value' (p. 402). Anticipating problems that recently have become ever more apparent, Forsythe enumerates the near impossibility of effectively applying UN sanctions to states that refuse to cooperate with the Tribunal; getting the UN protection force to alter its mandate to arrest those indicted; or securing the cooperation of prominent national leaders in the area. Noting that courts are necessarily the 'weakest branch of governments', Forsythe argues that the international community's persistent failure to prosecute war criminals at either the international or national level suggests that, for now, international humanitarian law is fated to remain 'soft law' (pp. 419–422). Forsythe, as an outsider to the conflict, is a more credible critic of the Tribunal than is Dusan Cotic, the author of the only other truly 'critical' essay in this collection. (Cotic, a former Deputy Secretary of Justice and former Justice of the Supreme Court in the Socialist Federal Republic of Yugoslavia, supplies a short – and partisan – historical introduction.)

With the exception of Forsythe, these authors largely *presume* that the Tribunal 'fulfills the promise of Nuremberg'. Without ever expressly saying so, they leave the impression that internationalized criminal prosecutions in the Balkans will deter violence, punish the guilty, rehabilitate victims, secure public order, prevent mob retaliation, help restore the 'rule of law' (both internally and internationally), permit 'national reconciliation' through restoration of a 'civil society', and establish 'the truth' by preserving the historical record. No one here examines whether these goals are truly achievable.[5] Likewise, there is no questioning of the premise that Nuremberg's flaws – the perception of 'victor's justice', procedural and evidentiary lapses, improper applications of '*ex post facto*' law, and the inaccurate rendering of history – have been fully rectified.[6] At the closing of this book, we are no nearer to knowing whether this Tribunal, created in the shadow of Nuremberg, can fulfil Nuremberg's epic promises.

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Vervaele, John A.E. *La fraude communautaire et le droit pénal européen des affaires*. Paris: Presses Universitaires de France, 1994. Pp. xviii, 436. FF 280.

The protection of the financial interests of the European Community is very much in the news. Nevertheless, the subject has been ignored for a long time by authors, except in the field of customs. The amount of fraud discovered to date has caused the Community to react, through the Convention of 26 July 1995 (OJ 1995 C 316, and protocol of 27 September 1996, OJ 1996 C 313, based on article K.3 of the EU Treaty) concerning the protection of the financial interests of the European Community, and by Council Regulation 2988/95 of 18 December 1995 concerning the protection of the financial interests of the European Community (OJ 1995 L 312, based on article 235 of the EU Treaty).

Next to other monographs (see, e.g., F. Tulkens, C. Van Den Wijngaert and I. Verougstraete, *La protection juridique des intérêts financiers des Communautés européennes*. Brussels: Bruylant, 1992; L. Huybrechts, T. Marchandise and F. Tulkens, *La lutte contre la fraude communautaire dans la pratique*, Brussels: Bruylant, 1994), this work by J. Vervaele, a translation of *Fraud against the Community: The Need for European Fraud Legislation* (Deventer: Kluwer, 1992), is

5 For consideration of whether these goals are achievable in other contexts involving 'administrative massacres', see, e.g., Osiel, 'Ever Again: Legal Remembrance of Administrative Massacre', 144 *Univ. of Pa. L. Rev.* (1995) 463.

6 Cf. Chaney, 'Pitfalls and Imperatives: Applying the Lessons of Nuremberg to the Yugoslav War Crimes Trials', 14 *Dickinson J. Int'l L.* (1995) 57; 'Critical Perspectives on the Nuremberg Trials and State Accountability,' (Symposium) 12 *New York School J. Hum. Rights* (1995) 453.

an important contribution to the systematization of the subject matter. The author is known for his publications in the field, and he is closely familiar with the practice through his activities in the Commission. This original approach gives to his work a particular interest.

The work is divided into four parts. The first is a general presentation of the subject, with an evaluation of the respective competences of the Member States and the Commission in safeguarding Community law. The second part is the most substantial. It presents the control mechanisms, per sector, in matters such as agriculture, own resources and VAT, and structural funds. It also studies the different aspects of mutual assistance between national authorities and between those and the Commission. It then goes on to examine the role of the Court of Auditors and the Budgetary Control Committee of the European Parliament. A third part presents the antifraud policy of the Commission and the Council. Finally, the fourth part studies the methods of control in Germany, France, Belgium and the Netherlands.

The author defines fraud as practices affecting the flux of income and expenses in the Community budget. He observes these practices with an emphasis on the import and export of goods, on VAT, on Community interventions in the market and on subsidies from structural funds. He argues that the action of Member States is insufficient, due to factors specific to the national control mechanisms, and pleads for more extensive competences for the Commission, taking as model those attributed to the Commission in competition matters.

It is true that the work suffers from a certain degree of approximation and is partially out of date because of the enactment of new Community instruments on the subject. Furthermore, the style is at times a little rough, this being probably due to the translation. However, this should not overly irritate the reader, for the book tends to give a technical understanding of the subject rather than a more academic approach. The work of J. Vervaele is a must for all those interested not only in the problem of the fight against fraud, but also in the more general theme of implementing Community law and of shared competences between the Member States and the Commission.

The work includes an important documentary section, presenting reports from the Court of Auditors, the European Parliament and the Commission. It is completed with useful indexes of cited acts and decisions, and contains an excellent bibliography.

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Mulert, Martin. *Die deutschen Bundesländer vor dem Europäischen Gerichtshof.* Berlin: Duncker & Humblot, 1996. Pp. 318. DM 92; ÖS 718; sFr 92.

This monograph focuses on a highly delicate problem, which is located between European and German constitutional law: How can standing of the German *Länder* be improved in proceedings before the European Court of Justice (ECJ) if the litigation before it directly or indirectly affects their competences and prerogatives? The question was already the subject of discussion when the *Land* Bavaria sued the German government before the German Federal Constitutional Court (*BVerfG*), alleging that the quota regulations in the 'Télevision sans frontières' Directive 89/552/EEC violated EC law and that, therefore, the directive should not be applied in Germany as being contrary to principles of federalism (pp. 144–148). The *BVerfG* avoided going into the merits of the case by rejecting the claim as being inadmissible at the time, given that the federal government had not yet taken action to implement it. It, however, hinted that it may grant protection once the interests of the *Länder* were directly impaired. Fortunately, the litigation was discontinued.

The author is correct in saying that this and similar conflicts could be avoided if the *Länder* had standing before the ECJ on their own, without being dependent on the privileged position of the Federal Re-