responsibility for the Court but too little authority to run it" (p. 10). The lesson learned from the ECCC is that "the United Nations should resist arrangements in which it plays junior partner to a national judicial system with dubious capacity and independence" (p. 263). Beyond this significant lesson, however, the authors argue that it is also possible to learn from the ECCC proceedings in relation to the procedural rules, independence of the bench, unnecessary duplication, and oversight mechanisms, the importance of outreach, engaging victims, capacity-building and the strengthening of the rule of law. All of this may be interesting, but it is basically about effectiveness and the strengthening of existing structures. This limitation obscures more important and fundamental questions about the ECCC and ICL.

What is largely missing from this book is a deep critical engagement with the complicities of the ECCC—including questions about power, resistance, the struggle over memory, injustices, exclusions, and biases—that are created and kept alive through particular modes of thought that are, more or less, taken for granted within mainstream TJ and ICL. Such a discussion would have considerably enhanced the value of the book.

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"Crimes Against Peace" and International Law
by Kirsten SELLARS.
Cambridge/New York: Cambridge University Press, 2013. xv + 316 pp. Hardcover: £70.00.
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> "I suppose that, if we have to ask ourselves why it is that we are so dissatisfied with international law as we have it at present, most of us would say, because it has failed to produce a peaceful world."
>
> J.L. Brierly (1944), quoted in *"Crimes Against Peace" and International Law* (p. 259)

"Crimes Against Peace" and International Law is best described as a work of legal history. Focusing primarily on the Nürnberg and Tokyo tribunals, it traces some of the key developments in international criminal law resulting from World War I and II—and does so in a gripping and readable manner. Using a mass of documentary evidence, including private exchanges between key officials and the proceedings of the tribunals themselves, Sellars explores and analyzes in detail the prosecution of the defeated leaders of the Axis nations (and other German and Japanese governmental and non-governmental actors) in the early postwar period. Notably, the author's intention is to develop our understanding of an often-ignored aspect of international criminal law: the imposition of individual criminal liability for the waging of an aggressive war (rather than for any specific act undertaken by a belligerent in the course of a war).

The first chapter outlines the efforts to outlaw war as a tool of national policy in the interwar period through the Kellogg-Briand Pact and the League of Nations. The second chapter explores the conflicting viewpoints of the Allied governments regarding what should happen to the leaders of the Nazi regime, while the third introduces some of the main legal problems faced by the Allies once the decision to prosecute had been made, including whether aggression and conspiracy should be included as offences in their own right. The fourth and fifth chapters deal with the (often contradictory) approaches of the Allied prosecution teams at Nürnberg and the defence's claim of selective enforcement of the law, respectively. The sixth, seventh, and eighth chapters, meanwhile, investigate the prosecution of the defeated Japanese leadership. According to Sellars, this proved to be considerably more divisive and problematic than the prosecution of the Nazi regime for a number of reasons: first, unlike in Germany, the Japanese cabinet (and, consequently, its policies) changed repeatedly during World War II; second, there was no equivalent act to the Holocaust which could be used to underline the "unique" nature of the situation; third, the bench was markedly divided on key questions relating to, for example, the validity of the tribunal's charter; and fourth, prosecutors in Tokyo were required to navigate the counter-argument that the

Japanese government had acted in self-defence. The ninth and final chapter explores the legacy of the Nürnberg and Tokyo tribunals, focusing on their influence over postwar attempts to define aggression, as well as noting the effect of the Cold War and the process of decolonization on such efforts.

As a result of her rigorous collation of historical documents, Sellars adds to the existing literature by providing a detailed insight into the thought processes of the government officials, lawyers, and judges most closely involved in the Nürnberg and Tokyo tribunals. Of particular interest are their debates relating to the numerous practical and legal difficulties encountered, including the absence of sufficient physical evidence linking some of the defendants to the crimes committed (particularly in Japan). This impasse was circumvented at both tribunals through establishing conspiracy as an offence in itself, though the legal principle of collective liability was fraught with difficulties and derided by some as tantamount to an abuse of the defendants' human rights. Whether to include a separate charge of waging an aggressive war was also hotly contested between positivists and proponents of natural law, not least because no such offence existed in international law prior to the alleged offences being committed. Furthermore, many Allied officials were wary of the inclusion of this charge on the grounds that it would be difficult to define "aggression" in a way that would exclude their own actions in Norway, Finland, and Poland, *inter alia*.

If anything can be said to be missing from this book, it is perhaps the explicit identification of the many evident parallels with modern attempts to advance international criminal law, particularly regarding its selective enforcement and politicized development. On the one hand, such similarities must be recognized and assimilated, if our goal is to achieve a consensus on how best to proceed; on the other hand, the author does not state this task as one of the book's aims, and so can hardly be criticized for its omission. Still, upon reading in the blurb that the significance of this book was linked to the attempts to introduce the crime of aggression at the International Criminal Court, this reviewer was hoping to learn more about this subject.

Overall, Sellars elegantly illustrates the value of conducting empirical research with historical documentary evidence and, by implication, shows the necessity for this kind of information to be preserved, translated, and made available to researchers. Moreover, by showing the development and enforcement of international law to be an inherently social, political, and emotional endeavour, she implicitly demonstrates the need for further empirical study in order to elucidate the attitudes and motivations of the relevant practitioners and policy-makers. Of course, the question of how to prevent such atrocities remains unanswered, and ultimately the solution seems likely to involve moving beyond the use of criminal law in isolation (given its inherently reactive nature) and towards such concepts as community-based conflict resolution, peacebuilding, transformative justice, and sustainable security. Nonetheless, it ought to be possible for trials and trial-like processes to be used to elicit the truth, to hold offenders to account, and to obtain some form of redress for their victims, thereby justifying their empirical study by Sellars and other authors.

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International Organizations

The United Nations Human Rights Council: A Critique and Early Assessment
by Rosa FREEDMAN.
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This contribution to the growing body of work on the UN Human Rights Council (the Council) that in 2006 replaced the beleaguered UN Commission on Human Rights (the Commission) provides a neat and coherent survey of the genesis of the Council and an objective critique of its operational and ideological challenges in the context of both international law and international relations (IR) theory. The book comprises three parts; "The Human Rights Council's mandate", "Criteria for Assessing the Council", and "Assessment of the Council".