

A MODERN INTRODUCTION TO INTERNATIONAL LAW. 4th Ed. By
MICHAEL AKEHURST. [London and Winchester, Mass.: Allen
& Unwin. 1982. 304 pp. £6.95/\$12.95]

The appearance of four editions of *A Modern Introduction to International Law* in twelve years suggests a wide demand for a concise and readable account of basic principles. Michael Akehurst's book is designed to fill the gap between the foreign policy analyst's view of law, such as expressed in Louis Henkin's *How Nations Behave*,¹ and a sophisticated legal treatise like Ian Brownlie's *Principles of Public International Law*.² In most respects it succeeds admirably.

For those unacquainted with previous editions, Dr. Akehurst attempts to survey the whole field, beginning quite properly with the question "Is international law really law?" His answer, affirmative of course, manages to touch on virtually all of the seeds of popular doubt as well as various aspects of academic debate, from the views of the early positivists to those of H.L.A. Hart. The discussion is remarkably clear and concise and in the course of it the author offers some fairly cogent, if basic, reasons why most states adhere to most of the rules most of the time. Together with a brief review of historical and political contexts which have affected the evolution of international law from the rules of the game for a small club of Western powers to a universal law of nations, the jurisprudential discussion sets the stage for Dr. Akehurst's ambitious synopses of many areas of that law, from its sources to the evolving regimes for air and space. His treatment of such topics as legal personality, jurisdiction, and the laws of war remains first-rate given the constraints of an introductory text.

¹ New York: Columbia University Press, 2nd Ed. 1979.

² Oxford: Clarendon Press, 3rd Ed. 1979.

Weaknesses remain, although Dr. Akehurst has obviously paid heed to some of the criticisms of the last edition, which appeared in 1977. His survey of the law of the sea is substantially revised and improved, particularly with respect to the work of UNCLOS III and the long-awaited proposed treaty. While quite properly cautious about the fate of the comprehensive treaty, the book has been much strengthened by greater discussion of the various regimes developed therein, e.g., the exclusive economic zone, transit passage, archipelagic waters. As the author suggests, much of the treaty departs from existing customary law, perhaps the reason why the composite negotiating text seemed to receive rather short shrift in the third edition. But, as Dr. Akehurst suggests in the present volume, even drafts can form the guidelines for future state practice and hence foster the development of new customary law. And then there is still the possibility of universal or (more likely) nearly-universal ratification. The latter possibility, which raises some of the most interesting and difficult questions in international law today, is one about which the book unfortunately does not speculate.

The chief weakness is that no attempt is made to survey international economic law as a whole. To be sure there is greater space devoted to some of the legal aspects of efforts to create a New International Economic Order (NIEO), but the treatment is spotty. UNCTAD, for example, is not mentioned anywhere in the book. Nor, astonishingly, is the GATT. The International Monetary Fund and the World Bank are mentioned only in passing; the former simply as an example of one of the many specialized agencies of the United Nations, the latter as sponsor of the Convention on the Settlement of Investment Disputes. Indeed, it is chiefly in connection with foreign investment and expropriation that economic law is discussed at all and attention to the Declaration on Permanent Sovereignty Over Natural Resources and the Charter of Economic Rights and Duties of States are reviewed as efforts to change existing norms regarding the legality and consequences of expropriation. It is a pity that Dr. Akehurst, with his talent for cogent synopsis, did not devote some attention to the theoretical underpinnings of the NIEO's legal aspects, e.g., Eduardo Jimenez de Arechaga's elaboration of principles of unjust enrichment.³

It is true that the author has paid considerable attention to the role of the Afro-Asian and Latin American nations in the making of international law. There is, as the most obvious example of this concern, a new chapter on self-determination. But it is with economic self-determination that most of the so-called third world states are concerned today, and about economic dependence and legal structures which reflect it the present work says relatively little. In an introductory book, of course, some topics must be left out. But a truly modern introduction to public international law should deal with the legal aspects of economic relations in greater detail than Dr. Akehurst has done. Quite apart from the NIEO, there is much that should be said in even a short book about the public law aspects of international trade. The legal bases and ramifications of trade embargoes, for example, could be profitably considered here.

³ See K. Hossain (ed.), *Legal Aspects of the New International Economic Order*, London: Frances Printer, 1980 at pp. 220-234.

Dr. Akehurst is adept in his use of examples and the new edition draws on such recent occurrences as the taking and release of the U.S. hostages in Iran. Non-British readers may find the use of British law and practice to illustrate various points interesting or distracting, although one would expect the former given the U.K.'s prominent place in the development of the current international legal order. Certainly the examples are well-chosen. The author's discussion of the controversial British Nationality Act 1981 is particularly noteworthy and he does a good job of relating it to the problems surrounding nationality and stateless persons in general.

On a mechanical level, the book suffers from a rather curious system of citation and cross-reference. Some references are made within the body of the text, some are set off by parentheses, and some find their way into footnotes. The basis on which they were so distributed is unclear and the whole business unnecessarily distracting. There are, on the other hand, helpful references for further reading at the end of each chapter and the book remains well-indexed. A table of treaty references would be most helpful, even if limited to the UN Charter.

It is the accessibility of *A Modern Introduction to International Law* to non-lawyers which is perhaps its greatest strength and the book is a useful summary for teaching purposes. And even those already acquainted with the fundamentals of the subject will find Dr. Akehurst's lively and up-to-date treatment of rapidly changing law interesting and worthwhile, despite its minor faults.

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