow, rather than an exquisition upon those principles that the writers concerned would like to see them follow. This failing has become of increasing importance with the growth in the number of new States where diplomatic representatives are not always legally trained and who wish to know the requirements of international law concerning their day-to-day activities without the need of wading through a heavy theoretical tome. It is Mr. Sen's advantage that he has been Legal Adviser to the Indian Ministry of External Affairs for some ten years and Secretary to the Asian-African Legal Consultative Committee since its inception. He has, therefore, the qualifications necessary for writing the book that these diplomats are likely to find most useful, and his *Diplomat's Handbook of International Law and Practice* fully comes up to expectation.

This *Handbook* does not purport to be a comprehensive text on international law. In fact, its purpose would be destroyed if it did. Rather is it a guide on those issues with which the practising diplomat is most likely to be concerned and in which international law is almost certain to be operative. Thus, after introductory chapters on the diplomatic function and the duties and privileges of representatives, both consular and diplomatic, he deals with such special topics as the protection of citizens, passports and visas, asylum and extradition, commercial activities, recognition and treaty-making, paying full attention to past practice and the special problems of the new States as well as the contribution they are already making. Despite the fact that the book is well documented and much reference is made to past events and to judicial rulings, it is perhaps somewhat elliptical to say, without citation or authority, that 'the passport serves as evidence of the nationality of the holder, though according to international practice this is by no means conclusive (p. 347). It is also a little disappointing to find him saying, when discussing the need for agreement with regard to diplomatic accreditation, that 'after World War

II, a certain diplomat who was proposed to be accredited to a particular South East Asian country is *believed* to have been refused on the ground that the individual concerned had been there as an officer in the Occupation Army during the War' (pp. 25-6, italics added), especially as he refers by name to many of the similar cases mentioned by Satow.

Perhaps one of the most significant fields of modern diplomatic practice, and one which is especially important from the point of view of law-making, is that of treaties. Mr. Sen rightly emphasises that not all instruments between international entities constitute treaties. Among the examples he cites are the Atlantic Charter and the Moscow Declaration of 1943 — it would have been interesting to know whether he would put Potsdam and Yalta in the same category. It is refreshing to find a clear statement that the Universal Declaration of Human Rights is among those documents which, however solemnly signed or declared, are 'declarations of policy, which though morally and politically binding do not create legal obligations between the states' (p. 441). The Panchsheel embodying the Five Principles of coexistence are similarly regarded, even though they first appeared in the Sino-Indian treaty.

In the discussion on recognition, Mr. Sen has some interesting points to make in connection with the harmonisation of conflicting concepts of convenience. He points out that some States have recognised the Federal Republic and others the Democratic Republic of Germany — without mentioning that the Soviet Union recognises both — emphasising the practical inconvenience involved in so far as the non-recognised section is involved. He accepts that recognition of both will produce protests, but if reunification is indefinitely postponed 'the time may come when the recognition of both the zones as separate states may have to be considered in the interest of the world community. . . . However, to recognise two states in Germany too soon will be premature at least as long as there is reasonable likelihood of reunification of the country' (pp. 418-9). It is at least arguable whether there is any longer any such reasonable likelihood. In so far as the divided states of Korea and Vietnam are concerned, the learned author is content to point out that dual recognition presents a difficult problem (p. 419). Mr. Sen indicates some of the difficulties that arise when various States recognise conflicting governments as in the case of China, and draws a distinction with countries whose governments have changed as a result of a *coup d'état*. He states that in the case of Egypt, Sudan, Burma and Pakistan, formal recognition of the new regime was not considered necessary, while in Latin America, where such changes tend to be fairly frequent, 'the question whether a formal recognition is necessary or not has generally been decided on the facts of each situation' (p. 421) — a practice which in fact operates in every case everywhere.

There are many points in Mr. Sen's *Handbook* which are interesting or controversial. Enough has been said, however, to show the great value the *Diplomat's Handbook of International Law and Practice* possesses for those called upon to apply some of the everyday rules of international law. They may well find, however, that it needs supplementation by other works in the field. It is, though, a most useful first reference for immediate application.