Mark W. Janis (ed.)
International Courts for the Twenty-First Century
Martinus Nijhoff Publishers, Dordrecht / Boston / London, 1992, XVI, 261 pp., $ 99.50

On the occasion of the United Nations Decade of International Law (1990-1999) The "International Courts Project" was initiated by a group of international lawyers from various countries. The Project aims to contribute to the progressive development of international adjudication in the 21st century through research, drafting and documentation activities and to the launching of a Third International Peace Conference to be held in The Hague in 1999. The book "International Courts for the Twenty-First Century" is the first publication resulting from this Project. In the preface the editor, Mark W. Janis, states that the book purports to provide both a review of what international tribunals have achieved in the 20th century and an analysis of debate on the refashioning of international courts. In view of the title of the book one would expect the latter subject to get most attention. This is, however, not the case. Most authors contributed rather descriptive chapters on subjects falling within the themes "the classical universal institutions" (Part I), "the regional international courts" (Part II) and "specialized international tribunals and procedures" (part III). Three out of the thirteen chapters have already been published elsewhere. Six chapters cover only three to twelve pages, including notes. Most of these very short contributions seem a bit dutiful and do not present interesting new observations on how to inprove various forms of international adjudication so as to increase their use by states in the near future.

Personally, I regard Chapter 5 on "Inter-State Arbitration since 1945: Overview and Evaluation", written by Christine Gray and Benedict Kingsbury, one of the most informative and interesting chapters of the book. It clearly sets out important features of international arbitration since 1945: the sharp decline in the number of cases; the trends in arbitration clauses in treaties; changes as regards subject matter; some advantages and disadvantages of arbitration as a means of settling disputes between states. The difficult question of the impact of inter-state arbitration on international law and the significance of arbitral decisions as a cource of international law is dealt with in an interesting and competent way. One small critical note should refer to the absence of clear-cut conclusions as to the lessons learned from the arbitration experience sind 1945 and their impact on the prospects for inter-state arbitration in the near future, i.e. the 21st century.

Of Part II, Chapter 8 on "The Inter-American Court of Human Rights", written by Christina M. Cerna, Senior Human Rights Specialist of the Organization of American States (OAS), warrants some special attention. Cerna sheds light on the problems the Inter-American Court of Human Rights is facing in its first phase of existence. The relationship between the Inter-American Court and Commission on Human Rights is uneasy and unclear in many respects (as in the context of the Council of Europe, before the decision to merge the two bodies). So far, the Commission has passed only few cases on to the Court. This induced Costa Rica, a country with a relatively good human rights record, to attempt seeking direct

access to the Court and by-pass the (preliminary) procedure before the Commission, which resulted in the first case to be presented to the Court, by the Costa Rican government against itself (*sic!*). By January 1992 the Inter-American Court had adjudicated four cases and had issued twelve advisory opinions. Although its practice thus is very limited, some basic questions of human rights law have been tackled in a creative and interesting way. The most striking example is probably the Courts's interpretation of the content of a state's obligation under the American Convention on Human Rights to respect and to ensure (the exercise of) human rights. The latter includes the duty to prevent, investigate and punish any violation of the rights recognized by the Convention. If possible, enjoyment of the violated right should be restored, if not compensation should be provided.
In Part III some specialized international Tribunals and procedures are reviewed, for example international claims tribunals (such as the Iran-United States Claims Tribunal), a possible International Court of Criminal Justice and the Law of the Sea Tribunal.
All in all the book "International Courts for the Twenty-First Century" does not live up to the reader's expectations. Given the current attention and maybe new avenues for international adjudication (e.g. the recent resort by Bosnia-Herzegovina to the "provisional measures" procedure of the ICJ, as an element in its struggle to stop war and human rights violations on its territory) and the establishment of several relevant new institutions, such as the United Nations Conpensation Commission concerning Iraq and the War Crimes Tribunal set up to try persons who have committed war crimes during the war in former Yugoslavia. the "International Courts Project" has an important task ahead. Other relevant subjects to be studied could include arbitration clauses in the existing set of more than 600 bilateral investment treaties in the dispute settlement arrangements in recent important environmental treaties (e.g. the 1992 Rio Conventions, the 1989 Basel Convention, the 1985 Vienna Convention and others).

Karin C.J.M. Arts

Mark W. Janis (ed.)
The Influence of Religion on the Development of International Law
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Im Vorwort erklärt der Herausgeber, der Völkerrechtler dürfe bei der Erforschung der Geschichte seiner Wissenschaft Religion und Ethik nicht ausklammern (S. IX). Wer diese Auffassung nicht teilt, wird dennoch zugeben müssen, daß die Themen, die in den 11 Aufsätzen dieses Sammelwerks behandelt werden, nicht nur von historischem Interesse sind. Die Aufsätze sind aus Vorträgen auf einer Sonderveranstaltung während der 82. Jahrestagung der Amerikanischen Gesellschaft für Völkerrecht im April 1988 entstanden. Nur ein