

Recent Publications

HJ Steiner, P Alston & R Goodman *International human rights in context — Law, politics, morals — Text and materials*

Oxford University Press (3rd edition, 2008) xxxix, 1 492 pages

Magnus Killander

Researcher and LLD candidate, Centre for Human Rights, Faculty of Law,
University of Pretoria, South Africa

Many students and teachers of human rights will be familiar with the earlier editions of this book. *International human rights in context*, by Henry Steiner and Philip Alston, was first published in 1996. The book has now been published in its third edition with Ryan Goodman, who took over from Henry Steiner as director of the Human Rights Programme at Harvard Law School, as co-author/editor. The third edition by and large follows the structure of the second edition, published in 2000. The book has two subtitles: 'Law, politics, morals' indicates that it is an interdisciplinary book although focusing on law. The second subtitle, 'Text and materials', indicates that it is a reader mainly made up of extracts from the works of other authors, though with extensive editorial comment by Steiner, Alston and Goodman.

International human rights in context is a massive book and may look a bit intimidating to the average student. However, it is an easier read than its 1 500 pages would at first suggest. The book is divided into six parts: introductory notions and background to the international human rights movement; normative foundation of international human rights; rights, duties and dilemmas of universalism; international human rights organisations; states as protectors and enforcers of human rights; and current topics (response to massive human rights violations, non-state actors, development and climate change). Each part is subdivided into chapters consisting of extracts of writings and primary materials held together by comments by the editors. Each section ends with questions and suggestions on further readings.

As a course book it might be most useful for smaller classes where the questions set out at the end of each section can form the basis for class discussions. Throughout the book there are numerous references to the provisions of international instruments. However, the texts of such instruments are not included in the book, but on an accompanying website. Unless students bring a laptop to class, they would also need a compilation of human rights instruments to accompany the book.

In addition to its intended use for teaching, the book may also be useful as a starting point for research on a particular topic covered by the book. However, the structure of the excerpts can make it difficult to find the original source. For example, for those who look for references to a particular statement, the footnotes in the original are not included in the extracts and there is no indication from what page of an article a particular extract is taken.

Since I write this review for the *African Human Rights Law Journal*, it may be relevant to reflect on the extent to which Africa and African views on human rights feature in the book. South African case law features extensively. Extracts from *Makwanyane* is used in the discussion on the death penalty. In the discussion of justiciability of socio-economic rights, *Soobramoney*, *Grootboom* and *TAC* are discussed under the heading 'South Africa: A model social rights constitution?' Extracts of the views of African authors are reprinted in the part on 'rights, duties and dilemmas of universalism' with extracts from the writings of Kenyatta and Mutua included in the discussion on 'duty-based social orders', which also includes a discussion by the editors on rights and duties in the African Charter on Human and Peoples' Rights and in other human rights instruments. The Sudanese scholar Abdullahi Ahmed An-Na'im who, as Mutua, is based in the United States, 'explores cultural relativism from the perspective of Islam'. An extensive discussion on female genital mutilation refers to the situation in Africa, but includes no African voices in the discussion.

The African regional human rights system is called the 'newest, the least developed or effective ... the most distinctive and the most controversial of the three established regional human rights regimes' (p 504). The section on the African system includes comments and extracts dealing with the African Commission on Human and Peoples' Rights and the African Court, but no discussion of other initiatives with a human rights component, such as the African Peer Review Mechanism or the human rights-related developments in the regional economic communities. The section includes an extract from the African Commission's fact-finding mission to Zimbabwe and three recent decisions of the Commission.

The discussion on 'domestic internalisation of human rights treaties' includes extracts from Heyns's and Viljoen's 'The impact of the United Nations human rights treaties on the domestic level' and Adjami's study of international law and comparative case law by African courts. The

section on 'massive human rights tragedies' discusses the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Rwandan *gacaca* courts and the South African Truth and Reconciliation Commission.

In conclusion, *International human rights in context* is an interesting and quite comprehensive book which raises many of the pertinent issues in today's human rights discourse. It offers a good starting point for anyone who wants an overview of any of the many issues covered in the book.

C Maina Peter (ed) *The protectors. Human rights commissions and accountability in East Africa*

Fountain Publishers, Kampala (2008) 432 pages

Solomon T Ebobrah

Researcher, Centre for Human Rights, University of Pretoria, South Africa

The campaign for the diversification of the processes available for the realisation of human rights is particularly significant in the African context, where respect for the rule of law is still in its infancy. Strategically situated between the state and the citizenry, national human rights institutions established along the parameters set by the Paris Principles are invaluable institutions to support and supplement courts and quasi-judicial institutions in the search for a better realisation of human rights in African states. Linking their recognition of the potential of national human rights institutions and the growing move towards a political federation in East Africa, the Kituo Cha Katiba¹ convened two workshops, in 2004 and 2006 respectively, for national human rights institutions in East Africa. This collection of essays is the product of these workshops.

Boasting of contributions from 14 authors and edited by Chris Maina Peter, a professor of law at the University of Dar es Salaam, Tanzania, the book is divided into four parts and contains 15 chapters. Part one is made up of chapters 1 to 6 and essentially covers the first workshop, which centred around economic, social and cultural rights within the constitutions of some of the member states of the East African Community (EAC). Part two begins with chapter 7 and ends with chapter

¹ Also known as the East African Centre for Constitutional Development, Kituo Cha Katiba is a Uganda-based regional non-governmental organisation established in 1997 to promote constitution making and good governance.