

Kersten's main finding is that the ICC's greatest method of influence is choosing whom to indict. In the Uganda situation, the ICC indicted Joseph Kony and other LRA senior commanders. The indictments brought the LRA to the negotiating table because they wanted the threat of trial lifted, but the senior leaders were unwillingly to travel to the talks, fearing they would be arrested. The LRA negotiators could not credibly represent the leaders who ultimately had to approve the deal, and Kony never signed it. The ICC indictments reinforced perceptions that the LRA was the evil side of the conflict (and it certainly did commit many atrocities) while ignoring crimes committed by the Ugandan government forces. Kersten also suggests the Ugandan government self-referred the situation to the ICC to undermine the LRA and insulate the government from accountability.

In the Libya conflict, rebels sought to overthrow Moammar Gaddafi's regime. The UN Security Council referred the situation to the ICC, which indicted Gaddafi and two subordinates. These indictments emboldened the rebels and made them resistant to negotiating. Ultimately, the rebels did achieve military victory and killed Gaddafi. The new government then resisted ICC jurisdiction over the remaining accused, preferring to bring them to trial in Libyan courts. As in Uganda, the ICC Prosecutor has not indicted anyone from the other side, even though some rebel actions, including the possible execution of Gaddafi, constituted war crimes.

Kersten concludes that asking whether the ICC advances peace or justice is asking the wrong question. Rather, we should analyze how the ICC can affect armed conflicts and influence whether peace negotiations are held, who participates, and on what terms. He also shows how difficult it is for the ICC to avoid political considerations. Self-referrals by governments or referrals by the Security Council are both political actions (the government seeking to harm its adversary and the Security Council undermining disfavored governments), and whom the Prosecutor chooses to indict is politically influenced. The Prosecutor has a strong incentive to indict only when there will be support from states to gather evidence and enforce arrest warrants. Indicting war criminals without that support only weakens the ICC's reputation and its influence.

Kersten's book is supported with fieldwork, interviews, and extensive citations to the literature. It is a very specialized work, and most suitable for collections focusing on international criminal law and international courts.

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***Research Handbook on EU Law and Human Rights.*** Edited by Sionaidh Douglas-Scott and Nicholas Hatzis. Cheltenham, UK; Northampton, MA; Edward Elgar Publishing, 2013. Pp. v, 576. ISBN: 978-1-78254-639-9. US \$ 283.50.

Although the *Research Handbook on EU Law and Human Rights* certainly isn't intended for the neophyte, it is an invaluable resource for students, practitioners, and legal scholars alike. As a collection of the latest thinking from twenty-eight leading scholars on the European Union and human rights, the *Research Handbook* serves as both a solid (if somewhat inaccessible) starting point for the new researcher and as an essential reference tool to help the expert scholar or experienced legal practitioner keep abreast of the latest thinking on issues concerning the EU within a human rights lens.

The *Research Handbook* is divided into three parts (Part One – The Framework, Part Two – Beyond the European Union, and Part Three – EU Action and New Directions in Fundamental Rights). Part One provides the background of the current state of the European Union's incorporation of human rights into its instruments and jurisprudence. Part Two highlights the tension among the Court of Justice for the European Union (CJEU), EU member states, and the European Court of Human Rights (ECtHR) as they wrestle with a pluralistic legal framework. Finally, Part Three covers many of the most pressing human rights issues facing the EU today. These are fairly broad demarcations and certain chapters could be at home in other parts of the book. Consequently, it is also helpful to look at the *Research Handbook* as a whole despite the fact that it is a collection of unique contributions by many scholars. Sionaidh Douglas-Scott and Nicholas Hatzis's ability to weave these chapters together into such a compelling and coherent narrative is remarkable. Each chapter seems to organically build on the chapters that come before.

Obviously, the authors aren't in lockstep, each with their own perspective and insights, but none of the chapters seems discordant with the whole. Even in instances where authors disagree, each author contributes something new and provides a broader perspective on the issue.

Although each chapter is essential reading, it would be impossible to give individually all of the twenty-three chapters the full coverage they deserve. However, certain chapters are particularly noteworthy — either for their timeliness or for the way in which they inform the reader's understanding of EU human rights issues as a whole. Stijn Smisman's chapter, *Fundamental Rights as a Political Myth of the EU*, starts things off with a compelling exploration of the myth that at its core the European Union was founded based on human rights considerations. Although, creation myths exist in every legal tradition (with the EU having multiple creation myths), it is particularly helpful to examine the insertion of human rights into the EU's origin through a sort of retroactive continuity. Smisman's invitation to the reader to question the conventional political myth of the EU brings the European Union's original economic underpinnings into focus and helps explain much of the EU's subsequent jurisprudence. This in turn complements later chapters that question the CJEU's calculus when it conducts proportionality tests that balance human rights with economic considerations (e.g. Alison Young's contention that EU's seems to favor narrowly tailored restrictions on fundamental economic freedoms when they come into conflict with human rights).

Katja S. Ziegler's chapter, *Autonomy: From Myth to Reality*, is also notable. Her exploration of the EU's increasing independence is certainly thought provoking, especially in light of Opinion 2/13, which effectively postponed EU accession to the ECHR indefinitely. Her contention that the CJEU has eschewed the legislation of Member States and the international/customary authorities that it formerly embraced points to increased "competence creep"—already enabled by the CJEU primacy following *Melloni*. This is particularly troubling considering that the CJEU hasn't always struck the ideal balance between human rights and economic rights. As Tuori illustrates, legal pluralism certainly poses challenges, and any organization will resist giving up its autonomy. However, as Lock concludes, the CJEU fear is mainly unfounded as accession to the ECHR isn't likely to change things beyond the status quo.

There are multiple chapters covering recent developments that are of particular interest: immigration and asylum (Steve Peers), EU Fundamental Rights and the Financial Crisis (James Fraczyk), Data Protection of Foreigners (Elspeth Guild), and EU Human Rights Law and Environmental Protection (Sanja Bogojevic). They are all very timely and fit well when viewed by the framework established in Part One. However, there are certainly issues that should be covered in more depth in later editions. Although Michal Bobek briefly covers data retention, it would be nice to see more coverage considering the General Data Protection Regulation's impending implementation. Likewise, the current and future repercussions of Brexit would be welcome, beyond their relation to the devolution of Scotland, Wales, and Northern Ireland.

The Research Handbook provides a fantastic foundation for EU human rights research. All of the chapters are well researched and provide thorough coverage of the seminal cases and structural and philosophical issues concerning human rights in the EU. Whether you are new to the field and looking to get a lay of the land or an expert looking for current trends in scholarship, I highly recommend it.

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doi:10.1017/jli.2018.6