**Book Review**

The ICJ – A Renewed Bibliography
On Rosenne’s Fifth Edition and Some Others

Malcolm Shaw QC
(Leiden: Brill, 2016), 4 Volumes, xxxiii-1 + 975 pages.

Juan José Quintana Aranguren

Andreas Zimmermann, Christian Tomuschat, Karin Oellers-Frahm and Christian Tams (eds.)

Robert Kolb

Hugh Thirlway

The literature on the International Court of Justice (ICJ) has considerably expanded during the last few years. On the occasion of the publication of Rosenne’s Fifth Edition by Malcolm Shaw, I will also try, more briefly, to take stock of the other publications, listed above.
However, first, the new Rosenne – compared with the former edition. Still the same smart presentation, golden letters on a black cover, hardcover only – no paperback edition – and still much too expensive: 999 euros; a pure scandal! Only a few hundred pages more, not an in-depth rearrangement of the content, but an update above praise.

Indeed, the late Shabtai Rosenne was a bright and talented forerunner, and the whole community of international lawyers, and first of all the practitioners in the field, are indebted to his magisterial pioneering in the presentation of “the law and practice of the International Court”. Nevertheless, the opus magnum was not exempt of defects; in particular, in spite of a detailed index (maintained), its use was made difficult by a rather un-Cartesian organization of the developments within the various Chapters – which, for their part, were logically articulated.

Professor Malcolm Shaw, who has, bravely, undertaken to revise this monument of international legal literature, warns in his preface that “[t]his edition is [...] essentially an updating and, where necessary, a revision of the previous edition compiled, it is hoped, with Rosenne’s rigorous objectives in mind.” Rightly, the “reviser” has integrally kept the previous 30 chapters. However, more than a revision, this eagerly awaited new edition appears as a most welcome – but perhaps a bit too respectful – updating. It is however to be regretted that Professor Shaw showed shyness in reviewing the content of the book, which has remained similar to that of the previous editions, with its qualities and its shortcomings.

Let me give some examples of the latter. You wish to be informed of the law applicable by the Court. You, of course, turn to the “General Index” at the end of Volume IV. There is no entry for “Applicable Law” but your second intuition is the good one: “Law applied by the Court” is an entry – however, surprisingly, it refers only to the very last pages of Volume III (the last substantive volume); you move to these pages in Chapter 27 (1607–1611); then you find developments on “Statute, Article 38, Paragraph 1(D): Subsidiary Means”. If, however, you persevere, you try “Treaty”, then “Custom” – definitely, no entry. Better then to turn to the Table of Contents; going through it, you will find Chapter 11 on “Treaties and Conventions in Force” – but this is only on jurisdiction (and I note in passing that the general considerations on “The Title of Jurisdiction” will only come as Chapter 14). Still going through the Table of Contents, eventually, you will find a section 375, in Chapter 27, which devotes ten pages to “The judgment: the reasons in point of law: Statute article 38”. Besides the fact that this long quest shows that the Index is both incomplete and not very user-friendly, it can be assumed that applicable law is of greater interest for students and practitioners in international law than the developments on the salaries of the members of the Court and their pensions to which the book devotes