BOOK REVIEW 28

M. Ruffert, C. Walter, *Institutionalised International Law*, C.H. Beck, Hart Publishing, Nomos Verlagsgesellschaft, Baden Baden: 2015, pp. 339

ISBN 978-3-8329-7204-2

Anybody studying the law of international organizations is now in a far better situation than several decades ago. The gap was first filled when Sir Derek Bowett published his seminal book The Law of International Institutions. Since then several editions of this masterpiece have been released (most recently the sixth, edited by Philippe Sands and Pierre Klein in 2009). In the meantime, numerous other examinations of the topic in English have been provided, with perhaps the most obvious work being the monumental treatise International Institutional Law by Henry G. Schermers (continued now by Niels M. Blokker), which has been found to be indispensable in any serious legal library. Several other authors (including most notably C.W. Jenks, F. Seyersted, N. White or J. Klabbers) have presented their own expositions of the problem, in many respects offering a fresh look at the issues under examination. The need for a comprehensive analysis was also recognized by The Hague Academy of International Law, which decided to prepare its own bilingual textbook under the auspices of UNESCO: Manuel sur les organisations internationales = A handbook on international organizations,with R.-J. Dupuy as an editor. In this regard one might be tempted to also include a reference to the comprehensive volume on the subject published in French, edited by Evelyne Lagrange and Jean-Marc Sorel, providing yet another vision for approaching the complex matter.

The reasons for such a proliferation of textbooks are largely known. The growing importance of the law, the training of law students, and the increased need for inter-disciplinary research also provide the impetus underlying the reviewed book, as the authors themselves acknowledge at the outset (p. 3).

The book under review is a translation of a textbook originally published in German by two leading German international lawyers. As such, making this work available to an English readership is a most welcome step. It offers a perspective developed by constant reliance on the continental experience, which is evidenced by the systematic references mainly to the doctrinal views held by the German-speaking scientific community.

In the view of its authors the book is designed to offer the basis for a scientifically sound work on the law of international organisations. The target audience is primarily students of international law and international relations, as well as practitioners and interested lawyers.

By putting emphasis on the decisive link between substantive and institutional issues and their treatment in public international law (p. 5), the authors have attempted to avoid offering yet another catalogue of institutional developments. Instead, they offer a carefully structured, concise, and in most cases accurate reference book, which may be

284 BOOK REVIEW

considered an invaluable aid for any student of the law of international organizations.

The structure of the book is seminally clear and reflects the intention of the authors to combine the institutional and substantive aspects. The text has been divided into four parts. It starts with "Fundamentals", including the conceptual, theoretical and historical bases of the law of international organizations and placing them in the larger context of the constitution of the international community.

The second part deals with problems of common interest, thus forming a "general part" in developing this autonomous area of law, as is reflected by the title: "General Principles and Rules of the Law of International Organizations". In a natural way it starts with the creation (and extinction) of international organizations and examines their legal personality and powers. Issues of responsibility and liability are dealt with separately. The authors synthesize the current trends, although references to the concept of accountability are extremely minimal. Bearing in mind the more in-depth reference to governance and global administrative law (in the concluding part 4), such restraint is rather surprising. When dealing with the responsibility of States which are Member States of such international organisations, a more direct exposition would be helpful with respect to piercing the corporate veil (*Durchgriffshaftung*), again reflecting the most intriguing concept of the autonomy of international organizations from their members.

In a classic manner, separate chapters are devoted to membership and then to the organs charged with decision-making. The concluding chapter of part 2 deals with finance and personnel. For reasons of space the proposed analysis is rather condensed, if not laconic. Still, it provides a reader with all indispensable information, sometimes even illustrated with a table of approved budgets for recent years (1996-2011), which insofar as it concentrates exclusively on the UN family might have been omitted, if only for the sake of retaining the abstract character of the analysis.

The third part deals with "Substantive Legal Regimes" and carries out the main assumption of the authors. The first chapter of this part is devoted to peace and security and to a large extent is dominated by the respective provisions of the UN Charter. The analysis of this traditional legal framework is appropriately thorough and includes the majority of its current challenges. Lesser attention is paid to the issue of maintaining peace and security through regional organizations. Unfortunately, apart from contextualizing them vis-à-vis the universal UN system, too little reference is made to the means of coordination between the various (regional) initiatives to protect peace and security.

Another attempt to combine institutional and substantive matters relates to the protection of human rights and its institutional organization. While the analysis of this field of law as an organizational challenge comes as no surprise, the book helps clarify the underlying problems. With regard to universal protection, the authors offer not only an overview of the existing mechanisms (with particular emphasis on the Commission on Human Rights and the Human Rights Council, the treaty bodies, and the procedural possibilities), but also draw the readers' attention to their respective deficits and weaknesses. When examining human rights protection at the regional level,



the textbook concentrates on the European mechanisms and only cursory attention is given to the Inter-American and African contexts. All of them are, however, neatly juxtaposed. In addition, separate consideration is given to the respective institutional developments at national levels.

The protection of human rights is also presented in the context of international criminal law, which in and of itself merits appreciation. Without doubt the creation of a system of international criminal justice is closely interrelated with the international protection of human rights. The subject-matter jurisdiction of international criminal courts and tribunals encompasses gross human rights violations, which is underlined (albeit implicitly) by the authors. While I can subscribe to this view without any major problems, I nevertheless find it problematic to contextualize this subchapter within the general framework of part 3. What is missing here is the law-in-action element, which would seem to fall within the general goal of analyzing the mutual influences between institutional and substantive international law. More attention could have been paid to the contribution of international criminal courts and tribunals to the development of substantive rules of international criminal law, thereby offering convincing proof that criminal proscription becomes the ultima ratio modality of the international protection of human rights. In addition, it might have been demonstrated that human rights protection is necessary in defining the procedural rules before the international criminal tribunals. Instead, the authors of the textbook preferred to offer a more cursory vision.

In my opinion the most interesting and needed observations in the book relate to the protection of human rights against the acts of international organizations. The authors offer a clear-cut presentation of the emerging perspective, so crucial not only from the point of view examined in the sub-chapter but in general.

The final chapters of part three are devoted to the economy and development and to environment. In addition to examining the universal economic organisations (e.g. the International Monetary Fund, the World Bank Group, the International Labour Organisation, and of course the World Trade Organisation), some other forms of cooperation at the universal level (the G8, the Paris Club) as well as the Organisation for Economic Co-operation and Development are also surveyed. Unfortunately there is no reference to commodity agreements, and regional cooperation is treated in a very cursory manner, without any mention of UNASUR. This is perhaps the price to be paid for the conciseness of the analysis.

The above conclusion might be drawn also for other parts of the book, wherein the authors concentrate on references to developments while refraining from commenting on them or providing the reader with their own stance(s). This is especially noticeable in the concluding fourth part of the book, entitled "Perspectives". It refers to the governance debate and the concept of international/global administrative law. In this context the role of international organizations in both contexts could have been presented in a more detailed manner.

Without doubt the law of international organizations is no longer a new field of law, but it nevertheless remains a rapidly developing one. If only for this reason it deserves

286 BOOK REVIEW

careful attention. The book under review seems to provide very reliable assistance for any student of this domain. Its clear and concise form facilitates its examination of all the main areas. The authors have managed to offer an original combination of institutional aspects together with their contribution to substantive law, successfully scrutinizing the "law in action".

In sum, the volume under review constitutes a very accurate, up-to-date and well-structured guide to the examination of international institutional law. It is, quite simply, a comprehensive piece of work, reflecting the current state of affairs of the discipline and additionally providing a stimulating incentive or a convenient departure point for further studies in the given field. It should be recommended for all international lawyers.

Bartłomiej Krzan* DOI 10.7420/pyil2016p

^{*} Associate Professor of Public International Law at the University of Wroclaw, Faculty of Law, Administration and Economics, Wrocław (Poland).