

The Procedural Status of the Individual before International and Supranational Tribunals

BY W. PAUL GORMLEY [MARTINUS NIJHOFF, THE HAGUE, 1967, p. 206]

The traditional view that individuals cannot be subjects of international law, but only States, has long ceased to command general acceptance. However, it still remains true that full procedural capacity before international tribunals continues, for the most part, to be denied to individuals. The most obvious example of such absence of *locus standi* is the International Court of Justice itself, to which individuals have no right of access. Nevertheless, there are a number of international or supranational tribunals before which individuals are entitled to appear, although they may not possess all the procedural advantages of States.

Professor Gormley's book, as indicated by its title, contains a study of this subject. In the reviewer's opinion, it represents a considerable achievement. For one thing, what the author has to say is backed by a close, practical knowledge of the working of international and supranational tribunals in Europe and familiarity with European community law. He is not only well equipped as an international lawyer, but is also skilled in the domain of comparative law.

This book will therefore be of interest not only to students of international law, but also to practising lawyers who may need to advise clients establishing business or property interests in Western Europe.

In the course of his treatment, Professor Gormley makes some compelling points. One is that to extend the procedural capacity of individuals before international tribunals may be to serve the interests of States themselves, enabling a claim to be presented by a person without involving or prejudicing the national policy or interests of his State or of other States. It may indeed be said that the European Human Rights Commission, functioning under the 1950 Convention and ancillary Protocols, has, to some extent, protected States in greater measure than individuals. The author would extend the procedural capacity of individuals before international tribunals, particularly in cases where national forums prove ineffective.

J. G. Starke*

* Consultant Editor.