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A Systemic Analysis

(Victor Stoica, Cambridge University Press, 2021, 288 pages)

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Remedies before the International Court of Justice. A Systemic Analysis

(Victor Stoica, Cambridge University Press, 2021, 288 pages)

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International lawyers, diplomats, researchers and students will appreciate this book.

The book is among the first that systematically studies the remedies of international law as applied by the International Court of Justice, in depth. It provides a careful mapping of the cases of the Permanent Court of International Justice and the International Court of Justice. Further, the book is among the first that studies not only the judgments of the International Court of Justice, but also the interpretation that states have towards the remedies of international law, through their pleadings. As such, in my view, the book is of a high degree of originality.

The book contrasts the theoretical controversies regarding the remedies of international law with a complete survey of the large set of cases that have been submitted before the Permanent Court of International Justice and the International Court of Justice.

¹ Elena LAZĂR has graduated the University of Bucharest, Faculty of Law (2010), the LLM in Private Law (2011) and the LLM in European Union Business Law (2011) at the same faculty. She has also obtained her PhD diploma in 2015 in the field of human rights law at the Faculty of Law. In her capacity of lecturer at the Law Faculty, she is in charge with seminars and courses on Public International Law and International Organizations and Relations for the second year of undergraduate studies. She also works as a lawyer and as a legal expert on criminal matters for the EU Commission. The opinions expressed in this paper are solely the author's and do not engage the institution she belongs to.

Contrary to the theoretical perspectives and controversies, the International Court of Justice applies most remedies of international law differently. In line with this theory, one discrepancy between the general view under international law and the specific perspective of the Court is restitution in kind, which, before the International Court of Justice, is rarely requested and granted, even if it is generally considered as being the primary remedy of international law, as provided by the International Law Commission through the Articles on Responsibility of States for Internationally Wrongful Acts. Another such example is the underestimation of declaratory relief, this remedy being the norm before the International Court of Justice.

The book provides a highly relevant set of conclusions with respect to each remedy of international law. The requests of the parties from all the pleadings before the International Court of Justice and the Permanent Court of International Justice and the findings of the Court, included within the annexes of the book are relevant and useful. The annexes simplify the research methodology regarding the review of the case law of the Court with the result of bringing consistency towards the manner in which the parties frame their pleadings and the International Court of Justice structures its judgments.

The book also contains relevant findings with respect to the political elements that are involved within the resolution of disputes before the International Court of Justice and the Permanent Court of International Justice. The book shows that the political element is not ignored by the judicial body, and nor should it be.

A better understanding of the concepts and how they apply before the Court could also be of use for graduate students to understand the manner in which the Court and the parties approach the resolution of a dispute. Further, the book represents a good example of narrowing down the more general field of state responsibility. As such, the book can be used as supplementary reading for academic courses on state responsibility, with the scope of further understanding its applicability.

We are looking forward to seeing the author endeavor in addressing the manner in which the remedies of international law are applied by other International Courts and Tribunals, such as arbitral tribunals, the European Court of Human Rights or the World Trade Organization.