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## Book Reviews

P. M. Eisemann and P. Pazartzis (eds).  
***La jurisprudence de la Cour  
Internationale de Justice***. Paris:  
Editions A. Pedone, 2008. Pp. 1007.  
€80.00. ISBN 9782233005250.

The jurisprudence of the International Court of Justice gains more and more importance, in particular because not only are so-called 'secondary' cases, that is cases of alleged secondary importance such as delimitation of land or maritime boundaries cases, brought before it, but also rather sensitive and highly political cases involving questions of use of force and self-defence. Furthermore, the Court is seised of cases involving states of all parts of the world, which also marks a positive development compared to its early times. Therefore, the jurisprudence of the ICJ plays a predominant role in all domains of international law and is of concern not only to those involved in international law, international relations, or international organizations, but also to national lawyers and politicians. The idea, therefore, of providing the international community with a publication that gives an overview of the jurisprudence of the ICJ (and thus allows easy access to its case law) is to be welcomed.

When the predecessor of the present publication was produced in 1970, it filled a gap in the publication of the 'repertories on the jurisprudence of the ICJ', which existed at that time, but which were mostly published in English. Meanwhile, the jurisprudence of the ICJ has been the subject-matter of a series of publications, however, still mainly in English. It may suffice here to refer to the publication – in French – of Brigitte Stern's '*20 ans de jurisprudence de la Cour internationale de Justice, 1975–1995*' (1998), as well as to the most important repertories in English, such as G. Ziccardi-Capaldo's *Repertory of the Decisions of*

*the International Court of Justice, 1947–1992* (1995), and of the *Fontes Iuris Gentium Series A, Section I* prepared by the Max-Planck-Institute for Comparative Law and International Law, comprising several volumes (until 1985 in French and English) the jurisprudence of the ICJ and the PCIJ in the form of excerpts of the decisions compiled under different subject headings. Since 1985, this publication has appeared – only in English – as *World Court Digest* and includes succinct descriptions of the cases. All these and other publications on the ICJ and its jurisprudence – reference should in any case be made to the significant publication on the ICJ by S. Rosenne<sup>1</sup> as well as to the Commentary on the Statute of the ICJ (A. Zimmermann/C. Tomuschat/K. Oellers-Frahm, 2006) – not only make access to the work of the World Court easy but are most instructive in analysing and evaluating the decisions so that the question may arise whether a new publication will find its place within these traditional publications, in particular since all decisions are easily available on the Court's homepage.

One of the advantages of the present book is the fact that it covers the Court's jurisdiction up to the year 2007. All decisions, with the exception of merely procedural orders, in all contentious and advisory cases are presented in the same format. Contentious cases start with a short exposé of the facts underlying the case, followed by a summary of the orders and judgments delivered, and also give some indication in the notes on the implementation of the decision. The same model is followed for advisory opinions. For each case the composition of the Court is indicated as well as the names of the judges not following the majority. What is really helpful for the reader

<sup>1</sup> The Law and Practice of the International Court, 1920–2005 (2006).

is the bibliographical references for each case which are very up to date, but are restricted to French and English publications. These bibliographical references are completed by a general bibliography in the introductory part of the book as well as by the reproduction of the texts governing the work and the organization of the ICJ at the end of the book, thus allowing uncomplicated reference to the relevant Articles of the United Nations Charter, the Statute of the ICJ, its Rules of Procedure, as well as to its practice directions and the resolution concerning the internal judicial practice of the Court.

As is stated in the preface, the authors' purpose is merely to provide a means of accessing information on the Court's decisions as succinctly, but also as faithfully, as possible, a purpose which is achieved without any doubt by the excellent presentation of the cases. With this aim in mind, it follows that the authors abstain from any analysis or critical appreciation of the cases and simply present them as they are without relating them to the overall jurisprudence of the Court. Consequently, the reader does not find any indication of whether or for what reasons a change in the jurisprudence has occurred, or whether the Court takes positions furthering or preventing the development of international law, or following or deviating from general trends in international law. This lack of any guidance to the reader would be justifiable and could have been compensated for by including the separate and dissenting opinions in the description of the cases. However, for reasons concerning the usability of the book, these opinions are regrettably completely omitted. As the aim of the book is the objective presentation of the cases, at least the main points of argument and criticism in the separate and dissenting opinions should have been indicated, for only thereby would complete and in fact un-biased information on a case have been offered. Not only did minority views turn to majority views, thus leading to a change in the Court's jurisdiction – only reference need be made to the question of the jurisdictional link concerning intervention under Article 62 of the Statute – but moreover, and more significantly,

they reflect the controversial issues of a case and therefore allow one better to understand the final decision, be it in a contentious or in an advisory case. The omission to include at least the essence of these opinions thus 'undermines' to a certain degree the declared aim of the publication, namely to provide faithful and comprehensive information on the jurisprudence of the ICJ.

Despite this shortcoming, it is likely that the compilation of the ICJ cases, which is a task shared between students and professors of the University Paris I Panthéon-Sorbonne, will find its place in the circles of academics and practitioners seeking the most recent information on a particular ICJ case, however under the *caveat* that only a look at the separate and dissenting opinions would provide a reliable picture of the case.

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doi: 10.1093/ejil/chp002