examine each title under the relevant instrument.[14] In cases of human rights violations (*jus cogens*) there is an *erga omnes* obligation to prevent and punish such crimes.[15] Under jurisdiction *ratione temporis*, the title of jurisdiction must be valid between the parties at the time the case is instituted in the Court (p. 197).[16] Chapter VIII focuses on objections to jurisdiction and admissibility, and Chapter IX concludes. The conclusion reflects on the historical reasons for the limited role of the PCIJ and the progress of the ICJ in promoting dispute settlement through contentious cases and advisory opinions. The overarching concept of state consent to accept the Court's jurisdiction is discretionary, and jurisdiction acts as a shield against matters that do not fall within the judicial purview and, where there are multiple parties, their consent to jurisdiction must coincide in scope in each case (p. 219). As there is a proliferation of international courts and tribunals today, it is time for the Court to redefine its role as the principal judicial organ of the UN (p. 220). The prismatic effect of the lectures makes this a very valuable book and a compulsory read. An excellent bibliography is provided as well. Thank you, Judge.

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Peoples' Tribunals and International Law
edited by Andrew BYRNES and Gabrielle SIMM.
Cambridge: Cambridge University Press, 2018. xiv + 303 pp. Hardcover: £85.00.
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Peoples' Tribunals and International Law investigates the characteristics, legal nature, and forms of process of the so-called "Peoples' Tribunals" [PTs], which are defined in this book as "a process initiated by civil society that involves the presentation to a body of eminent persons of evidence and arguments that seek to establish whether a state, international organisation, corporation or, less frequently, specified individuals have committed breaches of international law or of another body of law or norms" (pp. 3–4). This phenomenon is widely underexplored in, and often criticized

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Judgment of 20 April 2010, [2010] I.C.J. Rep. 14, where the learned Judge explained, "the scope of the subject-matter jurisdiction of the Court must coincide with the scope *ratione materiae* of the applicable treaty provisions" (at 195).

14. *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Jurisdiction of the Court and Admissibility of the Application, Judgment of 26 November 1984, *supra* note 5, and the case of *Certain Norwegian Loans (France v. Norway)*, Judgment of 6 July 1957, [1957] I.C.J. Rep. 9.

15. Cf. on the Court's jurisdiction to consider disputes involving *erga omnes* obligations (and *jus cogens* peremptory norms), see ch. 7 at 196, and n. 49, where the Court pointed out that, "the *erga omnes* character of a norm and the rule of consent to jurisdiction are two different things".

16. *Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)*, Judgment of 3 February 2012, [2012] I.C.J. Rep. 99. Reading the two cases, the case of *Jurisdictional Immunities of the State* where the Court examined the question of jurisdiction *proprio motu* and the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Preliminary Objections, Judgment of 18 November 2008, *supra* note 8, the learned Judge observed, "[i]n the two cases above, the question *ratione temporis*, in one way or another, was merged with the merits. In the former case, the temporal limitation of the compromissory clause was overcome by a narrow definition of the subject-matter of the dispute, while in the latter, validity in time of the title of jurisdiction was given [a] different interpretation. The objection *ratione temporis* was considered together with the admissibility of the claim" (at 202). At 202, n. 73, it was pointed out that the Court did not take into account art. 28 of the *Vienna Convention on the Law of Treaties*, 23 May 1969, 1155 U.N.T.S. 331, 8 I.L.M. 679 (entered into force 27 January 1980), which provides for the *ratione temporis* of a treaty which could have been applied to the Genocide Convention that did not have an express provision on *ratione temporis*.

by, international legal scholarship. However, the number of PTs, in the variety of topics and forms of organization, has significantly increased in the past years and their contribution to international law must be appreciated. The co-editors, Byrnes and Simm, who had already worked together on the topic, had the excellent idea to place PTs in context and try to provide examples and critical analysis. The research is necessarily limited, but nonetheless, and importantly, the book brings attention to a topic which should be part of all manuals of international law, since PTs attempt to respond to a quest of justice to which the international legal system often has no answers. They are "soft" instruments, but have been in some cases the only voice for victims without other forms of redress.

The Introduction explores the origin and the history of PTs, explaining how they critique the content of existing international law, which perpetuates patterns of oppression, but at the same time use international law for their decisions. The second chapter is by Gianni Tognoni, doctor of medicine and Secretary-General of the Permanent Peoples' Tribunal, which was founded by Lelio Basso in Rome and has been in operation since 1979. His criticism is stronger than the other contributors with regard to international law, and his reflection is provocative, especially on the concept of "peoples" and on the symbolic value of the Tribunals' decisions.

The second part, "The Politics of Bearing Witness and Listening", covers some women's courts, including the Tokyo Women's Tribunal (Ustinia Dolgopol), the 1965 Tribunal on the crimes in Indonesia (Saskia E. Wieringa), and the "laboratory" of the Permanent Peoples' Tribunal (Tognoni and Simona Fraudatario); stressing how violence is committed not only during conflicts but also post-conflict, along a continuum of violence on the basis of gender that reproduces patterns of discrimination rooted in societies. The Tokyo Tribunal, the most "formal" among the examples provided in the book, despite some criticisms, had important media coverage and drew attention to "Japan's failure to offer meaningful redress" to the "comfort women issue" (p. 105).

The third part, "Legal Pluralism and Popular International Law", explores the idea of "popular justice", and the concluding chapter discusses the future of international PTs and the contribution they may have with regard to expanding the scope of existing categories of international wrongs (p. 262). Despite the non-binding nature of their outcomes, PTs have contributed to a collection of material that may be useful for formal procedures of inquiry and to draw international attention to the cases in question. Far from being illegitimate and ineffectual, PTs do play an important role in international law because they evidence "a faith in the power of international law to help bring about the acknowledgment of wrongs" (p. 273). I personally suggested[1] that the outcome of these Tribunals should be taken into consideration by international, regional, and domestic courts, as *amici curiae* briefs, which might significantly contribute to the evolution of a proceeding, and challenge from within the structures of power present in international law.

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Law of the Sea

Islamic Law of the Sea: Freedom of Navigation and Passage Rights in Islamic Thought
by Hassan S. KHALILIEH.
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Currently, there has been increasing discourse on deconstructing the Eurocentrism in international law. Scholars mainly from the Global South representing different civilizational, religious, and

1. Sara DE VIDO, "Women's Tribunals to Counter Impunity and Forgetfulness: Why are they Relevant for International Law?" (2017) 33 Deportate, Esuli, Profughe 145.