

---

## Book Reviews

Bethlehem, D. and Weller, M. (eds), *The 'Yugoslav' Crisis in International Law: General Issues, Part 1 (Cambridge International Documents Series, Vol. 5)*. Cambridge: Grotius Publications/Cambridge University Press, 1997. Pp. lviii, 711. £75.

A volume the size of this is a somewhat daunting prospect, and most certainly warrants use of the word 'tome'. It follows from a number of previous works, which have sought to bring together important documents relating to specific aspects of particular international situations. As was found to be the case for the coverage of the Kuwait crisis, multiple volumes will be required. The instant text is to be part 1 of 2 — the latter volume's purpose will be 'to bring the materials up to date' (p. xvi), and given the ongoing events in the region, it is not unlikely that a part 3 will be required.

The collection contains general materials, as opposed to issue-specific texts, grouped under their respective sources within the UN. Thus, the sections comprise: Resolutions and (presidential) Statements of the Security Council; Provisional Verbatim Records and Draft Resolutions of the Security Council; and, related Reports and Correspondence of the Secretary-General. The time-scale covered is from 25 September 1991 to 19 May 1994, despite being officially stated by the editors as 30 April 1994 (p. xvi). This period encompasses the adoption by the Security Council of Resolution 713, which imposed an arms embargo on Yugoslavia and called for the cessation of hostilities, to the events surrounding the adoption of Resolution 913 concerning the situation in Bosnia-Herzegovina and specifically the shelling of Gorazde, which had prompted the US Senate to vote 'in

favour of unilaterally breaching the arms embargo against Bosnia' (p. lvi).

The resultant text is a tightly packed source of the most rich and detailed information. To aid the task of the researcher wishing to derive the maximum benefit from this work, the editors have added two keys to the material inside. First, the chronological pages of contents are complemented by an extremely useful subject-specific index. This allows one to see easily all the documents relating to a particular aspect of the events, from 'Aggression' to 'War Crimes/International Tribunal'. Second, the texts themselves are preceded by a chronology of the conflict in Yugoslavia, spanning in detail the period January 1989 to May 1994. This is based exclusively on *Keesing's Records of World Events*, and is fully sourced to the individual articles. Whilst in itself a useful account of the events, this chronology is also peppered with specific references to the documents contained in the main body of the book. These two together allow swift and accurate access to the documents.

The one major criticism of this work is its lack of maps of the region. Whilst there is one 'Map of the former Yugoslavia' at p. lvii, it appears to be a poor photocopy of what is itself a not very informative document. In terms of the generality of the pre-collapse state, and the subsequent separations, and respective territorial plans, considerable benefits could have been gained from what need only have been a limited number of documents.

It remains clear that considerable work is still to be done in bringing the present work up to date, whether in one or more further volumes, on the UN contribution since mid-1994. In addition, the contributions of the EU and of other regional bodies could also provide fascinating accounts necessary to understand more fully the actual pattern of

international involvement in the tragic recent history of this troubled region of Europe. In the meantime, the present work will undoubtedly serve as a prized tool and a valuable asset for anyone engaged in research on this subject.

Faculty of law

University of Southampton

*Dave Carter*

Bing Bing Jia, *The Regime of Straits in International Law*. Oxford: Clarendon Press, 1998. Pp.253.

This is a welcome addition to the literature on international straits. Dr Jia has very thoroughly examined all aspects of the regime of straits: their definition, namely, the geographical (pp. 3–33) and the functional (pp. 34–58) element; the relationship between international straits and bays (pp. 59–77); the regime of passage prior to UNCLOS III (pp. 78–108); special regimes established for certain straits by special treaties (pp. 109–28 — the Turkish straits, the Danish Belts and the Sound, the straits of Magellan, Gibraltar and Tiran); and of course the main part — the regime of straits under UNCLOS III (pp. 129–67). He concludes with an interesting examination of whether the UNCLOS III regime also represents customary law (pp. 168–208). This analysis includes also a very interesting examination and evaluation of state practice. In his opinion, it is doubtful whether the unimpeded transit regime has already acquired the status of general customary law.

Dr Jia based his study on a survey of international treaties and judgments, the opinion of writers, and state practice. His method is very commendable: first he describes the problem, then he outlines the various opinions on the subject, and he con-

cludes by stating and justifying his own opinion.

The text raises a few questions. For instance, the author seems to imply that the coastal states of a closed sea surrounded by several states and linked to the high seas by a narrow strait, may 'place the sea under a claim of *mare clausum*' (p. 116) — a principle that is not generally recognized. The author assumes that the term "innocent passage" has the same meaning in the context of ordinary territorial sea and of territorial sea that constitutes a strait, but one could also envisage somewhat different meanings in these two contexts. In Dr Jia's opinion, straits that connect the territorial sea of a foreign state and the high seas have not yet been recognized as international straits under customary law (p. 211). However, this situation is identical with a situation where a narrow entrance leads to a sea surrounded by several states — a situation where this entrance is under customary law subject to free passage. (See P. Fauchille, *Traité de droit international public*, vol. 1, part 2, *Peace* (1925) 250, para. 506; G. Gidel, *Le droit international public de la mer — Le temps de paix*, vol. 111 (1934) 603. The author refers several times to the provision on passage through the Strait of Tiran and the Gulf of Aqaba included in the 1979 Egypt-Israel Peace Treaty (pp. 22, 76, 127, 146); an identical provision has been included in the 1994 Jordan-Israel Treaty of Peace.

These few remarks are not intended to detract from the great value of Dr Jia's book and his contribution to an important and difficult subject of the law of the sea.

*Ruth Lapidoth*