

LITERATURE

BOOK REVIEW

Boo Chan Kim, *Global Governance and International Law: Some Global and Regional Issues* · Seoul: Bo Go Sa, 2011 · ISBN 978898433870 · 303 pp

“Globalization” is an oft-used term in academia. Given the significant exposure to the term, many tend to generally underestimate the impact of “globalization” on international relations and law. Professor Boo Chan Kim, in his manuscript *Global Governance and International Law: Some Global and Regional Issues*, observes that international relations was strongly based on a realist conception has been continuously changing towards liberalism which posits that states are under the influence of international law. Professor Kim, who is presently a Professor of International Law and Legal Philosophy at Jeju National University Law School, provides his insights and thoughts on the changes in international relations and various issues related to it.

Global Governance and International Law: Some Global and Regional Issues is a collection of eight articles Professor Kim wrote during his academic career which includes “Introduction: the Significance of Global Governance;” “Global Governance and the International Rule of Law;” “Global Governance and the United Nations;” “Global Governance and Non-Governmental Organizations;” “Global Governance and Universal Jurisdiction;” “Global Governance and the Common Heritage of Mankind;” “Global Governance and the Dispute Settlement System;” and “Global Governance and Human Rights.” These chapters present a general and basic analysis on the topic and are accessible. Even though the book is not explicitly divided and categorized into different sections, there appear to be three parts. The first part (Chapter 1 and 2) provides readers with a general concept of global governance and the international rule of law. The second part (Chapter 3, 4, 5, 6, and 7) shows the ways to implement or improve the international rule of law in the international community. The third part (Chapter 8) concludes the book by stating that a State should strive to protect and improve human rights under global governance and the international rule of law with a case study between Korea and Japan.

Chapter 1 serves as a general introduction to the book. Before the author gets into a deeper and more detailed analysis in the subsequent

chapters, Chapter 1 provides a basic definition of “global governance,” and introduces the scope of the book and the structure of his analysis. The author also clearly and briefly explains that States are starting to give respect to international law since they are under the influence of the international rule of law. Moreover, he identifies various actors such as IGOs, NGOs, and individuals have a growing influence on the international community.

Chapter 2 generally explains what he understands as the international rule of law. As the individual is subject to the domestic legal system, the international rule of law requires a State to be subject to international law. From the Professor Kim’s perspective, NGOs and IGOs are critical in international society in the promotion of the international rule of law, and the international rule of law is the basis for global governance to achieve human rights and peace in the international community.

In the third chapter, Professor Kim attempts to explain the role of the United Nations in establishing and promoting the international rule of law. He regards the U.N. as the most important IGO to effectively promote the international rule of law in international society. The U.N., which consists of various bodies and committees, performs different functions that bring States under the influence of international law. However, the author proposes that the U.N. needs to be reformed in order to be a more efficient body for the international community to achieve the international rule of law.

Chapter 4 analyzes the role of NGOs for global governance. In addition to the U.N.’s role in promoting the international rule of law, the author further proposes that the status of NGOs are growing, and the U.N. should cooperate with NGOs to fulfill the unprecedented demands for the international rule of law to protect human rights and to promote common values in the international community.

In Chapter 5, the author emphasizes the importance of universal jurisdiction to promote the international rule of law. Universal jurisdiction allows a State to hear a case that occurs in another State’s jurisdiction. He acknowledges that the mechanism of universal jurisdiction undermines the traditional notion of international law because it denies the State’s territorial sovereignty. However, he believes and strongly proposes that universal jurisdiction actually enhances the international rule of law because these two mechanisms, universal jurisdiction and the international rule of law, have the same purposes of maintaining international peace and security and promoting human rights and cooperation among the States.

In Chapter 6, Professor Kim depicts that the change from the traditional norms of sovereignty to what is presently found in the international community and cooperation is evidenced by the emergence of the Common Heritage of Mankind. As the term “Common Heritage of Mankind” implies, it is a principal that the international community as a whole has an interest in regulating its usages, such as deep seabed, Antarctica, and outer space. The impact of globalization has pushed States to realize the importance of common interests and welfare. The concept of the Common Heritage of Mankind is, therefore, a reflection of such concern. The author does not deny the fact that the traditional norms of territorial sovereignty and state interest still have influence on international relations. However, he proposes that the Common Heritage of Mankind is quickly gaining legal status in international law and is substituting traditional concepts of international law.

Chapter 7 covers the dispute settlement system in international relations. Professor Kim explains how traditional international law has dealt with disputes between States. From his perspective, the traditional methods such as negotiation, conciliation, mediation, arbitration, good offices, and the ICJ have failed to fully enforce international law upon States, thus failing to promote the international rule of law in the international community. However, he asserts that a new dispute settlement system in UNCLOS has advanced international dispute settlement by including a system for compulsory jurisdiction. He also provides a case study, a maritime dispute between Korea and Japan, as an attempt to provide a desirable dispute settlement method through the UNCLOS. He suggests that the best means to dispute settlement is prevention.

In Chapter 8, the author finally deals with the ultimate agenda of the international rule of law and international law within the context of human rights. He presents a problem that relates to ethnic Koreans living in Japan; the political rights of Koreans in Japan. First, he provides a background of the problem, and the current status of the Koreans living in Japan. Then, he discusses legal issues surrounding the political rights of foreign residents under international law, and presents how European States and Korea handle the political rights of foreign residents. Afterwards, he then analyzes the problem of political rights that the Koreans living in Japan encounter. He compares Japan with Korea, and criticizes Japan for not guaranteeing the rights of Koreans. Since throughout the entire book,

the author places an emphasis on the importance of the international rule of law, from his perspective, the purpose of the international rule of law is to protect human rights and the common welfare of the international community. The protection of political rights of foreign residents is one of the core values of human rights that is recognized by the international community. He concludes that how the Japanese government treats Koreans living in Japan is inconsistent with the core value of international law, and it further damages the relationship between Japan and Korea.

Professor Kim has organized and placed each chapter of the book in a logical order so that the readers can easily follow his train of thought. He provides a good introduction for readers, and gradually makes a deep and detailed analysis of each topic. The book is not only good introduction for the novice who is interested in learning international law and relations, but also adequate for those who already possess a basic knowledge about international law and relations. The book could have been improved if the author provided more sources and justification to support his ideas when he attempts to propose a novel concept or principle that goes beyond traditional international law. However, the content of the book itself provides enough insight and knowledge for readers to gain an appreciation for the topics presented.

YOHOSUA KIM