AFRICAN YEARBOOK

ON

HUMANITARIAN LAW

Book Review

Principles of International Criminal Law 3 ed (2014) by Gerhard Werle and Florian Jessberger, Oxford University Press, Oxford, ISBN 978-0-19-870359-4 (Hard cover) xxxiii and 676 pages

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If the body of law collectively known as international humanitarian law is the 'shield that protects', then international criminal law can be regarded as the 'sword of enforcement'. Indeed, the work and jurisprudence of the *ad hoc* international criminal tribunals, and now also the permanent International Criminal Court, illustrate the interconnectedness of the two bodies of law. The complexities and vastness of the two disciplines make for a bewildering number of primary and secondary sources on the various subjects that form the content of modern international humanitarian law and international criminal law. Few publications are successful in their attempts to provide overview *and* in-depth analysis in a balanced and meaningful way. It is understandable of course. Complexity begs specialisation. Pedagogy requires overview *and* analysis. One publication that can be regarded as a general text, but with the rigour of in-depth, specialist method, is Werle and Jessberger's *Principles of International Criminal Law*.

The third edition of this work has appeared in 2014 and is published by Oxford University Press. The first and second editions were published by TMC Asser Press, The Hague. The choice of OUP as publisher of the book makes sense, and underscores the international appeal of the book. The authors' assertion in the Preface to the third edition that the book 'has become a standard reference work on international criminal law' is indeed the case. The OUP publishing and marketing network will further cement the status of the book.

Although the book is obviously aimed at academics, practitioners and students interested in international criminal law, it can also be recommended for readers interested in the enforcement of international humanitarian law. Of particular importance – from an IHL point of view – are the parts on General Principles of Criminal Liability (Part Two); War Crimes (Part Five); and the Crime of Aggression (Part Six).

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The 2010 Assembly of States Parties Kampala Review Conference on the Rome Statute of the International Criminal Court adopted the first important amendments to the Rome Statute, including amendments affecting the scope of Article 8 (war crimes) and a definition for the crime of aggression (Article 8bis). These developments, as well as the jurisprudence of the ICC and the ad hoc international criminal tribunals, are systematically dealt with by the authors. Developments at the national level, and in particular the national enforcement of international criminal law, receive specific attention.

The systematic approach to the different topics covered in the book (historical and normative foundations; general principles; genocide; crimes against humanity; war crimes; the crime of aggression) is what makes the book a standard text. It incorporates new developments without losing sight of the structure and normative foundations that inform the whole text. The presentation is clear, and the reader/researcher is provided with a comprehensive bibliography that precedes each major topic. The book is, in this sense, not only a source in terms of its content, but also a resource for purposes of further research. Reference is made easy with paragraph numbers in the margins of each page. This very useful feature was retained from the previous two editions. Thus, the third edition has a familiar feel to it, but in terms of content it is also clear that the authors have reworked the text to reflect new developments and commentary.

Gerhard Werle and Florian Jessberger (who is now a full co-author of the book) have strong teaching and research links with Africa. Readers of the *African Yearbook* are encouraged to make use of this excellent

book by two internationally renowned scholars.