

[1991] 1 **Asian Yearbook of International Law** [Martinus Nijhoff Publishers, Dordrecht, The Netherlands, 1993, xiv + 444 pages, ISBN 0-7923-1734-3, ISSN 0928-432X]

The Asian Yearbook of International Law is edited by three General Editors, namely, Ko Swan Sik, MCW Pinto and JIG Syatauw. The inaugural volume of the Yearbook is dated 1991 and published in 1993. As its name suggests, the Yearbook is intended to be an annual publication. To date however, no further volumes have been published. Preparation of material for the second (1992) and third (1993) volumes had commenced at the time of publication of Volume 1.

The Yearbook is a new and potentially dynamic forum for comment and debate on international law issues relevant to the countries of Asia. It is particularly directed to analysis of international law issues from an Asian perspective. Currently, only a limited number of international law publications provides a forum for discussion from this perspective. The inaugural volume reflects the potentially wide-ranging scope and reach of the Yearbook. However, in its current form, it seems somewhat fragmented both in structure and content. To some extent this fragmentation reflects Asia's tumultuous history, its peoples and its relations with other nations.

Asia is a vast continent with varied physical and climatic features. So diverse are the characteristics of its some three billion inhabitants that the name of Asia is better understood as a **term** of geography rather than a definite and unified political or cultural entity [page xi].¹ The study of international law in Asian countries has, to a great extent, been stifled by the impact of colonisation. For thousands of years Asian countries led the world in science, technology, the arts and social organisation. [page xi]. However, as powerful western nation states emerged, and colonisation expanded, many Asian nations experienced a material decline. Asian colonies were forced to focus on the economic and strategic aims of the western powers. There was neither need, opportunity nor legal basis for the colonised nations to initiate and represent their own policies regarding relations with other countries in the region or elsewhere [page xii]. Consequently, exchanges among colonised Asian peoples, particularly in the field of law, failed to develop [page xii].

¹ See Introduction by the General Editors.

With decolonisation came an opportunity for Asian countries to govern their conduct internationally. The study of international law in Asian countries has developed, albeit gradually, since sovereignty was regained [page xii]. Nevertheless, it remains the case that even today only a few Asian countries have the level of expertise and interest deemed sufficient to support a journal dedicated to international law [page xii].

The Yearbook represents a means to promote and expedite the development of international legal scholarship in Asian countries. It is published under the auspices of the Foundation for the Development of International Law in Asia ("DILA"). The Governing Board of DILA consists of international law experts from a number of Asian countries and international bodies.

DILA was established to promote and facilitate exchanges among international law scholars in the countries of Asia. In the words of its Charter, DILA was established for the following purposes:

- (a) promotion of the study and analysis of topics and issues in the field of international law, in particular from an Asian perspective;
- (b) promotion of the study of, and the dissemination of knowledge of, international law in Asia; [and]
- (c) promotion of contacts and co-operation between persons and institutions actively dealing with questions of international law relating to Asia [pages xii-xiii].

The Yearbook is the principal means by which DILA seeks to accomplish its aims and purposes. It is clear, even at the inception of the Yearbook, that it has tremendous potential to promote and facilitate exchanges among international law scholars in Asia. The Yearbook will undoubtedly also be of interest to non Asian states, and as the General Editors hope, is indeed likely to make a significant contribution towards the development of an international legal order [page xii].

The aim of the General Editors is to include in each volume of the Yearbook [page xiii]:

- (a) scholarly essays of an analytical, descriptive or speculative nature

together with materials that would evidence the practice of states in the region;

- (b) a chronicle of events relating to the region and of relevance from an international perspective;
- (c) notes on selected activities of regional and international organisations; and
- (d) a survey of selected works in the field of international law.

The inaugural volume, to a great extent, reflects the general aims of the General Editors. However, its structure and content require some review and reorganisation. Unfortunately, the volume suffers from a degree of unevenness in the range of material contained in each section. In making this criticism however, it is recognised that selection and presentation of material in some sections are obviously still at an experimental stage.

The inaugural volume is divided into seven discrete sections with each containing the following papers and materials:

(1) Articles

Four major articles are presented in the present volume of the Yearbook. They are the following:

- (a) The first article is written by Jamshed A Hamid, Legal Adviser to the Ministry of Foreign Affairs in Islamabad. This paper examines the conduct of foreign relations, including treaty-making powers, under the Constitution of the Islamic Republic of Pakistan.
- (b) The second article by Patricia Hyndman, Associate Professor of Law at the University of New South Wales, traces the development of international refugee law in the Asian Pacific Region.
- (c) The third paper presented by Roda Mushkat, a senior lecturer in law at the University of Hong Kong, examines Hong Kong's then response to the refugee problem. This paper evaluates the impact of western legal concepts, Asian attitudes and practical difficulties on the development of Hong Kong's response to this problem.

- (d) The fourth and final article is written by Sompong Sucharitkul, Visiting Professor of International and Comparative Law at the Golden Gate University. Professor Sucharitkul examines the impact of the Association of Southeast Asian Nations (ASEAN Society) on Southeast regional co-operation.

(2) Notes

The inaugural volume contains a single Note by Henri Gunato (Gunato, Prasasto & Co, Jakarta). The Note considers the implementation of regulations for the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards in Indonesia.

(3) Legal Materials

The heading designated to this section is somewhat misleading. This section is not a presentation of primary legal materials; rather it appears to consist of a selection of papers that discusses the impact of various legal instruments and judicial decisions. The first paper is a collection of mini papers that discuss state practices in Asian nations. The second paper provides a survey of the level of participation in multilateral treaties by these nations. The two papers are so disparate in nature and design that it is difficult to determine why they appear in the same section of the Yearbook.

(4) Asia and International Organisations

This section provides reports on various aspects of selected Asian and international organisations. Here, a survey of the activities of the Asian-African Legal Consultative Committee during 1990-1991 is presented, including a review of United Nations activities pertaining to Asia over the same period.

(5) Chronicle

The inaugural volume provides a detailed chronicle of events and incidents relating to Asia which are relevant to international law. The chronicle covers the period January-September 1991. It gives an excellent overview of the involvement of Asian nations in significant international events and incidents during this period. This section is certainly one of the highlights of the Yearbook and is undoubtedly an excellent resource for international

legal scholars. The section also provides the Yearbook with its annual focus and character.

(6) Bibliography

The bibliography is also very detailed and represents an excellent resource. The bibliography has been prepared primarily as a service to readers of the Yearbook so as to inform them about current international law writings on Asian affairs [page 357]. The materials in this section are conveniently arranged under the following headings:

- (a) General
- (b) States and groups of states
- (c) Territory and jurisdiction
- (d) Sea
- (e) Air and Space
- (f) Environment
- (g) International conflicts and disputes
- (h) War, armed conflict, neutrality
- (i) International criminal law
- (j) Peaceful settlement of international disputes.

(7) Selected Documents

This section, not unlike the Legal Materials section, has very little in the way of a unifying theme. It consists of the following:

- (a) an information note on the secretary-general's trust fund;
- (b) statutes of the Asian-African Legal Consultative Committee;
- (c) Agreement on the Organisation for Indian Ocean Marine Affairs Co-operation;
- (d) the Final Act of the Paris Conference on Cambodia; and
- (e) a list of documents of special interest to Asia not reproduced in the present volume of the Yearbook.

Several of the documents reproduced in this section may be described as primary legal materials and may be more appropriately placed in the Legal Materials section. The Yearbook clearly attempts an extensive coverage of international legal material relevant to Asia but in its current form, however, it is more of a source book than a forum for academic debate.

The four articles presented in the present volume are of a high quality. Inclusion of more articles of this quality and substance would certainly enhance the Yearbook's academic rigour. The General Editors should also strive for a more balanced coverage of material from a geographical viewpoint. A large proportion of the material presented in this volume deals with issues relevant to international law in Southeast Asia only.

There is one further and final criticism. The Yearbook is littered with typographical errors. These errors detract from the overall quality of the publication. This undoubtedly is a result of having to meet strict deadlines in publication. On this point also, it is worth noting that the Yearbook is currently a number of publications in arrears. In effect, much of the material presented in future volumes will be outdated when they are finally published. The General Editors (and publisher) may wish to review their publication schedule, in light of course of available resources. Further, if a decision is made to "catch up" with late volumes, consideration should be given to a consolidated volume to bring the Yearbook up to date.

The General Editors of the Yearbook are confronted with a number of challenges for future volumes. Most of the weaknesses of the first volume of the Yearbook are however minor and easily addressed. Probably the most challenging task is the effective integration of a range of diverse essays and materials. The Yearbook is a welcomed addition to international legal scholarship. We eagerly anticipate publication of volumes 1992-1997. As such, it would be a pity if there has been a decision to discontinue further publication of the Yearbook, which appears to be the case.

Rita Shackel