

BOOK REVIEWS

THE ISRAEL-SYRIAN ARMISTICE: PROBLEMS OF IMPLEMENTATION, 1949-1966. By N. Bar-Yaacov. Jerusalem: Magnes Press; London: Oxford University Press. 1967. Pp. 376 and maps.

Recent events in the Middle East, beginning with the June, 1967 War and the 1968 incidents along the banks of the Jordan, might have suggested that there is little point in any longer referring to the Armistice Agreements between Israel and her Arab neighbours. It must not be forgotten, however, that the experience with these Agreements may well serve as a precedent for future situations, especially when the United Nations is involved either as mediator or supervisor. Moreover, while it may have been intended that these agreements should serve as precursors to ultimate peace negotiations, the passage of time has tended to emphasize the fact that they have to be considered more in the nature of a new type of peace settlement, with the armistice lines constituting frontiers rather than truce lines.

Dr. Bar-Yaacov considers that the number of incidents that have occurred along the Israel-Syrian armistice lines, the problems of administration in the demilitarized zone, the limited role of the Chairman of the United Nations Mixed Armistice Commission—general supervision of the civil administration, and not direct control—and conflicting views as to *locus standi* warrant this Agreement being treated separately from the others. Further, at the time of writing—before the June War—it seemed possible to say that there was less conflict regarding, and more general observance of, the Agreements with Egypt and Jordan. Even today, it is contended by Israel that the 1968 operations against Jordan were stimulated by the activities of infiltrators coming into that country from Syria and receiving backing from that country. Further, of the Arab States that have been actively involved in military operations against Israel, Syria is the one most unwilling to regularize the situation and seek a permanent peace.¹

The difficulties with Syria date from the early days of the Israel-Syrian Armistice. Israel does not concede that the Agreement gives Syria any *locus standi* concerning matters affecting the demilitarized zone, while Syria claims that each party has an equal right in all matters relating to the Zone.² Far from being able to solve this conflict, the Mixed Armistice Commission has been unable to hold any ordinary or emergency meetings.

For the main part, Dr. Bar-Yaacov's *Israel-Syrian Armistice* deals with specific incidents, including those relating to the Hula Drainage Project, the Jordan Waters Utilization Proposals, and cultivation schemes in the Zone. In addition, there are general comments on armistice supervision machinery and on demilitarized zones, and it is here that the monograph is of most importance for the general reader. If any armistice agreement is to prove effective—and this is as true of Viet Nam as of

¹ At 251.

² E.g., at 53, 64.

the Middle East—great self-control is required from both sides, who must co-operate in good faith in its meticulous execution and in serving its ultimate purpose—the establishment of a lasting peace. In the absence of this, no Commission or other UN presence will achieve anything.³

Dr. Bar-Yaacov's *Israel-Syrian Armistice* was written before the June War and it would be interesting to know whether he would still maintain that "it is conceivable that in deference to the desire of the Great Powers and the United Nations Organization for peace in the area, and in view of Israel's deterrent military power, Syria might revise her attitude and consider that a stable armistice would be in her own interest. . . . Given the mutual desire to achieve tranquility, one might expect that both parties would be prepared to take account of changing circumstances and make concessions."⁴ At the same time, it is as well to be reminded that when the Armistice Agreements were signed, it was not envisaged that the Security Council would deal with every incident, however minor, constituting a breach. It would only deal with serious armed clashes and would do so, not in accordance with the Agreement, but under the ordinary terms of the Charter. It may well be that any future Armistice Agreement, whether in the Middle East or elsewhere, should attempt to be far more specific as to when the powers of the Council become operative and should expressly seek to make the United Nations a party to the Agreement with its terms being supervised actively by United Nations' representatives on the spot, enjoying the right of initiative and not having to wait for one or other of the parties to lodge a complaint and invoke their participation.

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³ At 286.

⁴ At 287-8.

LAW IN IMPERIAL CHINA. By Derek Boddle and Clarence Morris. Cambridge: Harvard University Press; Toronto: Saunders. 1967. Pp. xiii and 615. US \$17.50.

THE CRIMINAL PROCESS IN THE PEOPLE'S REPUBLIC OF CHINA, 1949-1963. By Jerome Alan Cohen. Cambridge: Harvard University Press; Toronto: Saunders. 1968. Pp. xvi and 706. US \$15.00.

Until comparatively recently the attitude of most western lawyers towards foreign law was narrow to say the least. There was awareness of the Common Law, of the Code Napoléon, of Jewish Law, of Roman-Dutch Law, and of Hindu and Muslim Law, but of little else. Moreover, with the dissolution of the British Empire knowledge among English lawyers of the content or importance of Hindu and Muslim Law declined. Few westerners showed any interest in the possibility of the systems of law that existed in Asia outside of the Indian sub-continent. To most Adat was completely unknown, while ignorance of or lack of interest in the law of China and Japan was easily explained away on the ground of language difficulties. The defeat of Japan and the imposition of MacArthurian rule awakened some Americans to the fact that a different and strange system of law operated in that country, and