Völkerrechts zustandegekommen seien.[3] An dieser Stelle wäre auch ein Hinweis auf die inzwischen sehr weit gediehenen Arbeiten der International Law Commission zur Einführung einer allgemeinen Individualhaftung für Verstöße gegen das Aggressionsverbot angebracht gewesen.

Gelegentlich stößt sich der Benutzer des Kommentars an widersprüchlichen Aussagen der Bearbeiter. Es muß irritieren, wenn Tomuschat aus Art. 2 Ziff. 3 und aus Gewohnheitsrecht eine Pflicht der Staaten zur friedlichen Streitbeilegung ableitet, Art. 2 Ziff. 3, Rd.No. 2, 8, 9), Randelzhofer hingegen zum gegenteiligen Ergebnis kommt (Art. 2 Ziff. 4, Rd.No. 63). Widersprüche in einer so gewichtigen Frage bedürfen eingehender Erklärung. Hier zeigen sich die besonderen Schwierigkeiten, vor die ein Herausgeber gestellt wird, der nicht, wie noch die Herausgeber älterer Kommentare, z.B. zur Völkerbundsatzung (Schücking-Wehberg) und zur UN-Charta (Goodrich-Hambro), oder die Herausgeber des neuen französischen Kommentars zur UN-Charta (Cot-Pellet), das Unternehmen der Bearbeitung in der eigenen Hand behalten, sondern auf eine Vielzahl von Autoren verteilt hat.

Die hier angestellten kritischen Erörterungen könnten den Eindruck erwecken, als erfülle der Charta-Kommentar die an ihn gestellten Erwartungen nur unzureichend. Einem solchen Eindruck möchte der Rezensent vehement entgegentreten. Schon die auf 1200 Seiten ausgebreitete Materialfülle machen den Kommentar zu einem unverzichtbaren Ratgeber in allen Fragen, die mit der UN-Charta und der Praxis der Vereinten Nationen in Zusammenhang gebracht werden können. Er befriedigt das erste Informationsverlangen, gleich ob für Zwecke des Studiums oder der Praxis, auf eine Weise, die es erlaubt, ein abgegriffenes Wort hier zu Recht zu benutzen: Der Charta-Kommentar schließt eine Lücke.

*Hermann Weber*

*Marcel Brus, Sam Muller, Serv Wiemers* (eds.)
**The United Nations Decade of International Law: Reflections on International Dispute Settlement**
Martinus Nijhoff Publishers, Dordrecht, 1991, pp. viii, 160 pp., hardcover, £ 43.50

In December 1989 the General Assembly of the United Nations proclaimed the 1990s as the "United Nations Decade of International Law".[1] The aims of the Decade are: to promote the acceptance of and respect for the principles of international law; to promote peaceful settlement of disputes between states; to encourage the progressive development

3 Vgl. dazu neuestens: The Nuremberg Trial and International Law, ed. by *George Ginsburgs* and *V.N. Kudriatsev*, Dordrecht etc. 1990.

1 UNGA Res. 44/23, 17 December 1989.

and codification of international law; and to encourage its teaching, study, dissemination and wider appreciation. The student-edited Leiden Journal of International Law published a special issue[2] focussing on international dispute settlement which has recently been published in book form.

The book under review presents an interesting collection of articles by various authors. Although most of the contributions deal with different, specific topics, such as the International Law Commission, dispute settlement in the fields of human rights, arms, control, GATT or space law, there are clear parallels in approach. Most writers first set out the existing body of international law and dispute settlement procedures relevant to the specific area of international law they describe, and then proceed to possible improvements or progressive development. It is striking that many of them point at similar issues to be further developed for the purpose of strengthening the international legal order. For example, one common line of thought is that improvement in rule making and settlement procedures will probably be achieved most effectively in a small, specialized setting (regional or functional) and not so much at the general global level. Attention is also paid to the role of domestic legal orders and courts in the implementation of international law in national courts. These commonalities enable the reader to identify some imperative, general subjects to be discussed within the framework of the UN Decade of International Law. In this way the reservation that covering such a wide spectrum of different subjects within one book of 160 pages might cause the reader to get "completely lost in a labyrinth of opinions" as pointed out by the editors in their introduction, is elegantly overcome.

In their introduction to the book, the editors address the role of idealism and realism in the science of international law. They label the 1980s as the "decade of realistic transition". The end of the Cold War, the developments within the CSCE and the Gulf war "have closed off some of the dead end roads in the international political maze". The ideological perspectives from which international conflicts are approached have changed substantially which will have its effect on dispute settlement. The present international climate, with improved relations beween the superpowers and constitutional democracy emerging in many countries, offers more chances than ever for an increased role for international law. In order for the Decade of International Law to make an effective contribution to the reinforcement of the international legal order, realism, consensus and an action-oriented approach are required.

In the first article, *Sompong Sucharitkul* describes the history of the work and the functioning of the International Law Commission. In his view, from its establishment in 1948, the work of the ILC has been seriously hampered by two developments: a large scale brain-drain, i.e. continuous departures of competent Commission members and staff (in particular to the World Court) and the increased politicalization of the Commission's election process. According to Sucharitkul the prospects for the role of the Law Commission in the Decade of International Law are reasonable. There is a good chance that it will complete its

2 Leiden Journal of International Law, Vol. 3, no. 3, December 1990.

mandate within the present decade. The ILC will find itself at the cross-roads, "a transition from a rejuvenated body of experts to a body of experienced jurists, learning how to work constructively and to cooperate in their formulation of rules of international law".

*J.J. Quintana*, a Colombian diplomat based at his country's embassy in The Hague, provides interesting background information on the The Hague Declaration of the Non-Aligned Movement (NAM) which introduced the idea of the Decade of International Law.[3] The original draft Declaration contained a clear paragraph on the need for extension and strenthening of the compulsory jurisdiction of the International Court of Justice including a far-reaching proposal to organize visits by a Ministerial Committee to "each of the member countries that have not yet declared their acceptance of the compulsory jurisdiction of the ICJ, with a view to ensuring the full acceptance of such jurisdiction by the Non-Aligned States before the end of the Decade". This paragraph was left out in the final version of the Declaration, most likely because certain states were afraid of committing themselves too much. According to Quintana, the NAM missed an excellent opportunity to make a concrete contribution to the strengthening of international adjudication. He concludes with the remark that if the Ministerial Committee could persuade at least a few states to accede to the Court, this would enhance the prestige of the NAM and allow it to play a deserved leading role at the envisaged Third Hague Peace Conference.

It has been proposed that at this Peace Conference, scheduled for 1999, a Universal Convention on the Prevention and Peaceful Settlement of Disputes should be adopted. *Louis B. Sohn* goes into this issue in the third article of the book. The idea of such a Convention was quickly endorsed by the Soviet Union which could be seen as an expression of the changing attitude towards international law and adjudication within that country. The scope and content of these changes which actually came about with the beginning of Perestroika, are analysed by *G. Shinkaretskaya*.

The issue of implementing international law through domestic courts is addressed in the next two contributions, by *Richard Falk* and *Henry Schermers* who focus on the United States and European experiences in this domain respectively.

The last four parts of the book all deal with dispute settlement in specific areas of law: human rights, arms control, GATT and space law.

For those who are looking for a quick introduction to some of the major issues involved in the United Nations Decade of International Law which will feature on the relevant international agenda in the years to come, this book is a valuable source of information. At the same time it cannot be more than that. The wide variety in topics and areas of international law addressed precludes extensive in-depth analysis. The choice of specific subjects to be dealt with in a book like this is obviously usually an arbitrary one. This might have been the reason why the editors refrained from explaining why contributions on the four specific

3 Declaration of Ministers of Foreign Affairs of the Movement of Non-Aligned Countries Meeting in The Hague to Discuss the Issue of Peace and the Rule of Law in International Affairs, 29 June 1989.

areas of law mentioned above were included whereas some other pertinent issues were left out. For example, it is quite likely that major sources of future conflict in international relations will be found in the area of preservation of the environment and related questions on the use and conservation of natural resources. Further, the whole question of distribution of wealth and North-South relations may, in the period to come, create stronger tensions that it did in the 1980s. Both fields suffer clearly from a lack of effective law-making and dispute settlement procedures and therefore would have been highly suitable for inclusion in the book.

*Karin Arts*

*Biswanath Sen*
**A Diplomat's Handbook of International Law and Practice**
Martinus Nijhoff, Dordrecht / Boston / London, 3. Auflage 1988, XLI + 606 S., £ 65,00

Es fällt schwer, ein Buch zu kritisieren, zu dem VN-Generalsekretär Pérez de Cuellar ein empfehlendes Vorwort geschrieben hat. Trotzdem können dem aus reicher Erfahrung als Rechtsberater des indischen Außenministeriums und als langjähriger Vorsitzender des Asiatisch-Afrikanischen Beratenden Rechtsausschusses (AALCC) schöpfenden umfänglichen und kenntnisreichen Werk Sens neben deutlichem Lob auch einige kritische Anmerkungen nicht erspart bleiben, mag er es auch "*Ad maiori Dei gloriam*" gewidmet haben. Diese beziehen sich einmal auf die Gesamtkonzeption, dann auf eine deutliche Unterrepräsentanz kontinentaleuropäischer Praxis und Lehre gegenüber den angelsächsischen und schließlich auf einige ärgerliche Ungenauigkeiten und Fehler.
Zunächst aber zur Bestandsaufnahme: In drei Teilen (17 Kapiteln) stellt Sen zunächst "Diplomatische Beziehungen, Aufgaben und Vorrechte" (Kap. I-VII, S. 1-239), dann "Konsularische Aufgaben, Befreiungen und Vorrechte" (Kap. VIII-XI, S. 241-315) und schließlich "Völkerrecht, ausgewählte Themen" (Kap. XII-XVII, S. 317-575) dar.
Der Inhalt der ersten beiden Teile stimmt naturgemäß weitgehend mit dem der entsprechenden Abschnitte in dem früher in dieser Zeitschrift besprochenen Werk "The Modern Law of Diplomacy" von *Ludwik Dembinski* (VRÜ 1989, S. 219 ff.) überein. Ein größerer Gegensatz in der Behandlung des gleichen Gegenstandes ist aber kaum vorstellbar: Während Dembinski das geltende Recht anhand der von der Völkerrechtsgemeinschaft angenommenen Kodifikationen wie WÜD und WÜK systematisch darstellt und auf die Auswertung älterer Literatur bewußt verzichtet, baut Sen seine Darstellung historisch auf, schwelgt geradezu in Entscheidungen aus dem 18. und 19. Jahrhundert, bringt dann im Text die Kodifizierungsvorschläge verschiedener Gremien wie der "International Law Commission" (ILC) und der 1971 bis 1987 von ihm geleiteten AALCC und verbannt schließlich die