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CONTENTS

ARTICLES

Brusil Miranda Metou, *Le rôle du juge dans le contentieux international*, Bruylant, Bruxelles, 2012, pp. 626

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The role of judges in the international legal order has been one of the fundamental issues in academic research on international law ever since the idea emerged that differences between states could be resolved by an impartial, independent judicial body vested with the competence to render a decision binding upon the parties. Brusil Miranda Metou, in her book *Le rôle du juge dans le contentieux international* makes a very interesting contribution to the international discourse on this issue, from the point of view of African-francophone doctrine.

Metou analyses the role of the international judge through the prism of the work of the International Court of Justice as the archetypical model, the "Sèvres standard" of a permanent international court. Her starting point (*Chapitre introductif*) is a reflection on the development of adjudicatory methods for the resolution of international disputes, and how they have been perceived by the potential parties to such disputes (i.e. states), which ranges from defiance to revived interest in having their differences resolved by judges. She identifies the reasons for such development within the framework of the gradual institutionalisation of the international community, the promotion of the rule of law, and the idea of attaining and maintaining peace through law and justice. These factors have resulted in a transformation of the role of the judge. The particular aspects of this transformation are developed in following chapters of her book.

According to Metou, the main characteristic of the role of the international judge, which determines the mode of his/her exercise of their judicial function, is ambivalence, which should not be understood in pejorative way. Accordingly, she examines the various aspects of the problem in reference to this main feature.

This is reflected in the book's structure. The analysis is divided into two core parts. The first (*Partie 1*) examines the "ambivalent role" of the judge in the adjustment of the contentious procedure and concentrates on three sets of problems. The first, the management of the course of the proceedings (*Titre 1*), includes both flexible and strict verification of the Court's competence to adjudicate the case with respect to its different sources of jurisdiction, (*Chapitre 1*) as well as the way in which judges conduct the proceedings (*Chapitre 2*). The latter covers, e.g., the internal organisation of the work of the Court in the case, contacts with the parties, and organisation of the stages of the proceedings with their participation.

Secondly, the first part of the book also focuses on the prompt and meticulous direction of possible incidental proceedings (*Titre 2*) concerning: provisional measures (*Chapitre 1*), examination of preliminary exceptions submitted by the parties (*Chapitre 2*), and the treatment of reciprocal actions and requests for third party intervention (*Chapitre 3*).

Thirdly, the author also discusses, in the first part of the book, the problems surrounding discretional and restricted determination of the object of the dispute (*Titre 3*). These include the statement of facts and evaluation of proof by the judges (*Chapitre 1*) and examination of the parties' argumentation from the perspective of the legal questions involved in the dispute (*Chapitre 2*).

In consequence, the first part of this book provides the reader with the valuable insight into the operative aspects of the ICJ's work. Metou's detailed (maybe at some points too detailed) analysis of what judges do and why at every step of every stage of every kind of proceeding shows how they balance, in their management of the case, the dual, sometimes contradictory and sometimes complementary, values or aims of the contentious procedure which are supposed to ensure the proper administration of justice. The only doubt that may arise in respect of this part of the book is largely of a structural nature and concerns the examination of the issue of preliminary exceptions in *Titre 2,* which focuses on incidental proceedings. Taking into account the substantial coherence of the analysis it might have been more sensible to discuss this issue together with the problem of competence in *Titre 1*. This remark however in no way diminishes the value of this study.

The second part of the book (*Partie 2*) is devoted to the substantial aspects of the role of the ICJ judge, concerning determination of the applicable law and possible solutions to the dispute. In this respect the author first presents the modes of examination of the applicability of the rules invoked by the parties (*Titre 1*). She discusses how judges determine the validity (binding force) of rules and norms belonging to different sources of law and the opposability of these rules and norms to the parties (*Chapitre 1*). This is followed by reflection on the problems concerning the search for proper application of the identified rules to the case under consideration (*Chapitre 2*), which includes qualification of the facts of the case in light of applicable norms, the interpretation of the applicable law, determination of the content of unwritten norms, and finally recourse to decision *ex aequo et bono*.

In *Titre 2* of the second part of her study, Metou concentrates on the subtle strengthening of the law, especially that accompanying a given case as a result of judicial activity in the course of the dispute resolution process. She points out the impact that the judges make on the consolidation and coherence of the international legal order through their elaboration of the means of detection of objective law (peremptory norms, general principles of law), through the development of regimes governing various sources of law and explanations of the interrelationships, and sometimes interferences, between them (*Chapitre 1*). On the other hand, she also shows how they influence the regime of inter-state relations (*Chapitre 2*), with respect to, e.g. state sovereignty, by determination of the scope of the principle of non-intervention or clarification of the conditions for legality of the use of force. Later, the author examines judicial participation in the development of new domains of international law, focusing on the law of international organisations, human rights, and environmental law (*Chapitre 3*).

Finally, the questions surrounding the diverse aspects of adoption of judicial decisions are elaborated (*Titre 3*). This refers primarily to the efforts to come to a balanced result in the decision, giving precedence to solutions negotiated by the parties at any stage of the proceedings and referring to different factors, also of non-legal nature, in framing the content of the judgment (*Chapitre 1*). Apart from that, the process of elaboration of the judicial decision is also examined (*Chapitre 2*), with special focus on the implementation of judicial and jurisprudential politics in the grounds and context of the decision.

Metou's general conclusion is that is impossible to restrict the work of international judges by application of pre-defined models and roles. Their role is determined by many factors: the general aim to find a balanced and acceptable solution to the dispute, the circumstances of each case, the particularities of the applicable norms, the social and political expectations or needs, etc. Therefore, international judges act in an ambivalent mode, on one hand preserving judicial integrity while on the other adapting, sometimes in a very creative way, the applicable law to the circumstances of the case.

This elaborate, in-depth study by Brusil Miranda Metou on the role of international judges deserves great credit. Of course she does not answer all the questions concerning this issue. In fact, her views may give rise to some new ones. But this is precisely where the true value of academic discussion lies. And thanks to her Benedictine work we all can benefit from having a better idea of what goes on in the minds of international judges.

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