

## BOOK REVIEWS

Rodney Dixon and Karim A. A. Khan (Judge Richard May Consulting Editor), *Archbold International Criminal Courts: Practice, Procedure and Evidence*, London, Sweet & Maxwell, 2003, ISBN 0421772700, 1532 pp., £125.00.

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One of the most surprising developments of the past decade has been the dramatic increase in international courts and tribunals dedicated to the enforcement of the core crimes constituting the field of international criminal law.<sup>1</sup> The number of individuals who are true international criminal law practitioners has correspondingly sky-rocketed, with attorneys entering this field at a growing rate. These individuals, as well as long-time practitioners either making the transition to a new court or realizing that it is becoming extremely difficult to stay abreast of the large number of developments in the field, will all welcome the volume under review.

There are currently five international courts capable of adjudicating international crimes (the International Criminal Court (ICC), the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone and the Special Panels for Serious Crimes (in East Timor), a heavy international involvement in the criminal court system in Kosovo, and a special tribunal to prosecute Khmer Rouge leaders should finally become a reality during 2003. In addition, numerous domestic courts are involved in crimes of a transnational nature, including terrorism, drug and human trafficking, hijacking, and money laundering.

To a large extent, the Rules of Procedure and Evidence (RPE) in use in the international courts share a common denominator in the original RPE adopted by the ICTY judges pursuant to ICTY Statute Article 15 on 11 February 1994. This is because when the ICTR was established later that year, Article 14 of that tribunal's Statute provided that the ICTY RPE were to be the basis for the ICTR RPE, with such changes as the ICTR judges deemed necessary. Similarly, when the Special Court for Sierra Leone was established, Article 14 of that Court's Statute provided that the ICTR RPE should apply *mutatis mutandis* with such changes as the Sierra Leone judges deem necessary. There are numerous instances in the ICC RPE where it is clear that the

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1. See, for instance, S. de Bertodano, 'Current Developments in Internationalized Courts', (2003) 1 *Journal of International Criminal Justice* 226; and D. A. Mundis, 'New Mechanisms for the Enforcement of International Humanitarian Law', (2001) 95 *AJIL* 934.

ICTY RPE served as a model, although there are also clear instances where the ICTY approach was rejected.

Although one might think that there was a high degree of legal cross-pollination among these courts, that is not necessarily the case – at least not in mid-2003 – primarily because the ICC and the Special Court for Sierra Leone have yet to begin trials. Still, it is surprising that in the light of cases having gone to trial before the internationalized courts in East Timor and Kosovo that neither the parties nor the trial chambers of the ICTY and the ICTR cite such decisions in support of their positions.

One may legitimately ask why this is the case. One answer lies in the fact that as the ICTY and the ICTR, for example, mature, there is less need to look outside their own jurisprudential developments for assistance with and support for their decisions. This is particularly the case with evidentiary rules in the light of ICTY/R RPE Rule 89(A), which provides that the chambers shall not be bound by national rules of evidence. Similarly, due to the hybrid procedural structure in place, recourse to domestic criminal procedure codes is not necessarily probative. The second answer lies with the difficulties in obtaining decisions and judgements from other international courts, particularly in the time-sensitive environment of international litigation. Nevertheless, as the issues that arise in international trials tend to be similar regardless of the venue, it is likely that there will be an increase in the amount of cross-fertilization of ideas and jurisprudence as the other courts and tribunals similarly mature.

*Archbold International Criminal Courts* is an excellent starting point for this process, in that it enables practitioners to adopt a ‘comparative’ approach in their practice. Generations of criminal law practitioners throughout the Commonwealth have relied on Archbold’s *Criminal Pleading, Evidence and Practice* as the essential handbook to guide them through all facets of criminal trials. Like Elvis or Madonna, it is simply referred to by its first name: ‘Archbold’. To criminal law practitioners, a citation of that one word is all that is required to back up one’s words or position with the full force of authority. This edition, the first ‘Archbold’ to venture into the international arena, is destined to play a similar role for attorneys and judges who ply their trade before international criminal courts and tribunals. Quite simply, this book is indispensable for anyone practising in the dynamic field of international criminal law. Those who ‘practise’ exclusively in ‘the academy’ will also find this book of immense importance, in that it collects an incredible range of basic documents on virtually every aspect of international criminal law practice.

At the outset of the discussion concerning this book, and for those readers not familiar with this book’s domestic relative, a few words on what this volume is not. *Archbold International Criminal Courts* is not a treatise on the subject-matter jurisdiction of the crimes making up the body of law known as international criminal law, although the crimes are described in enough detail to educate lawyers entering this field. Similarly, it does not delve into the history or establishment of international criminal courts, other than to provide the bare essentials necessary to understand the context in which such courts function. It is not a volume to be consulted when one needs to understand the full jurisprudential developments concerning a specific

procedural or evidentiary rule of the ICTY or the ICTR, although it provides a solid description of the evidentiary and procedural rules. In short, *Archbold International Criminal Courts* is a manual for practitioners and is designed to be the one book that the prosecutor, defence counsel, or even the judge carries along to court every day.

So, what is included in *Archbold International Criminal Courts*, and what makes this volume so essential? The book principally covers the ICC, ad hoc international criminal tribunals and UN special courts, and is essentially divided into two sections: a text of some 600 pages with chapters on the structure and powers of such courts, indictments, pre-trial, trial and appellate procedure, evidence, modes of criminal liability, subject-matter jurisdiction, defences, and sentencing, among other topics. The second part of the book includes an incredible range of the basic documents concerning international criminal law, all neatly organized in one volume and readily accessible. In fact, in eight lengthy appendices more than 80 primary documents and six sample indictments are included. Among the former are the statutes and founding documents of the courts, their rules of procedure and evidence, a large number of regulations and practice directions, documents pertaining to extradition and mutual assistance, and a large number of documents on terrorism. Although they are analyzed in the text, the primary treaties governing the substantive law are not reproduced in the appendices. These documents are readily available in other basic document compilations, however, and their treatment in the text is generally very good.

The text of the book provides a thorough understanding of the basic concepts and components of international criminal trials, with extensive quotes from the basic documents, so that the reader is guided directly to the text of the rule or provision in question, and not simply the authors' restatement thereof. Moreover, by laying out the specific provisions from the various courts under their common headings, one may easily see how the different courts handle similar problems. Although some readers may complain that the book lacks analysis and simply quotes extensively from the rules and material that is otherwise provided in the appendices, this is actually one of the book's strengths: it quickly provides the practitioner with easy to digest information on the given topic. Although the actual text (compared with the appendices) constitutes less than half of the book, and notwithstanding lengthy excerpts of the basic documents in the descriptive text, this reviewer tends to believe that the authors got the balance just right.

Moreover, this volume includes an outstanding and lengthy chapter entitled 'Legal Aid and Defence Council Matters', prepared by Dr Christian Rohde, a senior legal officer in the ICTY Registry with immense experience in running that tribunal's Office for Legal Aid, Counsel and Detention Matters. For anyone contemplating becoming a defence counsel at any international court or tribunal (but particularly at the ICTY), this chapter alone is worth more than the price of this book. It explains in detail how the defence counsel regime works, down to the nuts and bolts of obtaining visas, visiting clients, payment schemes, and even the contact details for the international courts and tribunals. This reviewer has practised at the ICTY for more than five years and yet this chapter still proved very illuminating.

The one obvious gap in this otherwise outstanding volume concerns the internationalized courts functioning in Kosovo.<sup>2</sup> Although this omission may be justified on the grounds that the international community's assistance is not limited to dealing exclusively with international criminal law and the international panels in Kosovo have not made substantial contributions to the jurisprudence in this field, the authors should have included some information on these courts and the inclusion of the regulations governing these courts would have been helpful.

It is curious that the authors have included a chapter on offences other than those for which international courts and tribunals have subject-matter jurisdiction. While no one can doubt the importance of the international community's interest in halting terrorism, hijacking, drug offences, corruption, fraud, and international tax offences, the fact is that no international criminal court or tribunal has jurisdiction over these crimes. The authors justify the inclusion of this material on the grounds that 'it is anticipated that certain of the international crimes may be included in the ambit of the ICC in the future, or that specialised international courts could be established with jurisdiction over particular international crimes not covered by an existing international criminal court'. As much as either of these outcomes may be desired for a number of reasons, it seems highly unlikely that either of these scenarios will happen soon.

The authors and consulting editor of *Archbold International Criminal Courts* are extremely well qualified to prepare this volume. Dixon and Khan are barristers and former staff members of the ICTY Office of the Prosecutor who are currently defence counsel in trials pending before the ICTY. In addition, while writing this book they benefited as Senior Research Fellows in the Department of War Studies at King's College, London. May has been a judge at the ICTY since 1997 and is currently the Presiding Judge in the Milošević trial as well as chairman of the ICTY Rules Committee. In addition, he is the author of a leading English treatise, *Criminal Evidence*, and recently co-authored (with Marieke Wierda) *International Criminal Evidence*.

Rarely does one encounter in a single volume a useful practice handbook and reference tool. *Archbold International Criminal Courts* fills this niche. This book is likely to remain the essential handbook for criminal law practitioners at the international level for years to come. One can only hope that the authors plan to update this volume regularly, taking into account new developments, particularly in the areas of procedure and evidence.

In the foreword to this edition, Justice Richard J. Goldstone of the Constitutional Court of South Africa, the first Prosecutor of the ICTY, writes, 'It will always be open on the desks in the offices of the International Criminal Court.' While agreeing with this statement, this reviewer humbly adds that the same can be said with respect to the ICTY, the ICTR, the Special Courts for Sierra Leone and East Timor and anywhere else where the wheels of international criminal justice are turning.

Daryl A. Mundis\*

2. See de Bertodano, *supra* note 1, at 237–41; Mundis, *supra* note 1, at 945–8.

\* Trial Attorney, Office of the Prosecutor (OTP), International Criminal Tribunal for the former Yugoslavia (ICTY). The views expressed herein are those of the author and are not attributable to the United Nations, the ICTY or the OTP.

Lindsay Moir, *The Law of Internal Armed Conflict*, Cambridge, Cambridge University Press, 2002, ISBN 0521772168, 328 pp., £47.50.

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When Henri Dunant chanced upon the aftermath of the Battle of Solferino he was so appalled by the terrible carnage he saw that he worked to create an entirely new body of law – now generically called the law of armed conflict or international humanitarian law – to regulate the conduct of war and to provide relief and assistance to its victims. According to Dunant's conception, the law of armed conflict applied only to armed forces and only as between states. Traditional conceptions of state sovereignty left states free to regulate affairs within their borders, including internal armed conflicts, as they saw fit. Prior to 1949 some attempts were made to place insurgents on an equal footing with belligerents by means of a legal construction – the recognition of belligerency – which would bring the law of international armed conflict into play. However, recognition of belligerency was at the discretion of the government opposing the insurgents. In the absence of such recognition governments were free to repress their restive civilian populations at will.

During the twentieth century considerable effort was expended to develop the law of armed conflict as it related to international armed conflicts. However, as that century wore on, both the nature and type of warfare changed from predominantly inter-state wars fought with standing armies, to intra-state wars employing guerrilla tactics and focused both on and in the civilian population. It has been estimated that up to 80 per cent of armed conflicts in the post-1945 era have been internal armed conflicts. Internal conflicts such as those in Katanga, Biafra, Bosnia and Herzegovina, Rwanda, and Sierra Leone have revealed the full horror, depravity, and cruelty with which suffering has been inflicted on civilian populations. Indeed, it has also been estimated that up to 80 per cent of casualties in internal armed conflicts are civilians.

Despite the international community's collective revulsion at such atrocities, international law, still cloaked in its veil of state sovereignty, has been slow to close the gap between the regulation of international conflicts and that of internal armed conflicts. Ever fearful of providing legitimacy to forces apparently seeking to unravel the very fabric from which that veil is made, states have resisted the development and application of a body of law intended to inhibit their powers to act during internal armed conflicts. Such law as has been developed has been powerless in the face of atrocities like the heinous genocide committed in Rwanda, a state which was at all relevant times party to all relevant international instruments dealing with internal armed conflicts. The lawlessness prevalent in internal armed conflicts is particularly pronounced when compared with recent international conflicts such as those in Kuwait, Kosovo, and Iraq, where the international protagonists have been at pains to demonstrate their superior adherence to the law regulating international armed conflict. With no end to internal conflicts in sight, a casual observer might be forgiven for wondering whether the law of armed conflict is part of the solution or part of the problem.

A host of issues have plagued the development and application of the law relating to internal armed conflicts. Principal among these have been the identification and

characterization of the conflict, the protections to be accorded civilians, and the vexed question of individual criminal responsibility. With respect to the definition of internal armed conflict, states have preferred to leave their options open by maintaining a grey area in the distinction between internal disturbances which are not subject to international law and internal armed conflicts which are. This grey area gives states a significant margin of appreciation in which they can exercise their discretion simply to exclude the operation of the law of armed conflict. By doing so they can deny any form of international recognition to their opposition and increase their chances of swiftly crushing it. Unfortunately, while denying internationally recognized rights to their opposition, the denial of the application of international law also relieves their opposition of the burden of internationally recognized obligations, almost guaranteeing an increased level of ferocity and deviousness on the part of both. Admittedly states are now bound by principles of international human rights law. However, these may be derogable or suspendable in times of internal tensions, and they do not provide for individual criminal responsibility for massive human rights abuses and crimes against humanity.

The protection of civilians has also posed a major dilemma for states. Internal armed conflict almost always, although not necessarily, presupposes the involvement of the civilian population either as fighters or as aiders and abettors, whether willing or not. Opposition forces have operated under cover of civilian clothes or locations from which they have launched attacks. Children have been kidnapped, indoctrinated, and forced to fight just to keep their bellies full. Hate propaganda has been used to turn neighbour against neighbour, kith against kin. States have been unable or unwilling to distinguish between civilians and combatants, for fear of giving carte blanche to those they consider simply to be terrorists.

The application of rules of individual criminal responsibility has also proved problematic. An initial difficulty has lain in the legal construct by which international laws agreed to between states can be binding on individuals. Numerous arguments have been presented to support this contention, including the doctrine of legislative jurisdiction by which nationals of a state become bound as a result of that state's ratification of a treaty, the assimilation of insurgents to a state on the basis of control of territory, and the notion that these rules are binding on all individuals as rules of customary international law and possibly even rules of *jus cogens*. A second set of difficulties has arisen in applying the law on crimes committed during international armed conflicts to those committed during internal armed conflict. In the absence of 'war', it has been argued that there can be no 'war crimes', or crimes against humanity, and doctrines of command responsibility and superior orders do not apply.

All these issues, and many more, are dealt with in a most comprehensive and articulate manner in this book. Moir adroitly sets out the historical background to attempts to regulate the conduct of internal armed conflicts and then explores the development of the rules. Beginning with Common Article 3 of the 1949 Geneva Conventions, he carefully canvasses the issues and arguments that shaped its drafting. Examining state practice in relation to the Article, he highlights its inadequacies, particularly with respect to the protection of civilians, the methods and

means of warfare, respect for the Red Cross, and the central failure to define the term 'armed conflict not of an international character'.

Noting the total failure of Common Article 3 to 'temper the ferocity of civil war' (p. 88), Moir turns to an analysis of the drafting of Protocol II to the 1949 Geneva Conventions, which deals exclusively with internal armed conflicts. Despite the valiant attempts by some states to offer identical protection to victims of armed conflict regardless of its characterization as either international or internal, Moir demonstrates how Protocol II falls short of that aspiration both in its text and in its application. While the provisions of Protocol II 'extend the protections afforded to civilians, detainees and medical personnel . . . it regulates only the most extreme internal conflicts, leaving the majority regulated by Common Article 3 as before' (p. 274). In addition, very few states likely to suffer internal armed conflicts are party to it.

Having canvassed the development of treaty law, Moir turns to an exposition of the development of customary international law in relation to internal armed conflicts. Noting the profound effect that creation of the international criminal tribunals for the former Yugoslavia and Rwanda has had on this area of law, Moir draws heavily on their jurisprudence and on the drafting of the Statute of the International Criminal Court to examine which rules and principles have become part of the corpus of customary international law. His exposition of practice and case law makes it clear that individual criminal responsibility now inures in respect of breaches of humanitarian law in both international and internal armed conflicts. Clearly, 'the traditional distinction in legal regulation between international and internal armed conflict is becoming ever more blurred' (p. 192).

Even more blurred is the relationship between the application of human rights law and the law of armed conflict in situations of internal armed conflict. The two are obviously interrelated, although their content and application are distinct. In particular, since human rights norms bind only states and are in some cases derogable, their application to situations of internal armed conflict can be limited. However, many of the provisions of humanitarian law relating to internal armed conflicts mirror human rights protections relating to humane treatment, protection of life, liberty, and security of the person, freedom from torture, and rights of due process. Moir clearly articulates the differences, similarities, and overlap between the two bodies of law and demonstrates how they coexist in practice. Although human rights norms may be derogable in situations of internal armed conflict, the essential guarantees of humanitarian law reflected in Common Article 3 and customary international law, which reflect these human rights norms, are not. Accordingly, human rights law and human rights mechanisms, both alone and through their incorporation into humanitarian law, can also supply protections to victims of internal armed conflicts.

Nevertheless, no matter how much law exists, as the practice examined by Moir makes clear, the real issue that now plagues the law of armed conflict is not a dearth of law but rather a failure on the part of states to implement what law exists. The primary solution to this lies in more effective enforcement, and Moir devotes his last chapter to an analysis of possible and developing enforcement mechanisms.

Although they are valuable assets, he notes that the optional nature of most human rights enforcement mechanisms renders them unable to provide full protection. The establishment of the international criminal tribunals for the former Yugoslavia and Rwanda shows more promise and, indeed, as this book demonstrates, their jurisprudence has had a significant effect on the development of international law relating to internal armed conflicts. The creation of the International Criminal Court can only be expected to continue this trend.

All in all this book is an immensely useful, easily readable, and thorough elucidation of the development and content of the law of internal armed conflicts as at the turn of the twenty-first century. Unfortunately, although published in 2002, the information in the book is current only up to October 2000. Thus it does not reflect developments such as the coming into force of the ICC Statute and the formation of other types of tribunals to deal with violations of the laws of armed conflict and crimes against humanity in Sierra Leone, East Timor, and Cambodia. Regrettable as this may be, delays such as this are inherent in the publishing process and they do not detract from the overall value of the book, which cannot be overstated. In his final chapter Moir quotes the famous statement by Sir Hersch Lauterpacht that 'if international law is, in some ways, at the vanishing point of law, the law of war is, perhaps even more conspicuously, at the vanishing point of international law', and suggests that to this 'could be added the further caveat that the law of internal armed conflict is at the vanishing point of the vanishing point' (p. 232). This book goes a long way towards moving that vanishing point further off and making the law a little more visible.

Rosemary Rayfuse\*

Rosemary Foot, S. Neil MacFarlane, and Michael Mastanduno (eds.), *US Hegemony and International Organizations*, Oxford, Oxford University Press, 2002, ISBN 0199261411, 310 pp., £50.00 (hb), £18.99 (pb).

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International law is often portrayed as the alternative to national power politics. In this narrative, international law is presented as a civilizing force which helps to transform a Hobbesian universe of power politics into a society governed by the rule of law. This image of international law is frequently accompanied by a series of dichotomies, such as law versus politics, objective versus subjective, internationalism versus nationalism, and so on. This belief in the civilizing force of international law has been reinforced by the development since 1945 of the law of co-operation, which has led to reflections about the growing institutionalization and even constitutionalization of international politics. International organizations, international courts and international regimes would gradually transform an anarchical society into an international legal community.

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\* Senior Lecturer in International Law, University of New South Wales, currently on secondment as a Senior Research Associate at the Netherlands Institute for the Law of the Sea at the University of Utrecht.



On the basis of this belief in the benevolent effects of international rules and institutions, many authors have expressed their concerns about the recent US attitude towards international law, international institutions, and multilateral co-operation. A recent study of US hegemony, *Rule of Power or Rule of Law?*,<sup>1</sup> is typical of the widely expressed concerns about the US policies and actions. It argues that US attitudes in the field of international security and arms control, environmental law, and international criminal law run the risk of undermining the treaty-based system of international law, which in its turn would lead to international instability, disorder, and disrespect for international law.

At the same time, however, international relations studies, policy analysis, legal realism, and the critical legal studies movement have seriously questioned the narrative of legal progress and the distinction between international law and international politics. Moreover, they have pointed out the possible disadvantages of multilateralism. The dichotomy 'law versus power' should at least be supplemented by combinations such as 'power politics *through* international law', 'international law *backed by* power politics', or 'power politics *shaped by* international law'. International lawyers who want to obtain a more comprehensive understanding of the relationship between international law and power politics should therefore be willing to take notice of developments in other disciplines where this relationship is discussed.

A recent example of such a discussion is Foot, MacFarlane, and Mastanduno's *US Hegemony and International Organizations*. This very well organized, informative and readable book contains an analysis of US behaviour towards a range of global and regional organizations, as well as an analysis of the impact of the United States on the capacity of each organization to meet its own objectives. The book does not start from an ideological preference for either multilateralism or unilateralism. Rather, it aims to describe and explain US behaviour and its impact on international organizations. Unfortunately, the book lacks an analysis of hegemony based on international legal theory or international law.<sup>2</sup> Such an analysis would have shed more light on the impact of rules and legal institutions on US behaviour and could have offered more possibilities for textual and discourse analysis. Nevertheless, for international lawyers who are interested in the relationship between hegemony and international law the book is certainly worth reading.

The book contains case studies of US policies and their impact on regional and global organizations in fields such as peace and security, international economy, environmental policy, and civil society. Although the studies show how much US policies and US influence differ in various contexts, they also demonstrate certain commonalities. In the first place, the studies indicate that one should be careful not to jump to general conclusions about US hostility towards multilateral institutions. Since the Cold War, US practice towards international institutions has been far from

1. N. Deller, A. Makhijani, and J. Burroughs (eds.), *Rule of Power or Rule of Law?: An Assessment of US Policies and Actions Regarding Security-Related Treaties* (2003).

2. For such a legal analysis see M. Byers and G. Nolte, *United States Hegemony and the Foundations of International Law* (2003), to be reviewed in the next issue of this journal.

unequivocal. In the field of international peace and security, the US attitude swung from enthusiasm (in the early 1990s) to disillusion (after the Somalia operation) to modulated support. Although the United States proved generally more inclined towards multilateralism in the field of international economics, here too it both supported and frustrated multilateral co-operation, as was evidenced by the US position regarding free trade (generally favoured by it) and protectionism (practised if it was deemed necessary for domestic reasons). In the environmental field, the decisions by the US government not to join or to withdraw from multilateral treaties cannot be interpreted as a rejection of multilateralism per se. Even for a hegemonic power like the United States the costs of going it alone would be prohibitive. The position of the United States is best characterized as 'instrumental multilateralism': 'if institutions do a reasonable job at promoting American agendas and show signs of being effective, they tend to be embraced. If they constrain American pursuit of its perceived interests beyond a point that can be tolerated, or they appear to be ineffectual, they will be avoided or opposed, leading the United States to explore other options' (pp. 266, 267). As John Ikenberry sets out in his chapter on state power and institutional bargaining, this attitude confirms the theory that leading states are inclined to establish and maintain international institutions, because 'international agreements can lock other states in a relatively congenial and stable order' (p. 51). International institutions are not just forms of governance for the international society or ways to deal with problems of collective action, they are also instruments of political control, coercion, and redistribution. Thus, Ikenberry concludes, the United States has tended to support institutions when it could dominate them, but also when it regarded the benefits of locking other states into enduring policy positions as greater than the costs of reducing its policy autonomy. An important factor contributing to US willingness to lay down institutional frameworks for other states is what the authors call 'American exceptionalism': the belief that US values and practices are universally valid and that its 'policy positions are moral and proper and not just expedient' (p. 268).

In this context, it is regrettable that the book does not contain a more thorough elaboration of the concept of hegemony as such. In the field of legal and social theory, authors such as Schmitt or Gramsci have analyzed the exercise of hegemonic power in terms of the ability to define concepts and words and the ability to dictate the terms of a consensus. Although Philip Nel bases his chapter, 'Making Africa Safe for Capitalism: US Policy and Multilateralism in Africa', on Gramscian notions of hegemony, a thorough analysis of hegemony and the power of definition as such is lacking. Such an analysis would have contributed to an even better understanding of the relation between US hegemony and international institutions.

The book argues that US influence on international institutions is considerable. The United States has not only been able to influence the formation of many international organizations – both directly and indirectly – but also the agenda-setting and the institutional arrangement of these organizations. The chapters on international financial institutions suggest that the influence of the United States is to a considerable degree based on either 'the ideological hegemony of American understandings or the reluctance of institutional secretariats and members to raise issues

that they know will be opposed by the United States' (p. 271). In Africa and Latin America, the book argues, the United States has been able to regulate the political and economic agenda to a considerable degree, because state leaders have become more and more willing to accept the legitimacy of an ideological agenda defined by the United States.

*US Hegemony and International Organizations* is interesting for anyone who wants to obtain a better understanding of the relation between hegemony and international institutions. The various chapters demonstrate the different ways in which international rules are used to exercise political power, the ways in which they are backed by hegemonic power and the ways in which the power of legitimacy depends on international rules. Moreover, the book puts the concerns about US hegemony in a broader context. It argues that in many areas multilateralism is 'central to the way in which a hegemonic state like the United States can achieve its policy goals' (p. 272). International lawyers should thus not be misled by the various instances of US unilateralism. International law and international institutions remain vital in a uni-multipolar<sup>3</sup> world.

Wouter G. Werner\*

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3. For the term 'uni-multipolar system' see S. P. Huntington, 'The Lonely Superpower', (1999) 78 (2) *Foreign Affairs* 35–49.

\* Senior Lecturer in Public International Law, Institute of Public International Law, Utrecht.