BOOK REVIEWS

The Boundaries of International Law: A Feminist Analysis, by Hilary Charlesworth and Christine Chinkin, Manchester University Press, Manchester, 2000, ISBN 0-7190-3739-5, 414 pp., UK£ 55 (hard-bound)/UK£ 17.99 (paperback)

In the Anglo-American legal world, law and feminism have been in active conversation for at least 25 years. During this period, feminists have placed new questions on the horizon of legal consciousness and provided a new set of tools with which to illuminate legal dilemmas, analyze legal processes and criticize legal outcomes. However, despite periods of intense activity at the domestic level, international law's engagement with feminist critiques has come relatively late and the reach of feminism within the international legal regime has been comparatively contained. Although feminist analyses of human rights norms began to appear with some degree of regularity by the 1980s, analysis of mainstream international law was sporadic at best. So it is that, at a moment when feminism's influence within the domestic legal arena has arguably begun to wane, we now have a work that aims to describe the feminism's encounter with international law as a whole. *The Boundaries of International Law: A Feminist Analysis* by Hilary Charlesworth and Christine Chinkin is, in the year 2000, the first attempt to comprehensively map the contours of feminist critiques of international law, norms and institutions.

Few writers are as well placed as are the authors to engage in such a task. Indeed, *The Boundaries of International Law* might be read as an elaboration of the argument first sketched out by the authors along with their colleague Shelley Wright in 1991 in an article that virtually inaugurated the field of feminist studies in international law. That article, "Feminist Approaches to International Law", began to explore the thesis that the authors here contend in detail, which is that international law routinely, systematically and *in toto* operates to exclude women and issues of concern to them. In the view of the authors, the result is an international jurisprudence that has "legitimated the unequal position of women around the world rather than challenged it." *The Boundaries of International Law* attempts to taxonomize the myriad procedural and substantive ways in which this has occurred. However, its aim is not simply to describe the phenomenon, but to provide a set of critiques, critiques generated both from within and outside international law, by which that exclusion has been and might be challenged. Because such a project must necessarily engage with the mainstream account of international law and because it is relatively comprehensive in its coverage, it very usefully serves the dual purpose of introducing the reader to the basic argumentative and institutional structures of international law.

Although a thoroughgoing feminist engagement with the doctrines and institutions through which international law operates is in itself a major

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project, the authors do not limit themselves to this task. Instead, they situate their analysis within the numerous efforts at institutional reconstruction now underway within the international legal order and attempt to give the reader some sense of the other theoretical challenges to that project. As the authors suggest, any reconceptualization of international law, feminist or other, must now be placed in the context of the vast changes underway in the international order since the end of the Cold War. The cascading series of events following in the wake of 1989 continues to reverberate, redrawing the balance of power and producing what some describe as a Groatian moment or epochal transformation within the international system. As a result of these shifts, international law is now an aggregation of increasingly specialized institutions and domains of expertise; international efforts are directed as much to financial and economic or moral and cultural concerns as to geopolitical or military ones.

Yet as activity on the international level increases and international institutions become more central to regulatory and governance debates, challenges to the international order proliferate. Debates about the normative basis of international law are not new; arguably, they are as old as the discipline itself. However, now complexifying the landscape is a multitude of competing conceptions of the enterprise of international law. Critical perspectives emanating from the New Haven school, "newstream," Third World, post-colonial, as well as feminism all provide challenges to the entrenched narrative of international law and its normative assumptions. In the eyes of the authors, this moment of theoretical challenge and institutional scrutiny and reconstruction is also a moment of possibility in international law. It provides the opening for a contribution that is attentive to the gendered distribution of resources and power in the emerging international order that also adds to our understanding of the operation of international legal regime.

Although the study is about international law, it is also part of a broader feminist engagement with law and it draws heavily on a range of different arguments and critical devices developed in the context of the Anglo-American legal analysis. The authors are pragmatic and eclectic in their use of this feminist jurisprudence, borrowing and applying insights from liberal, cultural, radical, post-modern, and post-colonial feminist analyses, on the theory that all of them are useful and necessary to comprehend the gendered nature of international law. Think of the project, we are advised, as an archeological dig in which different dimensions of the gendered nature of international law are revealed at different levels. However, if there is a central claim to their argument, it seems to be that the silence and exclusion of women at every level has resulted in a sexed and gendered content to basic international law concepts such as the 'state,' 'security,' and 'conflict.' This in turn has distorted the discipline's boundaries and prevented it from recognizing and responding to harms suffered by women. Much of this distortion can be located in the fact that international legal discourse and doctrine are conceptually organized around of series of

gendered binaries. These binaries ensure that, despite formal neutrality, international law routinely operates to produce very different outcomes for men and women.

Charlesworth and Chinkin begin this tale of exclusion with a stylized account of the sites and sources of gender disadvantage in the contemporary world. They then move to explore the relation of this disadvantage to the different domains of international law, surveying topics such as the sources of international law, the law of treaties, the concept of the state in international law, international institutions, human rights, the use of force, dispute settlement and the emerging norms and institutions of international criminal law. The result is an incredibly useful collation of feminist analysis and a wealth of detail on the operation of the international legal system.

A critique of the public/private distinction is one of the tools regularly deployed by feminists in their analysis of law's role in the construction and maintenance of gendered social relations. It turns out to be no less central to an appreciation of the role of international law in gendered social structures. Indeed, a focus on the public/private split is acutely relevant to understanding gender and international law, given that everything within the nation state's domestic jurisdiction has traditionally been 'private' to international law's 'public' domain. As the authors describe, the state-centered basis of the Westphalian order, one that accords deference to states in the conduct of their internal affairs in the name of sovereignty, has enabled international law to largely bracket rather than confront the situation of women. As the public/private distinction has shielded from view rather than exposed many of the harms to women, much of the feminist critique of international law lies in an exploration of international law's gaps and silences, the places where international law does not (yet) reach.

An interest in where international law might go and what it might do if the status of women centrally informed its concerns is central to the analysis; it is well illustrated in one of the most illuminating discussions in the book, the treatment of conflict and dispute resolution in international law. Here, the authors ask basic yet probing questions, such as why and how security and peace are defined in one way rather than another, why gender disparities do not seem to give rise to interstate disputes and provoke humanitarian intervention while racial or ethnic disputes do, why women are virtually absent from the resolution of conflict, although militarization profoundly affects the status of women, and what difference it would make to women if peace were defined as not merely the absence of conflict but the presence of social justice. The rich discussion of the state and sovereignty also hints at the panoply of issues and concerns that might be encompassed within a feminist rethinking of international law; as the authors suggest, these are productive sites of feminist inquiry, points at which complex notions of autonomy and identity can be brought to bear on such practical issues as self-determination.

A feminist project, the authors assert, is one that both deconstructs the

existing values implicit in international law doctrines and structures and 'reconstructs' those doctrines and structures concepts so that they do not support gender domination. How should we understand this feminist international endeavor?

Much of the analysis situates women on the perimeter, clamoring for attention and a piece of the action; thus, pleas for liberal inclusion and equal treatment form an important part of the discussion. As the authors document, there is simply a stunning level of under-representation of women through the international institutions. Human rights bodies have historically ignored issues of concern to women, for no reason that seems defensible. The United Nations imagines racial discrimination, but not gender discrimination, to be a matter of international security and stability. The Women's Convention is subject to extensive reservations, extensions that arguably contravene the 1969 Vienna Convention on the Law of Treaties. The General Assembly interferes with the work of the 1979 Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW') committee and underfunds its operations relative to those of other treaty bodies. The list goes on.

The authors suggest that the way forward lies in marking the gendered exclusions of international law and pursuing conceptual and institutional reforms that will bring women into the sphere of international law making. However, there seem to be at least two further sets of inquiries raised by a feminist analysis of international law; both go to the feminist agenda at international law as it has unfolded so far. One concerns how differences among women are managed and come to affect both the identification of feminist issues and the strategies adopted at the international level. Beyond acknowledging the pitfalls of essentialism and the fact of difference among women, as the authors do, lie the following questions. Is the current feminist international agenda to date self-evident? If not, why has it taken the shape it has? How is it inflected by geopolitical and economic imperatives, colonial legacies and racial projects? What are its own silences and omissions? Who are the winners and losers so far? How does the feminist agenda to reform international law itself function to regulate women?

The other dimension of the international legal order that calls out for greater attention is the domain of international economic regulation. While questions of military conflict, security, and boundary issues often take centre stage in international law, it is clear that transnational economic activity and the operations of the international economic institutions have now become salient to security, and gender justice, in the new world order. As the authors note, globalization promises to widen the distributional conflicts among groups. It has also transformed the debate around sovereignty. In the last decade, international trade and investment regimes have emerged as important instruments of discipline and control over states. International financial institutions are now powerful interlocutors in the debate over 'good governance' in both developed and developing states; they are also engaged in governance activity, much of which is contro-

versial from the standpoint of distributive justice, through the fiscal, policy, and regulatory conditions attached to loans to developing and transitional states. It is hard to imagine that these regimes and institutions will not continue to be important actors and sites of power in the emerging international order. Yet open consideration of these issues and institutions, including their potential for engendering conflicts among women, has so far been held in abeyance. Indeed, economic issues have not formed a central part of the international women's rights agenda at all. Can the next phase of feminist engagement with international law avoid an exploration of these issues?

*Kerry Rittich**

International Law and Sustainable Development. Past Achievements and Future Challenges, edited by Alan Boyle and David Freestone, Oxford University Press, Oxford, 1999, ISBN 0-19-829807-2, 408 pp., UK£ 65

International Law and Sustainable Development is a collection of sixteen essays written in homage to Patricia Birnie for her work in the areas of international environmental law and the law of sustainable development of natural resources. The contributions are written by major experts in the fields of international environmental law and the law of the sea, among them judges of the International Court of Justice ('ICJ') and the International Tribunal of the Law of the Sea, and a number of leading scholars. The essays deal with the principle of sustainable development itself and its influence on certain areas of international law, especially fisheries law and the protection of the marine environment.

The common idea linking the different articles of the book is that the principle of sustainable development is already having considerable influence in the development of international law even if its legal status remains uncertain.[1] Thematically, the book may be divided in three parts. The first two chapters discuss the meaning of the concept itself and whether it has acquired a legal status in international law. The next three chapters deal with the reception of environmental considerations by international courts and bodies. Chapters 6 to 15 analyse the impact of the concept "sustainable development" on the law of marine resources and marine protection. The main focus of these chapters is to demonstrate how environmental concerns have revolutionised international fisheries law. According to the editors, Alan Boyle and David Freestone, "no other topic illustrates quite

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1. *Introduction*, A. Boyle & D. Freestone (Eds.), International Law and Sustainable Development. Past Achievements and Future Challenges, at 17–18 (1999).

so well the reforming influence on existing law that sustainable development has already exercised."[2]

Several aspects of the notion "sustainable development" are discussed: its meaning and content, its legal value, and its influence in international practice. The book is introduced by a remarkable discussion authored by Freestone and Boyle on the meaning of sustainable development, a term described by a commentator as "concept whose time has come but nobody knows what it is."[3] To Boyle and Freestone, Principles 3 and 4 of the 1992 Rio Declaration on Environment and Development encapsulate the core of the notion of sustainable development, this core representing a delicate balance of interests between developing and developed countries.[4] Principle 3 proclaims the right to development; Principle 4 concerns the integration of environmental protection and development. The purpose of Principle 4 is to ensure that development decisions do not disregard environmental considerations. Freestone and Boyle disagree with critical writers who depict the principle as the subordination of one set of considerations (environmental) to another (developmental), but acknowledge that the principle does not intend to serve the pursuit of purely environmental values.[5] Nevertheless, the balance retained by the editors is optimistic, because the Rio Declaration reflects for the first time a truly international consensus on some core principles of environmental protection and sustainable development.

Within this discussion framework, Boyle and Freestone try to ascertain what elements or sub-principles integrate the concept of sustainable development. The already famous definition included in the Brundtland Report is qualified as an "inadequate and incomplete prescription that begs elaboration." Even if the reasons for this critique are not expressly stated, this elaboration is sought in the study of the elements of sustainable development.[6] The elements are both substantive and procedural. The contributors to this volume agree that the principle of sustainable development encompasses different substantive and procedural aspects that can all be viewed as independent principles, whose legal status merits separate assessment.[7] Among the set of substantive components Freestone and Boyle list, apart from the above-mentioned integration, the sustainable utilization of natural resources, the right to development, and the notion of equity, both inter and intra-generational. The procedural aspects of the

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2. *Preface*, Boyle & Freestone, *id.*
3. P. Sands, *International Law in the Field of Sustainable Development*, 65 BYIL 303, at 317 (1994).
4. *Introduction*, Boyle & Freestone, *supra* note 1, at 4.
5. *Id.*, at 11.
6. *Id.*, at 13. The report *Our Common Future*, published in 1987 by the World Commission on Environment and Development, defined sustainable development as "development that meets the need of the present generations without compromising the ability of future generations to meet their own needs."
7. Boyle & Freestone, *id.*, at 17.

principle, environmental impact assessment and public participation in decision-making, which would facilitate the implementation of the principle at the national level are briefly identified. The study would probably have gained with a further analysis of the procedural requirements. Given that concepts such as inter and intra-generational equity are so value laden, the real guarantees of the adoption of sustainability values rest on the respect of procedures. Sustainable development and environmental law are considered two different but related concepts. The commentary on these elements offers a hint, although not a deep analysis of one of the most complex problems of the principle of sustainable development: how to integrate and how much weight to give to its broad range of components, *e.g.*, human rights, state responsibility, environmental law, economic and industrial law, good neighbourliness.[8] Sustainable development will have more difficulties to make progress as a legal principle if this question remains totally opened to political valuations.

Across the different chapters, there is a discussion about the uncertainties that jeopardise the rapid crystallisation of the principle as a legal principle of international law. To Freestone and Boyle, it is "unlikely" that the principle has reached legal force.[9] Vaughan Lowe (Chapter 2) argues that the principle has neither hard nor soft law status but it is not completely deprived of legal effects.[10] To Lowe, the principle would act as a "metaprinciple," like the Rule of Reason acts in antitrust law, guiding the judges in ascertaining what the true intentions of the law-makers was, rather than being directed to the parties. Although the principle of sustainable development still has to go a long way to become an established legal principle, arguing that it is only directed to the judges and not to the parties seems to be an overly restrictive argument. This disregards the fact that a huge number of binding and non-binding instruments make reference to the principle. In fact, Hungary and Slovakia, the two parties involved in the *Gabčikovo-Nagymaros* case, accepted the existence of the principle but disagreed on the consequences that it had on the facts of the case.[11] Lowe considers that the lack of a competent authority and centralised criteria to determine what kind of development is sustainable prevent the concept from having a norm-creating character.[12] The thrust of his argument is that, without that character, there is no point in ascer-

8. Judge Weeramantry cites the following elements among the components of the concept sustainable development "to mention a few": human rights, state responsibility, environmental law, economic and industrial law, equity, territorial sovereignty, abuse of rights and good neighbourliness. Case Concerning the Gabčikovo-Nagymaros Project (Hungary *v.* Slovakia), Judgement of 25 September 1997) Separate Opinion of Vice-President Weeramantry, 37 ILM 162, at 207 (1998).
9. *Introduction*, Boyle & Freestone, *supra* note 1, at 18.
10. V. Lowe, *Sustainable Development and Unsustainable Arguments*, *in* Boyle & Freestone, *supra* note 1, at 30-31.
11. Separate Opinion of Vice-President Weeramantry, *supra* note 8.
12. Lowe, *supra* note 10, at 28–29.

taining whether there was state practice and *opinio iuris*. Lowe is more convincing when he argues that sustainable development has not become a norm of customary international law than when he says that the concept, intrinsically cannot become a primary norm. In fact, indeterminacy on the legal consequences is not a definitive argument to deny that sustainable development has the potential of becoming a principle of law. Principles serve as guidelines, rather than imposing concrete obligations. Controversy about the meaning of the term self-determination has not prevented it from becoming a general principle of law and to some authors, even a norm of *jus cogens*.[13]

Another challenge to sustainable development is how it should reconcile different areas of international law that have traditionally been studied and applied in isolation. Philippe Sands (Chapter 3)[14] discusses this issue and points out a solution based on the law of treaties to help solve interpretative difficulties when two areas of law, *e.g.*, the environment and free trade lead to different solutions. Sands observes the reticence by special tribunals to use law outside of their particular domain and their preference to solve cases within self-contained systems rather than pulling out other fields of international law. Sands uses the example of the European Court of Human Rights (*Lopez Ostra* v. *Spain*) and the difficulties that the World Trade Organization ('WTO') Appellate Body has shown to use non-General Agreements on Tariffs and Trade ('GATT') law and integrate environmental concerns. In fact, Rosalyn Higgins (Chapter 5) observes the same reluctance by the ICJ in the *Gabčikovo-Nagymaros* case. By denying that there was ecological necessity, the ICJ avoided the question of whether new developments of international law added new causes of suspension or termination of a treaty to Article 60(2) of the 1969 Vienna Convention on the Law of Treaties.[15] In the future, the conflict is likely to increase, as there are many more law generating bodies, new fields and international litigation. Sands puts forward an interesting proposal taken from the law of treaties, to use Article 31(3)(c) to reconcile conflicts between treaty norms in one field, with customary norms having emerged in another field. Article 31(3)(c) would operate as a principle of integration in cases in which the treaty would be applied as the primary norm and the custom would be reconciled with it. This implies that the treaty norm in one field and the customary norm in the other would be compatible. The technique, however, would not operate in situations of frontal conflict between both norms.

Conflict between different areas of law leads us to the *Gabčikovo-*

13. D. McGoldrick, *Sustainable Development and Human Rights: An Integrated Conception*, 45 ICLQ 797, at 801–803 (1996).
14. P. Sands, *Sustainable Development: Treaty, Custom and the Cross-fertilisation of International Law*, *in* Boyle & Freestone, *supra* note 1, at 39.
15. R. Higgins, *Natural Resources in the Case Law of the International Court*, *in* Boyle & Freestone, *id.*, at 105.

Nagymaros case, very relevant in the debate because it is the first case in which the ICJ dealt with the concept of sustainable development. The ICJ was presented with a clash between the law of treaties and environmental law.[16] The Court's reliance on the concept of sustainable development is presented by Higgins as an innovation, not only in the jurisprudence of the ICJ but also in the law relating to the utilisation of natural resources. Higgins points out the change of the focus of the disputes in these cases, from concessions to sustainability and limits to resource use. To the Court, sustainable development obliged the parties to "look afresh" at the environmental consequences of the Gabčikovo project,[17] a proposition qualified by Lowe as "anodyne."[18] Other commentators, however, describe the case as one in which the Court, using prudent language really opened the way for a more eco-friendly vision of international law.[19] A pretty radical point in the Court's reasoning that is not discussed in this volume is the obligation to undertake a continuous assessment of environmental impacts in both new and existing projects.[20] This requirement, which if taken seriously, can have an important legal and especially financial impact, is surprising, taking into account the restrictive approach that the ICJ shows in relation to the precautionary principle.

A significant part of the volume is devoted to the application of these new environmental principles in the field of fisheries law. The merit of Chapters 6 to 15 is that they illustrate the interaction between the comprehensive law of the sea regime provided by the 1982 United Nations Convention on the Law of the Sea ('UNCLOS') and the interaction of the new sustainable development principles introduced by the Rio Declaration and Agenda 21. Some of the new instruments, such as the Food and Agriculture Organization Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ('the FAO Compliance Agreement') and the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks ('the Straddling Stocks Agreement') while saying that they are implementing the UNCLOS may have introduced *de facto* innovations, as "the conservation of marine ecosystems has now assumed independent status in fishing operations."[21] A similar evolution is observed in the protection

16. Sands, *supra* note 14, at 56; and Higgins, *supra* note 15, at 104.
17. Case Concerning the Gabčikovo-Nagymaros Project, *supra* note 8, at 201, para. 141.
18. Lowe, *supra* note 10, at 25.
19. *See* A.E. Boyle, *The Gabcikovo-Nagymaros Case: New Law in Old Bottles*, 8 YbIEL 13 (1997); and P. Canelas de Castro, *The Judgement in the Case Concerning the Gabcikovo-Nagymaros Case: Positive Signs for the Evolution of International Water Law*, 8 YbIEL 21 (1997). *But see*, for a critical view, S. Stec & G.E. Eckstein, *Of Solemn Oaths and Obligations: The Environmental Impact of the ICJ's Decision in the Case Concerning the Gabcikovo-Nagymaros Project*, 8 YbIEL 41 (1997).
20. *See* Canelas de Castro, *id.*, at 30 referring to para. 112 of the Gabčikovo-Nagymaros Judgement.
21. W. Edeson, *Towards Long Term Sustainable Use: Some Recent Legal Developments in the Legal Regime of Fisheries*, *in* Boyle & Freestone, *supra* note 1, at 165.

of the marine environment. Alexander Yankov (Chapter 12) illustrates how the provisions of the UNCLOS focus on the prevention, reduction, and control of the pollution of the marine environment. Chapter 17 of Agenda 21 goes beyond reactive remedies and places the precautionary approach as an essential requirement for integrated management and sustainable development of coastal areas and the marine environment under national jurisdiction.[22]

In fact, the adoption of the precautionary principle in the law of the sea is one of the main themes of this book. To Freestone (Chapter 7), the emergence of the principle can be considered one of the most remarkable developments of the last decade and probably, one of the most significant in the elaboration of the discipline of environmental law itself.[23] In fact, every international environmental and natural resource agreement and increasingly, national systems endorse the principle. Freestone seems to be more worried about whether the rhetoric can be operationalised and observes how some authors like Birnie are sceptical about their status as a principle of international law precisely due to these uncertainties about its practical implementation. In Freestone's opinion, lack of precision has not prevented the precautionary principle from becoming a principle of customary international law.[24] This is the argument raised by the European Union in the *Beef Hormones* case. In the *Gabčikovo-Nagymaros* case, the ICJ does not make explicit reference to the precautionary principle,[25] which does not contribute to clarify its legal status.

The interest of Freestone's study of the Straddling Stocks Agreement is to show that precaution imposes legal obligations rather than mere guidelines. Nevertheless, the obligations deriving from the principle can be of varying intensity. In fact, in its strongest formulation, the principle amounts to a reversal of the burden of the proof. Potential actors must prove that their activity will not cause harm before it can be sanctioned. This strong application of the precautionary principle is rather exceptional in international law.[26] In fact, the Straddling Stocks Agreement, considered by a commentator as the introduction for the first time of a truly environmental dimension in international fisheries law,[27] does not apply a strong version of the precautionary principle. It imposes upon states an obligation to be cautious when information is uncertain, unreliable, or inadequate. Fishing

22. A. Yankov, *The Law of the Sea Convention and Agenda 21: Marine Environmental Implications*, *in* Boyle & Freestone, *supra* note 1, at 277.
23. D. Freestone, *International Fisheries Law Since Rio: The Continued Rise of the Precautionary Principle*, *in* Boyle & Freestone, *supra* note 1, at 135.
24. *Id.*, at 136.
25. Boyle, *supra* note 19, at 17.
26. Freestone, *supra* note 23, at 140, n. 26, and 150–151. Some cases in which the application of the principle is taken that far are the resolution suspending disposal of low-level radioactive waste at sea without the approval of the London Convention Consultative Parties, the suspension of industrial dumping in the Oslo Commission area without prior justification to the Oslo Commission, and the moratorium on whaling.
27. *Id.*, at 138.

states would have rejected, as contrary to their developmental interests, a definition of precaution that implied suspension of fishing in case of uncertainty and the need for environmental protection. The difficulties for defining commitments in the face of scientific uncertainty is also shown in the drafting process of the Ascobans and Accobams agreements for the protection of small cetaceans (Robin Churchill, Chapter 10).[28]

Precisely, the implementation question is one of the most important concerns expressed by *International Law and Sustainable Development*. A promising step may be the application of hard law approaches to dispute settlement in an environmental treaty, instead of the soft law resolution methods of environmental instruments, which is the method followed by the Straddling Stocks Agreement, as underlined by Tullio Treves (Chapter 11).[29] Many of the writers analysing the move to mainstream environmental considerations in the law of the sea instruments view with optimism the legal regimes in place. This is for example, Edeson's view on the developments of the legal regime of fisheries. Thomas Mensah (Chapter 13) expresses a similar opinion with regard to the international regime on land-based sources of pollution. In his opinion, the fact that there has been no agreement on the adoption of a global binding instrument does not make the regime lose credibility "if all the elements are applied and enforced at the relevant levels in the way they are expected to be."[30] Mensah argues that the real pressing question is implementation rather than whether the legal regime is inadequate.[31] In this respect, Freestone (Chapter 16) warns against the dangers of innovative and precautionary regimes that are not implemented effectively: they are worse than worthless because they give the impression that all is well.[32]

As a precondition for effective implementation, Freestone brings up the need for institutional and financial sustainability, pointing out one of the suggestions presented to the Global Environmental Facility ('GEF') proposing that the GEF be funded by economic instruments collected directly from national taxation.[33] In this sense, he underlines the importance of trust funds and the involvement of stakeholders. Still, nevertheless the approach taken by the editors is still rooted on the dichotomy developing/developed countries, stressing the effectiveness of conditionalities and the threat to have recourse to hard law measures to impose environmental obligations. This view is reflected in assertions such as

28. R. Churchill, *Sustaining Small Cetaceans: A Preliminary Evaluation of the Ascobans and Accobams Agreements*, *in* Boyle & Freestone, *supra* note 1, at 225.
29. T. Treves, *The Settlement of Disputes According to the Straddling Stocks Agreement of 1995*, *in* Boyle & Freestone, *supra* note 1, at 253.
30. T. Mensah, *The International Legal Regime for the Protection and Preservation of the Marine Environment from Land-based Sources of Pollution*, *in* Boyle & Freestone, *supra* note 1, at 323.
31. *Id.*, at 324.
32. D. Freestone, *The Challenge of Implementation: Some Concluding Notes*, *in* Boyle & Freestone, *supra* note 1, at 360.
33. *Id.*, at 363.

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"integration is a well established feature and intrinsic feature […] of most developed economies […]. [T]he real implications of Principle 4 are more to be found in its impact on developing countries, where environmental considerations have historically not been prominent in development planning and in the practice of the World Bank and other development agencies"[34] or "in times of economic hardship, the poorest turn to the natural resources around them for survival. The strain that this can put on the natural ecosystem can compromise the viability of the system itself."[35] These views, apart from being over-optimistic about the situation in developed countries, do not take into account the responsibility of non-state actors and of developed countries themselves, in promoting unsustainable forms of development in developing countries. This raises a fundamental problem to the concept of sustainable development itself, because the pressure on natural resources does not necessarily come from economic hardship but to maintain and enhance a too-often taken for granted form of economic growth, in most cases for the benefit of developed countries.

Probably, the title *International Law and Sustainable Development* offers the promise of a broader focus than the actual content of the book, which is mainly concerned with the impact of environmental considerations on fisheries and marine protection resources. The book, however, offers an excellent reflection on the evolution of the principle of sustainable development since the 1992 United Nations Conference on Environment and Development ('UNCED') and especially, a very detailed technical analysis of the impact of environmental concerns in the fisheries area.

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Internationaal Publiekrecht in Vogelvlucht [Public International Law in a Nutshell], by Pieter H. Kooijmans, W.E.J. Tjeenk Willink/Kluwer, Deventer, 2000, Eighth Revised Edition, ISBN 90-271-5087-7, 369 pp., NLG 69.50/Euro 14

Although this textbook is meant to be a companion for the undergraduate law student during his or her compulsory course, it also serves as an introductory exploration for those who want to acquire a more thorough knowledge (p. V) of this fascinating (p. 359) field of public international law in the larger sense, *i.e.*, including the law of the EC/EU.

The revised edition of Prof. Kooijmans' book, which has become a familiar tool for law students in the low countries since its first publica-

34. *Introduction*, Boyle & Freestone, *supra* note 1, at 11.
35. Freestone, *supra* note 32, at 364.

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tion in 1989, is the result of teamwork by various senior staff members of the Leiden University Faculty of Law.

This leading Dutch textbook consists of an introductory chapter and 17 substantive chapters divided into two main parts, one dealing with the right of coexistence (pp. 7–143), the other focusing on the right of co-operation (pp. 145–359). The space reserved for Part Two aptly reflects the corresponding shift in the international legal order during the final decades of the last century.

Part One comprises chapters on the sources, the subjects, the relationship between international and national law, the law of treaties, state responsibility, the settlement of disputes and enforcement. Chapter 4 on jurisdiction has the largest number of pages (36). Part Two contains chapters on the law of international organisations, the United Nations, regional organisations having an inter-governmental character, the Community legal order and the position of the individual in public international law. Unsurprisingly the largest chapters are Chapter 13 on the background and institutional structure of the European Union (31 pages), Chapter 15 on the role of the Community judge in ensuring compliance with Community law (28 pages), and Chapter 16 on substantive Community law (37 pages).

The eighth edition also contains a case law and subject index, and the material has been updated until October 2000.

In its latest edition, this introductory textbook also skilfully reflects the fundamental changes in international society and it perfectly accommodates the demands of an undergraduate in law: it is written in a clear and pleasantly readable style. The treatment of each topic takes the reader, in a sustained step-by-step approach from the presentation of the area at hand through the legal reasoning that, most times, has led to the creation of a consistent set of applicable rules.

There is not a single chapter that is not fully embedded in a realistic perspective, thus fully taking into account the global or particular political background of state conduct. The selection of examples from state practice and international jurisprudence is adequate and is presented in a succinct but clear way. References to Dutch and Belgian state practice made at regular intervals do not distract the reader from the mainstream discourse.

Explanation of divergent views held by states and in the doctrine stays well within the limits of not causing undue confusion to the audience envisaged.

One would welcome in the next edition a separate chapter on the impact of the ever increasing humanisation of public international law on its very structure and a substantial expansion of Chapter 17 on the position of the individual by an injection of relevant case law of the European Court of Human Rights and of its Inter-American counterpart to bring it more in line with the approach taken in the preceding chapter on substantive Community law.

This reviewer has been using Prof. Kooijmans' *Public International Law in a Nutshell* ever since it made its first appearance; ironically this is done at the only Faculty of Law in the Netherlands where the introductory course is merely optional instead of compulsory.

*Karel Wellens**

Self-Determination and National Minorities, by Thomas D. Musgrave, Oxford University Press, Oxford, 2000, ISBN 0-19-829898-6, 290 pp., UK£ 19.99

Self-determination in international law: a political right, a legal principle or merely a noble aspiration? That self-determination is a right in positive law is hardly controversial since its inclusion in Article 1 of the two major Human Rights Covenants. The question who can invoke it is however another matter. Many of the great names in international law have tackled this thorny subject and ethnic conflicts of the past decade have raised the issue once again to the forefront of scholarly literature. Thomas D. Musgrave, a lecturer at the University of Wollongong in Australia, takes another look at the right to self-determination in international law with *Self-determination and National Minorities*, based on his Ph.D. thesis at the University of Sidney. In its title the author links self-determination with the equally vexed concept of minorities, immediately raising the issue whether national minorities can enjoy a right to self-determination. While minorities, as such, are not recognized as legal subjects of international law and in principle do not enjoy a right to self-determination in the external sense, any examination of the role of international law governing minorities must go beyond this rather obvious recapitulation of general provisions of international law and this is what Musgrave does.

The book has ten chapters, plus an introduction, epilogue, bibliography, and preface, which discusses three significant developments regarding self-determination that have occurred since the book was published in hard cover in 1997. It begins with three chapters on the history of the concept of self-determination, after which the current status of self-determination and protection of minorities in international law is addressed in three chapters. The concluding four chapters consider four issues of interest both to self-determination and minorities, namely definition of a people, secession, irredentism, and territorial claims based on historical title. Considering that these last four chapters do not invariably form a coherent part with the rest of the book, a conclusion bringing the various concepts and competing interpretations together would have been useful, rather than the

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short epilogue summarizing the main problems relating to self-determination and minorities.

Musgrave begins his examination with a historical overview of self-determination. He traces the origins of self-determination back to ideas of popular sovereignty and representative government in Western Europe and the United States to the much more 'group-based' nineteenth century nationalism in Central and Eastern Europe. He sets out how these different notions of self-determination have been determinant for the way in which national minorities were viewed and consequently treated. In Central and Eastern Europe they were seen as alien elements within the nation states rendering tensions between national minorities and the majority within such states inevitable, more so than in Western Europe where self-determination was of a more inclusive nature. The book goes on to give a well-written account of the promises made to minorities in the self-interest of the various warring countries during the World War I and how the Wilsonian idea of self-determination turned out to be unworkable at the subsequent Peace Conference. The implementation of self-determination was limited by the fact that many territories had mixed populations and that the existence of viable states depended upon other considerations than ethnic ones. Self-determination was furthermore applied only to the territories of the defeated powers. The principle was consequently excluded from the Covenant of the League of Nations as a general principle of international law. Musgrave then further addresses the mandate system of the League. He describes the way in which the minorities treaties regime ensured that minorities continued to exist as alien elements within the nation-state and how this and uncontrollable nationalism on all sides inevitably led to the downfall of the minorities treaties regime.

In the second part of the book Musgrave addresses the current status of the principle of self-determination (Chapters 4 and 5) and that of minorities (Chapter 6) in international law. Chapter 4 and 5, on the various international instruments, case-law of the International Court of Justice, and state practice, describe the development of self-determination as a legal right against the background of decolonization. The author observes that while the various international instruments, judicial decisions, and the practice of states show that the right to self-determination in a colonial context has gained wide acceptance, they do not provide any definitive demarcation between self-determination as a political concept and self-determination as a legal right. Moreover, states have generally demonstrated a marked reluctance to accept self-determination by way of secession of an existing state and the extent of the right to self-determination with regard to peoples of independent states remains thus ambiguous. Musgrave provides the reader with a sound analysis of landmark General Assembly resolutions and decisions of the International Court of Justice. However, his discussion of the Charter of the United Nations and the two International Human Rights Covenants is unfortunately much briefer than one would expect in this context. The following

chapter links self-determination with minorities and outlines the significance of the different approaches to self-determination to the rights of minorities. It describes how in the immediate post-war period the concept of minority rights was replaced by that of human rights, since states had become wary of granting minorities any special minority rights after the destabilizing experience with the minorities treaties regime after the World War I. International instruments originating in this period scarcely make reference to minorities as it was thought that the universal protection offered by human rights would render the need for any special protection for minority groups unnecessary. However, this proved not to be the case. Minorities did continue to require special protection.

In the third part of the book Musgrave focuses on a number of concepts of particular interest to the relationship of minorities to self-determination. Musgrave's detailed examination of, in particular, the problems associated with different notions of the term 'people' and the competing interpretations of a right to secession certainly raises some interesting issues. However, on these key issues the author seems to hide behind the mushrooming of different views without any indication of his own position, which is a pity. The third part of the book starts with the problems surrounding a generally accepted meaning for the term 'people.' The meaning of people is vital, since they are entitled to self-determination. Therefore the inability to determine a generally accepted meaning means that the appropriate circumstance in which to apply the right of self-determination often remains in doubt. Many ethnic groups which are minorities also identify themselves as peoples and claim a right to self-determination. Equating ethnic groups with peoples however raises fundamental problems. First of all, it is extra-ordinarily difficult to define a people in ethnic terms, given the subjective nature of the concept. A group is only a politically significant entity if the group is conscious of being a separate and distinct group. Furthermore, self-determination is a human right. As Musgrave accurately notes, when peoples are equated with ethnic groups and self-determination thus becomes associated with the right of particular ethnic groups to determine their own political status, it ceases to be a human right because it become discriminatory in nature. In the following chapter, one of the most controversial aspects of self-determination is raised, namely secession. Resolutions of the General Assembly and state practice to this effect seem to indicate that secession with regard to non-self-governing territories is prohibited. With regard to independent states the situation is somewhat more complicated. Some scholars advocate that secession is legitimate when a state's government is unrepresentative of its people, sometimes interpreting this narrowly referring only to racist regimes. Others favor the 'oppression theory,' whereby secession is considered legitimate if a certain part of the population is oppressed by its government. The parameters of the oppression required remain however unclear. Correctly, Musgrave observes that an act of secession, occurring within the territory of a single state, is essen-

tially a domestic matter and cannot be characterized in international law as either illegal or legal: "it is simply a political act." The above theories on the legitimacy of secession are therefore in Musgrave's view superfluous. Unlike secession, irredentism – as considered in Chapter 9 – involves more than one state and comes within the jurisdiction of international law. After an analysis of several examples of irredentism and the response of the international community to these cases, Musgrave comes to the conclusion that there is no legal basis for irredentist claims solely on ethnic affinity between the population of a state and part of the population of another state. These claims will only succeed in international law if the states themselves agree. Furthermore, a unification of two states may not be possible if one of the states has a substantial ethnic minority which opposes the union. The final chapter describes how the relationship between territorial claims to non-self-governing territories based on historical title and the rights of self-determination of the peoples of those territories remain unsettled. The practice of the General Assembly with regard to these claims has been inconsistent, but opinions of individual judges of the International Court of Justice seem to indicate support for the view that self-determination should take precedence over claims based on historical title.

A particularly strong feature of the book is the critical discussion of the international community's response to the breakdown of Yugoslavia, which is a recurring theme in various chapters of the book. Musgrave notes that, by emphasizing the preservation of existing boundaries and guarantees of minority rights, the Western states tried to impose a definition of self-determination which conformed more to the traditional Western idea of self-determination than to ethnic self-determination, as sought by the warring parties. Nevertheless, the response of these states to the disintegration of Yugoslavia presented a fundamental departure of the typical Western position, as self-determination did not take place within the defined territorial limits of the state and amongst the entire population, yet the constituent republics organized on an ethnic basis were recognized internationally. On the basis of this Musgrave calls into question the "extent to which self-determination based on ethnic criteria may now constitute an element of international law" (p. 125). While this is indeed a crucial question, there is unfortunately no attempt by the author to advance on this, much less to find an answer. Musgrave concludes that the disintegration of Yugoslavia should be characterized as a matter of secession by four of Yugoslavia's six republics, rather than dissolution of the state. However, finding that Yugoslavia was in a process of dissolution served the interests of the European Community, as no successor state could then accuse the European Community of intervention in its internal affairs (pp. 202–203). Finally, Musgrave makes the persuasive argument that the international community has through the premature recognition of Croatia and Bosnia-Herzegovina – as they did not have effective control over their territories and therefore did not satisfy the traditional minimum criteria for

statehood – may have aggravated the situation in the Former Yugoslavia. By transforming the internal boundaries of Croatia and Bosnia-Herzegovina into international frontiers through recognition, the international community "precluded the possibility of a political settlement based upon a readjustment of boundaries to reflect more closely the ethnic distribution of the region" (pp. 236–237). The problem of ethnic conflict which had led to the disintegration of Yugoslavia in the first place was thus not resolved. In conclusion the author characterizes the application of *uti possidetis* to internal boundaries "unrealistic and unworkable, as well as bad law" (p. 236).

That so much has been written about the topic already is immediately one of the main draw-backs of the book. One may wonder whether yet another book could provide any new insights or useful reflections on the existing body of work. Indeed, while the book presents the reader with a comprehensive overview of the existing literature and a detailed examination of the issues involved, its principal shortcoming is that it fails to demonstrate original insights generated by the author's own careful analysis of the material. However, despite the fact that Musgrave's study essentially follows well-worked furrows, the book is well-written and thought-provoking. It has significant value as a reference tool and aid to understanding the major debates surrounding the right to self-determination and national minorities in international law. For the critical evaluation of the international community's response to the disintegration of Yugoslavia and the author's pragmatic view on the resolution of ethnic conflicts the book must certainly be commended.

*Tania van Dijk**

Humanitäres Völkerrecht – Politische, rechtliche und strafgerichtliche Dimensionen, edited by Jana Hasse, Erwin Müller and Patricia Schneider, Nomos-Verlagsgesellschaft, Baden-Baden, Germany, 2001, ISBN 3-7890-7174-9, 597 p., DM 78

This comprehensive anthology on *International Humanitarian Law – Political and Legal Dimensions* is the first book in the new sub-series *Peace through Law* (within the series of publications *Democracy, Security, Peace*) by the German publishing-house NOMOS. The publication takes into account the steadily growing importance of International Humanitarian Law emphasizing its enforcement not only through criminal law procedure, but offering different reconciliation mechanisms. The book under review is to be welcomed as a contribution to the dissemination of inter-

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national humanitarian law and criminal law. It is characterized by an original and inter-disciplinary concept which is carried out by authors who are mostly practical experts in their fields. The collection is accessible to a broad public, it does not take the "academic unrealist view" (p. 22). The array of instructive articles in German (18) and in English (8) is not only interesting for laymen, but a rewarding lecture for international lawyers, too.

The anthology is divided into four main parts. After an introduction into the subject and a useful chronology of humanitarian law, the first part is concerned with the preconditions and principles of international humanitarian law and the problems of implementing it. *Stefanie Schmahl* gives a concise over-view on the development and interplay of international human rights law and humanitarian law, indicating the gaps and shortcomings of both fields. *Stefan Oeter* deals with the compatibility of means and methods of warfare with international humanitarian law while outlining vividly the historical development of the law of war and the law as it stands by indicating principles and specific prohibitions of certain weapons. He urges on the need to improve the enforcement of international humanitarian law provisions, especially concerning internal armed conflicts. From the insider's point of view, *Yves Sandoz* describes the "Role of the ICRC in the Evolution and Development of International Humanitarian Law" from the very beginning at the battlefield of Solferino to the adoption of the Additional Protocols. Further on, the author sheds some light on developments since 1977. He points out the conclusion of treaties for the protection of specific objects and persons and "the tendency to address the arms issue as a whole" (p. 118). *Christopher Daase*, a political scientist, discusses the relationship between international humanitarian law and the change in the characteristics of war. They shifted from being mainly international wars ("Big Wars") to "Small Wars," which involve states on one side and non-state actors on the other and lead to the "denationalization of war" (p. 135). The author concludes in a somewhat pessimistic view that the changing characteristics of war bear the danger of rendering obsolete international humanitarian law. In his essay, *Manfred Mohr* gives an over-view of different mechanisms for the implementation of international humanitarian law. The existing mechanisms are deemed to be sufficient; the enforcement of these mechanisms is, however, rather problematic. The first part of this book is closed by *Gabriele Haug-Schnabel* and thus with a contribution from a ethologist's viewpoint; international lawyers will find it quite an unusual, but very rewarding lecture. *Haug-Schnabel* explores "human nature" through examples of children's behaviour and through a retrospective view of the roots of humankind. She concludes that human beings do not have a feeling for "humanity" by nature, but that they are nevertheless able to and obliged to learn it.

The second part of the publication under review deals with international humanitarian law in current regions of crisis. The given examples are pointed out from three different perspectives. *Sven Chojnacki* and *Wolf-*

Dieter Eberwein compare the breaches of international humanitarian law in Kosovo, Indonesia, and Chechnya and the respective reactions of the international community thereto. They stress the changing face of armed conflicts and the influence of the three mentioned conflicts to the international legal system. The next contribution written by *Cristiana Fiamingo*, *Phenyo Keiseng Rakate* and *Fulvia Tinti* sheds light on the situation of international humanitarian law in Africa. Within a few, but dense pages, the authors give the relevant background information concerning three countries in crisis: Sierra Leone, Democratic Republic of Congo, and Angola. *Yasmine Sherif* concludes the second part setting out her personal experiences as an international lawyer. In her powerful essay, she describes convincingly the shortcomings of international lawyers who lack experience in the field and portrays how breaches of international humanitarian law affect the victims of war in their life. The article of *Sherif* is most characteristic for the practical view held generally by the book under review.

The third part of the book treats some specific and urgent problems of international humanitarian law. The first two contributions concern well-known weapons on one hand – nuclear arms – and a rather recent phenomenon – non-lethal weapons – on the other hand. *Hermann Weber* advocates for the illegality of nuclear weapons from a legal and a political perspective. *Hans-Joachim Heintze* provides an excellent and critical introduction into the concept of non-lethal weapons. After a detailed analysis of the compatibility of these relatively new kind of weapons with international humanitarian law, *Heintze* warns about drawing wrong conclusions from the supposed "humanity" of these weapons. The essay of *Christina Möller* is dedicated to a matter of utmost importance, which has been made taboo for a long time, but for about a decade is getting more and more attention: sexual violence during armed conflicts. The author portrays thoroughly the development of banning sexual crimes from the medieval age until the preparatory work for the International Criminal Court ('ICC'), providing a vast bibliography and taking the relevant jurisprudence into account. She also considers procedural aspects. The last article stems from C*hristine Kreuzer*, who deals with the effects of armed conflicts on children, therein especially the problem of child soldiers and the legal protection of children during wartime.

The last and most extensive part of the anthology is dedicated to the set of problems resulting from the decision whether crimes are to be punished or else amnesty is to be preferred. In the sub-part A, the authors present different views on general international criminal law or the law of specific tribunals. The starting essay by the specialist in international criminal law *Kai Ambos* concerns the punishment of crimes in international and internal conflicts. The author first describes the existing provisions of criminal law within international humanitarian law, giving examples of the jurisprudence and then goes on to analyze the core crimes (genocide and crimes against humanity). In his conclusion he underlines

the normative shortcomings regarding internal armed conflicts. At least, the concept of crimes against humanity allows the criminal prosecution of crimes without requiring the existence of an armed conflict. Former prosecutor at the Nuremberg War Crimes Trial (*Einsatzgruppen* case) *Benjamin Ferencz* gives the reader a vivid "Bird's-Eye View of the Past Century" on the evolution of international criminal law. *Heiko Ahlbrecht* concentrates on the question, whether the International Military Tribunal at Nuremberg ('IMT') was an international criminal court or else an international tribunal of the occupying forces. In his well-founded article, *Ahlbrecht* examines the legal status of Germany after the World War II and the London Agreement of 8 August 1945 as a basis to determine the legal nature of the IMT. He draws the conclusion that the IMT was a special tribunal of the occupying forces contrary to international law then in force. These doubts on the legality of the IMT by an international lawyer, nevertheless, have to give way to the prime importance of the IMT as a milestone in the punishment of state-supported crimes ("*staatsverstärkte Kriminalität*", p. 391), as *Ahlbrecht* admits. *Michael Bohlander* questions public international law as the basis of international criminal proceedings. This critical contribution by an experienced national and international legal practitioner might raise awkward problems, but is highly valuable for forthcoming discussions on international criminal law and its basis as well as on the application of law by international tribunals. The author dismantles in an exemplary fashion a judgment of a Trial Chamber and a decision of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia ('ICTY') concerning the *Tadić* case. The question about the weight of war crimes and crimes against humanity, respectively, before the ICTY show in the author's view that public international law is not suitable to solve dogmatic problems in criminal law. Rightly, *Bohlander* urges on the need for increasing comparative legal research within international tribunals. *Dejan Hinić* gives a Serbian view of the ICTY, shortly characterized the following way: "Serbia's view, or more importantly that of the Serb people, is that frankly speaking the ICTY is a farce" (p. 420). Using several examples the author tries to show that the ICTY is biased. *Wen-qi Zhu* deals with the cases *Akayesu*, *Kayishema*, *Rutaganda*, *Kambanda*, and *Ruggiu* in order to evaluate the work of the International Criminal Tribunal for Rwanda ('ICTR') and to demonstrate the significant progress in international criminal law given through the ICTR. The article of *Kingsley Chiedu Moghalu* bears the title "The International Criminal Tribunal for Rwanda and the Development of an Effective International Criminal Law – Legal, Political and Policy Dimensions". The author gives an estimable insight into practical aspects of the development of the ICTR, mentioning the regulation of the support of victims and the organizational improvement of the Tribunal. Furthermore, *Moghalu* treats in his excellent and interesting essay the political consequences of the establishment of the ICTR. The contribution of *Jan C. Harder* is a sound recapitulation of the creation

of the Rome Statute as a "sign of hope." He discusses the positions of the so-called "like-minded" states which were decisive for the adoption of the Rome Statute, as well as the position of rejecting states. The author demonstrates the implementing procedure by the example of Germany. At the end of this sub-part, *Jana Hasse* provides an over-view of the accused persons before international criminal tribunals since Nuremberg.

The essays in sub-part B, question criminal prosecution and demonstrate alternative ways to handle human rights violations during armed conflicts. *Oliver Tolmein* analyses the role of the ICTY as an exemplary instrument for the restoration of peace, considering in particular the *Erdemović* case and the question of the purpose of punishment ("*Strafzweck*", p. 497 *et seq.*). *Tolmein* concludes that the aim of restoring peace in the Former Yugoslavia has not been reached through the work of the ICTY. *Kathryn Leitenberger* provides a thorough introduction concerning truth and reconciliation commissions as a means of dealing with violations of human rights out of court. This article enriched with charts will be very instructive for international criminal lawyers. The following essay concentrates on a specific example of a truth and reconciliation commission: *Phenyo Keiseng Rakate*, a South African expert in international law, shows the reader, how South Africa experienced the process of the restoration of justice out of court. The author pleads in favour of truth and reconciliation models in cases where there is a lack of resources in a country, where the citizens approve and endorse this model, and where there is reparation for the victims. The anthology under review is concluded by *Jana Hasse*'s synopsis "Punishment or Amnesty?".

The most distinctive feature of the present publication is the vastness of its contributions. Experts in different fields present their knowledge on topics covering the most urgent and fundamental problems in international humanitarian law. The articles are mostly of a very high quality and appeal to international lawyers as well as to laymen. A weak point is probably the fact that there are quite some repetitions of content throughout the anthology. But this negative point is moderated by the opportunity of getting to know viewpoints from varying backgrounds on similar subjects. A second point to be criticized is the language: The majority of the essays are written in German. This will be an obstacle for many international lawyers who might be interested readers of the anthology. It would have been helpful to provide English summaries of the articles in German. All in all, however, the first volume of the new series *Peace through Law* is a highly recommendable and rewarding lecture.

*Rhea Schircks**

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