

James Crawford, Martti Koskenniemi (eds.), *The Cambridge Companion to International Law*, Cambridge University Press, 2012, pp. 480

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## A GOOD COMPANION

In 2012 the prestigious publishing house Cambridge University Press issued “The Cambridge Companion to International Law,” edited by the eminent academics, professors of the international law James Crawford and Martti Koskenniemi.

During last three decades we have witnessed an impressive and extensive development of international law. Deep changes have taken place in almost all directions: the establishment of *ad hoc* criminal tribunals and the International Criminal Court; the creation of the World Trade Organization; expansion and development of the powers of the Security Council; the intensive efforts of the international community to fight terrorism; and the prevention of violations of the human rights, development of the doctrine responsibility to protect, etc. At the same time new trends have appeared in the forms of globalization, fragmentation, and also constitutionalisation. Despite all the changes, we have also observed, and can still observe, heinous violations of human rights all over the world, accompanied by inaction on the part of the international community when it actually should act. The world is changing constantly and rapidly, and this creates constant challenges for international law, from genocide in Africa to the rise of the Arab spring, use of torture on suspected terrorists, or Jewish construction of settlements to nuclear tests in North Korea.

The authors of *The Cambridge Companion to International Law* (hereinafter sometimes “Companion”) have noted all the changes, as well as the intersections of law and politics and law and philosophy, and “by preparing [a] volume that goes beyond a mere repackaging of existing materials have aimed at a politically and historically informed account of the role of international law in the world.” This review is a short analysis of whether they attained their stated aims.

The “Companion” is composed of four parts, which total 18 chapters, together with a Preface, Introduction, Guide to electronic sources of international law, International law chronology, Select guide to further reading, and Index.

The first part is designated “The context of international law.” In it the authors present the variety of contexts faced by international law. “[T]o know something about these contexts”- the editors write in the introduction – “is a first step in coming to know international law”. Gerry Simpson, in his paper “International law in diplomatic history,” addresses one of the contexts, specifically diplomacy, which cannot exist without international law and is, on the one hand, a tool of the international law, and on the other its product. In fact his contribution is a short history of international law in the context of diplomacy, and a useful but modest guide to that history. Another

author in this part of the book, M. Koskenniemi (also editor) describes a different context in his paper, entitled “International law in the world of ideas.” He presents the history of international law through philosophical and political debates. Koskenniemi’s contribution is a brief description, leaving the reader with many questions unanswered. Frédéric Mégret, in his paper “International law as law” also relies on the help of “historic glasses” to focus on the question of the “law-like” nature of international law, underlying that this debate is an ongoing and evolving one. Mégret presents selected aspects of international law from different angles and perspectives. Taking note of the decline of sovereigns and the waning of states, the author focuses on the role of the state in the changing perspective of international law and international relations, tending to show that the restoration of “classical” international law (classical order, classic subjects of international law, its classic powers) is highly unlikely, but reminds us that the global perspective, ongoing debates, and differing views do not provide us with only one appropriate idea of the status of the state and the role and nature of international law.

The second part of the Companion is titled “International law and the state”, and presents the fundamental notions of international law such as state, sovereignty, or jurisdiction. Karen Knop, in her paper entitled “Statehood: territory, people, government” focuses on the notion of the state and interrelated questions. While employing the classic formula “territory-people-government”, Knop progresses to a more complex view, taking into account non-state actors, nationality, exercise of jurisdiction beyond state borders, and even international administration. The context of the powers of a state in determining its jurisdiction is later developed in the paper of Bruno Simma and Andreas Müller in a paper entitled “Exercise and limits of jurisdiction.”

One of the papers included in this part of the book focuses directly on the question of sovereignty. James Crawford (also an editor), in “Sovereignty as a legal value” discusses the notion of sovereignty in the context of its protection, scope of its obligation, and sovereignty within the state and amongst states, noting that on the one hand “statehood is now a protected status under international law, and to this extent sovereignty once achieved is entrenched”, while on the other hand Crawford notes the arguments of the naysayers of sovereignty and those predicting its twilight, and he underscores the possibility to exercise sovereignty by a state and at the same time the protection of interests vis-à-vis other sovereignties.

The third part of Companion is titled “Techniques and arenas”. It focuses, *inter alia*, on the different fora for exercising international law. Benedict Kingsbury contributes to this part with an excellent presentation entitled “International courts: uneven judicialisation in global order”, in which he categorizes the basic types of international courts, the different role courts can play as producers of the legal knowledge or as institutions to make legal commitments credible. Kingsbury also presents an analysis of states’ tendencies to join international treaties establishing courts and tribunals in the context of states’ populations and economies. This special perspective seems to be continued in a paper by Jan Klabbers entitled “International institutions,” focusing

more broadly on the growth of international organizations and the institutionalization of international law as such.

Last but not least the paper of Sarah Nouwen, placed in the fourth part of the Companion titled "Projects of international law" is worthy of mention. In Nouwen's contribution, entitled "Justifying justice," attention is given to one of the international courts, namely the International Criminal Court, based on the author's experience gathered during her journeys to Africa. Nouwen confronts people's expectations with the reality of the ICC, its policies, and its execution, providing us with a thoughtful perspective of international criminal justice in the context of actual situations.

The Cambridge Companion to International Law is not a comprehensive analysis of any field of the international law. In fact, every presentation may leave the reader with a feeling of need for further analysis, however this is also one of the book's strengths. It is fantastic at raising awareness, and could be dubbed "surprising explorations and adventures in international law."

In summary, "The Cambridge Companion to International Law" is an excellent introduction to international law, revealing to students, helpful to academics, and of interest to anyone interested in what international law is, and what it is not. From my point of view as an academic what is lacking in the book is a wider perspective of national legal orders. The state is still the most important subject of the international law. The entire system of the European Union, of international criminal justice, or the international systems protecting human rights etc. are all based on cooperation with states. The better that cooperation is, the more effective is international law. Without development of this sphere, the Companion remains, with a few exceptions, a largely theoretical work. While it is good so far as it goes, it requires further and deeper analysis of the complex fields of international law.

In conclusion however, it must be acknowledged that the book is full of different ideas and the presentation of various approaches by excellent scholars, so the last thing that comes to my mind is: "it's good to have such a Companion."

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