

Henry Goldstein tells a fascinating story teeming with details about daily life in the camps. Vivid, instructive and rich in anecdotes both comic and tragic, the book is written in a natural, simple style. "All through those dramatic years", writes Goldstein, "there was no respite. My life was like an endless chain, each link inexorably leading to the next".

True to life, colourful and moving, *Les maillons de la chaîne* is a faithful reconstruction of five years of captivity on enemy territory.

Florianne Truninger

EFFECTING COMPLIANCE — ARMED CONFLICT AND THE NEW LAW

Do the States comply with humanitarian law?

In 1985 the British Institute of International and Comparative Law set up a group to discuss the law of armed conflict. The group's deliberations resulted in the publication in 1989 of a collection of articles on the 1977 Additional Protocols and the 1980 Weapons Convention. A second volume has now appeared dealing with various aspects of the problem of ensuring the States' compliance with humanitarian law.*

This subject was chosen in an effort to respond to the most urgent needs relating to the regulation of armed conflicts. As one of the authors points out, this is a question not so much of adopting new rules as of improving the effectiveness of those already in force. The editors of the book believe that a comprehensive approach is required, taking into account not only the role that must be played by the States as those directly bound by the rules, but also the responsibilities in this respect of other players on the international scene. Such an approach also prompts us to look beyond the framework of inter-State relations and consider the measures that must be taken by governments on the national level.

The work is divided into six parts. Part I takes stock of the general effectiveness of the law of armed conflict. *George A. Aldrich* suggests three reasons why this body of law often remains a dead letter. One reason is that those whose duty it is to implement it are often unfamiliar with its provisions. The second is the scepticism and cynicism caused by awareness that viola-

* *Effecting Compliance, Armed Conflict and the New Law, Vol. II*, Hazel Fox and Michael A. Meyer (eds.), London, The British Institute of International and Comparative Law, 1993, 251 p.

tions of the law go unpunished. The third reason is that there are no effective mechanisms for implementation (verification, investigation and settlement of disputes). Aldrich suggests various ways in which such obstacles can be overcome, laying particular stress on the responsibility of States to ensure that humanitarian law is widely known and understood and to punish violations.

Hans-Peter Gasser draws the attention of the reader to the steps that can be taken by parties not involved in a given conflict. Article 1 common to the four Geneva Conventions of 1949 and to Protocol I of 1977 requires States party to those treaties not only to respect their provisions but also to “ensure respect” for them. Gasser describes how States can meet this second obligation. For one thing, they have a duty to refrain from encouraging belligerents to act in violation of international humanitarian law. They may also make diplomatic representations, offer their good offices and, if need be, petition the International Court of Justice. Third parties other than States can also take action. The United Nations is becoming increasingly involved in both the formulation and the implementation of the law of armed conflict. In the final section of his article, Gasser describes the means used by the ICRC to urge States not themselves involved in a conflict to meet their obligation to “ensure respect” for the law of Geneva.

An article by *Françoise Hampson* opens Part II with a subtle analysis of the fact-finding process in conflicts. After reviewing the different forms that this procedure can take and the characteristics of each, she looks at the International Fact-Finding Commission which was recently set up under Article 90 of Additional Protocol I. While she welcomes the Commission’s establishment, this author expresses doubt as to its effectiveness, which depends too heavily on the willingness of States to cooperate.

The next article is by *David P. Forsythe*, who turns the discerning gaze of a political scientist on the ICRC and formulates some criticisms. In particular, he takes the institution to task for distancing itself from the human rights movement, saying that the ICRC could have taken advantage of the sharp rise in interest in human rights, especially since the 1970s, to boost its own activities. Forsythe also points out several dilemmas facing the ICRC as it attempts to bring protection and assistance to the victims of war.

Part III of *Effecting compliance* is devoted to weaponry. *Louise Doswald-Beck* explains why interpretation and implementation of the treaties that regulate the use of certain weapons have proved so difficult although the texts themselves are basically very straightforward. This problem is also dealt with by *H. McCoubrey*, who focuses his attention on bacteriological and chemical weapons.

The second Gulf war highlighted the urgent need for renewed efforts to improve protection for the environment during periods of armed conflict. *Dieter Fleck* opens Part IV with this observation, and goes on to examine the protection for the environment afforded by existing humanitarian law and possibilities for future developments. He ends by pointing out that it would be too simple a solution just to negotiate a new convention; there is an even greater need to improve compliance with existing agreements.

G. Plant contributes the second article on environmental matters. This deals not so much with pollution employed as a means of warfare as with the environmental damage resulting from hostilities. This author considers existing law to be inadequate and calls for it to be revised rather than being reaffirmed in a bid to improve compliance.

Part V contains two studies on different practical aspects of implementing humanitarian law. The first, written jointly by *J.B.R.L. Langdon*, *A.P.V. Rogers* and *C.J. Eadie*, covers the provisions of 1977 Protocol I governing the use of ground, sea and air transport.

The second, by *L.C. Green*, looks at the situation of those accused of committing grave breaches of humanitarian law and asks to what extent they can exculpate themselves by claiming that they were simply following orders. As the Geneva Conventions and their Additional Protocols have nothing to say on this subject, the author attempts to piece together an answer from customary law.

Part VI, finally, takes stock of national measures for the implementation of humanitarian law. *Peter J. Rowe* and *Christopher Greenwood* both contribute articles dealing specifically with British practice in this area.

Effecting compliance is the latest contribution to the search for better ways of ensuring implementation of humanitarian law. It pinpoints the obstacles to full compliance with the law and suggests a number of ways of overcoming them. But it should not be forgotten that this is a collective work which, although its contents are presented in a systematic fashion, suffers from the lack of consistency inevitable in any such volume. It should not therefore be regarded as an exhaustive study of the problems of implementing humanitarian law.

Sylvain Vité
