

places where one might expect further debate. For example, what the yearbook lawyers said about the preamble to *De Donis* and the mischiefs aimed at is not consistent with the author's view of causes and events. But then in modern times one can see bench and bar from time to time inventing legal history "on the hoof" so to say; perhaps 700 years ago their predecessors were doing just that. Certainly any further work in this field will have to start from the information and interpretations of this magisterial monograph.

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*The Law of State Immunity*. By HAZEL FOX QC. [Oxford: Oxford University Press. 2002. xxxii, 555, (Bibliography) 6, and (Index) 10 pp. Hardback £80.00. ISBN 0-19-829836-6.]

FIFTEEN years after the last substantial UK published work on State immunity, Lady Fox's treatise *The Law of State Immunity* constitutes a timely and much needed addition to the literature. Indeed, due in large part to the growing importance of human rights and peremptory norms, the law of State immunity and international law in general have evolved considerably since the monographs of Lewis (1984) and Schreuer (1988) were published. The last five years have been particularly eventful, with important pronouncements on immunity by the House of Lords in the *Pinochet* (1999/2000) and *Lampen-Woolfe* (2000) cases, by the European Court of Human Rights in *Al-Adsani* (2001) and by the International Court of Justice in the *Arrest Warrant* case (2002). With the rise of transnational human rights litigation in North America since the early 1980s and the possible adoption of the ILC *Draft Articles on Jurisdictional Immunities* in the near future, State immunity remains as one of the more controversial issues in contemporary international law. Clearly, this book is on time and on point.

State immunity is a doctrine of international law aimed at limiting the adjudicative and enforcement jurisdiction of municipal courts in proceedings involving foreign States or their representatives. While rooted in principles of international law, State immunity also brings into play highly technical questions of procedure at the municipal level, and this duality has been at the core of the problem of achieving a satisfactory synthesis. But there is a further duality: though State immunity is primarily a legal matter, it is at the same time notoriously infused with concerns of foreign relations and policy. As a result, the law of State immunity is complex and, as evidenced by recent international legal developments, still in a state of flux. Fortunately for readers (likely to be practitioners, scholars and students of international law), *The Law of State Immunity* is not only comprehensive and meticulously researched, but also very well written. For its thoroughness and lucidity, Hazel Fox's treatise is a considerable scholarly achievement. The author's expertise on the subject is manifest: she has published authoritative articles on State immunity over the last two decades and was involved in the Institut de droit international's resolutions on *Immunities from Jurisdiction and Execution of Heads of State and of Government in International Law* (adopted at the 2001 Vancouver session of the Institut).

The book is presented in five parts and fourteen chapters. Part 1—Overview and General Principles; Part 2—The Sources of the Law of State Immunity; Part 3—The Current International Law; Part 4—International Immunities other than State Immunity; and Part 5—Current and Future Problems. It is not possible to discuss the detail of every chapter of the book in this review. Suffice it to say that *The Law of State Immunity* is a treatise that does everything a treatise should: it carefully introduces the reader to the relevant concepts and material, presents them in a logical and coherent fashion and provides thoughtful, balanced analysis. Hazel Fox quite appropriately adopts a layered approach to the subject matter, unravelling its historical and theoretical dimensions in the first few chapters, progressively easing into a thorough doctrinal and practical discussion, which represents the bulk of the tome, and, finally taking on a more analytical and cautiously extrapolative view in the last part of the book.

Part 5 of *The Law of State Immunity* will likely be the most interesting for those concerned with the future of international law. It consists of four chapters: “State Immunity as a Personal Plea, Distinguished from the Doctrines of Act of State and Non-justiciability”; “State Immunity from Criminal Jurisdiction: The Answerability of State Officials for the Commission of International Crimes”; “Immunity for Acts Unlawful in International Law: The Exhaustion of Local Remedies” and “Conclusions and Future Models”. Here, the author offers insightful analysis of the recent international jurisprudence, including the House of Lords’ recent *Kuwait Airways* (2002) decision on the justiciability of State acts contrary to public international law committed on the territory of a foreign State. Due consideration is also given to the principal catalysts of the current recessive trend of State immunity, namely human rights, peremptory norms (*ius cogens*), universal jurisdiction, and the growing importance of the individual in international law. In an a fitting concluding chapter, the author discusses the future of the doctrine of State immunity and queries, among other possible models, whether the doctrine should be abolished as proposed by Hersch Lauterpacht in the 1950s. But despite these developments, the author concludes: “the retention of the current law of State immunity must be the way forward.” (p. 555).

Because the “book is primarily written for English lawyers” (p. 67), *The Law of State Immunity* focusses understandably on UK and US law. Other Commonwealth jurisdictions receive only incidental treatment. This is not as much a criticism of the book as a *caveat* to potential readers. There is a distracting number of misprints (the French language quotes suffer especially). Nonetheless, *The Law of State Immunity* can confidently be regarded as the new classic book on State immunity that we have needed, and will likely remain so for many years to come. The author is to be congratulated for this timely and important contribution.

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