boundaries between the WTO and domestic adjudication.

For the growing number of trade scholars and practitioners who are sympathetic to a post-rationalist perspective, this book is a welcome narrative that brings together many threads of theory and practice. For the partisans of the old reciprocal-bargain understanding of the WTO, it is a well-argued challenge. For those hoping to craft a new deal of trade regulation, the book offers useful tools rather than a full-fledged prescription or roadmap to change. The social framework, in itself, may not result in a paradigm shift, a point that the author concedes. In the meantime then, shifts in discourse certainly constitute a vector for a change in the ethos of the WTO, but it may be that substantive discordance regarding the normative values guiding both the interpretation of the agreements and the direction of the negotiations casts shadows over the vision of a "trade law community" united by a common "Basic Law."

Cho set himself the momentous challenge to reconcile numerous major Western legal, philosophical, and sociological traditions in support of his social theory of trade. Overall, the breadth of social science theories deployed throughout demonstrates deep humanist scholarship and will particularly appeal to interdisciplinary readers.

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Aggression Against Ukraine: Territory, Responsibility, and International Law. By Thomas D. Grant. New York: Palgrave Macmillan, 2015. Pp. xxx, 283. Index. $105.50, £68.

Shortly after the installment of a new government of national unity in Kiev, Ukraine, in the wake of the Maidan protests in late February 2014, heavily armed men appeared on the streets of Crimea and took control of government buildings. While Moscow initially denied any involvement, just days later, on March 1, President Vladimir Putin obtained authorization from the Duma to deploy Russian troops in Crimea. On March 16, a controversial referendum took place on the peninsula, followed over the next two days by a Crimean declaration of independence, the conclusion of an agreement on the admission of the Republic of Crimea into the Russian Federation, and the adoption by the Duma of a new Federal Constitutional Law "integrating" Crimea into the Russian Federation. By international relations standards, the entire process took place in the proverbial blink of an eye, lasting no more than three weeks in total. In spite of the brevity of the timeline, however, the "admission" of Crimea into the Russian Federation poses fundamental, and possibly unprecedented, challenges to the post-1945 international legal order. It marks the first time since World War II that a state in Europe has invaded a neighboring state and forcibly annexed part of its territory, and the first time that a permanent member of the Security Council has sought by force to extend its own borders and aggrandize its territorial power.

In *Aggression Against Ukraine: Territory, Responsibility, and International Law*, Tom Grant engages in an in-depth and erudite analysis of these events and their legal ramifications. Grant is a Research Fellow with Cambridge University's Lauterpacht Centre for International Law. He is an established scholar, a public international law generalist with a strong interest in the history of states, who previously earned his stripes in part with his monographs *The Recognition of States: Law and Practice in Debate and Evolution* (1999) and *Admission to the United Nations: Charter Article 4 and the Rise of Universal Organization* (2009).[1] He has extensive experience as a practitioner, including work in interstate litigation.

Grant's starting point is that the annexation of Crimea presents a direct assault on the post-1945 territorial settlement, which forms the foundation of a stable international legal order, and that it poses a "real risk of a systemic crisis" to that order (p. 7). He fears that Russia's actions may signal a "recrudescence of inter-State violence in pursuit of territorial gain" (p. ix) and may have set a precedent for others to follow (referring, in part, to secessionist agendas in the Republika Srpska or the territorial ambitions of China in the South China Sea based on historic claims). According to Grant,

[1] *See also* Thomas D. Grant, *Annexation of Crimea*, 109 AJIL 68 (2015).

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"[A]ggression against Ukraine *will be* a turning point—if we let it" (p. 8). The book is meant as a wake-up call to international lawyers that have taken the territorial settlement for granted or that have become obsessed with the "end of geography" and feel that boundaries "no longer matter" (p. 160).

Aggression Against Ukraine was published in mid-2015, hardly a year after the Russian deployment in Crimea began. As such, it is the first detailed legal analysis of the events concerned. The speed with which the book was written and went to press is itself an impressive feat. It inevitably means that more recent developments, such as those pertaining to the Luhansk and Donetsk oblasts in eastern Ukraine, or to various arbitral proceedings and interstate proceedings before the European Court of Human Rights, are not addressed. It does not, however, detract from the rigor of the study. *Aggression Against Ukraine* indeed offers a lucid, comprehensive, and insightful analysis. It is properly researched and well written, and it sets forth a passionate defense of the sanctity of boundary treaties and territorial regimes.

The book essentially consists of two main parts, plus a concluding part. The first part (chapters 1–3) examines the legality and direct legal consequences of Russia's actions. The second part (chapters 4–7) places these actions in their wider legal context and sketches the systemic threat posed to the international legal order. The concluding part (chapter 8 and a conclusion) discusses mechanisms for change.

Chapter 1 tests the Russian thesis that the Crimean people exercised their right of self-determination in the referendum of March 16, 2014, and that Russia could lawfully recognize Crimea as an independent state pursuant to the referendum (as a prelude to the "treaty" integrating Crimea into the Russian Federation). Crimea's purported exercise of external self-determination is examined without having regard to the prior military intervention by Russian troops on the peninsula in late February to early March 2014 (although Grant admits that it is "artificial" to consider one without the other (p. 22)). Following a detailed overview of the Crimean and Russian acts that brought about the "admission" of Crimea into the Russian Federation, he tears apart the "remedial secession" argument. Figures related to voter turnout and results of the March 16 referendum (81.3 and 96.77 percent, respectively, according to Russia) have indeed been heavily contested (with several alternative numbers circulating that contradict the Russian estimates). In addition, the referendum took place against the background of a state of political emergency, with a massive armed presence deployed in Crimea, whereas international observers were kept at bay. There was virtually no prior discussion in Crimea that would make it possible to speak of Crimea's integration into the Russian Federation as based on "informed and democratic processes" (pp. 25–26).[2] Leaving aside the modalities of the referendum, there were no massive human rights violations that could possibly have warranted "remedial secession" as an "*ultimum remedium*" (even if one accepts that a right to remedial secession exists in the first place). While steps were undertaken in the Verkhovna Rada of Ukraine to restrict the use of the Russian language, legislation protecting the Russian language ultimately remained in force. Otherwise, to the extent that a human rights problem existed in Crimea, documents pertaining to the Universal Periodic Review indicate that it did not concern the Russian-speaking inhabitants, but rather the Crimean Tatars (pp. 30–31). The tragic irony is that the situation of the Crimean Tatars has actually worsened after the annexation by Russia (pp. 34–35), a development exemplified by the formal abolishment of the legislature of the Crimean Tatar minority (the Mejlis) in April 2016.[3] Although the author, somewhat surprisingly, does not discuss the preexisting autonomy of Crimea within the state of Ukraine (thus leaving aside the "internal" self-determination aspect), the overall analysis is

[2] *See also* GA Res. 1541 (XV), annex, princ. IX(a) (Dec. 15, 1960) ("The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes. . . .").

[3] *See* Ivan Nechepurenko, *Tatar Legislature Is Banned in Crimea*, N.Y. TIMES, Apr. 26, 2016, *at* http://www.nytimes.com/2016/04/27/world/europe/crimea-tatar-mejlis-ban-russia.html.

sensible and rightly concludes that no valid claim to remedial secession existed. Even if this sequence of events does not make the Crimean declaration of independence an unlawful act under international law, the Russian recognition thereof, within less than twenty-four hours, was undoubtedly given "prematurely" and was contrary to international law (p. 41).

Chapter 2 examines the arguments that Moscow invoked (explicitly or implicitly) to justify its military intervention in Crimea. The various justifications, drawn from the Black Sea fleet agreements, including the right of self-determination, are discarded one by one. En passant, Grant flags that Russia appears to have been the first state since 1945 claiming a right to protect coethnics (i.e., the Russian-speaking people of Crimea), rather than actual "nationals" abroad (p. 49). It is questionable, however, whether Moscow put forward this claim as a legal justification: in the Security Council debates, it referred instead, along more classical lines, to the alleged threat to "Russian citizens, our compatriots."[4] Even so, neither Russian citizens nor Russian coethnics were subject to any imminent threat of injury or death prior to the intervention. Moscow's strongest—or, rather, least weak—argument concerned the invitation to intervene by President Viktor Yanukovych. Grant expresses "doubt[]" whether this action was a valid invitation (p. 50). He observes that Yanukovych later acknowledged that he was "wrong" about having invited Russian troops into Ukraine; that no affirmation by third parties such as the Security Council had taken place; and that intervention by invitation cannot be used to quell an insurrection (pp. 50–52).

But the elements that Grant identifies appear to be partly beside the point. First, surely, that the originator of a request for outside military assistance later expresses regret over his actions cannot retroactively affect the legality of the initial intervention. Second, a valid request constitutes an autonomous basis for intervention, irrespective of how other parties react. Third, even if a large part of legal doctrine—to which the present reviewer subscribes—accepts that intervention by invitation is in principle excluded in times of civil war, the situation in Ukraine and Crimea did not, at the time, qualify as such. Nor did the Russian troops use armed force to quell an insurrection in Crimea. Instead, the main problem with the intervention-by-invitation argument concerns the question whether Yanukovych remained, at the time, competent to issue such a request on behalf of the state of Ukraine. Grant rightly observes that Yanukovych had been disowned by the interim government in effective control of the country. But no mention is made of the fact that he was a democratically elected leader and was removed from power absent the required constitutional majority in the Rada. Nor does Grant include any reference to support in legal doctrine or state practice (however contested) for the view that democratically elected leaders that are ousted from power may still request outside intervention, even when they have lost virtually all effective control (with the 2015 Saudi-led intervention in Yemen being a case in point[5]). The present reviewer ultimately agrees with Grant that, considering the various factors (e.g., Yanukovych's dismissal by a large majority of the Ukrainian parliament, his flight to Moscow, and the international support for the interim government), Yanukovych was no longer in a position to sanction a Russian intervention. Yet a fuller treatment could have further strengthened the analysis.

Chapter 3 moves beyond the (il)legality of Russia's conduct and turns to the reactions of the international community and the direct legal consequences of the annexation of Crimea. The chapter provides a detailed overview of the reactions of states and of different international and regional organizations. Grant observes how "the predominant view among States was that the purported annexation of Crimea is unlawful and is not to be recognized" (p. 64) and that even states that refrained from condemning Russia "were by no means supportive of the annexation" (p. 71). Special reference is made to the ambiguous position of China, which stands in marked contrast to its position on Kosovo, an approach that may signal that China perceives a precedent that would support its

[4] UN SCOR, 69th Sess., 7125th mtg., at 3, UN Doc. S/PV.7125 (Mar. 3, 2014).

[5] *See, e.g.*, *Yemen Crisis: Who Is Fighting Whom?*, BBC NEWS, Mar. 26, 2015, *at* http://www.bbc.com/news/world-middle-east-29319423.

own territorial desiderata in the future (pp. 69–70). Grant also provides an insightful comparison of the General Assembly's call for nonrecognition and for abstention from attempts to modify Ukraine's borders in General Assembly Resolution 68/262[6] to its prior responses to various changes of government and transfers of territory (forcible and other). Grant concludes that the reaction of the international community "furnishes a basis for a long-term policy of non-recognition" (p. 83). He asserts that nonrecognition is an "essential legal weapon in the fight against grave breaches of the basic rules of international law" (p. 71) and that nonrecognition is "meaningful" as it frustrates the attempt by the state to consolidate an unlawful situation through a policy of fait accompli (p. 63). True as this contention may be, given the importance of this argument in the context of the book's broader narrative, the author might have further elaborated on the impact and limits of nonrecognition. While an empirical analysis of past cases of nonrecognition and their impact, however informative, would admittedly have required a separate research project and a different methodological approach, Grant could have engaged with the idea that, as time goes by, the law may ultimately have no choice but "'to capitulate' to facts."[7]

In the remainder of the chapter, Grant offers a rich tour d'horizon of the direct (actual and potential) legal consequences of Russia's annexation of Crimea. He discusses the implications of the annexation in terms of Russia's responsibility under general international law and under human rights law. Having regard, for instance, to the *Cyprus v. Turkey* "just satisfaction" case before the European Court of Human Rights,[8] Grant observes how Moscow's conduct may haunt it for many years to come, even if a similar just-satisfaction claim would still require Ukraine to demonstrate that individuals have been victims of particular violations of rights guaranteed by the European Convention on Human Rights[9] (pp. 85–87). Grant also points to the risk of litigation against Russia under bilateral investment treaties. The legal exposure to which he refers has effectively materialized since the book went to press, with a string of applications before the European Court of Human Rights. (At the time of the writing of this review, Ukraine was reportedly preparing a fifth suit before the Strasbourg court against Russia for prohibition of the Crimean Tatar legislature and has several investment arbitration claims under the Russia-Ukraine bilateral investment treaty.) Although Moscow may still be rejoicing over the annulment by a Dutch court of the award of fifty billion dollars to Yukos Oil Company,[10] these proceedings may increase the cost of Russia's actions. Considering the *Namibia* advisory opinion[11] and other relevant case law of the International Court of Justice (ICJ), Grant explains how the obligation of nonrecognition may be mitigated to make allowance for the protection of human rights of the people in Crimea (pp. 92–93). Furthermore, having regard to the right of self-determination and the permanent sovereignty over natural resources, he asserts that any putative transfer of those resources (including in the maritime areas off the coast of Crimea) by the occupying power (Russia) without Ukraine's consent "is to be treated as legally void" (p. 96). The recent judgment by the General Court of the European Union in the *Western Sahara* case (currently under appeal) would seem to suggest instead

[6] GA Res. 68/262 (Mar. 27, 2014).

[7] YORAM DINSTEIN, WAR, AGGRESSION AND SELF-DEFENCE 183–84 (5th ed. 2011); *see also* MARTTI KOSKENNIEMI, FROM APOLOGY TO UTOPIA 284 (2005) (noting that "original illegality may be corrected in a process of consolidation, that is, the passing of time during which it becomes generally accepted to be best to let the sleeping dogs lie").

[8] Cyprus v. Turkey, App. No. 25781/94, Just Satisfaction, para. 41 (Eur. Ct. H.R. May 12, 2014) (Grand Chamber), *available at* http://hudoc.echr.coe.int/eng#{"appno":["25781/94"],"itemid":["001-144151"]}.

[9] European Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, ETS No. 5, 213 UNTS 222.

[10] Russian Federation v. Veteran Petroleum Ltd., Rechtbank Den Haag [District Court of The Hague], Apr. 20, 2016, Case No. C/09/477160 / HA ZA 15-1 (ECLI:NL:RBDHA:2016:4229) (Neth.).

[11] Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, 1971 ICJ REP. 16 (June 21).

that third parties will need to verify that the exploitation of natural resources is undertaken "with due regards" for the people of the territory concerned.[12] Whether the relevant self-determination unit in this context is Ukraine (as Grant suggests (*id.*)) or Crimea is open to debate. Grant concludes the chapter with a short section on sanctions, which are seen as "a natural correlate to nonrecognition" (p. 97). Notwithstanding the large number of states that have adopted such sanctions, the Russian recourse to "counter-countermeasures," the high economic cost, and their contested legal basis, this issue is glossed over rather rapidly. Even if the economic sanctions have been criticized by some states, proponents of third-party countermeasures are likely to see such sanctions as further state practice supporting their legality, although it could be asserted that the precedential value should be restricted to situations where there has been a serious breach of a peremptory norm in the sense of Article 41 of the International Law Commission's 2001 Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA).[13]

The second part of the book (chapters 4–7) moves beyond the legality and direct legal consequences of the Russian annexation of Crimea and instead looks at the broader picture of the post-1945 territorial settlement and the importance of respect for territorial boundaries as a precondition for a stable and functioning international legal order. Chapter 4 gives a general overview of the privileged character of boundaries and territorial regimes in international law. It lists different treaty instruments addressing international boundaries and the inviolability thereof, including instruments specifically concerning Ukraine and Russia. The chapter traverses familiar ground by demonstrating the centrality of boundaries and territorial regimes across various domains of international law, including the law of treaties, the law of state succession, and the law of armed conflict, and by illustrating how judicial and arbitral practice have sought to uphold the finality of boundaries (even if a "legal fiction or two" was the price to pay (p. 124)). Chapter 5 subsequently deals with the obligation under ARSIWA Articles 40–41 not to recognize as lawful those situations created by a serious breach of *jus cogens*. Grant explains how this rule is closely related to the denunciation of territorial conquest and finds its origins in the policy of nonrecognition in the wake of Japan's seizure of Manchuria in 1931–32. Interestingly, he asserts that acquisition of territory by force remains the central instance of a "serious breach" giving rise to an obligation of nonrecognition, and he argues that far greater uncertainty exists as to its application, and impact, with regard to other breaches—a point illustrated by reference to the ICJ's treatment of the obligation of nonrecognition in the *Wall* advisory opinion.[14] Chapter 6 also argues that when the use of force challenges a territorial settlement, the law leaves no room for qualification. By contrast, when the recourse to force affects the observance of other rules, "when it comes to breaches, there are degrees" (p. 153). The argument is substantiated by reference to the ICJ's ambiguous findings pertaining to the use of force in the *Oil Platforms* case and its rejection of Iran's request for full reparation.[15] In chapter 7, Grant claims that, in spite of the advance of human rights law and international investment law, which has acted in the past as a "solvent of international boundaries" (p. 157), the post-1945 territorial settlement was a *sine qua non* for the development of human rights and, moreover, remains crucial "for the continuation of human rights as a meaningful feature of public order" (p. 156). Accordingly, the threat posed by Russia's annexation of Crimea to the broader international legal order should not be

[12] Case T-512/12, Front Populaire pour la Libération v. Council, paras. 82, 208–09, 223 (Eur. Ct. Justice, 8th Chamber, Dec. 10, 2015) (ECLI:EU:T:2015:953), *available at* http://curia.europa.eu/juris/celex.jsf?celex=62012TJ0512&lang1=en&type=TXT&ancre=.

[13] Articles on Responsibility of States for Internationally Wrongful Acts, Art. 41(2), *in* Report of the International Law Commission on the Work of Its Fifty-Third Session, UN GAOR, 56th Sess., Supp. No. 10, at 43, UN Doc. A/56/10 (2001) ("No State shall recognize as lawful a situation created by a serious breach within the meaning of article 40, nor render aid or assistance in maintaining that situation.").

[14] Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 ICJ REP. 136, para. 90 (July 9).

[15] Oil Platforms (Iran v. U.S.), 2003 ICJ REP. 161, paras. 90–99, 122–23 (Nov. 6).

underestimated: "A community of scholars that sees territory as a blur out of a window onto a receding past may not be prepared to recognize the current rupture for what it is" (p. 160).

Overall, chapters 4–7 provide a rich overview of the special treatment of, and role played by, boundaries and territorial regimes in international law. Apart from revisiting well-known principles pertaining to, for example, the treatment of boundary treaties under the legal regime governing state succession, the chapters present insightful, and at times fascinating, analyses of a broad range of materials, including various cases from the Permanent Court of International Justice with which many modern-day international lawyers may be less familiar. Above all, the chapters offer plenty of food for thought. Thus, in chapter 4, Grant asserts that the centrality of boundaries and territorial regimes in international law stems from their being "the starting point for stability in the relations between States, . . . [which] is a prerequisite for maintaining order" at the global level (p. 130). Elsewhere, as noted, Grant insists in chapter 7 that the territorial settlement constitutes the fertile ground on which human rights have been able to flourish. However, a dark side to this tale also exists, one that is not addressed in the book. A century after the Sykes-Picot Agreement carved up the Middle East,[16] it is indeed no secret that the arbitrary drawing of boundaries, whether in the Congo or Sudan or elsewhere, with a ruler on a map—often with complete disregard for geographic features, tribal distributions, and historical realities—has actually sown the seeds from which many a violent conflict has taken root. The events in the Middle East have even spurred a debate in some corners that the international community should perhaps reinvent the forgotten art, practiced in the peace conferences of a distant past, of redrawing state boundaries altogether. At the individual level too, if the territorial settlement is a necessary precondition for the development of human rights, state boundaries can be regarded as the source of great moral injustice in that an individual's place of birth is one of the main factors determining his or her chances in the "pursuit of happiness." All this qualification is not to question the pivotal role of the territorial settlement as the basis for order in modern-day international society, but it is rather intended as a reminder that order is not always identical to justice.

In chapter 6, as noted, Grant explains how the forcible "[b]reach of the territorial settlement . . . admits of no qualification," whereas other uses of force come in various gradations (p. 153). While Grant makes his point by reference to the ICJ's reasoning in the *Oil Platforms* case,[17] other, perhaps more obvious, illustrations could be invoked, such as the debates over the crime of aggression, which illustrate that territorial conquest has traditionally been regarded as the prime example of aggression, or the scholarly debate pertaining to the idea of a "mitigated" responsibility for (illegal, but legitimate) interventions for humanitarian purposes.[18] At the same time, if territorial conquest is the international-law equivalent of a mortal sin, the idea that a breach of the territorial settlement "admits of no qualification" is perhaps less obvious than Grant suggests. Is there truly no difference whatsoever between the forcible seizure of an uninhabited rock in the middle of the ocean and the annexation of, say, Kuwait or Crimea? Or does the author believe that both would qualify as a "manifest" breach of the use of force in the sense of the amended Article 8 *bis* of the Rome Statute?[19] What about the decade-long Israeli occupation of the West Bank and Golan Heights (a case surprisingly absent from the broad array of precedents treated in the book)?

[16] Exchange of Letters Between France and Great Britain Respecting the Recognition and Protection of an Arab State in Syria (Sykes-Picot Agreement), May 16, 1916, 221 Consol. T.S. 323; *see also* Juliette Desplat, *Dividing the Bear's Skin While the Bear Is Still Alive*, BRITISH NATIONAL ARCHIVES BLOG (May 16, 2016), *at* http://blog.nationalarchives.gov.uk/blog/dividing-bears-skin-bear-still-alive-1916-sykes-picot-agreement (discussing content and history of Sykes-Picot Agreement).

[17] Oil Platforms, *supra* note 15.

[18] THOMAS M. FRANCK, RECOURSE TO FORCE: STATE ACTION AGAINST THREATS AND ARMED ATTACKS 174–91 (2002).

[19] Rome Statute of the International Criminal Court, ICC Res. RC/Res. 6, Annex I, Art. 8 *bis* (June 11, 2010).

Does it matter that this occupation resulted from a "defensive" war into which Israel was allegedly forced?[20] And what to make of the Ugandan occupation of vast parts of the Democratic Republic of the Congo, practices that the ICJ refrained from explicitly denouncing as aggression in the *Armed Activities* case?[21] On closer scrutiny, the response of the international community to territorial incursion may not always be as "decisive" as Grant suggests (*id.*).

The most provocative statement in these chapters is Grant's claim that the Russian Federation sees international human rights as an "existential threat to the State and its people" (p. 165), something that he links to Russia's acts in Crimea: "Russia's acts of territorial aggression in 2014 are intertwined with explicit rejection of the international human rights project" (p. 166). Moscow's reservations (or rather hostility) vis-à-vis "the modern human rights project" (p. 164) and the European Court of Human Rights are no secret. Yet Moscow is (regrettably) not alone in this respect (as is well-known, for instance, that calls for a withdrawal from the European Convention on Human Rights have occurred in the United Kingdom). To link this attitude to an agenda of "territorial aggrandizement" (p. 167) is, however, tenuous and speculative. Grant does not further explain or substantiate this claim, noting instead that it is "too soon to draw final conclusions about the changes underway" (*id.*).

In chapter 8 of the concluding part of the book, Grant addresses the Russian claims that the intervention by the North Atlantic Treaty Organization (NATO) in Kosovo in 1999 and the Coalition intervention in Iraq in 2003 opened the door to Russia's intervention in Ukraine in 2014 and that, if the former are to be regarded as legitimate, so must the latter. First, Grant convincingly explains how Kosovo's path to independence was radically different from the Crimean case. The former was preceded by not only a revocation of Kosovo's regional autonomy by Belgrade but also a revolt that was brutally repressed and that gradually turned into a situation of ethnic cleansing. After NATO stepped in, year-long negotiations took place in which all of the main protagonists were involved but that ultimately ended in a deadlock. None of these elements was present in the case of Crimea. Grant, moreover, draws attention to the volte-face on the part of Moscow, which consistently resisted the "premature" recognition of Kosovo. Second, the author stresses the fundamental differences between the 2003 intervention in Iraq and the Russian intervention in Crimea. Turning again to the idea of different "degrees of breaches" analyzed in chapter 6, Grant stresses that nobody thought that the 2003 intervention was intended to annex Iraq, or any part of Iraq, and that—notwithstanding the fact that "many concluded that it was far from lawful,"—"it was not an act leading to the general obligation of non-recognition of the situation that it created" (p. 191). Grant subsequently moves on to very thin ice, however, when he suggests that justifications for regime change may exist. He favorably quotes the criteria for regime change set forth by Michael Reisman, which require, inter alia, that the intervening state should not seek to increase its influence within the state concerned and that the intervention should be likely to have a net beneficial effect over the long term.[22] Without elaborating, Grant claims that these criteria have emerged through practice and that few cases of regime change have been judged unlawful (pp. 194–95). As he describes, contrary to situations of territorial annexation, "[t]he new situation that regime change brings about . . . is a situation within one State. It is not a situation that, once accomplished, necessarily entails international law effects" (p. 197). Even leaving aside that the 2003 Iraq war and its aftermath demonstrate that Reisman's criteria may be unworkable in reality, it is rather astonishing to see Grant build such a strong defense for the inviolability of international boundaries as the basis for order and stability in the international domain, while at the same time

[20] *But see* JOHN QUIGLEY, THE SIX-DAY WAR AND ISRAELI SELF-DEFENSE: QUESTIONING THE LEGAL BASIS FOR PREVENTIVE WAR (2013).

[21] Armed Activities on the Territory of the Congo (Dem. Rep. Congo v. Uganda), 2005 ICJ REP. 168, para. 165 (Dec. 19).

[22] W. Michael Reisman, *The Manley O. Hudson Lecture: Why Regime Change Is (Almost Always) a Bad Idea*, 98 AJIL 516, 520 (2004).

treading so lightly over the nonintervention principle and the need to respect the choice of government in other states and opening the door for interventions ("pro-democratic" or other) aimed at regime change.

As a general point, it is worth returning to the central thesis that inspired the book, notably the claim that the annexation of Crimea poses a systemic threat to the international legal order and may serve as a precedent for others to follow. Grant, indeed, perceives the annexation as an *Anschlüss* that is a prelude to more mischief to come and that should not, in any case, be met with a policy of so-called appeasement. Whether these claims are prophetic or mere doomsaying, only time can tell. A few observations can nonetheless be made. First, Grant's claims that Russia allegedly believes that the UN Charter regime on the use of force has ceased to operate after the Iraq war, and that it has thrown the *jus ad bellum* overboard, are not reflected in Russia's legal discourse. Instead, at the international level, Russia has mostly sought to justify its actions—even if unconvincingly—by reference to more classical legal arguments.[23] Second, whereas Grant suggests that "territorial seizure under the cover of self-determination now belongs to the operational code of Russian foreign policy" (p. x), some have stressed the unique circumstances of the case, finding that Russia acted to protect vital strategic interests.[24] Even if this perspective does not alter the unlawfulness of Russia's actions, it may dispel fears that Moscow will continue to pursue a policy of territorial aggrandizement. Third, in spite of the referenda in the Luhansk and Donetsk oblasts in eastern Ukraine, Moscow has so far accepted that they remain part of the state of Ukraine and that their political future lies with Ukraine (albeit that Moscow has supported pro-Russian separatists since 2014 and subscribes to their claim for a special status within Ukraine).

[23] *See also* Olivier Corten, *The Russian Intervention in the Ukrainian Crisis: Was* Jus Contra Bellum *'Confirmed Rather Than Weakened'?*, 2 J. USE OF FORCE & INT'L L. 17 (2015).

[24] John J. Mearsheimer, *Why the Ukraine Crisis Is the West's Fault: The Liberal Delusions That Provoked Putin*, FOREIGN AFF., Sept./Oct. 2014, at 77.

In all, *Aggression Against Ukraine* is a fascinating and thought-provoking work, which provides a compelling and comprehensive analysis of the legality and legal implications of the Russian intervention in, and annexation of, Crimea. It is an impressive and eloquent study that touches upon various fundamental issues of international law and places the Russian actions in their broader normative context. It will remain an authoritative work on the Ukrainian crisis in the years to come, of considerable interest to international lawyers and international relations scholars alike.

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Cyberwar: Law and Ethics for Virtual Conflicts. Edited by Jens David Ohlin, Kevin Govern, and Claire Finkelstein. Oxford, New York: Oxford University Press, 2015. Pp. xxxii, 274. Index. $185, cloth; $49.95, paper.

Cyberwar: Law and Ethics for Virtual Conflicts explores difficult questions arising from the interface of cyberwar with law and ethics as the two prevailing normative frameworks applicable to war. The volume was edited by Jens David Ohlin, the Associate Dean for Academic Affairs and Professor of Law at Cornell Law School; Kevin Govern, an Associate Professor of Law at Ave Maria School of Law; and Claire Finkelstein, the Algernon Biddle Professor of Law and Professor of Philosophy at the University of Pennsylvania.

The book is divided into four parts. The first part addresses "Foundational Questions of Cyberwar" (chapters 1–3, by Larry May, James L. Cook, and Ohlin); the second part concerns "Conceptualizing Cyber Attacks: The Civil-Military Divide" (chapters 4–6, by Stuart Macdonald, Laurie R. Blank, and Nicolò Bussolati); the third part moves to "Cybersecurity and International Humanitarian Law: The Ethics of Hacking and Spying" (chapters 7–9, by Duncan B. Hollis, Christopher S. Yoo, and William H. Boothby); and the fourth part deals with "Responsibility and Attribution in Cyber Attacks" (chapters 10–11, by Marco Roscini and Sean Watts). The introduction is written by Finkelstein and Govern, while the foreword is written by Michael Schmitt, who led

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