

BOOK REVIEWS

WHEN BATTLE RAGES, HOW CAN LAW PROTECT? Edited by John Carey.
[Dobbs Ferry: Oceana. 1971. ix + 115 pp. \$7.50].

Reports concerning the fate of civilians in Vietnam, together with accounts that have come from Bangla Desh both before and after its break with Pakistan, have lent added significance to attempts now being made to improve the position of civilians caught up in theatres of military operations.

When Battle Rages, How Can Law Protect? is the report of the Fourteenth Hammarskjold Forum organized by the Association of the Bar of the City of New York and the working paper for which, entitled "Some Major Inadequacies in the Existing Law Relating to the Protection of Individuals during Armed Conflict", was prepared by Professor Howard S. Levie of St. Louis University Law School. He points out that the prevailing code concerning the law of war is still that drafted in 1907, and that as a result "we are compelled to apply to wars being fought in the eighth decade of the 20th century rules governing the conduct of hostilities drafted in the first decade of that century" (p. 2). In fact, of course, there have been developments in specialised fields like those relating to forbidden weapons, prisoners of war, civilians in occupied territories, and the like, as well as the pronouncements made at Nuremberg and other war crimes trials.

Colonel Levie's paper is primarily concerned with the absence of any method to determine automatically that a situation exists requiring the application of armed conflict law; of any system of third party supervision in the territories affected by armed conflict of police compliance with the law; of a total ban on the use of chemical and biological weapons; and of any system of air war law together with suggested remedies for each of these deficiencies. In so far as the first of these lacunae is concerned, the author suggests an international body of, say, 25 eminent persons to constitute a permanent International Commission for the Enforcement of Human Rights in Armed Conflict, which body would also be able to function, in the absence of any Protecting Power, to fulfil the supervisory police role mentioned above. As to the ban on chemical weapons, Professor Levie would include non-lethal or incapacitating as well as ecological means of warfare, for he feels that these too have an anti-humanitarian character and the use of any such agents would soon lead to employment of those of a more deleterious character. He also suggests that any difficulties that may exist in the way of policing the production of such agencies should not be permitted to hold up a treaty imposing a general ban on their use. Where air law is concerned, he would like to see a total ban on terror and target-area bombing, as well as a careful definition of military objectives.

As Dr. Levie points out, "armed conflict is, by its very nature, unhumanitarian. However, humanitarian rules, properly applied, can do much to mitigate this situation" (pp. 28, 72), and it is his belief that if action along the lines he has suggested were taken there might be some such alleviation. There is little doubt that it is papers like the one here noticed that will provide food for thought, debate and possible reform.