

BOOKS AND REVIEWS

BEITRÄGE ZUR WEITERENTWICKLUNG DES HUMANITÄREN VÖLKERRECHTS FÜR BEWAFFNETE KONFLIKTE¹

Under a title which may be translated as "Contributions to the Development of International Humanitarian Law in Armed Conflicts", the Institute of International Law of Kiel University, in August 1973, issued a publication containing papers by Fleck, Bothe, Hailbronner and Ipsen, on specific problems relating to the development of international humanitarian law applicable in armed conflicts.

Dr. Dieter Fleck, Senior Adviser to the Federal Ministry of Defence and the author of an article on "The Employment of Legal Advisers and Teachers of Law in the Armed Forces" published in the April 1973 issue of the *International Review*, here deals with two different subjects. One of them concerns the *de lege ferenda* distinction which must be made between "ruses of war" and "unlawful perfidy"; the other deals with the prohibition, under international public law, to use specific weapons. The writer's purpose is to pinpoint the reasons and factors that determine the prohibition of certain weapons, bearing in mind the problems this may involve. He suggests that these complex subjects should be approached thus:

- (a) first, by interpreting the existing rules of international law regarding the prohibition of certain weapons;
- (b) secondly, by considering the possible effects of the principle that a Party to the conflict has not an unlimited right to the choice of the means of combat;
- (c) lastly, by drawing therefrom conclusions regarding the application and prohibition of some specific weapons the use of which is generally subject to dispute.

¹ Hansischer Goldenverlag, Joachim Heitmann, Hamburg, 1973.

Dr. Michael Bothe, privat-docent at the Max Planck Institute, Heidelberg, analyses "the legal problems of relief operations for the civilian population in case of armed conflict".

Dr. Kay Hailbronner, reader at the same institute, considers the question of protection for airmen in distress, under the law of war, and puts forward solutions to questions left open by Article 36 of Protocol I, which was submitted to the second session of the Conference of Government Experts convened by the ICRC.

Lastly, Dr. Knut Ipsen, lecturer at the Institute of International Law of Kiel University, deals with the urgent and vital problem of open cities and zones under special protection. The writer's interpretation of Article 25 of the Hague Regulations leads to the conclusion that siege rather than attack is prohibited, and that the practice which arose during the Second World War of declaring undefended towns "open cities" would in no way have changed that meaning. Basing himself on this interpretation, he suggests that the two draft articles submitted to the second Conference of Government Experts, namely Article 53 (non-defended localities) and Article 54 (neutralized localities) be merged into a single provision which would further develop the idea embodied in Article 15 of the Fourth Geneva Convention (neutralized zones). Instead of non-defended localities, the writer puts forward the criterion of demilitarization and argues that in modern mobile warfare it would be very difficult to define and recognize what is prohibited and what is not.

These well documented papers will beyond a doubt give rise to further discussion regarding the development of international humanitarian law.

B. H.

RENÉ CASSIN: « LA PENSÉE ET L'ACTION »¹

René Cassin was one of the principal architects of the Universal Declaration of Human Rights and, in 1968, was awarded the Nobel Peace Prize by the Norwegian Parliament. This book is a tribute to