

LITERATUR

Rudolf Bernhardt/Wilhelm Karl Geck/Günter Jaenicke/Helmut Steinberger (eds.)
Völkerrecht als Rechtsordnung – Internationale Gerichtsbarkeit – Menschenrechte (Festschrift für Hermann Mosler)
Springer-Verlag, Berlin, Heidelberg, New York, 1983, 1057 S., DM 298,—/US\$ 123,10

Hermann Mosler, the director of the Heidelberg Max-Planck-Institute for nearly 30 years, has been a member of the International Court of Justice since 1976. He was elected only three years after the Federal Republic of Germany had become a member of the United Nations. This ›Festschrift‹ gives a fair impression of Mosler's stature as an international lawyer and judge. Most of the 52 contributions in German, English, French, and Spanish deal with three key areas of Mosler's scholarly interest: human rights law, judicial settlement of international disputes, and ›The International Society as a Legal Community‹, to use the title of his 1974 lecture at the Hague Academy of International Law.¹ It would be beyond the scope of this note even to mention all contributions to the general theory of international law which one will find in the book. It would be difficult on the contrary to single out any fundamental problem of theory that is not addressed here in one way or another. Eight articles treat the function of courts in dispute resolution and lawmaking, among them three studies on the right of intervention before the International Court of Justice (one by its President Elias, one by its former President Jimenez de Arechaga, one by a current member, Oda). McWhinney reflects on the law-making role of the Court, and Schachter gives examples of creativity and objectivity in international tribunals. The protection of human rights by international law, both on the universal and the European level, is the particular focus of the collection. In this respect, the book is a treasure-trove comparable to the recent ›Festschrift für Schlochauer.‹² Nearly half of the 20 contributions relating to human rights questions cover problems of European human rights law, among them lively written reflections by the late Sir Fitzmaurice. Several authors concentrate under different aspects on the relation between international human rights norms and the international legal order between states (Bernhardt, Doehring, Evrigenis, Fromont, Hailbronner, Miyazaki, Pescatore). So this ›liber amicorum‹ is a noteworthy contribution to academic debate. Since many of the ›amici‹ served or currently serve as judges or otherwise as legal practitioners the book furthermore provides access to the thinking and experiences of leading personalities in the formation of international law.

Philip Kunig

1 See Recueil des Cours 140 (1974 IV), S. 1–320; revised edition 1980 under the same title, Alphen aan den Rijn.

2 Cf. Nöll, VRÜ 15 (1982), S. 477 ff.