

## Roundtable Conference on International Law Problems in Asia

EDITED BY V. SHEPHERD [HONG KONG UNIVERSITY PRESS, HONG KONG, 1969, pp. xxv, 643]

In January 1967, a meeting of international law scholars of Asian countries, together with some observers, met in conference at the University of Hong Kong. This was the second of such conferences which were established for the purpose of institutionalizing co-operation amongst scholars in the region and providing a vehicle for the transmission of data and information on Asian state practice and court decisions of the area. The report of the Hong Kong Conference has been compiled in workmanlike fashion by Vincent Shepherd of the University of Hong Kong. This is an extraordinarily interesting document and also rather cheap, a fact in itself unusual in these days of high priced legal publications.

The Conference attracted a good number of the well-known names of Asian international law and the discussions on the papers were of high standard.

The papers were devoted to the subjects: "State and Foreign Investment", "State Succession" and "The Pacific Settlement of Disputes". The Conference practice was that a participant from each Asian country presented a paper on these various topics, a short discussion ensued on each of the papers and then a general discussion on the whole area covered by the topic at the conclusion of the papers. The volume presents all the papers delivered and faithfully records the general discussions which took place.

General discussions consistently revealed that the leading Asian scholars have tended to accept the basic tenets of international law as the West has preached them. Of course, this is not remarkable for most of these scholars have been educated in the West and their governments live in a world impregnated by Western legal thought. Even in the rather explosive area of expropriation and nationalization, it was rare for any member to step outside the well trodden path of fair prompt and adequate compensation. Nevertheless, it was realized by many that certain modifications may be necessary. Such modifications, however, were of a limited character and the general consensus seemed to be that protection could best be afforded the investor either through an insurance scheme in the capital exporting country or by a regional State contributing scheme. In other words, the investor should obtain his compensation even though the source of all the compensation may not be always the delinquent expropriator.

One of the discussions in the volume is most entertaining (see pp. 97-112) and, as an observer at the Conference myself, I found it

extremely revealing. There had been a good deal of by-play between Myres McDougal and Clive Parry. In his own way, McDougal has had tremendous influence on numerous international scholars in the Asian area who have learned their law through him at Yale and to some he represents somewhat of a father figure. Parry, on the other hand, in small measure, took on the role of gadfly. McDougal produced recognizably his usual pattern in his statement on State succession. These notions were attacked by Parry who was obviously anxious that the course of the discussion should develop an original Asian theme. In so doing, he attacked what was perhaps basic to all the delegates, the notion of territorial sovereignty. He got some assistance from A. R. Dicks. The Asian delegates refused the bait and regarded the deviation as somewhat irrelevant. It was clear that they saw their own territorial disputes in the context of territorial sovereignty, and, therefore, were not prepared to fly kites. For myself, this Parry-type discussion may well have been intellectually stimulating but I frankly admit that such a discussion would probably not provide in the present day arena any worthwhile result. This was clearly the view of Sompong Sucharitkul and Shigeru Oda, and although he did not enter the discussion at this point, I am sure it was also the view of Krishna Rao.

The exchange of views was frank and stimulating. The first of these Conferences had taken place in Singapore in 1964. Dependent as these Conferences are on the assistance of such organizations as the Carnegie Endowment, it is to be hoped that they will not die through lack of funds. There is a real need in the Asian area for meetings of international Asian legal scholars. If, indeed, a fund such as the Carnegie Endowment finds it impossible to give its assistance to further Conferences, then it is hoped that other organizations, such as Lawasia, will come in and assist. There is great need for the small Conference of experts where discussion is always lively, to the point and productive. This, of course, has not been always the case with the very large international gatherings where discussions have often been rather stultifying and of doubtful value.

I further venture the thought that the net can reasonably be cast a little wider to include participants, rather than observers from Australia and New Zealand and one or two Pacific lawyers from countries represented in the South Pacific Commission. In my view, this would provide a much more representative gathering of the Asian basin. It would also even up those countries in the area that are colloquially described as "less developed" with those that are "more developed" in the economic sense. Both these groups of countries are committed to live in the area and their problems must, in the future, be mutually interacting.

International lawyers and university, government and other institutional libraries will find value in this publication.

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