

Dem Verfasser auf diesem Weg zu folgen, ist nicht immer leichte Kost. Das Werk ist stark untergliedert und, vor allem im 2. Kapitel, kommentarartig abgefasst. Die Bewertung stützt sich, neben ersten Bewertungen in der Sekundärliteratur, im wesentlichen auf den Text der Vorschriften selbst, da bislang auf wenig empirische Erfahrungen in Form von Entscheidungen etc. zurückgegriffen werden kann. Allerdings wäre die Analyse durch eine etwas vertiefte Auseinandersetzung mit den besonderen Fragen, die die (staatlich verliehenen) Rechte des geistigen Eigentums in der Schiedsgerichtsbarkeit aufwerfen, noch bereichert worden. Ein Stichwortverzeichnis, das den gezielten Zugang zu Einzelfragen erleichtern würde, fehlt, doch enthält der Anhang deutschsprachige Versionen sämtlicher WIPO Verfahrensregeln sowie der ICC-, AAA- und UNCITRAL-Regeln. Insgesamt gesehen bietet das Buch eine verlässliche vergleichende Übersicht über die verschiedenen WIPO Verfahren und leistet damit einen willkommenen Beitrag zur weiteren Entwicklung des internationalen Schiedsverfahrensrechts.

Johannes Christian Wichard, Genf

Michael Bothe (ed.)

Towards a Better Implementation of International Humanitarian Law

Proceedings of an Expert Meeting organized by the Advisory Committee on International Humanitarian Law of the German Red Cross, Frankfurt/Main, May 28-30, 1999

Bochumer Schriften zur Friedenssicherung und zum Humanitären Völkerrecht, Vol. 43

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In his preface, editor *Bothe* states that the basic idea of the current workshop, the „Expert Meeting on the Establishment of a Reporting System on International Humanitarian Law“, was to explore the possibility of such a mechanism and to do so by giving experts the chance to informally exchange views and search for a consensus for the possible establishment of such a mechanism. This slender volume informs the interested public about the proceedings of that meeting in 1999.

Knut Ipsen, President of the German Red Cross, describes the commission as a unique body and explains who it consists of, while the list of participants at the back of the book shows that not as many renowned scholars or delegates from Foreign Offices attended as one would have hoped. Certainly the topic deserves the utmost attention from universities and ministries.

„The subject of this meeting (...) has been chosen in order to find further instruments for promoting the implementation of international humanitarian law. A reporting system (...) could not only strengthen the implementation of international humanitarian law, but it could be also of considerable value for its dissemination, because it could lead to a perma-

ment and widespread exchange of experiences in the field of dissemination.” (p. 9) It could promote the implementation of international humanitarian law (IHL) in conflict situations. Since the majority of governments is rather reluctant about a reporting system in IHL, it is essential the workshop discusses a variety of problems, among them: voluntary or obligatory system, concentration on dissemination or implementation, role of the International Committee of the Red Cross (ICRC).

The opening address of the Swiss *Réné Kosirnik* marks the 50th anniversary of the ICRC again by reminding us of the campaign “Even Wars have Limits” that helps victims of wars and thus stresses the importance of the topic, because international humanitarian law should be about people.

In his introduction “The Purpose of the Expert Meeting” *Michael Bothe* claims that “complex international regimes most often require elaborate national regimes for their implementation. This is the time for many areas of international law, including IHL. The crucial question is how to make sure that these national mechanisms of implementation are in place when they are needed in times of armed conflict. A reporting system is a means to make sure that states indeed take the measures, at national level, which they are supposed to adopt. This mechanism is used in many fields of international law, in particular humanitarian law, arms control and environmental law.” (p. 15) This get-together of experts in an international brainstorming exercise; at the departure point one looks at the systems in place and the searches for general lessons that can be learned from them.

The compilation of essays is divided into three parts: Part 1 finds out why states have accepted these systems, whether they are working efficiently and which problems they encounter, Part 2 asks about the concrete shape of a reporting system for IHL, singling out specific questions by various rapporteurs and Part 3 summarizes the development of initiatives to create a reporting system and states what can currently be done in this area.

Rüdiger Wolfrum’s contribution “The Reporting System under International Human Rights Agreements – From the collection of Information to Compliance Assistance” focuses on the experience under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In his conclusion he shows the changes made since its implementation and lists its strengths and shortcomings. Wolfrum calls for measures that allow the human rights bodies to prevent situations which might escalate in human rights’ violations, especially designating a special rapporteur may be one possibility. Assessing the situation in the former Yugoslavia he concludes that “if neither the human rights treaty bodies nor the commission on human rights are vested with the power to exercise such functions effectively, the necessary measures will have to be taken by the Security Council” (p. 27).

Philippe Sands from the London School of African and Oriental Studies scrutinizes the Reporting Requirements and International Environmental Agreements. He argues that there would be no point in establishing reporting requirements without establishing mechanisms for reviewing reports and initiating measures in relation to their contents. Consideration needs to be given to differentiating between the reporting requirements of developed and

developing countries, the latter deserving a less stringent time-table, due to their financial status.

The Dutch *Erik Myjer* deals with “A Reporting System on International Humanitarian Law: An Arms Control Law Experience”. Arms control law is “a logical area to look at in order to see whether that field of international law offers any reporting procedure that could also be applied with regard to international humanitarian law. The reason for this is not to be found in the fact that there exists an overlap between the humanitarian law of armed conflict and the law of arms control and disarmament (...), but because it shows some viable systems of supervision in one of the more delicate areas of national security” (p. 39). As an example he has chosen the case of the Chemical Weapons Convention, which he explains in detail and then shows the lessons that can be learned from this CWC-model. In the end he seems to be ambivalent about the results that can be achieved by copying the supervisory mechanisms and suggests checking out more comparable areas of public international law.

The Point of View of the German National Administration is given by *Helga Voelskow-Thies* from the Ministry of Justice. She describes the procedure and the problems that arise in the course of drawing up long reports on the cross-sectional subject of human rights.

Maria Teresa Dutli is concerned with the establishment of the Advisory Service, explains its structure, national implementation, the promotion via seminars, technical assistance, and collection of national laws and then scrutinizes how the Advisory Service has already embarked on a series of meetings of experts with the aim of preparing guidelines on different topics relevant for the national implementation of international humanitarian law. Saying that, while universally recognized, the task of promoting implementation is vast and long-term. Dutli lists its achievements and difficulties, stressing the role of the ICRC.

At the end of the discussion of Part 1, a host of unanswered questions remains, not the last of them being what could induce states to actually participate in any kind of reporting system.

Part 2 starts with *Krzysztof Drzewicki's* list of topics that need to be dealt with, among them the legal consequences of executive provisions, failures of domestic implementation, legal basis for reporting mechanism, identification of its legal rules, substantive scope of mechanism, content of reports and the procedure for review mechanism. He stresses that “the reporting mechanism should first and foremost be non-political in its nature, based on predominantly pragmatic approach to assessment of national legislation and thus avoid encroaching upon the very application of humanitarian law” (p. 81).

Heike Spieker summarizes the possible shape, composition and status of an evaluating body. This authoress advises to combine independent experts with governmental experts, 10-18 members, who report every 5 years. While it may be rather premature to favour the establishment on a universal scale, one could start with a relatively small number of states whose reporting system may eventually overcome the scepticism of the other states.

The areas covered by the United Nations monitoring system in order to make it easier for the Red Cross to consider whether there would be “significantly added value” in such a

reporting system in IHL are described by *Bent Sorensen* from Denmark. In his opinion the election procedure, composition, competence as well as the functions and working methods of the Convention against Torture (CAT) make an excellent example.

Representing the Istituto Affari Internazionali in Rome, *Natalino Ronzitti* gives a short account of the result of the procedure before a summary of Part 2 concludes that the procedure of such a body must be based on dialogue.

Part 3 of this volume offers some insights into the future perspectives, *Lucius Caflisch* reminding the reader of the developments on this topic of IHL since 1995, and *Bothe* attempting a summary saying if nothing else this meeting makes for a sound preparation for the Red Cross and the Red Crescent. He lists the conclusions this group of experts has agreed on, and the book ends with short contributions about a workshop organized in Switzerland in October and November 1999 as well as the Action Plan for the Years 2000-2003.

An interesting host of fresh ideas well presented.

Dagmar Reimann, Tong Norton, GB

Patrick Hönig

Der Kaschmirkonflikt und das Recht der Völker auf Selbstbestimmung

Schriften zum Völkerrecht, Band 138

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Die 1999 von der Universität Köln als Dissertation angenommene Arbeit gliedert sich in vier Hauptteile: „Aufriß des Kaschmirkonfliktes und seine völkerrechtliche Dimension“ (S. 27-98), „Die Anwendbarkeit des Selbstbestimmungsrechtes auf den Kaschmirkonflikt“ (S. 99-193), „Ausgleich des Selbstbestimmungsrechtes der Bevölkerung Jammu und Kaschmirs mit konkurrierenden Prinzipien der Völkerrechtsordnung“ (S. 194-280) und „Die Vorgaben des Selbstbestimmungsrechtes zur Lösung des Kaschmirkonfliktes in der völkerrechtlichen Praxis“ (S. 281-342). Eine deutsche und englische Zusammenfassung, diverse Anhänge (Zeittafel, Dokumente und Karten) sowie ein umfangreiches Literatur- und ein Stichwortverzeichnis runden das Werk ab.

Flüssig geschrieben, knapp und dennoch ausreichend detailreich werden im ersten Teil die Stationen des Kaschmirkonfliktes seit 1947 geschildert. Der Autor spricht die mit der geschichtlichen Entwicklung verbundenen völkerrechtlichen Fragen kurz an und hält auch mit seiner eigenen Einschätzung nicht hinter dem Berg. Dabei wirkt dieser Teil der Arbeit trotz der ausführlichen Fußnoten eher journalistisch und historisch bzw. politisch geprägt, was den angesichts des Titels auch völkerrechtliche Dogmatik erwartenden Leser zunächst etwas erstaunt. Dies dürfte dem Überblickcharakter des „Aufrißes“ geschuldet sein sowie