

may appear inadequate or less than satisfactory. In truth it is the academic writers who are or should be the pathfinders of the law; for the most part it is for the judges to consolidate ground which has been explored and cultivated in advance by the cut and thrust of academic commentary and controversy.

We have become absorbed with the constitutional issues that arose between 1972 and 1976 and with the cases that decided some of those issues. We cannot allow our absorption to become too introspective. Now that the hurricane has passed over, we should bend our minds in the direction of new problems that are likely to arise. If we are to be preoccupied with the Constitution, we should concentrate on the future rather than on the past.

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International Law by D. W. GREIG, M.A., LL.B., of the Middle Temple, Barrister; Professor of Law of the Australian National University. (Butterworths, London, 1976, 2nd Edition), pp. i-xxi, 1-944. Cloth, recommended retail price \$40.50 (ISBN: 406 59182 2); Paperback, recommended retail price \$27.50 (ISBN: 406 59183 0).

The second edition of this book, which is some 200 pages larger than its predecessor, could be more appropriately described as a general textbook rather than as an introduction. The aims of its author remain unchanged. They are to provide "a survey of both the general law of peace and the law of international institutions within the same framework [and] . . . to provide a far more detailed overall treatment of the subject matter than [is] given in most one-volume texts" (page v). The book contains four chapters on international organizations and one on the use of force by states, as well as a number of chapters on the usual topics of general international law.

Professor Greig's work is well written, scholarly in approach and contains much original thought. The book has relatively few footnotes and is thus of less use to the academic and the government practitioner than to the student, for whom it is written.

The production, after six years, of a second edition of a book covering such a wide subject matter must have been a daunting task. As the author comments, this is inevitably so given "[t]he increasing complexity of state practice and the rapidity with which the relations of states are being affected by new developments within the international community . . ." (page v). Yet there are only few gaps in updating, perhaps the most serious one being the lack of reference on page 200 to the adoption by the UN General Assembly in 1973, following the work of the Sixth Committee, of the Convention on the Prevention and Punishment of Crimes against Internationally Protected

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Persons including Diplomatic Agents (Res. 3166 (XXVIII)). The cut-off date is stated as the end of 1974 but the volume includes the developments in the law of the sea to the production of the informal negotiating text of May 1975 and even includes the Privy Council's decision in the *Philippine Admiral*¹ in late 1975 on sovereign immunity.

Two subjects are missing from what is otherwise a comprehensive book. The first is the emerging international economic law and related questions of the New International Economic Order and of the Charter of Economic Rights and Duties of States. Certainly a future edition ought to cover these matters as well as GATT, UNCTAD, the proposed Code of Conduct for Transnational Corporations and the Common Fund.

The other subject which has not been covered is that of humanitarian law. Admittedly, this is normally thought of as an aspect of the law of war and thus as outside the mainstream of this volume. On the other hand, the protection of belligerents and civilians from the excesses of war is an aspect of human rights and may therefore be treated under that rubric. The recent adoption of the protocols which are equally applicable to "national liberation movements" reaffirms this view.

Indeed, the suggestion may be made that too little attention is given to questions of human rights, in particular the two 1966 UN Covenants on International Human Rights and the International Convention on the Elimination of all Forms of Racial Discrimination. There is no discussion of the enforcement machinery established by those instruments and in particular by the Optional Protocol to the International Covenant on Civil and Political Rights, which is now in force.

On the other hand, the chapters on international organizations are a considerable improvement on those in the first edition. The issues in the advisory opinions in the *UN Administrative Tribunal*² and *Certain Expenses of the UN*,³ are now considered and supplemented by those in the *Namibia* case,⁴ and more attention is given to the central legal problems of organizations. The revised version of the section on diplomatic protection under the heading "Indirect international wrongs" is also an improvement on the first edition. While there is a discussion of marine pollution, a separate chapter on the international aspects of environmental law could well have been expected in this second edition in light of the growing importance of, and rapid developments in, this field over the last decade.

The work places much emphasis on Anglo-American cases, possibly at the expense of the utilisation of episodes of state practice. Apart from the law of the sea, scant attention is given to the attitudes and practice of recently independent states and their contribution towards the progressive development of international law.

¹ *Philippine Admiral (Owners) v. Wallem Shipping (Hong Kong) Ltd* [1977] A.C. 373.

² I.C.J. Reports (1954) 47.

³ I.C.J. Reports (1962) 151.

⁴ I.C.J. Reports (1971) 3.

Occasionally the subject matter is placed under inappropriate headings and could lead to some confusion in the mind of the average student. For example, the discussion of the exploitation of the seabed beyond national jurisdiction comes under the heading of "The continental shelf". Also, on immunities, the headings entitled "English law", "The law of the United States" and "The law of other states" create the impression that these questions should be treated apart from the earlier section on exemptions from territorial jurisdiction to which they obviously belong.

These few shortcomings apart, Professor Greig's book is an admirable one and compares favourably with the dozen or so existing productions for students in the English language. It should prove very useful to the Australian student of international law and indeed of international relations, though it could helpfully be supplemented by the ever-increasing range of Australian materials on the subject.

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