as well as in the framework of the applicable law of war in the course of the implementation of a decision. This view makes also the member states parties to armed conflicts in which EU troops are engaged.

A further chapter deals with the application of human rights to ESDDP operations. It compares these operations with the UN Peace keeping operations, discussing mainly the issue of the extraterritorial applicability of human right treaties, the possibility of derogation during conflicts as well as – in a rather extended manner – the relation between the law of war and human rights. The solutions offered by the author correspond to the prevailing doctrine; both the EU and the member states are obliged to respect human rights in the course of such operations, notwithstanding the application of the law of war that, in conformity with the ruling of the ICJ, operates as lex specialis. The author adds certain recommendations for the member states, which, however, do not seem to be realistically feasible.

In general, this book makes a valuable attempt to shed light on the general issue of ESDP operations and international law from various perspectives so that the reader obtains a rather complete and comprehensive picture of the legal problems involved. By doing so, it is not limited to the EU alone, but discusses the problems raised by the EU in a far more general manner so that the conclusions reached by this book are applicable also in a wider context of the relations between international organizations and international law.

Gerhard Hafner


The present book puts together the edited papers presented at a workshop organized by the Legal Office of the Secretariat of the Organization of the Oil Exporting Countries (OPEC). The workshop was entitled ‘OPEC and International Law: Issues, Prospects and Challenges’, held in October 2008 at the OPEC headquarters in Vienna. The workshop brought together a group of high-level experts, OPEC officials and member state representatives to discuss recent and emerging international legal issues concerning the OPEC and its members.

The book begins with a general introduction (‘International Legal Issues of Significance to OPEC and Its Member Countries: A General Overview’, pp. 1-21) by Ibibia L. Worika, General Legal Counsel of OPEC, of the individual contributions to the book. The topics covered range from international institutional law, intellectual property rights, US legislative and judicial issues, EC competition law and policy, petroleum investment contracts and issues of investment arbitration,
to questions of OPEC in the context of WTO law, international environmental law (especially concerning a possible post-Kyoto Protocol regime) to territorial and jurisdictional issues concerning the law of the sea and the sovereignty over resources of the Arctic and the deep seabed.

The first of these topics is addressed by August Reinisch (‘OPEC and International Institutional Law: Assessing OPEC’s Status’, pp. 23-50). He examines the legal personality of OPEC on the basis of the traditional definition according to which an organization enjoys legal personality if it is an entity created by states by international agreement, possessing a minimum of institutions and, with some caveat, serving public purposes. He concludes that while it has been contested that OPEC meets all these criteria, his analysis of the statutory tasks of OPEC demonstrates that OPEC indeed fulfills these requirements. Thus, ‘OPEC’s international and domestic legal personality can be inferred from the powers and status explicitly recognized and conferred upon the organization, such as treaty-making power and privileges and immunities’ (p. 49). This seems also to be supported by judicial practice of domestic courts which have hitherto not allowed lawsuits to be made successfully against OPEC.

Enyinna S. Nwauche deals with a quite specific and, it may be said, unusual topic, namely ‘OPEC and Intellectual Property: Protecting OPEC’s Name and Logo’ (pp. 51-65). OPEC is a, probably the, major player on the international oil market. Given its wide high profile, OPEC has an interest that its name and logo are protected in the context of intellectual property law. The author examines various avenues how this can be done. The possible mechanisms include article 6ter of the Paris Convention, which also protects emblems and abbreviations of international organizations, domain name protection through ICANN, trademark protection of OPEC’s name and logo by article 15 of the TRIPS Agreement as well as through copyright laws.

Carolyn B. Lamm and others analyse ‘The Principle of State Sovereignty over Natural Resources in US Lawsuits against OPEC and its Member Countries’ (pp. 67-92). After giving a brief overview of the recognition of the principle of state sovereignty over natural resources in international and US law (pp. 68-71), the authors portray a number of private lawsuits against OPEC and its member states in the United States (pp. 71-90). Unfortunately, the contribution is largely confined to describing these proceedings in their various stages, but lacks a real analysis of this case law. Interesting as this US case law may be for documentary purposes, it is not clear what the relevance of this municipal judicial practice is without providing the reader with some more analytical legal reasoning. The main conclusion of the authors is that the principle of state sovereignty over natural resources ‘has played an important role in the dismissal of US lawsuits against OPEC, its member countries, and their oil companies for alleged violations of US antitrust law’ (p. 92).