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The Laws of Armed Conflicts

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satisfied with a "creative" solution. For example, Fisher and Ury cite the example of American aid to help the Israelis replace the bases they are giving up in the Sinai. The precise nature of the agreement must be worked out, but the relative costs and benefits for each side are clear. However, in a negotiating process, the costs and benefits must be determined. Where there are many ways of meeting common interests, and the costs and benefits depend on the precise terms of agreement, each side will try to get the best possible deal. For example, in arms control, stability can be gained through many paths, but any particular combination leads to a different distribution of costs and benefits. If either side accepted more than the minimum constraints on itself necessary to get an agreement, it would be needlessly sacrificing its own national security, (i.e., giving in). In their analysis, however, Fisher and Ury have not told us how to determine the best possible deal, and one is left without an alternative to the traditional pulling and hauling. In other words, they have told us neither how to "get to yes" nor how to "avoid giving in."

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Schindler, Dietrich, and Toman, Jiri. *The Laws of Armed Conflicts: A Collection of Conventions, Resolutions and Other Documents*. Second revised and completed edition. Rockville, Md.: Sijrhoff & Noordhoff, 1981. 933 pp. \$105

In 1943 there was published in occupied Brussels, under the editorship of Marcel Deltenre, a volume entitled *General Collection of the Laws and Customs of War*. It was in four languages (French, Flemish, German, and English) in four parallel columns and constituted a major *tour de force* considering the circumstances of its publication. In addition, it represented the first major attempt to reproduce in

one volume all of the multilateral international agreements on the law of war which had been negotiated up to that time.

In 1973 Dietrich Schindler and Jiri Toman published their *The Laws of Armed Conflicts*. ("War" had become an unmentionable word and the euphemism "armed conflict" had replaced it in the lexicon of many writers on the subject.) Apart from a large number of typographical errors, mostly in the Table of Contents (necessitating the issuance by the publishers of an errata sheet) and a rather strange omission which will be mentioned later in this review, it was an important and extremely useful updating of the 1943 Deltenre volume (by then, long out of print). It included not only all of the multilateral agreements "which are in force; which have nor (or not yet) entered into force; which are no longer in force," but also a number of other relevant documents having their origin in such bodies as the United Nations General Assembly, the International Law Commission, the Institute of International Law, etc.

Now Schindler and Toman have published their "Second revised and completed edition," an invaluable substitute for the original one. Typographical mistakes have been eliminated; and an excellent paper has been used with the result that a larger compendium, with several hundred more pages, is considerably thinner than its predecessor. In addition to including all of the 72 documents which appeared in the first edition, the second edition contains seven new documents: one under the rubric "Methods and Means of Warfare"; five dealing with the protection of victims of war; and one dealing with United Nations forces. For the convenience of the researcher, the Table of Contents, which presents the documents in functional groupings, is followed by a "List of Reproduced Documents in Chronological Order."

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While this reviewer cannot speak too highly of the volume and cannot envision anyone concerned with the law of war neglecting to have a copy readily available when doing any work in that area, there are two rather glaring omissions, one of which was undoubtedly intentional, and the other of which may have been so. Both editions omit the *1907 Hague Convention Relative to the Opening of Hostilities* (26 Stat. 2259). Was this because the editors believed that in view of the provisions of the Charter of the United Nations, this convention was no longer relevant? But their "Explanatory Notes," quoted above, state that the collection includes "all multilateral conventions," even those "which are no longer in force." Certainly, even if the *Convention Relative to the Opening of Hostilities* is no longer in force, a conclusion with which this reviewer would not agree, it deserves a place in the history of the law of war. And if it was the United Nations Charter which has caused this omission by outlawing war, what is the relevance both of the book and of the numerous agreements on the subject of the conduct of war which have been drafted during the past several decades, a number under the aegis of the United Nations itself?

In 1975 there was signed at Washington, London, and Moscow a *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Weapons and on Their Destruction* (26 UST 583). While it is true that this may have been considered by the editors to be an "arms control" agreement rather than one restricting certain specific means of warfare, actually it is merely more extensive in its prohibitory provisions than the other documents relating to chemical and bacteriological warfare, nuclear warfare, etc.; and certainly, anyone researching the field of legal restrictions on the use of chemical and bacteriological (biological) weapons in

time of war would be deemed extremely remiss if he or she failed to mention this very important convention which already has approximately 90 States as parties.

On the whole, the two omissions mentioned above cannot be considered as materially reducing the requirement that this volume be on the library shelves of any serious student of the law of war.

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Smith, Myron J., Jr. *The Soviet Air and Strategic Rocket Forces, 1939-1980: A Guide to Sources in English: Vol. X, The War/Peace Bibliography Series*. Santa Barbara, Calif.: ABC-Clio, 1981. 321pp. \$45

In light of the seemingly exponential increase in writings on Soviet military affairs over the past decade, bibliographies on this topic may be depressing to reminders that one has not kept up with the literary "state of the art" now available to Western researchers in the field. In the case of Myron J. Smith's volume on Soviet aerospace forces, however, one might justifiably be overcome by a gigantic guilt complex and immediately launch into an intensive reading program.

Smith's earlier research guide on the Soviet Navy earned the praise of Robert B. Bathurst of Harvard University in his March-April 1981 *Naval War College Review* book review by virtue of its accuracy, completeness, organization, and usefulness.

Equal superlatives apply to the work at hand both for the vast array of English-language sources that Smith has arranged within an easy-to-reference organizational format, and for its timely relevance to the substantial development of Soviet military power and the commensurate expansion of politico-military activities to distant regions in recent years. Encompassing some 3,250 sources, including transla-