the territorial State can apprehend him only by resorting to measures more extreme than it may wish to take. Consequently, even if there is no right, a de facto asylum arises as a tolerated practice.

Although, in the past, diplomatic asylum appears to have been treated as a customary right in certain areas of the world (e.g., Persia), it is today only in Latin America that it is seriously contended that such a right exists. The author throws considerable light on the growth of the practice in that region. Particularly valuable is his demonstration that it is useless to list cases in which asylum has been granted without examining the circumstances. In many cases, for instance, the territorial State had no objection to asylum being granted; in others, it positively welcomed it; in yet others it did object, but not strongly enough to take retaliatory action. The author next examines the multilateral conventions dealing with asylum (e.g., Montevideo, 1889, 1933 and 1989; Havana, 1928; Caracas, 1954) and demonstrates the anomalies that have arisen in regard to their interpretation and application. Thus, parties to these conventions have demanded or respected the right of asylum without invoking them, whilst the conventions have not infrequently been invoked by countries who have not ratified them. This chapter concludes with a table of the countries that have ratified the conventions in question.

Detailed chapters follow on "Diplomatic Asylum in Latin American Practice," "United States Practice in Latin America" and "Asylum in Consulates." The fact that asylum has been frequently granted, and respected, in consulates where there is clearly no right to it tends to prove that the whole practice of asylum, diplomatic asylum included, is an extra-legal (but not thereby illegal) institution.

In the second part of the book, the author examines the question whether, assuming there to be a right or at least a tolerated practice of diplomatic asylum, there is any established criterion for determining who is a "political refugee" and—more important—who is to determine this matter (the so-called "qualification" of the offence). Here the problem becomes mixed up with the essentially different question of extradition. The Caracas Convention, 1954, has attempted to clear up the confusion resulting from the Asylum case between Colombia and Peru by providing that it shall rest with the State granting asylum to decide whether there is sufficient "urgency" to justify the granting of asylum to political refugees, but so far only eleven Latin American countries have ratified this convention. The author shows that Latin American practice on the whole, like practice elsewhere, has been moving away from the old relatively narrow conception of "political offence" towards a view which would place the granting of diplomatic asylum on a broad humanitarian basis. His main conclusion, however, is that, while not a legal right, diplomatic asylum is an institution which is widely respected in fact in Latin America. For this reason, he defends the refusal of the International Court of Justice to put the practice of granting asylum in Latin America into a legal mould. But he warns that "the increased use of terrorism in Latin American politics makes it more essential than ever before that the diplomatic representative use the utmost caution in granting asylum and that the territorial State retain the means by which it can protect itself against abuses without provoking major diplomatic crises" (p. 220).

This is a timely and well executed monograph. Appendices containing the texts of the leading American conventions on asylum, and certain other material, add to its value.

D. H. N. Johnson.


This short treatise on the Jordan Waters Conflict (International Conciliation,
No. 558) is a valuable study of a problem which has political, legal, economic, social and hydrological aspects.

The author begins with an analysis of the various development plans that have been suggested, some of these going back to the days of the Palestine Mandate. She next considers the applicable legal principles, such as they are. After rightly stating that no general rule of law can be deduced from the various international river conventions—even recent ones such as those concerned with the Nile and the Indus—or from the celebrated Lake Lanoux arbitration, the author tentatively puts forward two possible principles. The first is the "mutual restriction principle," which issues from the general obligation upon States not to cause unlawful harm to their neighbours. Specifically, it means that "a riparian is limited in undertaking utilisation of the waters of an international system only by the obligation to avoid grave damage to co-riparian interests." The author admits, however, that "the application of this mutual restriction formula involves both practical and theoretical problems" (p. 44, italics in original). The second principle is that of "equitable apportionment, under which each riparian has a right to utilisation of an equitable share of the waters of an international river system" (p. 45). In the reviewer's opinion, the criteria used in implementing these principles are so vague that there is not much difference between the two, and that seems to be the opinion of the author also because she concludes: "the equitable apportionment principle is but a more positive formulation of the mutual restriction principle and is in the process of superseding it" (p. 46).

Be that as it may, the situation in the Middle East is such—as the author proceeds to show—that it would be very difficult to put into practice even the negative formula of mutual restriction. Reasonably enough, she passes over major issues, such as Israel's right to exist as a State, and concentrates on the question whether Israel's present diversion plans are likely to cause unreasonable damage to her neighbours. She is of the view that "the issues in the Jordan dispute—or at least some of those issues—can be posed in legal terms and dealt with on that level despite a strong admixture of extralegal considerations" (p. 51).

In her final chapter the author concludes that "the present outlook is bleak indeed" (p. 65), but so far as international law is concerned, she is probably right in claiming that the trouble lies not so much in lack of available legal principles—although the solution of the Jordan waters dispute would involve the handling of difficult questions of fact—as in the absence of compulsory procedures for reaching binding settlements. Cynics may think that science—through such procedures as cloudseeding and desalination—has a better chance, if not of solving the dispute, at least of appeasing it than international law has.

D. H. N. JOHNSON.


This book has been compiled to provide students and lawyers with an introduction and guide to international criminal law. It is not a textbook in the traditional sense but has more in common with the casebook. It is, as Professor Mueller describes it, an anthology composed largely of documentary materials which are supplemented by contributions from academic writers.