

UN Protection of Civil and Political Rights Vol. 8 in the PROCEDURAL ASPECTS OF INTERNATIONAL LAW Series

BY JOHN CAREY, SYRACUSE UNIVERSITY PRESS, 1970, 205 pp incl Index

This book, a study of United Nations techniques for the protection of human rights, represents the first of five studies in the research project 'International Procedures to Protect Private Rights' of the Procedural Aspects of International Law Institute, New York.

The author, as a practising international lawyer also holding an academic post at New York University, and with experience as a representative on two United Nations organs concerned with human rights—the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights—was unusually well qualified to write on the subject. He has rendered valuable service by supplying details of many points which could be known solely through practical experience, while at the same time supplying readers with the results of extensive research into documentary and other materials. For this reason, among others, the book is not only original, but in many respects has broken fresh ground.

The various methods and processes to which United Nations organisations have had recourse with a view to enforcing human rights are fully covered and documented. A historical treatment has been adopted which helps to elucidate the latest position.

The author's approach is essentially practical. Where he states his views, he is both objective and cautious. But he has not hesitated where necessary to criticise or to express a sceptical opinion. Thus he points out that coercive action by United Nations bodies "seems to have little promise as a means of protecting basic rights" (at p 36). In a trenchant Chapter XII, bearing the title "The UN's Double Standard on Treatment of Complaints", he states that this double standard "meant simply that individuals' complaints could be lodged publicly with a United Nations body only when directed against colonial governments or against the South African Government, and not when directed by persons generally against their own domestic governments" (at p 151).

A valuable Chapter XI, "Sources of Information on Violations", provides a detailed conspectus of such sources of information as Government reports, non-governmental organisation reports, petitions by individuals, hearings, observations, and visitations. In the final chapter the author makes a broad assessment of the different methods of human rights protection which have been surveyed in detail in preceding chapters. One of his general conclusions is worth quoting (p 173):

The most effective methods for enhancing and protecting human rights, employing tools already used as well as those which might soon be accepted, would include investigation and negotiation, followed where necessary by publicity, and in extreme cases by impartial judicial procedures including criminal charges under established law. The non-coercive tools of aid to victims of oppression and education of national leaders should be continued.

It is to be hoped that a new edition of this important book will in due course be prepared in order to take into account United Nations developments in the field of human rights since the date of publication.

J G Starke