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# BOOK REVIEWS

**P. Šturma, S. Hýbnerová, J. Ondřej, V. Balaš, V. Bílková and V. Honusková:**
***Competing Jurisdiction of International Judicial Bodies*,**
**1st edition, Charles University in Prague, Faculty of Law, Prague, 2009, 117 p.**

The reviewed publication is a collective monographic work penned by a team of academics at the Department of International Law of the Law Faculty at Charles University in Prague. The primary aim of their effort had consisted of the completion of a research project announced by the Ministry of Foreign Affairs of the Czech Republic. A modified and expanded version of the final report originally prepared in respect of this project gave rise to the publication being reviewed here.

A team of authors led by Professor Šturma focused its efforts on examining the issue of competing jurisdiction of international judicial bodies. A number of important circumstances undoubtedly led to the selection of this topic. In particular, the issue of proliferation of competing jurisdictions of international judicial bodies is presently one of the most debated topics in international law doctrine and also has a significant impact on the practice of law in this area. From the outset, the authors were faced with a daunting task, not only because of the nature of the matter being addressed but also due to the fact that they first had to arrive at a definition of the issue involved, which attests to the topicality of the subject matter being examined.

Competing jurisdiction is the situation where the adjudication of a certain dispute falls within the competence of two or more judicial bodies. There are positive as well as negative impacts associated with this phenomenon. The issue of competing jurisdiction has made it to the forefront of topical issues in international law because it is linked to the fragmentation of international law. The fragmentation of international law is a complex process in the course of which this sphere of law has been enriched in terms of its content and has concurrently become more specialized, developments that bring with them a number of aspects. The substance of international law ends up being splintered into individual, relatively closed subsystems (self-contained regimes) and within the framework of such self-contained regimes the process of the creation of the rules of international law is becoming ever more specialized, as is the interpretation and application of such rules.

This process is additionally accompanied by the establishment of specialized international bodies and organizations having jurisdiction over individual subsystems of international law. This brings with it a blurring of jurisdictional boundaries and increasing overlap between the jurisdictions of the judicial bodies tasked with applying international law in practice. Such overlap raises the risk of mutual competition between the judicial bodies having authority over various subsystems.

The enrichment of the content of contemporary international law has brought with it a fragmentation of such law into specialized and relatively autonomous groups of rules, legal concepts and branches of international law, such as "human rights law", "international criminal law", "international environmental law", "law of the sea" "international trade law", "international investment law" or "international refugee law". Each branch has its own rules and for each branch, institutions have been established that participate in the creation, application, ascertainment, and enforcement of the law.

This situation has attracted the interest of experts specializing in the doctrine of international law as well as those involved in the practice of such law. This is borne out by the fact that the issue of fragmentation of international law was addressed during 2002-2006 by the International Law Commission, the main UN body for the codification and progressive development of international law.

A distinction should be made between fragmentation on the level of substantive law and fragmentation in the institutional, procedural areas. The UN Commission deals with the issue of fragmentation of international law on the substantive law level, and intentionally avoids addressing the fragmentation of procedural law for fear of possible interference with the work of the UN's judicial bodies. The reviewed publication, by contrast, focuses precisely on the process of proliferation of international judicial bodies in the procedural area of law.

The collective of authors took up this challenge not only because this issue is very topical at present, and not only in the theoretical area but also, and most importantly, as concerns the practice of international law. In writing the book, the authors also wished to accomplish another objective, to fill in a gap presently existing in Czech expert literature, where, in contrast with foreign literature, an expert treatment of this issue has been nonexistent.

The publication is divided into six chapters. The first chapter is devoted to the issue of competing jurisdiction in general. In this part the authors had to deal with the conceptual problems associated with this issue. The chapter highlights the linkages between the competing jurisdiction issue and the fragmentation process we have been witnessing in the area of international law in recent years. The authors then concentrated their attention on a conceptual definition of the term competing jurisdiction.

The second to fifth chapters examine the issue of competing jurisdiction in four areas of international law. In the second chapter, the authors turned their attention to the field of international criminal law. The third chapter deals with international protection of human rights and the fourth chapter addresses international law of the sea. International economic law, particularly international investment disputes, are covered in the fifth chapter. There were two main factors behind the selection of these areas most importantly, these are the areas of international law where the issue of competing jurisdiction seems to be the most pressing, and additionally the

selection was also influenced by the areas of expertise of the authors participating in the preparation of the reviewed publication. The final, sixth chapter, compares the relationships between individual judicial bodies from various fields and concurrently presents the conclusions drawn from all of the procedural issues examined. The conclusions in this chapter do not merely consist of the finding that the proliferation of international judicial bodies brings about jurisdictional competition between them. The authors have also made an effort to find answers to the question of whether these developments pose a risk to the integrity of international law and to indicate what approaches could be adopted to address such jurisdictional conflicts.

The reviewed publication is intended primarily for experts in the Czech Republic and Slovak Republic working in the area of international law theory and those involved in the practice of international law. It can also be used as a university textbook for graduate and postgraduate students at faculties of law.

Noteworthy is not only the fact that the authors have chosen to deal with such a topical issue but also the manner in which they have seized the subject. The introduction to the publication provides a well-organised overview of the issue, which is then examined in greater detail in the individual chapters of the book. This makes the work accessible even to readers who are not entirely familiar with the background of the issue covered by the authors. One aspect that could be somewhat disorienting, however, is the fact that in the chapters dealing with the proliferation of jurisdictions in specific areas of international law, the authors use the established terms for the individual instruments used to regulate competing jurisdictions but do not provide the definitions of such terms until the end of the final chapter. This minor shortcoming is undoubtedly a reflection of the fact that the publication represents the collaborative effort of several authors. And it in no way detracts from what the authors have achieved, managing, on the one hand, to deal with an eminently topical issue stemming from recent developments in international law, while at the same time succeeding in filling in an empty space in Czech expert literature. The publication consequently bears an intellectual legacy that experts in the theory of international law as well as those involved in the practice of such law can draw from. In its treatment of competing jurisdiction as a procedural problem, this effort has indeed largely succeeded in filling an existing gap, and in their treatise the authors have concurrently managed to outline additional areas that would also be worthy of separate examination. Another publication that would also merit its own place among expert publications would be a publication dealing with, for example, the fragmentation of the substantive rules of international law. Situations of competing jurisdiction are not confined solely to those between international judicial bodies but may also occur at the level of the international and national authorities that apply these same principles of international law. A work examining the relationship between international judicial bodies and political authorities, or the issue of the ever larger role of international organizations, could also be of

extraordinary interest. The expert community would undoubtedly welcome works that dealt with some of the other areas outlined here, such future works would come to occupy a place of value among expert publications, just as the reviewed publication has.

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