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### Book Review

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Hufbauer and Daniel Danxia Xie suggest that the monetary framework be expanded to take explicit account of financial stability as a policy objective for central banks.

What to do now? Echoing Einstein's words that "[w]e can't solve problems by using the same kind of thinking we used when we created them," Cottier and Lastra argue in their concluding chapter for a "bolder approach" (p. 421) to rectify the current soft law-based international financial system. If they are correct, then future efforts should focus more directly on the design of an institutional framework that can embrace the legal insights presented in *International Law in Financial Regulation and Monetary Affairs*. The Bretton Woods system, originally perceived as a trinity of institutions—the IMF, International Bank for Reconstruction and Development, and International Trade Organization—could barely survive the demise of the ITO, even with the resulting expansion of the General Agreement on Tariffs and Trade. Although the WTO significantly improved the scope and role of international trade law, the post-Bretton Woods system of the twenty-first century may need a more coherent and newly augmented trinity of the WTO, World Bank, and potentially a World Financial Organization that would provide a "rule-oriented" system, modeled on the WTO, to supplant the IMF. If such an effort were undertaken, the scholarly contributions of the book under review would prove invaluable.

The 2007–09 financial crisis spawned a large body of work (as listed in the book's bibliography) that explores the theoretical underpinnings of, and possible institutional reforms needed by, the international financial system. The essays in *International Law in Financial Regulation and Monetary Affairs* not only build upon that scholarship but present significant new analyses and proposals that deserve careful attention by scholars and financial regulators alike.

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*Diplomatic and Judicial Means of Dispute Settlement*. Edited by Laurence Boisson de Chazournes, Marcelo G. Kohen, and Jorge E. Viñuales. Leiden, Boston: Martinus Nijhoff Publishers, 2013. Pp. xv, 337. \$189, €136.

Understanding how various methods of dispute settlement are used to address international disputes is a significant undertaking. Most scholarship in the field of international dispute settlement focuses on the function of a single method (e.g., arbitration, judicial settlement, mediation, or negotiation), the use of different methods by a single institution (e.g., the International Court of Justice (ICJ), Permanent Court of Arbitration, or World Trade Organization (WTO)), or the practice of international dispute resolution in a substantive area of international law (e.g., human rights, international criminal law, or investment disputes).<sup>1</sup> Comprehensive studies of international dispute settlement are scarce, as they quickly run into the challenge of maintaining both coverage and quality.<sup>2</sup> Moreover, the "international

<sup>1</sup> See, e.g., THE MANUAL ON INTERNATIONAL COURTS AND TRIBUNALS (Ruth Mackenzie, Cesare P. R. Romano & Yuval Shany eds., 2d ed. 2010) (tracing the development of international courts and tribunals); Richard B. Bilder, *Adjudication: International Arbitral Tribunals and Courts*, in PEACEMAKING IN INTERNATIONAL CONFLICT: METHODS & TECHNIQUES 155, 174 (I. William Zartman & J. Lewis Rasmussen eds., 1997); Jacob Bercovitch & Scott Sigmund Gartner, *Is There Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation*, 32 INT'L INTERACTIONS 329 (2006) (studying factors that influence the effectiveness of mediation in resolving international disputes); Derrick V. Frazier & William J. Dixon, *Third-Party Intermediaries and Negotiated Settlements, 1946–2000*, 32 INT'L INTERACTIONS 385 (2006) (describing the use of various mediation techniques and assessing their effectiveness in resolving international disputes).

<sup>2</sup> See, e.g., JOHN COLLIER & VAUGHAN LOWE, THE SETTLEMENT OF DISPUTES IN INTERNATIONAL LAW: INSTITUTIONS AND PROCEDURES (1999) (providing a synopsis of international dispute settlement methods and institutions); J. G. MERRILLS, INTERNATIONAL DISPUTE SETTLEMENT (5th ed. 2011) (offering a comprehensive overview of international dispute resolution, including the relevant techniques and institutions involved); JACOB BERCOVITCH & RICHARD JACKSON, CONFLICT RESOLUTION IN THE TWENTY-FIRST CENTURY: PRINCIPLES, METHODS, AND

judicial process and organization has not been considered as a field of study in itself' until rather recently; the field is still in its infancy."<sup>3</sup> Perhaps the systemic study of the interactions among judicial methods and diplomatic approaches seems too ambitious for any one volume.

Yet *Diplomatic and Judicial Means of Dispute Settlement* takes up this challenge. This important edited volume is the product of a symposium on judicial and diplomatic dispute settlement jointly sponsored in 2010 by the American Society of International Law, the European Society of International Law, the Latin American Society of International Law, the Faculty of Law at the University of Geneva, and the Graduate Institute of International and Development Studies. Described by the publisher as "ground-breaking,"<sup>4</sup> this volume does not so much break new ground as it strengthens the foundation for emerging work on the interactions among the methods, institutions, and people that form the international dispute resolution system. The book's twenty-two contributors, including Kofi Annan and Georges Abi-Saab, offer sixteen chapters organized into four sections according to the typical temporal sequence of a judicial proceeding. The first section considers the interactions that take place when initiating dispute settlement. The second section examines the interactions that occur during proceedings conducted by an international court or tribunal. The third section explores interactions that occur during the implementation stage. The fourth section provides some overarching perspectives.

The editors, Laurence Boisson de Chazournes (University of Geneva), Marcelo G. Kohen (Grad-

uate Institute of International and Development Studies), and Jorge E. Viñuales (University of Cambridge Faculty of Law), all noted scholars and practitioners of international law, define their purpose as providing "a framework—with some preliminary applications—to understand the interaction between diplomatic and judicial means [of dispute settlement]" (p. 5). They wish to fill a gap in the existing literature by highlighting the "blend of dispute settlement means" in practice (*id.*) in the "areas of international law where the use of judicial means has significantly expanded in the last two decades, namely international criminal law, human rights, trade, investment and . . . the increasing resort to the International Court of Justice . . . to settle disputes of a varied nature and in different fields" (p. 3).

At the beginning of the book, the reader might expect to find a comprehensive review of literature in the field of international dispute settlement, given that the editors' stated objective of the book is to "provide academics and practitioners with a tool that lays the ground for the analysis of the interaction between diplomatic and judicial means of settling international disputes as well as to offer an initial assessment of its implications for several areas of international law" (p. 2). Although the book provides some such citations, it does not offer the kind of detailed analysis of existing scholarship related to the interaction among methods that one might expect given the collection's putative aim.<sup>5</sup>

<sup>5</sup> For scholarship considering interactions among various methods of dispute settlement, see, for example, Ucheora Onwuamaegbu, *The Role of ADR in Investor-State Dispute Settlement: The ICSID Experience*, 22 NEWS FROM ICSID 12 (2005), available at <https://icsid.worldbank.org/ICSID/FrontServlet?requestType=ICSIDNewsLettersRH&actionVal=ViewNewsLetters>; Jeswald W. Salacuse, *Is There a Better Way? Alternative Methods of Treaty-Based, Investor-State Dispute Resolution*, 31 FORDHAM INT'L L.J. 138 (2007); Susan D. Franck, *Integrating Investment Treaty Conflict and Dispute Systems Design*, 92 MINN. L. REV. 161 (2007); W. Michael Reisman, *International Investment Arbitration and ADR: Married but Best Living Apart*, 24 ICSID REV. 185 (2009); Andrea K. Schneider, *Bargaining in the Shadow of (International) Law: What the Normalization of Adjudication in International Governance Regimes Means for Dispute Resolution*, 41 N.Y.U. J. INT'L L. & POL. 789 (2009); Anna Spain, *Integration*

APPROACHES (2009) (providing an excellent description and analysis of the methods used to address international conflicts).

<sup>3</sup> PHILIPPA WEBB, INTERNATIONAL JUDICIAL INTEGRATION AND FRAGMENTATION 9 (2013) (quoting Project on International Courts and Tribunals, Materials and Publications Matrix (2000), available at <http://www.pict-pcti.org/matrix/matrixintro.html>); Roger P. Alford, *The Proliferation of International Courts and Tribunals: International Adjudication in Ascendance*, 94 ASIL PROC. 160, 160 (2000) ("[T]here have been insufficient efforts to compare and contrast the various courts and tribunals.").

<sup>4</sup> At <http://www.brill.com/diplomatic-and-judicial-means-dispute-settlement>.

However, the rich and varied analyses in *Diplomatic and Judicial Means of Dispute Settlement* will undoubtedly engage the existing and aspiring scholar of international dispute settlement. At 337 pages, the book has ample space to reveal that the dispute settlement methods identified in Article 33 of the UN Charter are used in every form, order, and fashion, which sometimes yields compelling interactions among them.<sup>6</sup> For example, as noted in chapter 2, states may seek out international judicial settlement when diplomatic mechanisms are politically unfeasible, as Yugoslavia did in its application to institute proceedings at the ICJ during the NATO campaign in the Kosovo crisis.<sup>7</sup> As noted in chapter 10, parties to a dispute may negotiate temporary deals to avoid countermeasures as a “result of the use of diplomatic means of resolving the dispute at the implementation stage of the ruling” (p. 206), as Brazil and the United States did in the *U.S.—Upland Cotton* dispute.<sup>8</sup> And, as set forth in chapter 4, judicial and diplomatic methods can be at odds with one another when inappropriately timed, as was the case when the International Criminal Court (ICC) issued an arrest warrant against Joseph Kony, the leader of the Lord’s Resistance Army, while arrangements were being negotiated to engage in peace talks.<sup>9</sup>

*Matters: Rethinking the Architecture of International Dispute Resolution*, 32 U. PA. J. INT’L L. 1, 2 (2010) (noting that “there is a need to restructure the [international dispute resolution (IDR)] system to create a framework for understanding how to systematically integrate IDR methods across forums”).

<sup>6</sup> UN Charter Art. 33, para. 1 (“The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”).

<sup>7</sup> *Legality of Use of Force (Yugo. v. Belg.)*, (*Yugo. v. Can.*), (*Yugo. v. Fr.*), (*Yugo. v. Ger.*), (*Yugo. v. It.*), (*Yugo. v. Neth.*), (*Yugo. v. Port.*), (*Yugo. v. Spain*), (*Yugo. v. UK*), (*Yugo. v. U.S.*) (Int’l Ct. Justice filed Apr. 29, 1999), available at <http://www.icj-cij.org>.

<sup>8</sup> Appellate Body Report, *United States—Subsidies on Upland Cotton*, WT/DS267/AB/R (adopted Mar. 21, 2005).

<sup>9</sup> *Prosecutor v. Kony*, Case No. ICC-02/04-01/05, Decision on the Prosecutor’s Application for a Warrant of Arrest for Joseph Kony (Sept. 27, 2005), available at

Much of the book is clearly written and easy to follow. In terms of tone, the volume reads like a series of distinct analyses of dispute settlement by international law experts. Readers will find thoughtful pieces that detail the inner workings of judicial settlement at the ICJ and ICC and of institutional and ad hoc arbitration proceedings. However, the volume suffers from a flaw common to most edited manuscripts emerging from symposia—a lack of genuine dialogue among chapters, which speaks to the need for further editorial synthesis.

In addition, as one might also expect of a symposium issue, the contributors at times provide contrasting advice. For example, Kohen states that no general international legal rule requires states to exhaust diplomatic methods before instituting judicial proceedings, noting that “[n]egotiations and judicial settlement do not exclude each other” (p. 23), whereas Pierre-Marie Dupuy (Graduate Institute of International and Development Studies) suggests that “[r]ecourse to a judicial settlement of the dispute [at the ICJ] can only be made to the extent that the earlier phase of negotiations has failed” (p. 61). Dupuy explains that this condition is necessary to meet the jurisdictional requirement of an actual legal dispute and, importantly, further describes the intricate interactions that take place among states to meet this requirement, indicating that “[w]hoever takes the initiative to be the first to have recourse to a judge tends also to adopt a posture, which they hope will be advantageous, of not appearing afraid of justice but rather demanding justice because the law is on their side” (p. 62).

Moments of tension and disagreement among contributors are not in themselves a deficiency; quite the contrary, they can be a source of compelling interest and strength. However, the volume provides no clear structure for the contributors to engage each other in their differing perspectives and thus does not foster the robust and spirited exchange that undoubtedly took place at the symposium itself. The collective wisdom generated by the intellectual interaction at the symposium does

<http://www.icc-cpi.int/iccdocs/doc/doc97185.pdf> (warrant issued under seal on July 8, 2005, and unsealed on October 13, 2005).

not seem to have fully found its way into the published book.

For the reader seeking technical knowledge of the use of various dispute settlement methods in the international trade and investment context, several chapters excel. Using the *EC—Bananas* dispute<sup>10</sup> as a case study, H el ene Ruiz Fabri (University of Paris I—Panth eon-Sorbonne) explores how the WTO, as a dispute settlement institution, structures and promotes interplay between negotiation and third-party dispute settlement and finds that the WTO Dispute Settlement Understanding has a “strong preference in favour of amicable settlements” (p. 88). She offers one of the most comprehensive analyses in the book of interactions among methods by providing a general framework for the relationship among the various dispute settlement mechanisms (e.g., negotiation, good offices, mediation, conciliation, arbitration, and adjudication) within the WTO dispute settlement system. Fabri rightly notes that the relationship among these methods is complex and that “there is neither an imposed logic in the sequence, nor any natural order of succession” (*id.*). This assessment raises the question that the reader will not find explored in any depth: should there be such an ordering? Ultimately, Fabri advises taking an “open approach” because a “judicial decision does not necessarily settle a case in the sense that . . . negotiations can prove necessary beyond the decision in order to implement it” (*id.*).

Highlighting areas of dissonance or difficulty between judicial and diplomatic means—which few chapters do—Michael E. Schneider (Swiss Arbitration Association) argues that resolving international investment disputes demands moving beyond the rights-based paradigm of international arbitration. After referencing the use of alternative dispute resolution (ADR) methods in commercial disputes, Schneider then seeks to fit these methods into the specific context of investment disputes. He identifies several challenges that consequently arise, such as “the difficulties faced by a public administration when it must take a decision which implies concessions to the inves-

tor” (p.134), as demonstrated in a recent International Centre for Settlement of Investment Disputes (ICSID) case.<sup>11</sup>

Following the investment arbitration theme, Gabrielle Kaufmann-Kohler (University of Geneva Faculty of Law) explores the specific issue of transparency and the risk of diplomatic protection that arises when a nondisputing state participates in arbitral proceedings. She argues against allowing an investor’s home state to exercise diplomatic protection on the basis that doing so “would disrupt the carefully balanced framework of the investor-State dispute settlement mechanism” (p. 326).

Several chapters answer the editors’ call for a framing of valuable questions worthy of continued research and engagement. For instance, Boisson de Chazournes and Antonella Angelini (Graduate Institute of International and Development Studies) ask what happens after the ICJ issues its judgments, particularly in advisory opinions. These authors observe that the scholarly “reticence” (p. 155) to examine the post-adjudication phase is connected to the reality that implementation involves political choice and thus is considered outside the realm of legal analysis. They challenge international legal scholars to adjust “theoretical categories, in order to fully comprehend implementation” (p. 185).

What is missing throughout the book is the sort of in-depth analysis of the use of diplomatic methods as is found with the use of judicial methods. For example, using the *Pulp Mills on the River Uruguay* (Argentina v. Uruguay) case,<sup>12</sup> Pablo Sandoz de Le on (Graduate Institute of International and Development Studies) informs readers that “[r]ecourse to diplomatic means prior to seeking a jurisdictional resolution can be either optional or compulsory” (p. 76) and that the ICJ “can make an explicit and binding call for diplomatic negotiations” (p. 83) as it has done in several cases.<sup>13</sup> But

<sup>11</sup> *Kardassopoulos v. Georgia*, ICSID Case Nos. ARB/05/18 & ARB/07/15, Award, paras. 443–48 (Mar. 3, 2010), available at <http://www.italaw.com/sites/default/files/case-documents/ita0445.pdf>.

<sup>12</sup> *Pulp Mills on the River Uruguay* (Arg. v. Uru.), 2010 ICJ REP. 14 (Apr. 20).

<sup>13</sup> *Territorial and Maritime Dispute Between Nicaragua and Honduras in the Caribbean Sea* (Nicar. v.

<sup>10</sup> *E.g.*, Appellate Body Report, *EC—Bananas*, WT/DS27/AB/R (adopted Sept. 25, 1997).

what the reader will not find is further engagement about negotiation. On what criteria or “*ethoi*” (p. 3) do ICJ judges determine that parties should engage in negotiations? How might the different training of judges and negotiators shape their understandings of what addressing a dispute means? Should the goal be to settle legal claims and/or resolve the issues and underlying interests involved in such disputes? The book calls out for additional analysis that will advise the reader about when and under what conditions such diplomatic interactions are valuable and how best to design processes and institutions to provide such opportunities.

Perhaps this critique is a result of the structure of *Diplomatic and Judicial Means of Dispute Settlement*. By framing the sections to follow the chronology of judicial proceedings and interjecting diplomatic examples as they fit that frame, the editors privilege one method far above the other. Most chapters follow this lead. When contributors do examine the use of negotiation, mediation, and other methods, it is invariably against a backdrop of adjudication (through arbitration or judicial settlement) as the primary dispute settlement mechanism. This overdetermined frame allows for little sustained and developed analysis of “diplomatic” methods. Undoubtedly, the emphasis on judicial settlement and arbitration is a product of the book’s authorship. Of the twenty-two contributors, all are experts in international law (covering a wide array of subfields therein), but, with the notable exception of Annan, they have not described themselves in their biographies as experts in diplomacy, negotiation, mediation, conciliation, or facilitation. Although the book purports to provide a means for analyzing interactions among a multitude of dispute settlement methods, the expertise of the contributors restricts the book’s ability to achieve this goal. The editors would have done well to note this point in their introduction.

This significant critique aside, the reader will find a wealth of knowledge and perspectives in this

collection, particularly in the final section. This section not only analyzes the relationship between diplomatic and judicial dispute settlement methods, but it also questions and strives to answer the underlying assumptions, themes, and normative underpinnings for this analysis in the first place. Featuring the contributions of Annan (seventh secretary-general of the United Nations), Lucy Reed (Freshfields Bruckhaus Deringer LLP), and Georges Abi-Saab (former judge at the ICJ, ICC, International Tribunal for the Former Yugoslavia, and International Criminal Tribunal for Rwanda), the section’s contributors raise important thematic questions that the book’s other chapters might have engaged in more detail. Indeed, one may wish to begin the book here, using it to frame the chapters that come before.

Reed asks, for example: “What is meant by the word ‘diplomatic?’” (p. 291), before raising the important distinction among the practices used by foreign ministries and the specific methods listed in Article 33 (e.g., negotiation, mediation, conciliation, and inquiry) that many other chapters conflate or muddle. She also asks: “What is meant by ‘judicial means?’” (p. 292). Here, she seeks to eliminate vagaries by considering the distinctions among binding decisions based on international law that are reached by independent third parties. Reed aptly observes that only after these two concepts of the diplomatic and the judicial are further defined can the central question of the volume—how they interact and whether they “can . . . get along” (*id.*)—truly begin.

Reed’s chapter stresses the practical and intellectual payoffs of rigorously analyzing the interaction between the judicial and the diplomatic, and it might have served as a model for many of the book’s other chapters. Among her key insights is her consideration of the importance of cultural dynamics. She asks: “What impact does diplomatic training have on judicial decision-makers?” (p. 291). She also examines the effect that the proliferation of international courts and tribunals might have on the use of nonjudicial means, arguing that not only will the former not likely decrease the latter but that states, when given more options for adjudication, may have a greater incentive to engage in methods over which they have more

Hond.), 2007 ICJ REP. 659, para. 321 (Oct. 8); Fisheries Jurisdiction (UK v. Ice.), Merits, 1974 ICJ REP. 3, para. 79(3) (July 25); Gabčíkovo-Nagymaros Project (Hung./Slovk.), 1997 ICJ REP. 7, para. 155 (Sept. 25).

control. Citing her experiences with the Eritrea-Ethiopia Claims Commission where Ethiopia chose to release Eritrean prisoners of war a few days before the hearings were to begin at the Peace Palace, Reed posits that judicial proceedings may bring parties into a culture of obeying international law.

In his chapter, Annan (offering his reflections via an interview conducted by Nicolas Michel) considers the importance of connecting the legal settlement of disputes to the resolution of conflict. His perspectives are informed by his role as a mediator in helping to implement the ICJ's 2002 judgment in a maritime boundary dispute between Cameroon and Nigeria<sup>14</sup> through the creation of the Greentree Agreement in 2006.<sup>15</sup> After elections in Kenya, Annan also worked as a mediator to address the widespread violence with the following mantra: "Stop the violence, provide assistance to those who had been displaced, then look at the political arrangements and settlement, find a political solution for the conflict and then deal with the long-term issues" (p. 287). He rightly observes that a wide range of dispute settlement methods, whether classified as judicial or diplomatic, certainly have a role to play in achieving international peace and security.

The book concludes with perhaps its most important contribution, a transcript of Abi-Saab's remarks at the symposium. Answering the editors' call, Abi-Saab highlights the interaction question by returning to the purpose for and meaning of judicial dispute settlement. He reminds the reader about the historical understanding of the interplay among different methods of dispute resolution. The "foundational dictum" (p. 327) of the Permanent Court of International Justice (PCIJ), as communicated in the 1929 *Free Zones* case,<sup>16</sup>

intends judicial settlement as an alternative to direct and friendly dispute settlement. However, as Abi-Saab argues, the French term *succédané* means not merely an "alternative" but a "second best or imperfect substitute" (p. 328). This preference for jurisdiction by consent in contentious cases with a privileging of diplomatic settlement mechanisms is borne out of a strong adherence to Westphalian sovereignty common to the time when nations were averse to subjugating themselves to a higher power of an international court. Adjudication was understood a last resort. The PCIJ defined *dispute* as "a disagreement on a point of law or fact, a conflict of legal views or of interests between two persons" (p. 329) from the perspective of an international court.<sup>17</sup> Thus, the traditional view has been that recourse to judicial settlement is best when there is a legal dispute of significance that the parties have been unable to address through diplomatic means.

Abi-Saab notes that this understanding is shifting. States no longer consider adjudication as the last resort before war but as an important early step to clarify the basis of the dispute and to open up opportunities for agreement. Thus, from his perspective, a dispute is "an agreement to disagree" (*id.*) identified by the parties' inability to resolve the matter themselves—through diplomacy or negotiation or other direct measures—and establishes the need for third-party settlement. Taking this view, the chapters in this volume might have benefited from drawing a different distinction: not between diplomatic and judicial dispute settlement means, but among direct methods (e.g., negotiation and diplomacy) undertaken by the parties to a dispute versus third-party methods to be used when the parties need assistance (e.g., adjudication by judicial settlement and arbitration, mediation, conciliation, facilitation, fact-finding and inquiry).

(Aug. 19), available at [http://www.worldcourts.com/pcij/eng/decisions/1929.08.19\\_savoy\\_gex.htm](http://www.worldcourts.com/pcij/eng/decisions/1929.08.19_savoy_gex.htm).

<sup>17</sup> *Mavrommatis Palestine Concessions* (Greece v. UK), 1924 PCIJ (ser. B), No. 3, at 7, para. 19 (Aug. 30), available at [http://www.worldcourts.com/pcij/eng/decisions/1924.08.30\\_mavrommatis.htm](http://www.worldcourts.com/pcij/eng/decisions/1924.08.30_mavrommatis.htm).

<sup>14</sup> *Land and Maritime Boundary Between Cameroon and Nigeria* (Cameroon v. Nigeria; Eq. Guinea intervening), 2002 ICJ REP. 303 (Oct. 10).

<sup>15</sup> *Agreement Between the Republic of Cameroon and the Federal Republic of Nigeria Concerning the Modalities of Withdrawal and Transfer of Authority in the Bakassi Peninsula, Cameroon-Nigeria*, June 12, 2006, available at <http://www.ucdp.uu.se/gpdatabase/peace/Cam-Nig%2020060612.pdf>.

<sup>16</sup> *Free Zones of Upper Savoy and the District of Gex* (Fr. v. Switz.), Order, 1929 PCIJ (ser. A) No. 22, at 13

In sum, *Diplomatic and Judicial Means of Dispute Settlement* is an engaging and essential volume. What it lacks at times in structure and scope, it makes up for in its visionary purpose. The comprehensive study of international dispute resolution as a system is an essential aim and a promising area of future scholarship. Practitioners, particularly in the field of international arbitration, are increasingly interested in using multiple dispute resolution methods in novel ways.<sup>18</sup> Law schools are increasingly offering courses that cover judicial and diplomatic methods of international dispute resolution, and a casebook is now dedicated to that pursuit.<sup>19</sup> The focus on interactions is an emerging area of importance in international legal scholarship, and this meaningful contribution extends that tradition. In promoting the understanding that international disputes are best approached not simply through different methods but also through their interactions, this volume serves as a foundation for further development of work in this burgeoning field.

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*Non-proliferation Law as a Special Regime: A Contribution to Fragmentation Theory in International Law.* Edited by Daniel Joyner and Marco Roscini. Cambridge, New York: Cambridge University Press, 2012. Pp. x, 291. Index. \$109, £65.

This edited volume, *Non-proliferation Law as a Special Regime*, represents a valuable contribution

<sup>18</sup> See Susan D. Franck, *Using Investor-State Mediation Rules to Promote Conflict Management: An Introductory Guide*, 29 ICSID REV. 1, 3 (2014) ("The United Nations Conference on Trade and Development (UNCTAD) has published multiple proceedings suggesting the utility of mediation, and other recent publications indicate that UNCTAD believes that ADR constitutes a vital piece of the puzzle related to the future of international investment law.")

<sup>19</sup> MARY ELLEN O'CONNELL, INTERNATIONAL DISPUTE RESOLUTION: CASES AND MATERIALS (2d ed. 2012). The publisher's website describes O'Connell's volume as "the only casebook . . . that introduces students to all of dispute resolution mechanisms available internationally." CAROLINA ACADEMIC PRESS (2014), at <http://www.cap-press.com/books/isbn/9781594609046/International-Dispute-Resolution-Second-Edition>.

to the literature on nonproliferation law and international law, but less so to the literature on fragmentation theory. This review sandwiches the criticism with well-deserved praise. On balance, the book is recommended reading for those interested in nonproliferation law and secondary rules.

With this volume, Daniel Joyner and Marco Roscini set out to explore whether the field of nonproliferation law can be considered a special regime, with particular attention to how this question can be understood as a product of the continuing fragmentation of international law. The outstanding team of contributors includes Malgosia Fitzmaurice, Dieter Fleck, Matthew Happold, Jonathan Herbach, Panos Merkouris, Andrew Michie, Eric Myjer, Sahib Singh, and Nigel White, all duly expert in their fields. Their combined effort has created the most thought-provoking book on nonproliferation law in the English language since Julie Dahlitz's trilogy of the 1990s<sup>1</sup> and also the most thorough study of nonproliferation law since Guido den Dekker's 2001 *The Law of Arms Control: International Supervision and Enforcement*.

The editors' introductory chapter provides an exceptional review of fragmentation theory, with a clarity and concision rarely seen in this kind of academic work. Likewise, each of the five chapters in the first part of the book—on the law of treaties—contains an excellent review of a particular secondary rule of international law, specifically in the context of nonproliferation law. While much the same substantive treatment might be found in other books on nonproliferation law,<sup>2</sup> the survey provided here is especially interesting and concise.

<sup>1</sup> See FUTURE LEGAL RESTRAINTS ON ARMS PROLIFERATION (Julie Dahlitz ed., 1996); AVOIDANCE AND SETTLEMENT OF ARMS CONTROL DISPUTES (Julie Dahlitz ed., 1994); THE INTERNATIONAL LAW OF ARMS CONTROL AND DISARMAMENT (Julie Dahlitz & Detlev Dicke eds., 1991).

<sup>2</sup> See, e.g., DANIEL H. JOYNER, INTERNATIONAL LAW AND THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION (2009); GUIDO DEN DEKKER, THE LAW OF ARMS CONTROL: INTERNATIONAL SUPERVISION AND ENFORCEMENT (2001); JAN KOLASA, DISARMAMENT AND ARMS CONTROL AGREEMENTS: A STUDY ON PROCEDURAL AND INSTITUTIONAL LAW (1995); GÖRAN LYSÉN, THE INTERNATIONAL REGULATION OF ARMAMENTS: