

BOOK REVIEWS

Essays on International Disputes

INTERNATIONAL DISPUTE SETTLEMENT (Mary Ellen O'Connell ed.).
Aldershot, UK & Burlington, VT: Dartmouth/Ashgate Publishing, 2003.
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The Library of Essays in International Law, of which this is the latest volume, has the aim, in the words of the Series Preface, of bringing together "essays of central importance in the development of international law," which have previously been published elsewhere, so as to make them more accessible for the purposes of teaching and research. The peaceful settlement of disputes is a subject well suited to a work of this kind, featuring, as it does, both an enormous literature and considerable topical interest. In practice, however, the value of such a volume is likely to be assessed by two criteria: the quality of the items selected in terms of legal scholarship, and their relevance to the reader today. How, then, should this collection be judged?

It begins well. An Introduction by the editor provides a concise overview of dispute settlement in international law and briefly introduces the nineteen essays by other writers that make up the volume. The first of these, an excellent survey article by Bilder, strengthens the editor's foundation and is followed by solid pieces on negotiation and consultation by Fombad and Lachs, and on good offices and mediation by Ramcharan and Princen. These are all high quality essays of lasting value. Princen's article, for example, which is on the Vatican's role in the Beagle Channel dispute, would provide an ideal basis for a case study on mediation in a student seminar.

The next section, on inquiry and conciliation, also contains two essays and it is here that doubts as to some of the editor's choices begin to appear. An essay by Lebow on the Dogger Bank Affair is, like the Princen article, a useful individual case study. However, it is less easy to see why Hyde's article on inquiry and conciliation treaties dating from 1929 has also been included, rather than a more recent treatment of the topic. The selection of items for the sections on arbitration and judicial settlement which follow is unfortunately vulnerable to similar criticism. To be sure, there are essays here to engage the modern reader, such as those by Fox and Caron on, respectively, the different types of arbitration and the significance of the

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Iran-United States Claims Tribunal, but Petermann's essay on strengthening GATT procedures (from 1988) is essentially an historical snapshot, as are Waldock's celebrated article *Decline of the Optional Clause* (1957), Sohn's 1975 progress report on the Law of the Sea negotiations and Bassiouni's 1991 plea for the creation of an International Criminal Court. In their time these were all valuable studies. The question, however, is whether they merit republication when less dated material on these topics could have been used instead.

The penultimate section "Agencies" contains just one article, a characteristically penetrating study by Rosalyn Higgins of the place of international law in the settlement of disputes by the Security Council. Although still highly relevant, this essay might usefully have been complemented by the inclusion of something discussing the Council's work in the post-Cold War era. It is also a limitation of this section that it contains nothing on regional organizations, especially as their potential for dealing with disputes in cooperation with the Security Council is currently of considerable interest. If these omissions make "Agencies" one of the weaker sections, the final section, entitled "The Future of International Dispute Settlement," is one of the strongest. Two articles are included here: *Legalized Dispute Resolution: Interstate and Transnational* by Keohane, Moravesik and Slaughter, and *Alternative Dispute Resolution Under International Law* by Christine Chinkin. Both are excellent, covering, respectively, judicial and non-judicial procedures in the light of both recent developments and future possibilities.

What, then, should be the verdict on this collection as a whole? The editor can certainly be congratulated for assembling essays on dispute settlement of a uniformly high quality, and so on this score it can be counted a success. On the other hand, as noted above, in some instances at least their relevance to the reader today is not always obvious. A rather different criticism is that in a series whose declared aim is to make scholarly writing more accessible, it is odd to find seven out of the nineteen articles taken from the *American Journal of International Law*, the *British Year Book of International Law*, or the *International and Comparative Law Quarterly*, in preference to less well-known journals, or edited book chapters which can be notoriously hard to track down. It would be wrong, however, to end this review of a negative note. There are many good things in this collection and consequently much for the scholar and student to read or re-read with advantage.