

Book Reviews

Dispute Settlement

Islamic Law and International Law: Peaceful Resolution of Disputes

by Emilia Justyna POWELL.

New York: Oxford University Press, 2020. xiv + 314 pp. Hardcover: £47.99; also available as eBook. doi:10.1017/S2044251321000023

Islamic Law and International Law: Peaceful Resolution of Disputes is an important addition to both international law and international relations literature examining international dispute settlement. Powell has undertaken a rich study involving quantitative and qualitative empirical research, as well as drawing on international relations studies, comparative law, and international law. The result is a highly nuanced examination of the experiences of Islamic law States [ILS] with regard to international conflict mechanisms.

Powell's central thesis is that any understanding of ILS's experiences with international dispute settlement must have regard to the integration of Islamic law into the domestic legal system of the state concerned. As such, it is not possible to posit blanket positions in relation to ILS as a group. While it is not surprising that caution must be exercised when there are generalizations being made about the behaviour of groups of states, it is the way that Powell seeks to distinguish between the members of the group that is of interest. For those seeking to understand the reasons behind state decision-making in selecting dispute-settlement mechanisms, drawing out this distinction among ILS is enlightening.

Powell defines an ILS as "a state with an identifiable substantial segment of its legal system that is charged with obligatory implementation of Islamic law, and where Muslims constitute at least 50 percent of the population" (p. 42). Chapter 2 also offers definitions of international law, Islamic law, and Islamic international law, carefully emphasizing the ever-evolving nature of these different bodies of law. Chapter 3 builds on this foundation by describing the substantive and procedural differences and similarities existing between Islamic law and international law. While divergences clearly exist (because of the religious/secular perspectives of each), Powell highlights many points of convergence (in relation to aspects of sources of law and the rule of law). How these points of convergence affect the way that ILS approach international dispute settlement is the focus of Chapter 4. In essence, Powell posits that the more integrated an ILS's legal system is with Islamic law, the more likely it is that the ILS will prefer non-confrontational modes of dispute settlement. She acknowledges, though, that other factors may still have bearing on decisions about dispute-settlement processes (e.g. p. 127).

Chapters 5 and 6 test the core theory through a close examination of, respectively, territorial sovereignty disputes and ILS engagement at the International Court of Justice [ICJ]. Chapter 7 reveals that adherence to a particular jurisprudential school has no bearing on ILS's views about international dispute settlement, whereas regional factors do matter. The conclusions in Chapters 5, 6, and 7 are strongly grounded in empirical analyses.

Why states resort to a particular mode of international dispute settlement remains a question that eludes a generalized answer. With Powell having ably demonstrated that differences in ILS's approaches to international dispute settlement correspond to their domestic legal systems, I would have been interested to see a table that placed each ILS in categories of these varying systems. The characteristics set out in Chapter 2 provide guidance and the evolutionary point (e.g. p. 271) is accepted, but I would have liked to know more specifically if the correlation with Iran's and

Libya's respective domestic legal systems is really borne out, considering their relatively frequent appearances at the ICJ.

Nonetheless, the general point is very well made and is a valuable reminder of the plurality of the international legal system. Powell's book demonstrates her in-depth knowledge of Islamic legal traditions and international law of dispute settlement; it is clearly an original contribution and a useful addition to our understanding of interstate conflict management.

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The Peaceful Settlement of International Disputes

by Yoshifumi TANAKA.

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The most fundamental purpose of international law is to promote international peace.¹ To achieve this challenging aim, an important system must be in place: the peaceful settlement of international disputes. The art of settling international disputes is a complex and fascinating field, and Yoshifumi Tanaka offers a well-written survey of this vital topic as an eminent scholar.

In this book, Tanaka concisely introduces the subject's importance and engages his readers with his insightful understanding of the art and craft of international dispute resolution. Tanaka's analysis is highly impressive and includes vivid examples drawn from many case-studies. This book has twelve chapters divided into two parts. The first half covers the fundamentals, focusing on traditional approaches to settle international disputes, and the second half covers international dispute settlement in different fields.

In Chapter 1, international disputes are clearly defined, and their core nature analyzed. Understanding the core nature of international disputes is a prerequisite for further studying the structure and procedure of international dispute settlement. Then, the reader is introduced to the basic concepts of dispute settlement. In Chapters 2 and 3, negotiation, good offices, mediation, inquiry, and conciliation are discussed, followed by international dispute settlement through the United Nations in Chapter 4. Interstate arbitration is discussed in Chapter 5, with Chapters 6 and 7 covering dispute settlement by the International Court of Justice [ICJ], where these final two chapters focus on the organization and procedure of the ICJ.

The second half of the book then illustrates international dispute settlement in particular fields, with Chapter 8 focusing on dispute settlement using the law of the sea, and Chapter 9 addressing dispute settlement within the World Trade Organization. Chapter 10 considers peaceful settlement of international environmental disputes, followed by peaceful settlement of disputes involving non-state actors in Chapter 11. Finally, Chapter 12 provides some useful thoughts on the interlinkage between the peaceful settlement of international disputes and the prohibition of the threat or use of force.

My one wish is that Tanaka had included a chapter on the international criminal justice system. The International Criminal Court plays a key role in resolving disputes and enforcing global condemnation of crimes against humanity, genocide, and other human rights violations.² Ultimately though,

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1. Emmanuelle JOUANNET, "What is the Use of International Law? International Law as a 21st Century Guardian of Welfare" (2007) 28 *Michigan Journal of International Law* 815 at 817.
 2. Martha MINOW, "Do Alternative Justice Mechanisms Deserve Recognition in International Criminal Law? Truth Commissions, Amnesties, and Complementarity at the International Criminal Court" (2019) 60 *Harvard International Law Journal* 1 at 3.