zens or interests within their territory (Juwana, 299; Powell, 560). It is thus easy to portray new these new laws as the results of foreign bullying.

Can one uphold the rule of law and take effective measures to counter terrorism? There is certainly a general fear, and worrying instances, of the 'war on terror' providing cover for States to crack down on internal dissident groups (Roque, 318, 323; Young, 376, 387; Powell, 561). More worrying is the prospect that anti-terrorist legislation in some Arab States will have a severe chilling effect on political opposition and is thus likely to undermine any moves towards a more open or democratic public culture (Welchman, 588). As noted above, even in States with a traditionally strong rule-of-law culture, there may be a worrying deference to executive power at the moment scrutiny is most required (cf Harvey, 157, 167). It is unsettling, then, to have George Williams promote a bill of rights as the strongest answer to balancing rule of law and new terrorism legislation (535–7). Williams and other essayists rightly point out that the larger question is whether new legislation is needed at all. 'Legislation is unlikely to tackle the causes of terrorism and will not deter a terrorist from a premeditated course of action' (Williams, 551). Much criminal legislation is simply redundant, as most terrorist acts will constitute existing offences (Powell, 566). More worryingly, legislating against terrorism may divert attention away from other measures, such as securing dangerous materials and critical civilian infrastructure from use in terror attacks (Roach, 530; cf Williams, 551).

The best analysis of alternatives to legislative or 'hard power' counter-terrorism strategies comes in Laura Donoghue's essay, pointing the way to a normative counter-terrorism. If terrorism is a form of 'armed propaganda' (Donoghue, 23) then the rule of law itself may be an ideological weapon in countering it. Several essays point out that terrorists have a constituency of potential supporters that their acts aim to mobilize, a constituency which may only become more receptive if counter-terrorist measures are perceived as targeting them as a group (Juwana, 301; Vijayakumar, 356; Tay and Li, 414 ff; Fenwick and Phillipson, 456). The key site of ideological struggle may be in undermining terrorists' claims that the civilians they attack are legitimate targets, as repugnance at 'unjustified' civilian deaths appears universal (Donoghue, 25). Such arguments, however, will have little impact if those espousing appear only superficially committed to human rights and the rule of law.

DOUGLAS GUILFOYLE*

International Organizations and Their Exercise of Sovereign Powers By DAN SAROOSHI [OUP, Oxford, 2005, xviii+151 pp, ISBN 0-19-928325-7, £19.99, (p/bk) / £54.95 (h/bk)]

The issue of the sovereign powers of international organizations has been a matter of some interest in recent years. Debates as to whether the UN Security Council has the sole right to enforce its resolutions against Iraq have been fierce and the issue of a constitution for Europe has proved controversial, particularly for a number of major European States. With international organizations also increasingly expanding in number and complexity this is a timely and interesting topic for treatment.

Although a short work at 122 pages, it is clear that, rather than intending to be a comprehensive work in the field of international organizations, the book instead aims to provide the reader with a conceptual framework for viewing the interface between the concept of sovereignty and the differing levels of conferrals of sovereign powers from States to international organizations. To quote Judge Rosalyn Higgins in the foreword, the book attempts to 'move our understanding of legal phenomena in the world of international organizations from "stuff happens" to a conceptual picture within which we are given the tools correctly to place future events' (ix). This approach appears to have struck a favourable chord with many in the academic community and the book

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has already won a number of accolades, particularly the 2006 American Society of International Law Book Prize and the 2006 Myres S McDougal Prize awarded by the American Society for the Policy Sciences.

In beginning, to set out this framework, the notion of sovereignty as an 'essentially contested concept' is introduced. By this, Sarooshi means that 'there is no single, or indeed authoritative, definition that can be given to the concept' (7) or the values which constitute its core criteria. This forms the background to the claim that international organizations perform an important ontological function by providing a forum where conceptions of sovereignty and sovereign values can be contested and formulated on the international plane. Although one may question Sarooshi's failure to offer a full definition of the contemporary sovereign values upon which international organizations operate, this is to miss the thread of Sarooshi's argument: the essentially contested nature of sovereignty necessitates that these values are in a constant state of flux and are consequently not able to be stated definitively. Whilst this elusive theoretical underpinning leads to more questions being posed than answered, this, in a circular fashion, highlights the contestable nature of the concept.

The extent to which a State can contest these values within the context of an international organization will depend largely on the degree (or type) of conferrals of powers that have been made to the organization (13). The typology of conferrals introduced in chapter 3 (agency relationships, delegations of powers, and transfers of powers) is where the books main contribution to the subject area is witnessed. This typology, Sarooshi claims, is necessary as '[f]ailure to distinguish between different types of conferrals of powers confuses analysis of the differing legal consequences of these conferrals' (1).

Chapters 4–6 then examine these different conferrals in turn and, in measuring the extent to which a State has given away its sovereign powers, the characteristics of revocability of the powers conferred, the control of the State over the organization, and whether the State retains exclusive or concurrent competence to exercise conferred powers are employed. Because a particular conferral may exhibit these characteristics to varying degrees a 'spectrum of conferrals' is said to exist. This analysis is then followed by a section in each of these chapters on the consequences of each conferral for the State–organization relationship. In particular, whether an international organization exercises conferred powers on its own behalf or on behalf of the State and whether it is the State or the organization which is responsible for breaches of international law that may occur as a result of the organization's exercise of conferred powers is addressed. Although Sarooshi sets himself in many respects an ambitious task, the clarity and simplicity of this descriptive typology presents, on the whole, little to disagree with.

Chapter 6 on the transfers of sovereign powers also sets out an important thesis of the book and is where the paradox of sovereignty contestations becomes clear: the more extensive the powers conferred, the more that each State, and in particular each arm of government (executive, legislative, and judicial), demands to be involved in the process of determining the character of these powers in order to maintain their conception of sovereignty's constituent values. Using the EC and WTO as examples, perhaps going into unnecessary detail in the latter, Sarooshi examines the role of domestic courts and legislatures and argues that in practice the implicit consent of all three arms of government is necessary for the effective implementation within a State of an organization's exercise of conferred powers.

Finally, attention is drawn in chapter 7 to the measures 'available to a State under international law when it wants to try and change the way that an organization is exercising conferred powers' (108). After providing the reasons why States may legitimately wish to take measures against an international organization on which they have conferred powers, for example non-compliance with sovereign values or because the formation of customary international law may lead to a State being bound in a way with which it disagrees, Sarooshi briefly examines the measures a State can take under each conferral to try and change the way in which an international organization is exercising conferred powers: treaty amendment, unilateral financial measures, termination of conferrals, and persistent objection.

In summation, the book achieves what it sets out to do with only minor flaws. For example,

no reference is made to the aforementioned debate over the US and UK's legal argument that they possess the right to unilaterally enforce Security Council resolutions against Iraq. Nevertheless, the book exhibits great clarity which is enhanced by the drawing upon of a large number of examples of State practice and legal sources in setting out the conceptual framework. The similar layout of each of the chapters examining the different conferrals also makes for easy comparisons to be made. The book does not appear to have an intended readership and, as such, will appeal to both the academic and practising lawyers searching for an original and useful approach to the law of international organizations.

CHRISTIAN HENDERSON*

Kollektive Nichtanerkennung illegaler Staaten. Grundlagen und Rechtsfolgen einer international koordinierten Sanktion, dargestellt am Beispiel der Türkischen Republik Nord-Zypern, by STEFAN TALMON [Mohr Siebeck, Tübingen 2006, XXXIX+1052pp, 149, ISBN 978-3-16-147981-6].

Recognition of States and other entities in international law is one of the most ancient, as well as one of the most general and fundamental fields of public international law. Due to the trends towards specialization observable in the discipline, reflected also in the choices made by many international lawyers, topics such as recognition no longer receive such wide attention and discussion as was the case two or three decades ago. Dr Talmon's comprehensive and high-quality analysis of some important aspects of this area is a significant reminder that the maintenance of the generalist grip on subjects like this is both feasible and necessary.

The monograph (the shorter French version of which has been published by Pedone as *La non reconnaissance collective des Etats illégaux*, 2007), is both an important contribution to the learning on recognition, as well as a comprehensive analysis of the problem on which it places particular emphasis: the claims of Statehood of the 'Turkish Republic of the Northern Cyprus'.

At the beginning, the monograph focuses on the history of the Cyprus conflict, by way of introduction to the factual background and then examines the evolution of the international legal standard of the duty of non-recognition by looking at the collective non-recognition of Manchukuo, Southern Rhodesia and the South African homeland States. From this analysis the readers will learn, for instance, that the roots of this doctrine go back significantly earlier than the 1932 Stimson Declaration on non-recognition of territorial and other changes to the detriment of China. Earlier statements of the US Government regarding Japanese actions in relation to China and Russia confirm this.

After this introductory part, Talmon proceeds to explain the legal basis of collective non-recognition in international law. Collective non-recognition is examined from the constitutive, declaratory and negatory perspectives. It is seen as the classic third party counter-measure in response to a serious breach of a fundamental norm of international law affecting the international community as a whole. After this, the analysis expands on examining calls for non-recognition within the United Nations system, both in terms of Chapter VII measures and otherwise. Whilst the UN may not have laid down a general duty of non-recognition, UN organs have nonetheless played an indispensable role in coordinating its execution. The analysis in this monograph draws our attention to the implications of the doctrine of non-recognition, one of which is the continuation in force of legal relations which were in place before the actions giving rise to the non-recognition have occurred.

In addressing the specific aspects of the operation of the duty of non-recognition through the example of TRNC and to the extent possible of other relevant entities, Talmon focuses on a wide variety of issues, such as: treaty relations; unilateral acts; membership in international institutions; standing before international and national courts; bilateral relations between the non-recognized

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