

Recent publications

Manfred Nowak *Introduction to the international human rights regime* Marthinus Nijhoff (2003) 365 pages

Christian Tomuschat *Human rights: Between idealism and realism* Oxford University Press (2003) 333 pages

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As the United Nations Decade of Human Rights Education (1995–2004) draws to a close, questions are raised and assessments made about its outcome and accomplishments. Whatever the final verdict, two recent publications present very concrete evidence of activity and productivity in the field of international human rights education. The two texts, both published in 2003, are written by eminent human rights educators and significant role players in the international human rights system. (Discussing these two books does not imply that they are the only ones falling into this category — see eg Javaid Rehman *International human rights law. A practical approach*, also appearing in 2003, published by Longman.)

The first is Manfred Nowak's *Introduction to the international human rights regime (Introduction)*. Professor Nowak teaches law at the University of Vienna, and has served as Independent Expert of the Commission on Human Rights to examine the protection of persons from enforced or involuntary disappearance (2001), as chairperson of the European Master's Programme on Human Rights and Democratisation, based in Venice, and as judge of the Human Rights Chamber for Bosnia and Herzegovina, in Sarajevo.

In the 'foreword' to *Introduction*, he also mentions training people for human rights field missions (at xiii). The work is both the result of teaching and is directed at further teaching and training of similar groups. As the target audience is 'readers without legal background or

human rights experience' (at xiii), the work sets out at not being too extensive and to combine theory and practice. In short, it aims to be 'a first introduction to this fairly new multidisciplinary field for students of all faculties' (at xv).

The second text, by Professor Christian Tomuschat, is entitled *Human rights: Between idealism and realism (Human rights)*. Professor Tomuschat teaches law at the Humboldt University in Berlin. He served as a member of the UN Human Rights Committee from its inception, in 1977, to 1982.

In the 'Preface' to his text, he states the aim of the work as being 'an overview of international protection of human rights', with a focus on how 'human rights are enforced, and what they mean in practice for the human being'. Also his text came about as a result of lectures — in his case, to the Academy of European Law of the European University Institute in Florence.

Both texts are the results of teaching, and their aims are broadly similar. As could be expected, then, there are many material similarities and overlaps. Both texts start with a historical overview over human rights; both authors cover the UN system quite extensively, discussing state reporting and individual communications in detail; both refer to the three regional systems of regional human rights protection; in both cases the development of and link with international criminal justice and 'universal jurisdiction' are explored.

However, the organisation and structure in the two texts, as well as the approach to the material, is quite distinct. In essence, *Introduction* is structured according to institutions that play a role in international human rights: the UN, Council of Europe, Organisation of American States, African Union, European Union and others. A detailed discussion of the standards and supervisory mechanisms under each of these regimes is provided. The intention seems to be to give an *exhaustive* overview of all that is available and relevant. As a result, the reader gets a very good 'institutional' picture, but at the expense of an in-depth analysis of similarities, common trends and discussion of substantive provisions.

In contrast, *Human rights* mainly uses a thematic approach, such as 'implementation at the national level' and 'supervision by international tribunals', in which the different experiences are combined. Even those chapters devoted to the 'political bodies' and treaty bodies develop on the basis of a theme-driven narrative, rather than an attempt to provide as complete a picture as possible.

Evidently, both approaches have their advantages and disadvantages, and are informed by their original (and intended) target audience.

An earlier juxtaposition of the authors' respective approaches can be found in the first issue of the *Human Rights Law Journal* appearing in 1980, to which both contributed on the topic of the Human Rights Committee. (See M Nowak 'The effectiveness of the International Covenant on Civil and Political Rights — Stocktaking after the first

eleven sessions of the UN Human Rights Committee' (1980) 1 *Human Rights Law Journal* 136 and C Tomuschat 'Evolving procedural rules: The UN Human Rights Committee's first two years of dealing with individual communications' (1980) 1 *Human Rights Law Journal* 249.) While Nowak provides a more general overview, Tomuschat analyses a few problematic areas in depth.

Differences in approach are also reflected in the different 'methodologies' used. *Introduction* has no footnotes. It contains numerous lists, schemes, graphs, literature lists in 'textboxes'. Mostly, these 'textboxes' are summaries, setting out the discussed material graphically. They resemble teaching aids (such as parts of a Powerpoint presentation). Important words in the text are placed in bold. All this makes the great amount of factual and detailed information easily digestible. *Human rights* is a traditional, scholarly text, with moderate use of footnotes. Its structure is clear and the writing concise.

There are a number of substantive issues that are covered by the one, and not the other of the two texts. As stated in its introduction, *Introduction* speaks specifically to 'field missions'. As a consequence, a thorough overview is provided of mechanisms to *prevent* human rights violations, such as the Field Mission of the UNHCHR in Burundi, and the UN Working Group on Enforced Disappearances. The link between human rights and 'the maintenance of peace and security' (in the UN Charter) is explored in detail. It also deals in great detail with the OSCE. *Human rights*, on the other hand, covers humanitarian law in much more detail, and looks into interesting contentious issues such as civil suits against human rights violators.

Introduction and *Human rights* are two important and complementary texts. *Introduction* succeeds in its aim of providing an updated, comprehensive overview of international human rights. Its accessible style and text features should ensure a wide readership. *Human rights* is a very readable, insightful text that covers most of the important topical debates in the human rights discourse. In an ideal world, human rights practitioners, activists, teachers and trainers should read, and have both of these books on their shelves.