

universality plus may serve as a bridge to wider acceptance of jurisdiction based solely on the principle of universality."<sup>10</sup>

With this book, the editor and contributors have made an indispensable contribution to debate and scholarship in an area of crucial importance. Real strengths of the book are its breadth, authority, and—no mean consideration—readability, as well as the explicit linkage that is made throughout between theory and practice. Taken on their own, the Principles provide a concise, valuable, and balanced reference point and guide for political and legal actors negotiating their way through the jurisprudential tangle surrounding universal jurisdiction. The volume as a whole reinforces this with a serious, committed attempt to explain, explore, and clarify the historical, legal, and political context underlying this complex and controversial issue.

It seems pertinent to note in closing that the Princeton Project began before 11 September 2001, before the full extent of US hostility to the ICC became clear, and before abuses at Guantanamo Bay and Abu Ghraib suggested an official connivance at torture extending upward to the highest levels of the current US administration. It is difficult in this context not to read Lloyd Axworthy's comment in the afterword, that unless an effective enforcement system is in place, progress in international law makes little difference ("the road to hell is paved with good conventions") as implicit recognition that geopolitical considerations (for the most only obliquely addressed in the book) ultimately rule. But this should not be allowed to obscure the real progress that has been made, nor the argument that underpins

and emerges most strongly from the Princeton project—the vital and urgent need to strengthen the justifications and possibilities for enforcement of human rights standards.

#### Madeleine Davis

*Madeleine Davis is Lecturer in Politics at Queen Mary, University of London. Her recent publications include (as editor) The Pinochet Case: Origins, Progress and Implications (London, Institute of Latin American Studies, 2003).*

#### **Simon Chesterman, *You, The People: The United Nations, Transitional Administration, and State-Building* (Oxford & New York: Oxford University Press, 2004)**

During the past several decades a growing number of conquered, faltering, or failed states experienced international administration, presumably in the interest of state-building and peace-building. Simon Chesterman, Executive Director of the Institute for International Law and Justice at New York University School of Law, offers a concise, wide-ranging and well-conceived study of diverse international operations, most involving a significant United Nations role.

This single authored work speaks with the authority of a major global commission study and offers analyses and prescriptions with important implications for human rights scholars and practitioners. Important sections assess the international community's efforts regarding transitional justice, the administration of justice, and the development of rule of law capacity

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10. *Id.* at 236.

in occupied states. On each of these themes, as with the many other dimensions of the study, Chesterman is adept at revealing the contradictions and weak points of each operation studied and offers excellent advice on needed reforms.

Transitional administration is found by Chesterman in such contexts as decolonization, transfer of territory, election supervision, military operations, peace processes, state failure, and the "war on terror." Employing this broad perspective he links and compares operations dominated by the United Nations to those controlled by conquering states or hegemonic powers.

Chesterman's major pronouncements on needed changes in UN roles are pungently worded and supported by examples from his case studies. He notes that military occupations tend to distort both transitional justice and efforts to advance the local societies' abilities to administer contemporary justice. Examples of violations of due process of law in several UN sponsored operations are discussed, especially those that occurred through that organization's interim administration operations in Kosovo. As to transitional justice, he regrets the strong tendency of the UN and its member states to accept amnesties that block prosecutions of former rulers and military officers. Chesterman seeks to advance the idea that the administration of justice, on the part of both international and local authorities, should be accepted as one the highest priorities of post-conflict peace operations.

This study also deals extensively with efforts by the UN, regional authorities, and occupying states to facilitate elections. Such work is viewed as central to needed exit strategies regardless of the sponsor of the international administration. However, Chesterman challenges the international community's, and es-

pecially the United States, declared focus on democracy, arguing instead that priority should be given to peace, security, sustainable institutions, and economic stability.

Chesterman's overall conclusions are well-supported in this thorough critique of transitional administration. Taken as a whole the efforts of the United Nations in state-building and peace-building, including those in the 1991–2003 period, are viewed as highly inconsistent, inadequate and irrelevant. The UN is shown regularly applying a wrong model to each occupation, and re-inventing new wheels when some positive approaches previously proved useful.

This book is realist in its critique of international institutions and great powers alike, frequently illustrating how and why military occupations and high politics corrupt missions, mandates and means, not least in regard to human rights. Nonetheless, Chesterman holds out hope that transitional authority can be more successful in the future if it is deployed more selectively and greater emphasis is given to such concerns as economic stability and the rule of law.

The reader will be able to apply Chesterman's analyses and recommendations to current and future cases, including Afghanistan, Iraq, and various African crisis spots. The study will help scholars, practitioners, and others to better assess particular constructive and problematic aspects of transitional administration, and perhaps lead to improvements on the ground in the operations of regional organizations, the UN, and occupying states.

**Richard L. Siegel**  
**University of Nevada, Reno**

*Richard L. Siegel is Professor Emeritus of Political Science at the University of Nevada, Reno. He is currently writing a book on the death penalty as a global human rights issue.*