This particular kind of law reached the state of intolerable complexity and insecurity toward the last quarter of the 20th century. The problems that existed at that time provoked UNIDROIT and ICAO to develop a modern and comprehensive international security statute that would provide for the needed legal stability. However, the Convention and Protocol use their own terminology, a mixture of civil law and common law concepts, which may occasionally disturb the unfamiliar ear. Besides, the dual structure of the new regime and its detailed provisions may require explanation. For that reason, Professor Goode has provided the aviation sector with a working tool that clarifies these instruments. The Official Commentary is a highly useful, neutral, and unbiased source that has been prepared most diligently to comply fully with the reasoning and ideas of the diplomatic conference. Consequently, it is very instructive and essential for law students, legal academics, and practicing lawyers who are interested in international aviation finance.

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Direct Effect. Rethinking a Classic of EC Legal Doctrine JM PRINSSEN and A SCHRAUWEN (eds) [Europa Law Publishing Groningen 2002. xii + 320 pp. ISBN 90–76871–21–3. (H/bk)]

The book collects the proceeding of a conference held in Amsterdam in 2001, which was organized by the GK von Hogendorp Centre for European Constitutional Studies in conjunction with other institutions. As such, the book is number three of 'The Hogendorp Papers'.

As the subtitle suggests, the book tackles one of the most classic concepts of European law: direct effect. Direct effect was one of the founding building blocks of European law. In four decades it has evolved and transformed many times as it was called to address many different questions. This has put its intellectual consistency in jeopardy and has prompted the need to rethink, if not to revise, the whole idea. The book aims to do just this.

The first paper by Justice Edward tries to dispel the worst fears by noting that the whole idea of direct effect came from the need to solve a practical problem, that is to 'define how the internal law of the Community was to be inserted into conventional international law and the domestic law of the Member States'. The first question to be decided was the question of primacy: in case of conflict between Community and national law, which one was to take precedence? In *van Gend en Loos* and *Costa* the European Court of Justice developed direct effect to make sure that, contrary to what could be expected under the views about international law then prevailing in many Member States, Community law would have the upper hand. According to Justice Edwards, direct effect stems from the obligations accepted by the Member States when signing the Treaties—first and foremost to stick to the Treaties—and all the subsequent case law on direct effect can be read in the light of this main obligation. Quite on the same line is the last paper by T Eijsbouts.

A very different picture is painted by Professor Sacha Prechal. She maintains that the concept of direct effect has become broad, diluted, and leads to more confusion than assistance in addressing the relevant issues. Professor Prechal strongly argues the case that Community law has come of age and must be given effect in the Member State 'on an equal footing with national legal provisions'. This means dropping traditional direct effect requirements as to the unconditional and sufficiently precise character of the Community provision to be applied by national courts and concentrating on more substantive issues, such as for instance what are the implications of the power to set aside national law vested in those courts?

Angela Ward tackles individual rights. Rights have often parted company with direct effect, but they have a standing of their own. Professor Ward analyses the case law on judicial protection both at the national and the community level, pointing out the necessity of restraining the

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https://doi.org/10.1093/iclq/54.1.273 Published online by Cambridge University Press

European Court of Justice inroads on national remedies and instead focusing its creativity on remedies at European level. Uniformity of remedies is seen as a goal to be achieved first and foremost by improving the effectiveness of remedies afforded by Community courts, beginning with standing requirements for annulment actions under Article 230 of the EC Treaty. Concerning direct effect, Professor Ward's conclusions are in line with Professor Prechal's. She also believes that the European Union rights should be vindicated quite independently from any question of direct effect.

Gerrit Betlem revises the case law on the doctrine of consistent interpretation. He remarks that the doctrine goes beyond, and to a certain extent takes precedence over, direct effect. However, for the sake of clarity and legal certainty, he argues for bringing the conditions for the application of consistent interpretation in line with those required under the direct effect doctrine.

The papers by JH Jans and JM Prinssen and by J Gerkrath trace the application of the direct effect doctrine at the national level. Divergence is spotted both between different Member States and between different jurisdictions within the same Member State. The various institutional actors, Community and national courts, and also the Community legislators are called to the task of clarifying the doctrine to avoid those divergences which are unnecessary and potentially harmful. A Nollkaemper revises the doctrine of direct effect in public international law. J Wouters and D van Eeckhoutte question how far Community law is permeable from direct effect of customary international law.

The concluding remarks by P-J Kuijper pay tribute to the doctrinal efforts put in developing the doctrine of direct effect; inspiration was taken from international law, but direct effect was developed much further in Community law. Professor Kuijper promptly acknowledges that a lot is yet to be done.

European/Community law is still haunted by the ghosts of case 26/62, *Van Gend en Loos* [1963] ECR 1 and case 6/64, *Costa v ENEL* [1964] ECR 585. The Court of Justice stated there that Community law was no traditional international law concerning States and States only. It stopped short from saying that it was just like domestic law. Direct effect was a way to convey this position. After 40 years we still have to fully cross the river and safely make for the bank opposite to 'international law'. The situation is uncomfortable and the papers collected in this book offer different ways out, some suggesting the time is overdue for a bold crossing while others cling to the old and presumed safe side. Most probably an unambiguous choice by a Constitution for Europe will be needed to ferry everybody safely and once and for all past the whirls of direct effect.

ROBERTO CARANTA

Methods of Resolving Conflicts between Treaties SEYED ALI SADAT-AKHAVI [Martinus Nijhoff Publishers Leiden/Boston 2003. 273 pp. ISBN 90–411–2031–9. €107/ US$ 144 (H/bk)]

The importance of treaties in the contemporary international legal order can hardly be overstated. Several important areas of international law, both old (such as the law of the sea and humanitarian law) and new (such as international trade, the environment, human rights, foreign investment, and communications) are regulated primarily by treaty, and the treaty remains the main vehicle for the development of international law. The conflict of treaties, or of rights and obligations arising thereunder, has therefore increasingly attracted the attention of both academics and practitioners of international law (eg regarding the relationship between human rights law, international trade law, and international environmental law). The relationship between treaties within a particular field of law can also give rise to conflicts. Accordingly, this book is a timely contribution dealing with a highly topical question, and it provides a clear and thorough exposition of the problems.

Part One, replete with Venn diagrams, sets out some preliminary considerations regarding the concept of conflict, and distinguishes between real and false conflicts. Part Two then considers the conventional, customary, and other rules of international law with a view to identifying the