

lighting how and to what extent they are substitutable and where there remain lacunae.

Her conclusions and recommendations are perceptive and pertinent: she notes the current definitions as emphasizing the existence of individual rights (individual concern) and the existence of a relationship of causality between the decision and the damage inflicted on the applicant.

There is explicit recognition of the fact that the strictness of the rules on *locus standi* have had a profound effect on Community law through the frequent result of private parties being deprived of all protection in respect of potentially illegal Community acts. What is also made clear is the fact that while an excessively liberal interpretation of the rules on *locus standi* (especially in respect of regulations) would imperil the stability of the Community secondary legislation, the gaps which still exist in respect of private persons' access to judicial review jeopardize the democratic credentials of the Community. Moreover, there exist no principled reasons for which the rules of admissibility of individual actions should not accommodate a more participatory democratic conception of individual engagement in the upholding of legality and the fundamental general principles of Community law.

What is however missing from this work is a more principled argument about the lacunae which remain in the judicial review system of the Community, and the ways in which alternative actions are inadequate in practice and severely lacking in principle.

There are fundamental critiques to be levelled against the rules on *locus standi* in respect of what sort of vision of democracy they reflect at the heart of the Community, as well as attacks on the realization and upholding of fundamental rights and a balanced rights discourse which are not addressed in sufficient depth in this work: such a dimension would seem the natural complement to a detailed review of the case law and rules in the area and it is regrettably lacking.

From a very early stage, individuals have been conceived of as agents of, and partici-

pants in, EC law, and viewed as holders of rights and duties. It is clear that the current rules on *locus standi* for judicial review, notwithstanding the developments fostered in ECJ jurisprudence, do not adequately acknowledge this, and represent yet another significant dimension of the democratic deficit of the Union.

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Boeles, Peter. *Fair Immigration Procedure in Europe*. London, Boston, The Hague: Martinus Nijhoff Publishers, 1997. Pp. xviii, 477. Index.

This book results from the author's dissertation defended in Dutch at the Catholic University of Nijmegen in 1995. It explores the legal remedies which should be available to an individual in relation to actions or failures to act by a state in immigration proceedings concerning entry, residence and expulsion, and concentrates on international law as applicable to the 15 Member States of the European Union. By effective legal remedies or proceedings the author means remedies available to the individual against the state which meet certain conditions and which, as a result, maximize the chance of effective legal protection in individual cases.

Six elements are chosen to assess whether the norms which may apply to national immigration proceedings (*inter alia*, UN, ILO, Council of Europe, and European Union customary law and general principles) maximize the chance of effective legal protection in this field: proceedings must exist, be accessible, and have the character of 'judicial proceedings'; legal and linguistic assistance to the parties must be guaranteed; the individual must be able to break the power of a *fait accompli* by, for example, requesting interim measures; the procedure for the establishment of facts and the Court's margin of appreciation must make it possible for the court or tribunal to take account of the essential aspects of the case and an appeal at a higher level must be available.

With reference to these elements, in Parts B to E of the book, Boeles examines whether the different sources of international legal obligations mentioned above conform to his concept of effective immigration proceedings. The range of material covered is impressive and the orderly manner in which the research questions are posed means that the book is easy to use. In Part G of the book Boeles then examines the 'regional *acquis*' — the effectiveness of legal remedies by means of immigration proceedings which the Member States of the European Union must guarantee pursuant to the totality of obligations described in the preceding chapters.

Boeles' book is a careful and extensive analysis of the question of effective legal protection in immigration proceedings and

the obligations imposed in this respect on the Member States of the European Union by a whole range of international conventions and treaties. It is a shame, however, that the book does not explore some of the most pressing issues concerning immigration procedures in Europe in future — not least the consequences in terms of the development of common European Union immigration law and policy of the obligations disclosed by the various texts which the author examines. Overall, this book is a welcome addition to the growing literature on immigration in the Member States of the European Union and a useful, concentrated discussion of the international legal obligations applicable in this field.

*Legal Secretary*

*Síofra O'Leary*

*Court of Justice of the European Communities*