In spite of the fact that the collected essays were concluded shortly before the UNDRIP was adopted by the General Assembly, the book provides a very valuable and important study on the matter and its detailed examples on state practice and litigation processes possess considerable value both for scholars and practitioners alike.

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To undertake the examination of the concept of peremptory norms in international law is a task fraught with difficulties, yet even more so when the author seeks to examine ‘the effects of peremptory norms as a system’ (3). Yet, the result is impressive. Alexander Orakhelashvili promises a comprehensive approach to ius cogens norms and he delivers precisely this. This is a book based on meticulous research and a comprehensive examination of existing literature and case materials. For its ability to bring together truly diverse materials on ius cogens norms, this book deserves to be widely read.

The book is structured into five parts. Part I examines the concept and identification of the ius cogens norm. Part II then proceeds to deductively examine some of the effects of the author’s principled approach to the identification of such a concept. It is here that the reader becomes aware of the reach of the author’s consequentialist logic. Some of the arguments in this section (e.g., those relating to the law of treaties, validity of state action and state immunity) are familiar. It is in Parts III, IV and V that the monograph comes into its own: making a comprehensive addition to a lacuna in international legal literature. Part III examines the relationship between peremptory norms and the powers of international organizations. Part IV similarly examines the relationship with the powers of international tribunals. Finally, Part V looks at the effect of ius cogens norms in national legal systems.

The renewed relevance and value of conceptualizing ius cogens is undoubted in a time when the international legal system is re-evaluating itself and its role in international society. This relevance is made all the more prominent with the rise of constitutionalist discourse, for which concepts such as ius cogens are fundamental vehicles. Given these contemporary debates, Orakhelashvili’s monograph has the capacity to be of great value. Equally, his treatment of the concept should be viewed with constructive skepticism. It is here that one finally arrives at two problematic underpinnings (each linked to the other) of this otherwise excellent work.
First, Orakhelashvili insists ‘systemic analysis is necessary for the proper understanding of the phenomenon of *jus cogens*, because some aspects of this phenomenon can be explanatory of its other aspects. Drawing conclusions on the basis of the fragmented treatment of the phenomenon of *jus cogens* runs the risk of improper understanding.’ (3). Yet is one thing to expose the systemicity of a concept and yet another to impose it. It is the former that leads to improper understanding. Unfortunately, this is precisely what Orakhelashvili does. It is by imposing upon the reader a principled understanding of the concept of *ius cogens* (see generally, Chapter 3), that Orakhelashvili constructs his system of the concept in international law. Problematically, he imports his principled understanding of *ius cogens* under the guise of objectivity. The principled characteristics of *ius cogens*, rather than being exposed through an analysis of the concept across areas of international law, are rather entirely self-constructed to enable him to undertake his systemic analysis. It is in some regards an unforgivable circularity at a crucial methodological juncture.

Second, and as a direct result of classical consequentialist logic, Orakhelashvili mislays his self-professed stance of approaching the task positively (3) and rather emerges as a naturalist attached to specific moral absolutes. Based on self-professed principles, which lie at the core of the concept of *ius cogens* and therefore construct its systemicity, the author draws his first straw of consequentialist logic:

> When a principle in question is peremptory, it would be artificial to attribute different legal force to various legal rules and principles specifying, elaborating and implementing the principle (81)

It is this one sentence that forms the premise of the monograph’s Part II and the identification of the effects of *ius cogens*, when viewed with principle attributes which go to the heart of the concept. Consequential logic determines a radical approach to amnesties for international crimes (226), a rereading of Article 53 of the Vienna Convention on the Law of Treaties, the mandating of third party countermeasures (304), the duty to exercise universal civil jurisdiction in certain cases, a reconsideration of the treatment of certain United Nations Security Council resolutions and the international law concerning statehood – to name only a few.

It is this consequentialist logic that takes Orakhelashvili out of positivism and towards a normativity premised on an absolute conception of *ius cogens*.

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4 See generally, M. Foucault, The Archaeology of Knowledge (trans. by A.M.S. Smith, 1990), at 117.

5 See his assertions of what the ‘very rationale’ (67) or ‘very essence’ (68) or even his continuous reversion to the “coherent conceptual basis” of *jus cogens* (82). The problem is that each of these are fundamental to both determining the content of the system he proposes and also entirely self-constructed.