Our Own Worst Enemy: The Unmaking of American Foreign Policy. By I. M. Destler, Leslie H. Gelb, and Anthony Lake. New York: Simon and Schuster, 1984, 319 pp., $17.95.

Reviewed by MICHAEL J. LEVITIN

In *Our Own Worst Enemy: The Unmaking of American Foreign Policy*, three participants in the formation of recent American foreign policy examine the problems in the current policy-making process and environment. They believe that only a less politicized foreign policy environment will allow the United States to pursue a consistent course that takes better account of the increasing complexity of international life. Unlike many recent commentators, they do not call for a new foreign policy consensus; in fact, they consider such a consensus undesirable.

The authors' arguments are based on extensive experience. I. M. Destler is a Senior Fellow at the Institute for International Economics and was a staff member of the President's Task Force on Government Operations. Leslie H. Gelb, now national security correspondent for the *New York Times*, served as Director of the Bureau of Politico-Military Affairs in the Department of State and Deputy Assistant Secretary of Defense for Policy Planning and Arms Control during the Carter Administration. Anthony Lake was Director of the Policy Planning Staff under Carter and a member of Henry Kissinger's National Security Council Staff. All three have previously written formidable books.[1]

Our Own Worst Enemy begins with a diagnosis: the United States suffers from "foreign policy breakdown." In a world that "has become more complicated, more dangerous, [and] less susceptible to American influence," American foreign policy swings wildly. (p. 11) One administration emphasizes human rights; the next administration "relegate[s] human-rights considerations to the dust bin." (p. 262) One administration proclaims that the United States is free of its inordinate fear of Communism — only to have its eyes opened by the invasion of Afghanistan. The next administration labels the Soviet Union an "evil empire" and proclaims that Soviet leaders "reserve the right to commit any crime, to lie, to cheat" — only to begin arms control negotiations with these same mendacious treaty-breakers. (p. 267)

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1. I. M. Destler, *Presidents, Bureaucrats, and Foreign Policy* (Princeton: Princeton University Press, 1972); I. M. Destler, *Making Foreign Economic Policy* (Washington: Brookings Institution, 1980); Leslie H. Gelb and Richard K. Betts, *The Irony of Vietnam: The System Worked* (Washington: Brookings Institution, 1979); and Anthony Lake, *The "Tar Baby" Option: American Policy Toward Southern Rhodesia* (New York: Columbia University Press, 1976).

The authors attribute this breakdown to the increasing politicization of the policy-making environment and process:

> For two decades, the making of American foreign policy has been growing . . . far more partisan and ideological. The White House has succumed . . . to "the impulse to view the Presidency as a public relations opportunity and to regard Government as a campaign for reelection." And in less exalted locations, we Americans — politicians and experts alike — have been spending more time, energy, and passion in fighting ourselves than we have in trying, as a nation, to understand and deal with a rapidly changing world. (p. 13)

We are paying a high price for this breakdown: "At precisely the moment when we need to husband our strength and use it more efficiently . . . we are taken less seriously than at any time since World War II." (p. 26) Moreover, the rapid swings in policy prevent the United States from applying its weight consistently. And "it is only when a great power . . . can bring its weight to bear steadily over time that we have a chance of breaking some international deadlocks." (p. 27) In short, the cost of this fluctuation has been failure to achieve essential foreign policy goals, a debilitating drain on resources, and an increasingly dangerous world.

The authors attribute foreign policy breakdown to several specific changes in the policy-making environment. These changes have taken place over the last two decades and are discernible when contrasted with the two decades immediately following World War II.

During those years of unparalleled American dominance, Presidents' decisions in the realm of foreign affairs were largely uncontaminated by domestic political considerations, and Congress deferred to the President in matters of foreign policy. The top levels of the foreign policy bureaucracy were manned by members of the Establishment — "an essentially homogenous group of centrists and pragmatists," usually international businessmen, bankers, and lawyers who returned quietly to their banks and law firms when finished with government service. (pp. 91, 103-104) The media were "in the President's camp;" reporters and news organizations were regarded as "useful" to the President in his conduct of foreign affairs. (pp. 139-140) The Secretary of State was the President's principal adviser on foreign policy and oversaw its daily operation. Underlying this system was "a near consensus in elite and general public opinion": anti-communist, internationalist, and interventionist. (pp. 17, 103, 105)

And then came Vietnam. The consensus was shattered, and mistrust of authority increased. Institutions changed: congressional foreign policy staffs burgeoned,[2] television emerged as the most influential medium, and pack journalism replaced independent analysis. These effects were exacerbated by Watergate. The cumulative impact of these changes destroyed the benign foreign policy environment that had existed during the first two decades after the Second World War.

The current policy-making environment stands in marked contrast to that which existed before Vietnam. Presidents now exploit foreign policy for domestic political gains: Nixon staged his 1972 foreign policy initiatives for maximum political effect; Carter, rather than campaign against Kennedy, took to the Rose Garden when the Iranians seized the Embassy in Tehran; Reagan lifted the American grain embargo against the Soviets while insisting that the Europeans impose trade sanctions against the USSR.

Within the foreign policy bureaucracy, the pragmatic and centrist Establishment was being supplanted by the new "Professional Elite" — "full-time foreign policy professionals," ideologically committed, partisan experts. (pp. 123, 125) Aided by its own legion of the new Professional Elite, Congress insisted upon playing a larger role in the policy-making process and often acted irresponsibly.[3] For example, rather than debate the SALT II treaty on its merits, Congressmen of all political persuasions turned the treaty into "a political punching bag." (p. 145) The media covered foreign policy in such a way as to "highlight differences, promote controversy, [and] reinforce the episodic nature of public policy concerns." (p. 154) Two additional changes contributed to a more politicized foreign policy: first, the National Security Adviser was transformed from a policy

2. In 1947, Arthur Vandenberg (R-Mich.), Chairman of the Senate Foreign Relations Committee, had a personal staff consisting of his son and a few typists. The Foreign Relations Committee enjoyed the services of Francis O. Wilcox and four clerks. Today, Senators employ over 3600 substantive staff. The Foreign Relations Committee has a professional staff of 32. Michael J. Malbin, "Delegation, Deliberation, and the New Role of Congressional Staff," in *The New Congress*, ed. Thomas Mann and Norman J. Ornstein (Washington: American Enterprise Institute for Public Policy Research, 1981), pp. 141-142; *Grand Rapids Herald*, January 26, 1947; Francis O. Wilcox oral history interview, Eisenhower administration project, Columbia University; Charles B. Brownson, ed., *1982 Congressional Staff Directory* (Mount Vernon, VA: Congressional Staff Directory, Ltd., 1982), pp. 192-193.

3. The politicization of Congress's role in the foreign policy-making process was both fostered by and reflected in a change that occurred in 1979. Prior to that year, staff on the Senate Foreign Relations Committee had been selected on a non-partisan basis and had served all committee members, regardless of party. But in 1979, when Republican Senators Jesse Helms (N.C.), S. I. Hayakawa (Cal.), and Richard Lugar (Ind.) joined the committee, they asked for and received a distinct minority staff. Roger H. Davidson and Walter J. Oleszek, *Congress and its Members* (Washington: Congressional Quarterly Press, 1981), p. 247.

coordinator into a policy formulator, often battling with or eclipsing the Secretary of State, and second, the President became increasingly involved in the operational level of foreign affairs.[4]

To overcome these problems in the policy-making process, the authors propose both institutional and attitudinal changes. Institutionally, they argue that the professional elite should be placed in analytical — not operational — positions. (p. 274) Congressmen not concentrating personally on foreign affairs "might eschew full-time personal staff aides in this field." (*Id.*) If America is to achieve its enduring, long-term interests, Presidents must realize that the State Department and its officials "have much to offer — expertise on international realities; a needed brake on the White House proclivity to seek political spectaculars; an important institutional memory." (p. 278)

The authors believe that these alterations must be accompanied by attitudinal changes. Ideological predispositions should not blind Americans to the factual complexity of international issues. In addressing today's intricate problems, policy-makers and the public must recognize that quick fixes are rarely possible; we must learn to tolerate ambiguity and "function despite ambivalence." (p. 283) Presidents should stop seeking to use foreign policy for domestic political gain. The public, and especially "those three to ten million Americans who hold the trust of their communities by virtue of their leadership positions in business, educational and civic organizations . . . [should] insist on a middle course, practical programs for living with and in the world, and an end to the twisting in winds of our own making." (p. 286)

The authors do not believe that a new consensus on foreign policy is necessary or even desirable. In a world in which the United States "faces policy challenges that are far more complicated than in the decade following World War II . . . no single, overarching principle or doctrine can guide our response. . . . Consensus . . . stifles debate, creates policy paranoia, and denies the essential ingredient of policy — choice." (p. 272)

The strength of the authors' arguments rests on their command of the history of post-war American foreign relations. Some of their particular

4. The authors note:

> when the President gets caught up in details, the traditional prescription for sensible policy gets stood on its head. He is supposed to set policy and make the big decisions. When trapped by time-consuming operations, when plunging into a few key enterprises, he becomes like an orchestra conductor who grabs the first violin and plays it vigorously, perhaps even brilliantly. The violin may sound terrific. But the other instruments are left without direction. And the conductor turned violinist becomes so absorbed in his personal performance that he loses sensitivity to what the other instruments are doing. (p. 257)

conclusions are open to criticism — for example, George Schultz and Robert McFarlane have demonstrated that a Secretary of State and National Security Adviser need not have a disruptive relationship and that the State Department and National Security Council staff need not conduct a guerilla war against each other through the press. But on the whole, their description is accurate and persuasive. The book is rich in historical insight and its conclusions are thought-provoking.

It is, however, possible to question two of the authors' premises. First, are problems today really "more complicated" (pp. 11, 272) than ever? It is hard to believe that we deal today with any country more complicated than France between the invasion of Normandy and the collapse of the Fourth Republic,[5] or that any of today's conflicts are more complicated than that which existed in the Congo between 1959 and 1963.[6] In short, problems are rarely simple — today's no more, nor less, than yesterday's.

More fundamentally, does American foreign policy really swing wildly from administration to administration? Consider human rights, which the authors hold out as a prime example of fluctuating policy. (pp. 23, 70, 101-102) It is true that Carter thrust human rights to the fore and that the Reagan administration attempted to deemphasize them. But a concern for human rights has not disappeared under Reagan, in part because the concern for human rights has a strong statutory[7] and institutional[8] basis. These laws and institutions are not ephemeral; they reflect a deeply-rooted concern for human rights, a concern evidenced throughout the United States' history.[9] Thus, although Reagan had repudiated Carter's criticism of South Korea's human rights record, the Reagan State Department did issue a formal protest when South Korean

5. See, for example, Raymond Aron, ed., *France Defeats EDC* (New York: Frederick A. Praeger, 1957); Georgette Elgey, *Histoire de la IV^e^ République*, 2 vols. (Paris: Fayard, 1965); Alfred Grosser, *La IV^e^ République et sa politique exterieur*, 2d ed. (Paris: Libraire Colin, 1967).
6. See Madeleine Kalb, *The Congo Cables: The Cold War in Africa — From Eisenhower to Kennedy* (New York: Macmillan Publishing Co., Inc., 1982).
7. Laws require, for example, annual country reports on human rights, 22 U.S.C.A. § 2304(b) (West 1982), and forbid the President from sending aid to El Salvador unless he certifies every six months that the government of El Salvador is "making a concerted and significant effort to comply with internationally recognized human rights." 22 U.S.C.A. § 2370 note (West Supp. 1984).
8. The State Department's Bureau of Human Rights and Humanitarian Affairs, which is itself legislatively mandated. 22 U.S.C.A. § 2384(f) (West 1982 & Supp. 1984).
9. See, for example, Frederick Merk, *Manifest Destiny and Mission in American History* (New York: Vintage Books, 1963), pp. 261-266; Robert E. Osgood, *Ideals and Self-Interest in American Foreign Relations* (Chicago: Chicago University Press, 1953); United Nations, General Assembly, 3d Session, *Universal Declaration of Human Rights* (A/810) (1948) (the United States was a co-sponsor of the Declaration); Henry Kissinger, *American Foreign Policy*, 3d ed. (New York: W. W. Norton & Company, 1977), pp. 195-214 (speech entitled, "The Moral Foundations of Foreign Policy").

police roughed up opposition leader Kim Dae Jung.[10] And if there is concurrence between administrations on a volatile issue like human rights, there is concordance on more fundamental issues such as our relations with the nations of Western Europe and Japan.[11]

The authors' most interesting conclusion is that a new consensus is undesirable. This conclusion runs counter to recent comments by other former participants in the policy-making process,[12] by members of the informed public,[13] and by current members of Congress.[14] Many of these commentators advocate a bipartisan consensus like that fashioned by Senator Arthur Vandenberg and the Truman administration between 1945 and 1950. But such a consensus is probably unobtainable today, both because of the social and institutional changes that have occurred and because we lack the shared national experience of fighting and winning the Second World War, an experience that engendered the spirit and habits of self-sacrifice and cooperation. In addition, it is not at all clear that a *modus operandi* like that of 1945-1950 would satisfy many recent advocates of renewed consensus, who seek to play a greater substantive role than Vandenberg and his congressional colleagues ever did.[15]

Yet if the United States does not need a new consensus, it does need a *consensus-building process*. Such a process would feature bipartisan consultation in the initial stages of policy formulation. The participants would seek a consensus, but they would not consider the failure to arrive at one an occasion to indulge in political finger-pointing in the pages of

10. Bernard Gwertzman, "U.S. Says Seoul Failed to Use an Agreed Plan," *New York Times*, 9 February 1985, p. 3; Tom Ashbrook, "US protests S. Korea's handling of Kim return," *Boston Globe*, 9 February 1985, p. 1.
11. Unfortunately, the reality of concord is less important than the perception of discord. So long as foreign leaders, American foreign policy makers, and large segments of the public believe that United States policy fluctuates wildly from administration to administration, that belief will be controlling. See Robert Jervis, *The Logic of Images in International Relations* (Princeton: Princeton University Press, 1970). This perception is likely to persist so long as the media "highlight differences, promote controversy, [and] reinforce the episodic nature of public policy concerns" (p. 154), and so long as authoritative commentators reflect this reportage.
12. John G. Tower, "Congress Versus the President: The Formulation and Implementation of American Foreign Policy," *Foreign Affairs* 60 (Winter 1981/82): 229-246; Charles Percy, "The Partisan Gap," *Foreign Policy*, no. 45 (Winter 1981-82), pp. 3-15; Warren Christopher, "Ceasefire Between the Branches: A Compact in Foreign Affairs," *Foreign Affairs* 60 (Summer 1982):1003; Henry Kissinger, "A Plan to Reshape NATO," *Time*, 5 March 1984, p. 24.
13. Letter of Philip J. Briggs, *New York Times*, 21 December 1984, p. A34.
14. Steven V. Roberts, "Both Parties Applaud Call for Cooperation on Goals," *New York Times*, 22 January 1985, p. A18.
15. Vandenberg contributed very little to the substance of policy. He often rephrased the administration's proposals in his own language, and he regularly suggested legislative vehicles and shepherded legislation through the Senate. But the substance of policy was essentially determined in the executive branch. See Dean Acheson, *Sketches from Life of Men I Have Known* (New York: Harper Brothers, 1959), pp. 128-131.

the *New York Times* and *Washington Post*. The process would have certain ground rules: the administration would agree to consult Congress after it had studied a problem but before it was committed to a particular response; the participants would agree to exchange views candidly, with an eye to persuasion, but with the expectation that initial positions would be compromised and harmonized. The participants would agree to accept partial responsibility for the policy arrived at through consultation, and they would agree to reduce leaks to a level not seen in Washington since Samuel Harrison Smith founded the *National Intelligencer* in 1800.[16] The process would not aim to produce an overarching consensus but rather a series of agreements on responses to particular problems.

Such a consensus-building process could bring about many of the authors' goals: decreasing the politicization of the policy-making process while increasing choice, congressional responsibility, and "intellectual honesty" (p. 280).[17] In the absence of such a process, the mechanism for realizing the authors' goals is unclear.

Our Own Worst Enemy analyzes the foundering of the American foreign policy process. As President Reagan begins his second term, and as Richard Lugar takes over as Chairman of the Foreign Relations Committee, the country could only benefit if this book were to become a best-seller in Washington.

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16. James Sterling Young, *The Washington Community 1800-1828* (New York: Harcourt Brace Jovanovich, 1966), p. 173.

17. Congress and the President might be reluctant to agree that they have been irresponsible and intellectually dishonest and that henceforth, they will not publicize the policy-making process. It might be easier for an administration and Congress to agree to try a consensus-building process: the process can be tried on an experimental basis with no commitments as to future conduct; the process requires only a willingness to seek consensus; and the process's goal — consensus — is legitimate.

An International Law of Guerrilla Warfare, by Keith Suter. New York: St. Martin's Press, 1984. 192 pp. Index.

Reviewed by PROF. ALFRED P. RUBIN

Ruling elites seek to preserve their power. Seldom do they perceive it to be in their interest to enhance the status of those attempting to overthrow the government they constitute. Thus, government representatives can be expected to resist the progressive development of any international legal regime according a degree of legal authority, rights or status to those whom they prefer to label traitors or rebels. When a quick coup is not feasible, guerrilla warfare has become the dominant type of struggle aimed at replacing governments in power. This can be seen in the numerous violent power struggles in less developed countries, in the circumstances surrounding the Vietnam War, the Afghanistan and Nicaraguan struggles, and many others.

The efforts of elites to bolster their domestic authority by reserving legal advantages to themselves and denigrating guerrilla warfare often stand in contradistinction to the history of their own rise to power. In some instances the ruling groups of today were yesterday's guerrilla leaders. In other cases, established governments themselves resort to forms of guerrilla warfare, for example in organizing resistance to foreign belligerent occupation. Some elites, new and old, even romanticize guerrilla warfare as if all guerrilla fighters were ideologically congenial to them. Discussions and international negotiations concerning guerrilla warfare therefore have frequently been conducted under the sway of ideology. As a result, such discussions often display a remarkable degree of inconsistency and are sometimes only tenuously related to reality.

In the negotiations leading to the two 1977 Geneva Protocols on Humanitarian Law, an attempt was made to extend the legal regime of armed conflict further than previously set out in the four widely accepted Geneva Conventions of 1949. That attempt included an effort to widen the scope of protection granted to irregular armed forces by the Geneva Conventions. In keeping with the orientation of the 1949 Conventions, the vanguard of more traditionalist experts in the field tried to avoid linking the applicability of armed conflict laws to a moral classification of a "just cause" in a specific confrontation. It was their goal to bring all guerrilla fighters under the regime of the rules governing armed conflict, whether they struggle for independence, for ideological reasons, or simply to change the internal power structure. Some negotiators, however, be-

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lieved that "justice" should be served by creating advantages in legal status only for those guerrilla groups which are engaged in a fight for "national liberation".

An International Law of Guerrilla Warfare is an insider's account of these 1977 negotiations. The book dissects in detail technical matters of conference procedure in light of other recent developments in negotiating techniques, such as those surrounding the Third United Nations Conference on the Law of the Sea. Suter appears to believe that the diplomatic conference procedure leading to the Protocols should have been managed directly within the framework of the United Nations. Indeed, he suspects that the U.N. Secretariat was outplayed bureaucratically by the International Committee of the Red Cross (ICRC) in these negotiations (pp. 115, 178-179). It is doubtful, however, that the highly political atmosphere of the U.N. General Assembly combined with the lack of expertise in the U.N. Secretariat on the technical aspects of the law of armed conflict could have produced a more realistic text than that sponsored by the ICRC. In fact, one could argue that the U.N. General Assembly laid the groundwork for the most serious inconsistencies in the two Protocols.

Unfortunately, the author's substantive comments concerning modern warfare are also superficial and the major issues seem to be missed. This is probably a reflection of the perceptions of the statesmen and diplomats who dominated the negotiations analyzed by Dr. Suter. He criticizes these representatives of governments for their failure to conclude agreements which would have extended international humanitarian law in its entirety to cover all guerrilla warfare. This criticism is unreasonable, and the author's suggestion that the negotiators' failure reveals a lack of fresh thinking on the part of the international lawyers involved, mirrors his own misperceptions about the complex subject with which he is dealing.

The International Committee of the Red Cross was midwife to the birth of the four Geneva Conventions in 1949. At present about 150 states have agreed to be bound by those Conventions, which establish an elaborate set of rules limiting the legal right of states to inflict horrors on the sick or wounded, the shipwrecked, prisoners of war, and civilians finding themselves through belligerent occupation or otherwise, in the control of an opposing party to an armed conflict. A fundamental distinction was made in 1949 between armed conflicts involving more than one party to the Geneva Conventions, referred to in article 2 common to all four Conventions, and "armed conflicts not of an international character," governed only by article 3 equally common to the four Conventions. The entire range of rules governing armed conflict applies only to so-called "article 2 conflicts". In the case of internal warfare nothing more than a humanitarian minimum standard is granted by article 3.

This fundamental distinction has been carried over to the two 1977 Geneva Protocols. Whereas the first Protocol deals at length generally with international conflicts (102 articles), Protocol II elaborates only some basic rules concerning non-international conflicts (28 articles).

Instead of bridging the unfortunate division between internal and international conflicts, the two Protocols inserted a third category into this classification game. The U.N. General Assembly, having been swayed by a "just war doctrine," tried to create a special status for so-called National Liberation Movements (NLM's), as evidenced in The Friendly Relations Resolution 2625 of 1970. Following this trend, special privileges for NLM's which resort to force, were inserted into the Protocols. Although engaged in an article 3, internal, struggle, they are made eligible for the wide-ranging rights and duties of the 1977 Protocol I on International Warfare. This takes the odd form of stipulating in article 1(4) of Protocol I that international (article 2) conflicts "include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination". But this inclusion is not automatic. Under article 96 (3) of Protocol I, the "authority representing a people engaged" in a "war of national liberation" has the option to determine its status unilaterally. Thus the NLM itself can choose whether it wants to enjoy the full panoply of rights and submit itself to the duties specified in the 1949 Conventions and 1977 Protocol I. As far as parties to the Protocol are concerned, an NLM can also choose to classify itself as involved in an article 3 conflict or in no conflict at all.

Suter correctly notes that one of the major turning points in the negotiations was the inclusion of NLM's — eleven of which were represented during the deliberations from 1974 to 1977 — into the regime of law applicable to international armed conflicts. The deeper relevance of the issue, however, escapes the author. Whatever the political implications, the inclusion of NLM's was not a major legal concession by the Western states. Under traditional laws of armed conflict, revolutionaries within a state could always have become belligerents if they had achieved a certain effectiveness and had complied with some basic rules of warfare. This was the case in the American Revolution of 1775-1781 and also in the American Civil War of 1861-1865. Indeed it was during the latter conflict that the Instructions for the Union Armies in the Field, the Lieber Code, was drafted. Those instructions actually are the source of many of the rules later adopted by treaties governing international armed conflicts. The real legal concession was the incorporation into Protocol I of specific powers to the authorities in an NLM that were not accorded to identical leaders of a less "just" struggle.

The real problem lies with the unhistoric and juridically shallow distinctions between "article 2" (international) and "article 3" (internal) conflicts, codified in the 1949 Conventions. Article 96 (3) of Protocol I could be seen as an attempt to bridge that seperation of legal regimes. But it merely constitutes a narrow exception from the fundamental distinction drawn in the four Conventions. Under article 96 (3) of Protocol I, NLM's alone enjoy the legal power to turn an article 3 conflict into an article 2 conflict. By its silence the Protocol withholds the same power from other potential belligerents — those not engaged in what was defined as a "just war" of national liberation. What Dr. Suter seems to regard as a partial victory for his preferred legal regime, was actually the exacerbation of a regression. Instead of broadening the applicability of the laws of armed conflict as was desired by the initiators of the Conference process, the Protocols created a further compartmentalization. Instead of setting out objective criteria for the applicability of the laws of armed conflict, a revindication of just war doctrines was set in motion.

This problem also arises in the definition of persons entitled to prisoner of war status once they are rendered *hors de combat.* In repeating the traditional and patently illogical requirement that to be entitled to prisoner of war treatment a combatant must have carried his arms openly and fought in units that obeyed the rules of war, Protocol I (article 44) would treat as prisoners of war even those who are in fact war criminals, (subject to such trials and punishment as the law permits to be visited on prisoners of war who committed war crimes). At the same time the Protocol (article 43) withholds prisoner of war status from those who might fight according to the rules but whose units do not enforce the laws of war in their internal disciplinary system. The elaboration of these rules makes it easier to qualify for prisoner of war status by lowering the requirement of clear distinction between combatants and noncombatants, but harder to qualify if the capturing power regards the internal disciplinary system of the guerrillas as inadequate. It seems inappropriate to continue a classification system that makes it irrelevant whether the individual abides by the rules or not in his personal behavior. Article 96 (3) seems worse when it substitutes the policy decision of an NLM as to whether applying article 2 rules instead of article 3 rules will benefit its cause for a good faith policy determination, or legal autointerpretation, of each state whose action and national commitments are affected, by classifying a conflict.

Suter fails to address these underlying issues. They are discussed at some length and with some acrimony in a 1979 Report of the International Law Association (American Branch) Committee on Armed Conflict. That Report does not even appear in Suter's bibliography.

Aside from these omissions, there are errors of law and fact in the book. For example, the 1907 Hague Convention Relative to the Opening of Hostilities did not, as Suter suggests, prohibit the commencement of hostilities without previous and explicit warning (p. 10). While the Convention says that hostilities "must not [or should not][1] commence" without explicit warning, the only legal result that flows from disregarding this statement of principle is the withholding of belligerent rights vis-à-vis neutrals unless and until the neutrals have had actual or constructive notice of the belligerent's claims to a change of legal status. Also, Suter's statement that before 1949 only international armed conflicts were regulated by the laws of war (p. 17) is simply untrue.

In summary, this is not a book about the international law of guerrilla warfare; it is a book about the negotiation of a particular treaty dealing with several aspects of the law of armed conflict. New negotiation techniques certainly deserve scholarly attention, but they cannot be understood without a firm grasp of the subject matter being negotiated. Suter's observations about bureaucratic games and the haggling of individuals do not seem particularly relevant. He has, it appears, mistaken the symptoms for the cause. The unwillingness or inability of statesmen, diplomats and legal advisers (some of whom are of wide experience and repute) to see that the 1974 to 1977 Conferences were not the proper forum in which to attempt to solve highly political problems with great emotional impact was one of these underlying causes of failure the author simply overlooks. The complexity of the issues involved is also a contributing factor. The author's call for less expertise, but more action, especially by non-governmental groups (p. 194) in such negotiations is misplaced. What is needed is neither more nor less expertise, but insight and perspective. Both are very rare, and neither is much in evidence in this book.

1. The official French version, "les hostilities ... ne doivent pas commencer ...." conveys a meaning less than imperative.