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Author(s): Allan Gerson

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proceedings at Nuremberg, under the direction of Jackson's Associate Trial Counsel General Telford Taylor, in which the historical record was augmented and the principles of international justice were further developed. Perceptively, the author draws attention to Judge Francis Biddle's report to President Truman in which the American judge noted that the significance of the Nuremberg trial would depend upon action by the United States in drafting a code of international criminal law.² This exhilarating chronicle correctly concludes: "The world . . . can ignore the lessons of Nuremberg only at its peril" (p. 522).

BENJAMIN B. FERENCZ
Of the New York Bar

Models of Autonomy. Edited by Yoram Dinstein. Tel Aviv: Faculty of Law, Tel Aviv University; New Brunswick and London: Transaction Books, 1981. Pp. x, 319. Index. \$39.95.

In January 1980, the Egyptian-Israeli negotiations over autonomy for the West Bank and Gaza were faring badly. Believing that "it could make a contribution to the success of the negotiations," the Tel Aviv University Faculty of Law convened a small international conference of lawyers, historians, and political scientists to analyze various "models" of autonomy and to examine the framework for autonomy set forth in the Camp David Accords. "It was hoped," according to Yoram Dinstein, the editor of the collected papers presented at that conference, "that among those models certain elements which could be helpful to the negotiations might perhaps be gleaned."

Alas, these hopes were never realized. The Egyptian-Israeli talks over Palestinian autonomy ground to a halt in March 1982. Egypt has since referred to the need for "confidence-building measures," by Israel—meaning cessation of Israeli settlements and modification of other practices in the West Bank and Gaza—to get the talks back on track. As of this writing, June 1983, they have yet to be reconvened.

The Egyptian-Israeli inability to find a common ground was not, however, due to any lack of model formulas, or lack of imagination or resourcefulness by either side. It was the absence of the will to compromise over ultimate objectives, coupled, at least ostensibly, with Egypt's increasing discomfiture over Israeli occupation and other practices, that brought the talks to a halt. The Egyptians, increasingly intent on having autonomy pave the way for Palestinian self-determination, sought to interpret the many ambiguous terms of the Camp David Accords in this light. Egypt's Minister of State for Foreign Affairs, Dr. Boutros Ghali, has often been quoted as characterizing Palestinian autonomy as a belated instance of decolonization whereby an occupied people, after a transition period, would progress towards self-determination and the exercise of sovereignty. By contrast, the Israelis wanted the agreed-upon structure for autonomy during the 5-year interim period prescribed by the Accords to serve not merely as an interim measure but as a model for permanent relations. Accordingly, unlike their Egyptian counterparts, they sought to interpret such

² See 75 AJIL 674 (1981).

crucial terms in the Accords as "full autonomy to the inhabitants," "administrative council," and "withdrawal" of military government in ways designed to frustrate Palestinian self-determination, or the option of independence, at the end of the transition period.

This must have been apparent to Dinstein. His concluding essay reveals no great enthusiasm for any of the models of autonomy canvassed during the conference as aids to the Egyptian-Israeli negotiations, and his introduction makes clear that his aim in reproducing these papers is more restricted than the one that inspired the conference organizers. He hoped it would "serve as a useful tool to scholars and laymen puzzled by the increasingly important issue of autonomy, and interested in examining it more closely."

Dinstein succeeds in achieving his stated purpose. The volume demonstrates that autonomy is a flexible concept that has been and can be used to advantage in a great many different contexts where power sharing is the only means to resolve an otherwise insoluble conflict. The volume also focuses on some of the intriguing legal questions presented by the Camp David autonomy process, although the editor himself appears to be less sanguine about that framework than the other contributors.

The book has four parts: an introduction to the theory and practice of autonomy, case studies of autonomy, a discussion of legal aspects of autonomy with special reference given to the autonomy negotiations between Israel and Egypt, and the editor's own views on autonomy.

In the first part Louis Sohn and Rudolf Bernhardt, in separate essays, distinguish between autonomy and other political arrangements. Sohn traces the evolution of the concepts of autonomy and self-government in the UN Charter and early practice of the United Nations. He concludes that autonomy, unlike self-determination and independence, allows for "direct control over areas of special concern to [the autonomous region], while allowing the larger entity, which retains certain powers over that area, to exercise those powers which are in the common interests of both entities." Bernhardt then discusses federalism and points out that, unlike autonomy, federalism entails cooperation in such matters of central importance as defense and foreign policy.

The case studies begin with several illuminating essays about autonomy in Europe: Greenland, South Tyrol, the Basque region, the Balkan states, and the Sudeten. Only Christoph Shreuer, writing on South Tyrol, makes a serious effort to relate the case under discussion to the Palestinian autonomy negotiations. He notes several factors that made that problem less intractable than the case of the West Bank and Gaza: the far lower level of hostility in South Tyrol-Italy relations; the existence of a system of autonomous regions in Italy, of which South Tyrol was but a special part; the operation of an organized and responsible political leadership by the South Tyrolese; and the fact that the South Tyrolese never sought self-determination in their own state.

Next, Puerto Rico and the 13 American colonies are discussed. Natan Lerner fails to make clear that, notwithstanding UN resolutions to the contrary, Puerto Rico has repeatedly exercised its right to self-determination in plebiscites and that the population freely voted for association with the United States.

Robert Friedlander's thesis that autonomy is only useful transitionally is not persuasive and is refuted by some of the other papers, including the preceding essay on Puerto Rico.

The section on Africa begins with a learned discussion by Haim Shaked of the 1972 agreement that ended the conflict in the Southern Sudan and established a framework of autonomy for that region. Shaked cautions against easy analogies to the Palestinian case: most significant is the fact that, unlike Israel in its relation to its Arab neighbors,

[t]he African majority (to which the Southern Sudanese African minority belongs both ethnically and culturally), which resides in States bordering on the Sudan on two sides, never disputed, let alone objected to, the right of the non-African predominantly Arab North, to maintain an independent sovereign state which contains the South as an integral, legitimate part of its territory.

Also in this part are two essays on the breakdown of the autonomy arrangements that prevailed in Eritrea from 1952 to 1962. Haggai Erlich argues that "by raising unrealistic expectations, by granting a constitution and establishing institutions that had no practical chance of existing, the arrangement did contribute, and most significantly, to the creation of bitter frustration among the Eritreans" and ultimately to the breakdown of autonomy in the region. Theodor Meron and Anna Pappas place the blame on the Ethiopians and on the United Nations and argue that "even with greater and clearer safeguards to Eritrean autonomy, Ethiopia would have sooner or later moved to annex Eritrea" and that "if Eritrean autonomy were to be given any chance of survival, adequate international guarantees should have been provided."

From the standpoint of the international lawyer, the essays in the concluding part are of the most immediate interest. They address the concept of autonomy in international law and, in particular, as embodied in the Camp David Accords. Unfortunately, they are uneven in quality. The most comprehensive in scope and depth of analysis is the essay on the concept of autonomy in international law by Hurst Hannum and Richard Lillich. Drawing upon their recent two-volume study, *The Theory and Practice of Governmental Autonomy*, prepared under contract to the Department of State, the authors offer a number of generalizations based on their analysis of 22 cases of nonsovereign entities and federal states. In the great majority of autonomous entities, the local executive's role in foreign affairs is usually minimal; residual powers of a locally elected legislative body are generally reserved for the principal or sovereign state; most autonomous judicial systems enjoy fairly complete independence; the extent of local police powers and control over natural resources varies greatly; and, while the issue of control over land is one of the most divisive and complex in Middle East negotiations, it is not an issue that has often been addressed in other autonomy negotiations. Hannum and Lillich end by noting that there "may be the beginning of a trend away from independence and full statehood as the only answer to the problems perceived by ethnic communities within existing states or by non-self-governing territories which have yet to emerge fully on the international stage." Autonomy,

they thus stress, "remains a useful, if imprecise, concept within which flexible and unique political structures may be developed to respond to that complexity."

This brings us, finally, to the issue of Egyptian-Israeli negotiations and the Camp David framework for autonomy. Mayer Gabay, Director-General of Israel's Ministry of Justice, contends that ambiguity, though "often referred to as the flaw of the Camp David Accords may eventually be seen as their great achievement." Because "there were apparently irreconcilable differences with respect to the details of the solution, the challenge for the lawyers was to find legal formulae which could provide the framework now called the Camp David Accords, yet not to exclude certain differing views of the parties." It was hoped, Gabay explains, "that the passage of time, the appearance of all the parties to the issues and the clarification of political options would finally lead to a detailed acceptable solution."

Itamar Rabinovich and Amos Shapira, in the next two essays, essentially share Gabay's view about the necessity of ambiguity for the success of the Camp David conference. Rabinovich, expanding upon Gabay's theme that Camp David was grounded, not unreasonably, in the hope that intervening political developments would improve the chances of success for autonomy, analyzes the factors that led to the disappointment of those hopes: Jordan's refusal to join the negotiations, the increase in PLO influence in the West Bank and elsewhere, the hardening of Arab and Jewish attitudes towards the West Bank, and the Begin Government's decision to oppose the option of first establishing autonomy in Gaza.

Dinstein does not, however, share many of his colleagues' assumptions about the Camp David autonomy process. He refers, in his concluding essay, to the negotiators' efforts as simply "this tendency to obfuscate issues." And he suggests that Egyptian-Israeli positions were inherently irreconcilable: "When two parties are negotiating a certain move, thinking that it will produce mutually contradictory results, one of them (at least) is bound to be grievously disappointed."

Moreover, Dinstein proceeds to assess the legal validity of the claim to sovereignty over the West Bank that the Begin Government said it would assert, or at least reserved the right to assert. "As far as the West Bank is concerned," he writes, "the sovereign State is the kingdom of Jordan. Jordanian sovereignty over the region is derived from the exercise of the right of self-determination by the inhabitants [referring to the Jericho Conference of 1948 and the general elections held in 1950]." Israel's current legal status in the West Bank is deemed to be clearly that of a belligerent-occupant. Although this may indeed be the view of most legal scholars, the matter is hardly free of controversy and it is therefore surprising that Dinstein chose not to note other views relevant to these questions.

Finally, it is to be noted that all four pieces on the Camp David process raise a wide range of important issues that are, unfortunately, not fully addressed. This is especially true of the contributions by Shapira and Dinstein. Shapira, in his essay *Reflections on the Autonomy: The Camp David Accords and the Obligation to Negotiate in Good Faith*, observes that "the Camp David Accords did not

resolve, nor did they purport to resolve," the issue of autonomy but aimed rather "to set out a process of negotiations for resolution of the Palestinian problem while preserving Israel's vital interests." What is required now, Shapira contends, citing Articles 26 and 31 of the Vienna Convention on the Law of Treaties, is that the autonomy negotiations be conducted on the basis of "good faith." (Good faith negotiations are also referred to in the March 20, 1979 letter accompanying the signing of the Israel-Egypt Peace Treaty.) But what does "good faith" mean in this context? To what extent does customary international law relative to such matters as self-determination govern the interpretation of the Camp David Accords? Have the parties met their obligations to negotiate in good faith? And what are the consequences of a breach of this requirement? These are all questions that come to mind upon reading Shapira's thought-provoking piece, but which are ultimately left for the reader to ponder.

Similarly, Dinstein's essay, which ends on the following rather wistful note—"One can only express the hope that autonomy, designed to boost the prospects of peace in the Middle East, will not become its bane"—cries out for more explanation. Does Dinstein suggest that the concept of autonomy, designed to serve as a conduit to discussions over the final status of the territories, has outlived its usefulness? Does he maintain that the "creative ambiguity" of the Accords merely defers, and makes more difficult, resolution of the hard questions? The reader is left hoping that Dinstein and his colleagues might in future writings expand more fully on these ideas.

Regardless of any particular shortcomings of the papers, this volume is a significant contribution to greater understanding of the matrix of historical, legal, and political forces that can affect success or failure in negotiations for autonomy. It makes clear that in several important respects negotiating autonomy for the West Bank is a more difficult task than that presented in other instances. Nevertheless, in this reviewer's judgment, autonomy for the West Bank and Gaza, pursuant to the framework established by the Camp David Accords, will more and more be seen by the parties to the conflict as the only way out of their current dilemma. To say no to autonomy is to preserve the status quo. To say yes is to create a framework for movement that could lead to a variety of different outcomes, including a form of autonomy as an ultimate solution. In this climate, intelligent discussions of autonomy, like those provided in this volume, deserve the attention of all concerned with conflict resolution.

ALLAN GERSON

The Consolidated Treaty Series, 1648-1919. 231 vols. + index vol. Edited by Clive Parry. Dobbs Ferry: Oceana Publications, Inc., 1969-1981. \$10,000/set.

One of the more remarkable editorial enterprises of recent decades has been Clive Parry's *Consolidated Treaty Series*, completed just before his untimely death in 1982. Parry intended his massive compilation, comprising 226 basic volumes