

of this statement. We should not allow ourselves to be lulled into a false sense of security, or entertain any misguided optimism, as a result of the "liberalization" or "modification" of the Communist, especially Soviet, techniques, whether internal or external.

Mr. Gehlen's style is crisp, clear and straightforward. His collection of footnotes and references at the end of the book is in this instance well-suited to the nature of the work, and adds to its general readability. It is a book which, being not excessively factual or technical, yet well-documented, well-constructed, and not lacking in depth of analysis, commends itself to the general reader, as well as to the specialist, and provides a short but very useful general work in the area of Soviet politics and international relations.

CHRISTOPHER GRANGER*

VIENNA CONVENTION ON CONSULAR RELATIONS. By Luke T. Lee. Leyden : A.W. Sijthoff. 1966. Pp. iii, 315. Appendices. Index. \$8.75. Dfl. 31.50.

In 1961, Dr. Luke Lee published his *Consular Law and Practice* which could even then be regarded as the definitive work on international law in this field. Only two years later, the Vienna Convention on Consular Relations was concluded, effectively ensuring that Dr. Lee's book would in fact be the last word on the law as it had been. Now, he has brought out an entirely new work analysing and assessing the significance of the Vienna Convention. At the same time, he is able to point out that his call for increasing consular relations across the Iron Curtain has borne some fruit in the signature of consular conventions between the Soviet Union and the United States, and the United Kingdom and Japan, respectively, even though ratification has been somewhat delayed (pp. 7, 210).

Perhaps the most significant features of the Convention lie in the fact that it is multilateral and is the result of agreement reached by both old and new states, indicating that when the will is there—and convenience dictates—ideological differences tend to become less significant than diplomatic speeches sometimes suggest. At the same time, it shows how a consistent practice in the bilateral field may serve as the guide for the ultimate piece of codification. The Convention also recognizes, as does that on Diplomatic Relations of 1961, the increasing coalescence between the consular and the diplomatic function. In the past, views as to the extent of consular immunity have varied from absolute to nil, and Dr. Lee provides a useful summary of how these deviations have operated. He points out that the Convention finally effects a compromise, but suggests that since, unlike in the 1961 Convention, there is no immunity attached

* Of the Board of Editors.

to the consul's residence as distinct from his office, it is perhaps unfortunate that the Convention did not provide for the separation of such private and business premises (p. 93). Similar differences of opinion were evident in the attitude to a consular grant of asylum. The Convention makes no reference to this right, but Dr. Lee provides an interesting statement by Mr. Cabot Lodge when ambassador in Saigon. Apparently, a brother of the late President Ngo Dinh Diem sought refuge in the United States consulate in Hué and was turned over to the military junta in Saigon—had he "sought refuge at the American Embassy in Saigon I would have given him asylum. . . . But . . . consulates have no authority to give asylum" (p. 96).

One of the strange consequences of the British recognition of the People's Republic of China and the contemporaneous assertion that Formosa does not belong to China, but is administered on behalf of the Supreme Commander for the Allied Powers by an officer acknowledging the authority of Generalissimo Chiang Kai-Shek, has been that the United Kingdom maintains a consul in a territory whose government is not recognized. Dr. Lee points out that this was the position with the United States on the mainland in 1950, while the Belgian consul in Elisabethville had been sent by his government to talk to the unrecognized Tshombe administration (p. 180). There is nothing under the Convention or in customary law to forbid this, and generally speaking the receiving authority is not likely to object, although, after a civil war, the successful party is not always willing to regard those who fulfilled consular activities with the defeated authorities as *personae gratae*. In this connection, Dr. Lee makes a courageous recommendation towards solving the current Sino-American impasse. He acknowledges that emotion may preclude recognition or diplomatic relations, but suggests that consular arrangements might well serve as a trial balloon as well as a first step (p. 181).

It is perhaps a little too early to be quite as sanguine as is the author concerning the contribution to the Rule of Law made by the Vienna Convention on Consular Relations. Practice during the next few years will dictate whether the Convention will in fact reduce the number of disputes to any real extent (pp. 218-19). However, one cannot but accept that if there is again state satisfaction with the rules that exist (*lex lata*), recognition of the value of adopting desirable laws (*lex ferenda*) in the interest of progressive development, and a spirit of compromise in the interest of harmony and unanimity, a similarly happy consequence to a Conference may ensue, particularly if there is already an example in a related field, as there was with the Convention on Diplomatic Relations.

For the person interested in the subject, Dr. Lee's volume has a value beyond its content. In addition to the survey of the Convention, appendices reproduce a chronological list of consular treaties since 1923, the International Law Commission's Draft Articles on Consular Relations which formed the basis of the Convention (which appears as Appendix 3), the Vienna Convention on Diplomatic Relations, the draft European Convention on the subject, and, as an example of what may become an important precedent, the Soviet-American Consular Treaty. Taken together with Dr. Lee's original work, there can be no doubt that his contributions to the law of consular relations mark the author as one of the leading commentators in this field.

L. C. GREEN*

* Professor of International Law and Organisation, Department of Political Science, University of Alberta.