

## VIOLENZA E DIRITTO NELL'ERA NUCLEARE \*

### *International Law in spite of everything*

Published in pocket-book form, Professor Cassese's work is intended for all those who, without belonging to the circle of experts in international law, are interested in international relations. Taking a few well-known cases and incidents from contemporary international life, the author shows the place occupied by law in events which seem entirely dominated by States' political interests.

He examines, in turn, the first use of nuclear arms in Hiroshima and Nagasaki, the broader issue of the legality of first recourse to such weapons, the loopholes in the prohibition of force, the Sabra and Chatila massacre, the Astiz case, the problem of the plea of superior orders as vindication and the punishment of war crimes and, lastly, the possibilities and the limitations of national magistrates acting as "assault troops" in implementing international law, in particular those of its instruments dealing with the protection of the human being.

Concerning nuclear arms, the author draws the conclusion that their use in Hiroshima and Nagasaki was a violation of customary law, but that today the five nuclear powers and some of their allies have reached a sort of a tacit agreement departing from customary rules and allowing first use of nuclear arms by one of their number, but not by the rest of the international community.

In the chapter on Sabra and Chatila there is a minor error which should be put straight for the benefit of readers interested in humanitarian law: on page 86 the author says that, according to the interpretation of the UNHCR and the ICRC, the inhabitants of the two camps were not covered by the provisions of the Fourth Geneva Convention because they had refugee status. In fact, such an opinion was never expressed, and the camps' inhabitants, who were not nationals of the occupying power, were beyond all doubt entitled to the protection of the entire Fourth Convention. A particular legal problem with regard to refugees arises only if they are nationals of the occupying power.

The author has certainly succeeded in what he set out to do: he provides an answer to questions which seem to lie outside the scope of any legal provisions, shows that this answer is neither unrealistic nor a mere endorsement of the balance of power, and demonstrates that law remains a reality in international relations, if only because those who violate it always look for legal arguments to justify their actions. He lets it be seen which values he advocates, but he does so with considerable realism and impartiality, presenting all the various arguments put forward.

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\* Antonio Cassese, *Violenza e diritto nell'era nucleare* (Violence and law in the nuclear age) Saggi tascabili Laterza, 1986, 196 pages, in Italian.

In spite of its academic rigour and numerous references, the book remains very readable, almost enthralling. It will certainly restore hope—without giving any illusions—to all those who are strongly attached to the idea of the supremacy of law in world affairs but who feel somewhat disoriented in the face of reality. Consequently, we cannot but regret the fact that, since the book has been published only in Italian, it will have only a limited circle of readers. Given its subject matter and the way it has been dealt with, Professor Cassese's book would certainly merit being translated into other languages.

Marco Sassòli

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## LONDON UNDER ATTACK \*

### *Five scenarios of destruction*

Neither the government nor strategists consider an attack on England to be probable within the next decade. The possibility, however, is not zero. Based on this assumption and on the obligation for cities to plan their own civil defence and preparedness, the authorities of Greater London established a high-level, independent Commission of six experts to study all the facets of the problem on a multi-million community and to report on what would happen to the capital, to its houses, inhabitants, roads, hospitals, airports, food supply, services, water, climate... How would the ordinary Londoner—parent, teacher, manual worker, doctor, nurse, fireman, government official or young banker react to nuclear attack or to the threat of such an attack?

The outcome is a gigantic study of 33 separate volumes of research and investigation carried out for the Greater London Area War Risk Study (GLAWARS) Commission, conveniently brought together in some 400 pages in the book *London under attack* which, despite the terrifying findings and the plethora of charts and statistics, makes eminently easy, intelligible reading.

The depth and breadth of the Report go far beyond any investigation previously available to any official body, country or organization, and the findings are applicable to any major city or large population in the world. Also, comparative analogies and differences in the planning and philosophy of civil defence in different countries are most instructive and add to the wider relevance of the book.

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\* *London under attack. Report of the Greater London Area War Risk Study Commission.* By R. Clarke, A. Ehrlich, S. W. Gunn, J. S. Horner, J. M. Lee, P. Sarfman and F. von Hippel, Blackwell, Oxford and New York, 1986, 397 pp.