der Vereinten Nationen in den kommenden Jahren erneut stark verändern wird. Die Erkenntnisse von Dicke werden ihren Wert behalten, solange die Staatengemeinschaft überhaupt im Rahmen der Vereinten Nationen zusammenarbeitet.

*Robert Uerpmann*

*Jost Delbrück* (ed.)
**Allocation of Law Enforcement Authority in the International System**
Duncker & Humblot, Berlin, 1995, 196 pp., DM 78,--

The end of the Cold War has brought about structural changes in international relations. Although it seems early to draw definite conclusions on the precise impact of these changes, one specific manifestation is the changed attitude in and towards global and regional intergovernmental organizations. In many quarters power relations have changed and slightly more space has been created to address important issues in the fields of, for example, peace and security, human rights, and the environment, avoiding the pre-determined ideological positions so typical of the Cold War period. However, the initial euphoria about the new situation and the opportunities it seemed to offer for international lawmaking and its enforcement have already been driven away by the eruption of conflicts of various nature all over the world. It has become obvious that the new world order (if established at all) brings with it a string of new problems. In the area of peace and security, the United Nations Security Council (UNSC) gained room for intervention in conflict situations by the reduced use of veto power by its permanent members. In some instances, such as the Lockerbie Case, recent UNSC practice has caused concern. Criticism of the Security Council's increasingly wide interpretation of article 39 of the UN Charter – determining a threat to or breach of the peace or act of aggression, and allowing for mandatory enforcement action – amounts to allegations of abuse of power and certainly raises the issue of limits to its competence.

The questions posed by this example and its context are an important practical dimension of the issues addressed in the book under review, which contains the proceedings of a European-American symposium organized by the Kiel Institute of International Law in March 1994. The symposium addressed the general problem of effective enforcement of public international law, and more specifically the allocation of appropriate and adequate law enforcement authority in the international system. The papers presented tackle these subjects respectively at the global, regional and state level.

The first contribution is from *Paul C. Szasz*, a former UN official who at the time of writing, amongst other things, was legal adviser to the International Conference on the Former Yugoslavia. It is a clear and well-written piece on the topic "Centralized and Decentralized Law Enforcement: The Security Council and the General Assembly Acting under Chapters VII and VIII", although it has little new to offer for those who generally follow the legal and inter-

national organizational aspects of the United Nations peace and security record. Prof. *Fred L. Morrison* of the University of Minnesota Law School deals, in the second paper, with "The Role of Regional Organizations in the Enforcement of International Law", setting out the history of Chapter VIII (Regional Arrangements) of the Charter and its relation to Chapters VI (Pacific Settlement) and VII (Enforcement Action) including the right of individual or collective self-defense. Both papers award a predominant role to the UNSC. The Comment on them by *Klaus Dicke*, political scientist at the University of Mainz, presents a fresh and sharp look at the issues at stake. According to Dicke, Szasz's and Morrison's views are "nothing less than a "freeze" against any development within the international system towards further decentralization and regionalization of law enforcement authority" which contradicts the increasing role of regional organizations in practice. Still, Dicke too argues that the UNSC should remain the cornerstone of the collective security system, although he also sees strong arguments to vest regional organizations with law enforcement powers as well. By way of solution he suggests better cooperation and coordination between the UNSC and regional organizations. Regional chambers or commissions could be established as subsidiary organs of the UNSC, for instance to inform it, prepare reports and draft UNSC decisions concerning the region. In this way centralized and decentralized enforcement of international law could be reconciled.

The third paper, written by Prof. *Torsten Stein* of Saarland University, gets down to the state level and discusses "Decentralized International Law Enforcement: The Changing Role of the State as Law Enforcement Agent". The part dealing with the relation between action taken by the UNSC and the right to individual or collective self-defense is especially interesting. Stein's position is that the right of self-defense prevails over any UNSC decision unless such decision is an "effective equivalent to self-defense".

In the final substantive piece, Prof. *Jost Delbrück* looks at "The Impact of the Allocation of International Law Enforcement Authority on the International legal Order". He describes how the modern "law of cooperation", as opposed to traditional sovereignty-oriented state behaviour, gradually laid the seeds for the changes which have taken place since the end of the 1980s in international lawmaking, its enforcement and the scope of the non-intervention principle. This paper and its conclusions reflect the main thrust of the discussion at the symposium: that the world has witnessed a gradual restriction of state sovereignty and a corresponding reduction in the reach of the principle of non-intervention and that, as a consequence, we are moving to an international lawmaking system which is less consensus based and provides more potential for enforcement at various hierarchical levels.

The book also contains the text of the discussions which followed the presentations of the papers at the symposium. Although some parts of the discussions are more lively and interesting than the papers themselves, both the editor and the publisher should have realized that what might have been an entertaining debate at a symposium does not necessarily make a good book. The contributions on the various groups of issues could have been ordered differently, so as to avoid jumping from one issue to another and then, some time later, back again. Instead of reproducing the oral statements, or perhaps in addition to them, it might have been inter-

esting to request the participants to submit brief reports of their conclusions after the two day symposium. As it is, so many issues and questions are left unresolved that the book can only be recommended to those who have a specialized interest in law enforcement matters.

*Karin Arts*

*Claudia Annacker*
**Die Durchsetzung von *erga omnes*-Verpflichtungen vor dem Internationalen Gerichtshof**
Verlag Dr. Kovac, Hamburg, 1994, 121 S., DM 79,80

Das vorliegende Buch untersucht in kurzer und prägnanter Weise den durch ein *obiter dictum* des Internationalen Gerichtshofs (IGH) bekanntgewordenen Begriff der Verpflichtungen *erga omnes*. Die Autorin widmet sich in ihrer unter Betreuung von Prof. Zemanak 1993 in Wien entstandenen Dissertation insbesondere dem Rechtsfolgenregime dieser Verpflichtungen und behandelt daher auch eingehend die Entwürfe der International Law Commission (ILC) zur Internationalen Staatenverantwortlichkeit.
Die Arbeit ist in drei Abschnitte untergliedert, von denen der erste Teil sich mit der bisherigen Judikatur des IGH hinsichtlich der klageweisen Durchsetzung von Gemeinschaftsinteressen im Völkerrecht auseinandergesetzt (S. 1-27), der umfangreiche zweite Teil die Rechtssubjekte des primären Rechtsverhältnisses einer *erga omnes*-Verpflichtung und das Verantwortlichkeitsregime untersucht (S. 29-88). Im dritten Teil werden die verfahrensrechtlichen Probleme bei der Durchsetzung von *erga omnes*-Verpflichtungen vor dem IGH erörtert (S. 89-121).
Claudia Annacker beginnt mit der Untersuchung von sechs Urteilen des IGH, in denen die *erga omnes*-Wirkung einer völkerrechtlichen Verpflichtung Gegenstand der Zulässigkeit oder der Sachentscheidung des jeweiligen Falles waren (Northern Cameroons Case, South West Africa Cases, Barcelona Traction Case, Nuclear Tests Cases, Tehran Hostages Case, Nicaragua Case). Im Barcelona Traction Fall erkannte der IGH zum ersten Mal explizit das Bestehen von *erga omnes*-Verpflichtungen an. Diese definierte er als Verpflichtungen, die gegenüber der Staatengemeinschaft in ihrer Gesamtheit geschuldet werden. Zu diesen Verpflichtungen zählen insbesondere das Verbot der Aggression, des Genozids und die Achtung der fundamentalen Menschenrechte. Trotz dieser Anerkenntnis basierte bisher aber keine einzige Entscheidung des IGH auf diesem Konzept. Für die Autorin stellt sich daher die Frage nach den rechtlichen Möglichkeiten einer (zukünftigen) auf dieses Rechtsinstitut gestützten Entscheidung des IGH.
Eine gute Einführung in den Hauptteil der Arbeit ist die Erörterung des Begriffes des Staatengemeinschaftsinteresses (collective interests) und die Herausarbeitung der Unterschiede