

(§ 34) sowie die gemeinschaftsrechtliche Schutzbereichs-, Eingriffs- und Schrankendogmatik (§ 35). Dabei werden vielfach Ordnungskriterien der deutschen Grundrechtsdogmatik fruchtbar gemacht.

Das umfassende Gutachten von Rengeling zeigt Erreichtes auf, macht aber auch Defizite deutlich. Während der vom EuGH gewährleistete Grundrechtsschutz thematisch keine schwerwiegenden Lücken aufweist, bleibt vor allem die gemeinschaftsrechtliche Schrankendogmatik hinter dem Standard des deutschen Verfassungsrechts, aber auch hinter der Rechtsprechung des europäischen Gerichtshofs für Menschenrechte zu den Schrankenvorbehalten der Europäischen Menschenrechtskonvention zurück. Hier zeigt sich ein erheblicher Bedarf nach weiterer Konkretisierung durch Rechtsprechung und Lehre, für die die vorliegende Studie eine solide Grundlage schafft.

Eine Rezension in dieser Zeitschrift hat auf einen weiteren Aspekt des Untersuchungsthemas hinzuweisen, der weit über das Grundgesetz und die Europäische Union hinausweist. Die internationale Gemeinschaft ist traditionell eine Gemeinschaft souveräner Staaten. Grundrechtliche Gefährdungslagen traten früher nahezu ausschließlich im Verhältnis des einzelnen zu der jeweiligen Staatsgewalt auf; vor internationalen Einflüssen war das Individuum durch den "Souveränitätspanzer" des Staates weitgehend abgeschirmt. In diesem Jahrhundert haben sich die Aktionsebenen zunehmend auf internationale Instanzen verlagert, denen sich der Einzelne nun häufig unmittelbar gegenüber sieht. Hoheitsakte der EG oder anderer regionaler Organisationen können sich ähnlich grundrechtsgefährdend auswirken wie etwa militärische Operationen der UNO. Demgegenüber sind die menschenrechtlichen Schutzmechanismen auf nationaler wie völkerrechtlicher Ebene auf das Verhältnis Individuum - Staat zugeschnitten. Hier sind neue Konzepte zu entwickeln - ein Blick auf die Entwicklungen in der EG könnte sich dafür als hilfreich erweisen.

Robert Uerpmann

R. S. Pathak / R. P. Dhokalia (eds.)

International Law in Transition: Essays in Memoriam of Judge Nagendra Singh
Martinus Nijhoff Publishers, Dordrecht/Boston/London, 1992, 369 pp., £ 64.00

In December 1988 Judge Nagendra Singh, then President of the International Court of Justice, passed away. The book *International Law in Transition*, published under the auspices of the Indian Society of International Law, is a tribute to his memory.

The topics dealt with in the various essays were carefully selected and reflect those areas of international law which were of special concern to Judge Singh, i.e. human rights, the law of the sea, environment, nuclear weapons, international law-making and dispute settlement. The contributors include many distinguished international lawyers, most of whom knew

Judge Nagendra Singh closely. Among them are the late Georg Schwarzenberger and T.O. Elias, Grigory Tunkin, R.P. Anand, Ian Brownlie, Oscar Schachter and others.

The central theme of the book, as expressed implicitly in its title, is the 'new international law' which came into being during the last few decades in response to the major global issues of our times: the peace imperative, decolonization and self-determination of people, human rights, economic sovereignty, environment and sustainable development.

The first part of the book deals with 'contemporary issues' and comprises eleven essays. They address a wide range of topics varying from internal conflicts and international law (by O. Schachter) to a Mediterranean view on the new law of the sea and navigation (by B. Vukas) to the problems of refugees in the developing countries and the need for international burden-sharing (by J.N. Saxena) and the need for legal control of the greenhouse effect (by G. Singh). A very interesting piece is offered by Gillian White who wrote on structural adjustment and human rights in development as approached in the fourth Lomé Convention, an important and challenging topic.

The second part of the book provides 'perspectives' and brings together a slightly more homogeneous set of ten essays. Half of those deal with the functioning and future of the International Court of Justice (ICJ). The selected recommendations to enhance the effectiveness of the ICJ, presented by W. Paul Gormley, are particularly interesting to read. The author explains which factors hamper the utilization of the ICJ by states but points at some encouraging positive aspects of the Court as well (such as the quality and standing of its Judges). Procedural innovations are discussed, and also a set of so-called 'confidence building measures' which, in the author's view, would improve the functioning and use made of the ICJ. The latter include *locus standi* for non-state entities and individuals, appellate jurisdiction, wider advisory jurisdiction, preliminary rulings and investigatory powers. The contributions by Y.K. Tyagi and R.P. Anand, respectively on the World Court after the cold war and the World Court on trial, are also worthwhile.

Four other essays, written by Tunkin, the late Judge Elias, Dhokalia and Guttal, address the related issues of new political thinking and international law, new trends in modern international law(-making), progressive development and the sources of international law. The remaining piece (by Govindaraj) is about law, human rights and socio-economic justice and describes attempts to concretise internationally formulated human rights within a national context, in this case India, the native country of Judge Nagendra Singh.

The essays included in the book *International Law in Transition* are very diverse and of different nature. Still, they have common features. In the first place they all deal with problems which truly concerned Judge Nagendra Singh. Secondly, they share quality. Each essay presents the subject it addresses in a clear and convincing way. They are well researched and make interesting reading. As Judge R.Y. Jennings wrote in his foreword to the book: These essays could almost have been chosen by Nagendra Singh and would have pleased him greatly.

Karin Arts