International Organizations and International Dispute Settlement: Trends and Prospects. Edited by LAURENCE BOISSON DE CHAZOURNES, CESARE ROMANO AND RUTH MACKENZIE. [New York: Transnational Publishers. 2002. xxiii, 247, (Appendices) 32, and (Index) 7 pp. Hardback US$75.00. ISBN 1–57105–268–2.]

IN 2002, the *Yearbook of International Organisations* reported the existence of 241 international organisations. With the UN currently having 191 member states—now including East Timor and Switzerland—it is remarkable that there are more international organisations than states in the international community. Admittedly, "international organisation" may be defined in many ways: the *Yearbook* defines it rather broadly as an organisation "which is established by signature of an agreement engendering obligations between governments". Yet despite the number of international organisations and the recognition that they may have legal personality, they remain excluded from most international dispute settlement processes. Two recent events have highlighted the issue. In 1999, the NATO bombing campaign on Yugoslavia resulted in that state commencing proceedings before the International Court of Justice. NATO, being an international organisation, has no standing before the ICJ; thus, separate actions were brought against each of NATO's ten member states. The following year, the European Court of Human Rights was the setting for a similar incident: a German shipping company, Senator Lines, aggrieved by a decision of the European Commission, initiated separate proceedings before the ECHR against each of the EU's 15 members. So although the claimants in each of these cases were able to identify an international organisation as the author of the alleged wrongdoing, those organisations could not be brought before the relevant international court.

A book which considers this incongruity is a collection of papers edited by Laurence Boisson de Chazournes, Cesare Romano and Ruth Mackenzie, titled *International Organizations and International Dispute Settlement: Trends and Prospects*. All three editors are established scholars in the field of international organisations, and the book is made up largely of contributions to a conference held in February 2001 organised by the University of Geneva and the Project on International Courts and Tribunals. The aim of the book is "to analyse the interplay between the multiplication of international organisations on one hand, and of international dispute settlement bodies on the other", and, in particular, "the issue of the participation of international organisations in international dispute settlement proceedings" (p. xviii). This question is not a new one; it was addressed in 1945 by the UN Committee of Jurists, and again in 1955 in Judge Sir Hersch Lauterpacht's Provisional Report on the Revision of the ICJ Statute. Nonetheless, the ongoing multiplication of international organisations, and the increased frequency with which disputes are being referred to international courts and tribunals combine to make a reconsideration of this issue timely and relevant.

The book has four main parts. Romano's overview piece introduces in detail the exclusion of international organisations from most international dispute settlement bodies. He recognises that some international organisations have standing in certain contentious cases before the International Tribunal for the Law of the Sea and the World Trade Organisation, but he notes that only the EC has thus far made use of these

provisions. The EC's role in contentious cases forms the subject-matter of the book's first theme. Allan Rosas' contribution reviews extensively the participation of the EC before the ITLOS, the WTO and other international dispute settlement bodies, and Andrew Clapham's essay considers the position of the EU before the ECHR.

The second theme concerns international organisations before the ICJ. Of course, as far as the ICJ's contentious jurisdiction is concerned, the cardinal rule is provided in Article 34(1) of its Statute: "only states may be parties in cases before the Court". The route for participation by international organisations is more often found in Article 65(1), under which authorised agencies of the UN may request an advisory opinion. Christian Dominicé ponders whether a dispute between a UN agency and a state might be resolved by advisory opinion, as they might agree in advance to accept it as binding. A particular problem is identified, being that in such a dispute, only the specialised agency has the power to request an advisory opinion of the Court, thus undermining the principle of equality of arms (and access) (p. 101). Laurence Boisson de Chazournes' critical essay sees a role for the advisory function of the ICJ in "furthering the common interest of humankind". She suggests, *inter alia*, that advisory opinions could play a role in preserving the unity of international law in light of the proliferation of dispute settlement bodies, in that these bodies could request the ICJ's guidance on questions of international law (pp. 112–113). As appealing as such a reference procedure may be, such processes are unlikely to materialise, but the message is clear: more imaginative use might be made of the ICJ's advisory function without the need for amendment of the ICJ Statute.

The third part of the book looks at the potential role to be played by international organisations in the submission of *amicus curiae* briefs. Christine Chinkin and Ruth Mackenzie note at the outset of their chapter that this topic is rather "speculative", as in the past, it is *non*-governmental organisations which have been more active in making non-party submissions. Chinkin and Mackenzie draw attention to a rarely-utilised provision of the ICJ Statute, which stipulates in Article 34(2) that the Court "may request of public international organisations information relevant to cases before it, and shall receive such information presented by such organisations on their own initiative". In addition, the ICJ may also request and receive submissions from international organisations in the context of its advisory jurisdiction. Chinkin and Mackenzie note that international organisations have been more active in making submissions in advisory rather than contentious cases (p. 143). With respect to other courts and tribunals, the statutes of international criminal and human rights courts sometimes explicitly provide for the submission of *amicus* briefs, and these provisions have, to date, been invoked almost exclusively by NGOs (pp. 145–149).

The question of the legitimacy of *amicus* briefs in the WTO dispute settlement system was highlighted by the Appellate Body's promulgation of guidelines for the submission of such briefs in the *Asbestos* case, and the WTO General Council's subsequent advice to the Appellate Body to proceed with "extreme caution" on the issue. Chinkin and Mackenzie refer to this episode, which segues nicely into the book's fourth theme, on the independence of the independence of the judicial bodies from the organisations of which they are organs. The chapter by Steve Charnowitz

concludes that the *amicus* issue demonstrated "imperfections" in the independence of WTO panels and the Appellate Body (p. 239).

This volume makes a significant contribution to an area of increasing relevance. While the issue itself is not novel, the editors (and authors, not all of whom have been mentioned in this review) have more than exceeded their aims in teasing out the new questions being raised by the process of proliferation of international organisations and international dispute settlement bodies. It is not always easy to discern a central and consistent thesis in such collections, but here, the clear message is this: international organisations are significant players in the international legal order, and it is about time that they are treated as such.

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Anti-Discrimination Law and the European Union. By MARK BELL. [Oxford: Oxford University Press. 2002. xxv, 216, (Appendices) 21, (Bibliography) 22, and (Index) 9 pp. Hardback £40.00. ISBN 0–19–924450–2.]

MARK BELL'S *Anti-Discrimination Law and the European Union*, the most recent publication in the Oxford Studies in European Law series, provides a cogent overview of EU anti-discrimination law. While raising some interesting issues in the context of examining discrimination on the grounds of race and sexual orientation, it is mostly descriptive in nature, and thus mainly succeeds as an inductory doctrinal text to the area.

Following an introduction laying out the book's structure are seven thematically organised chapters. Chapter one ("European Social Policy: Between Market Integration and Social Citizenship") sets forth the two prevailing and inverse frameworks of European social policy, that of market integration and social citizenship. The former model seeks EU integration by increasing economic growth and employment; the latter envisions the EU as ensuring human and social rights. Chapter two ("Emerging Rights of Social Citizenship? Discrimination on Grounds of Nationality and Gender") focusses on prohibitions against nationality and gender-based prejudices. These are the two most instantiated areas of the EU anti-discrimination cannon due, in some measure, to their confluence with both social policy models.

By contrast, the prohibitions against discrimination on the basis of race and sexual orientation that are covered in the subsequent two chapters, have met with less acceptance. These chapters describe, chronologically, the respective developments in each field. Chapter three ("Racial Discrimination") illustrates the development of anti-racism provisions culminating with those of EC Treaty Article 13, as well as the Racial Equality Directive designed to implement them. Chapter four ("Sexual Orientation Discrimination") describes how prohibitions against discrimination on the grounds of sexual orientation came to also be included in Article 13 despite resistance from powerful groups, including the Vatican.

Chapter five ("Exploring Article 13 EC") provides an exegesis of EU anti-discrimination law subsequent to passage of Article 13. Although clearly evincing a rights-based approach, Article 13 is nonetheless a