

THE LAW OF NATIONS. By J. E. S. FAWCETT. [London: Allen Lane, The Penguin Press, 1968. viii + 190 pp.].

This small book on international law is eminently suitable as introductory reading material. Fawcett devotes his twelve Chapters to discussion of the major topics of international law<sup>1</sup> but has carefully avoided delving into the technical and detailed aspects which might discourage a reader who is seeking only an introduction. Throughout the work one can see that the author has made a determined effort to arouse in the reader an interest in international law. He is not particularly concerned in setting forth the various rules of international law but rather takes care in informing the reader *about* the rules—their background and their development. Fawcett's presentation of international law is honest as well as realistic and he repeatedly emphasises that international law is not a "hifalutin ideal" but that it plays a conspicuous role in modern international relations.

In Chapter 3 on "Sovereignty, Independence and Self-determination", there is a frank and candid discussion of the concept of self-determination and the author suggests that self-determination might be another criterion to be added to the description of an independent state. But in Chapter 5 on "Territory and Jurisdiction" he does not refer to self-determination when discussing territorial claims and one wonders whether he believes the concept irrelevant to the solution of territorial claims today. Further, in Chapter 5, when referring to unsolved territorial disputes, no mention is made of the Philippine Claim to Sabah.

1. The Twelve Chapters are 1. Law and Order; 2. Growth of the Law of Nations; 3. Sovereignty, Independence and Self-determination; 4. New States and New Governments: recognition and non recognition; 5. Territory and Jurisdiction; 6. Treaties; 7. International Claims and Disputes; 8. Peacekeeping; 9. The Individual and the Law of Nations; 10. Declarations and Conventions on Human Rights; 11. The Origins of International Institutions; 12. Contemporary Patterns of International Organizations.

In Chapter 10 on "Declarations and Conventions on Human Rights" the list (p. 157) of Declarations and Conventions would be more useful if it included many of the other instruments adopted by the U.N. The list, further, unfortunately refers to the *draft* Convention on the Prevention of Racial Discrimination when that Convention was finalised, adopted by the U.N. and opened for signature and ratification in 1965.

In an Appendix (comprising three pages and a graph) Fawcett seeks to illustrate the forms and the different stages of settlement of international disputes. This brief treatment of what is, in fact, a complicated process results in a somewhat superficial discussion of the different facets and factors relevant to negotiation, conciliation, mediation, arbitration or judicial settlement. This reviewer feels that this discussion is, in any case, inappropriate in a book intended as an introduction to international law, but ventures to hope that Fawcett (who has had a wealth of experience in the U.K. Foreign Office as well in international organisations) will in the near future make available a detailed exposition of his views on the settlement of disputes.

This reviewer must take issue with a point made by Fawcett which concerns Singapore. On page 53, in discussing enclaves, the author states:—

"Enclaves are small portions of territory under the sovereignty of another State; surviving are Gibraltar; Spanish Ifni in Morocco; Hongkong and Macao; and Singapore in Malaysia".

Fawcett's reference to "Singapore in Malaysia" as a surviving enclave is, this reviewer submits, neither factually nor legally correct. Factually (or geographically) Singapore has been and still is a distinct area of territory *not* situated in Malaysian territory. The island Republic of Singapore is separated from the Malayan Peninsula by the Straits of Johore. It is therefore difficult to urge that Singapore is a "small portion of territory" of Malaysia unless by "territory" one wants to include territory which is contiguous or within close proximity (in which case several other examples have to be cited by Fawcett, such as Brunei in East Malaysia).

Legally, Singapore became one of the constituent States of the Malaysian Federation in 1963 under the terms of the Malaysia Agreement, 1963 pursuant to which the United Kingdom Government relinquished all sovereignty over Singapore. In 1965, Singapore seceded from Malaysia and this was done through the Separation Agreement, 1965 whereby Malaysia recognised Singapore as an independent sovereign State and relinquished all sovereignty over it. There was no alteration in the area of the territory and the now independent Singapore is, territorially, the same area of territory which has traditionally constituted Singapore.

In the light of the above it is not accurate to describe Singapore as an "enclave"; it is not "in Malaysia". It is an independent State with self-contained territory distinctly separate, legally and factually, from Malaysian territory.