Mark Kersten, *Justice in Conflict: The Effects of the International Criminal Court's Interventions on Ending Wars and Building Peace*, Oxford, Oxford University Press, 2016, pp. 254, paperback 24.99 GBP, ISBN 978-0-19-877715-1

One of the defining features of the International Criminal Court (ICC) is its ability to intervene in conflicts which are on-going: rather than wait for peace, justice is pursued while the conflict rages on. Consequently, the court is emerging as an increasingly relevant actor in situations where hostilities are underway. Whenever there are allegations that international crimes are occurring during a conflict, as in Syria or Yemen for example, the ICC is invariably referred to as being the institution which could hold those responsible to account.

However, the ICC does not operate in a bubble. The court may be a judicial institution, but it operates in a political space, and its decisions can have political consequences. This becomes especially evident when the court gets involved in on-going conflicts, and its intervention can have ramifications that impact upon peace and reconciliation processes. An ICC intervention complicates peace processes, but, in what way? Does it help or hinder the establishment of peace? It is this question which Mark Kersten's book sets out to explore.

The author begins by outlining what he describes as a novel analytical framework through which to study the effects of the court upon peace and conflict resolution processes. The framework breaks down these processes into different constituent elements upon which to assess the impact of the court. These constituent elements require an evaluation of the court's influence upon: the narrative of the conflict (for example, the portrayal of one side as 'good' and the other 'evil'); the attitudes and incentives of the warring parties (for example their attitude towards coming to the negotiating table in the first place); and the influences the court has at different stages of the peace process, from pre- to post-negotiation phase.

This analytical framework is then applied to two case studies- the court's interventions in Northern Uganda and in Libya- in order to assess the impact the ICC had on peace and reconciliation processes in the two situations. The author chooses Uganda and Libya because their means of referral to the ICC are different (self-referral by the Government of Uganda in 2004 and UN Security Council (UN SC) referral of the Libyan situation in 2011) and the targets of the ICC indictments and existence of official negotiations provide interesting points of comparison. The picture which emerges from this exercise is revealing.

One of the study's key findings is that the effect of the ICC upon peace, justice and conflict processes in an on-going conflict is determined by the individuals whom the Office of the Prosecutor (OTP) selects for prosecution; and the selection of whom to prosecute is in turn influenced by the manner in which the situation has been referred to the court. Thus, the situation in Uganda was referred to the court by the Ugandan government. To date, the court has only issued arrest warrants for leading members of the rebel group, the Lord's Resistance Army (LRA), and has largely ignored alleged crimes committed by Ugandan state armed forces. In the Libyan situation, the referral came from the UN SC. Arrest warrants were issued for senior members of the Gaddafi regime, but none have been issued concerning alleged crimes committed by the opposition.

The decisions of the OTP concerning whom to select for prosecution have affected the narrative of both conflicts. In Uganda, the Ugandan government benefited from the choices made. The OTP's focus upon alleged crimes by LRA members stigmatised the LRA even further, entrenching the pre-existing conflict narrative of a 'good' Ugandan government fighting against an 'evil' rebel army, which the government was then able to capitalise on.

In Libya, the decision to issue arrest warrants only for individuals from the Gaddafi regime, contributed to the pre-existing conflict narrative of the regime being 'evil' and the opposition being 'good', and to the framing of the conflict as one where the key perpetrators of atrocities were members of the regime. The focus upon the Gaddafi regime de-legitimised the regime even further, reducing any incentive the opposition might have had to negotiate a peace agreement with them.

Furthermore, in both conflicts, the issuing of arrest warrants for certain individuals- for example Joseph Kony, a senior leader in the LRA, and Saif al-Islam Gaddafi, the son of Colonel Gaddafi and 'de facto' Prime Minister of Libya- entrenched the narrative that they were personally liable for the atrocities that had occurred, when the true picture was far more complex.

As the book explains, the reasons for these decisions are not too difficult to comprehend. Decision-making at the ICC requires the court to negotiate between its own institutional interests and the interests of the political actors- states and international organisations- upon whom it depends. The OTP has to exercise a certain degree of pragmatism when deciding whom to target for prosecution. In order to have a successful case, the cooperation of states is vital if effective evidence is to be gathered and if arrest warrants are to be enforced.

The court also needs to show that it has a positive impact on the conflicts in which it intervenes. In order to maintain its legitimacy and the support of state parties and other actors, the court has to be seen to be doing a good job, and be perceived as being active and effective. This helps explain the OTP's decision to focus on rebel forces in a situation of self-referral (Uganda) and on adversaries of UN SC member states in a SC referral (Libya). The author successfully illustrates that the decision-making which flows from this negotiation of interests determines the effect that the court has on peace, conflict and justice processes.

The commonly held view of the peace versus justice debate is that only one or the other can be pursued at any one time. The author argues that in truth it is not an either/or choice, both can be sought simultaneously. His study evidences that an ICC intervention undoubtedly effects peace, conflict and justice processes, but in a nuanced manner. Ultimately, he is unable to conclude whether the court was a help or a hindrance to peace, conflict and reconciliation processes in the two cases he studies. His inability to reach a conclusion is understandable. There are many factors at play here and drawing a direct connection between an ICC intervention and a positive or negative effect on these processes would be difficult.

This volume feeds into a growing body of research assessing the wider impact of the ICC in the situations in which it intervenes and beyond. Such studies are imperative:

the permanent international criminal court is an experiment and the court is still, over twenty years after its creation, in its probationary period. For many, the jury is still out as to whether the ICC is a project that is worth pursuing. There is a need to study the implications and effects of the court beyond the narrow confines of dispensing criminal justice, and to understand how the court functions in a political world which it cannot avoid.

Kersten's book is highly recommended reading for all those who are interested in the ICC, and indeed in international courts in general, and who wish to develop a clearer understanding of how the court functions in a political context.

As the court matures and intervenes in new situations, it is to be hoped that others will build upon and develop the research which this volume has so effectively begun. Every conflict is unique and an ICC intervention will have different impacts in different contexts. Nevertheless, there are important lessons which can be drawn from the study which apply beyond the narrow confines of the cases studied. These lessons should be taken on board, both by those involved with the court, particularly the OTP, and officials involved in peace and reconciliation processes. It is to be hoped that in future both parties will try to work in a more structured and co-ordinated manner when the ICC becomes involved in an on-going conflict, with a heightened awareness of the ways in which an ICC intervention could affect the peace process. While, as the book shows, peace and justice can be pursued simultaneously, it is a tricky path to tread, and more research is needed to effectively understand their relationship.

Joanna Nicholson, Postdoctoral Fellow, Pluricourts, Faculty of Law, University of Oslo.