
Book Reviews

Walter Kälin and Jörg Künzli. **The Law of International Human Rights Protection**. Oxford: Oxford University Press 2009. Pp. 539. £70.00. ISBN: 9780199565207.

Two renowned scholars of international human rights protection from the University of Berne offer this excellent volume which is based on and expands the second edition of their book *Universeller Menschenrechtsschutz* (2008). Professor Walter Kälin was representative of the UN Secretary General on the Human Rights of Internally Displaced Persons, and from 2003 to 2008 a member of the UN Human Rights Committee. Jörg Künzli is Associate Professor of Law at the University of Berne.

While a number of introductory works and handbooks on international human rights (law) have been published,¹ it is difficult and not possible here to compare different volumes in the absence of a well-founded discussion on criteria of *how* to compare them. Rather I will evaluate it on its own merits.

The volume covers comprehensively key issues ranging from Chapter 1 on the origins and universality of human rights to 'protection during migration, forced displacements, and flight' (Chapter 17). Key chapters of the

first part address *inter alia* the legal nature of human rights obligations, the scope of application of human rights, and humanitarian law. In Part II, entitled 'Implementation of Human Rights', basic principles, treaty bodies, and charter-based bodies are discussed. Part III, 'Substantive Guarantees', covers the protection of human existence, human integrity, human identity, and many other categories of human rights.

The book offers an up to date overview on the byzantine architecture of international human rights (UN organs, including organs responsible for human rights and international security (the relationship among which is not entirely clear); treaty bodies, special rapporteurs, fora, complaint mechanisms etc.).² In addition to the main text, more than 120 boxes ('issues in focus', 'examples') plus tables illustrate major issues and relevant cases in the (sub-)chapters. Among the boxes, I found particularly enlightening the ones developing a scheme of what constitutes a human rights violation and what constitutes a violation of humanitarian law (at 149, 178), on unlawful combatants (at 173), and on the emerging doctrine on responsibility to protect and humanitarian intervention without Security Council authorization (at 255, 261). An extensive index helps the reader to locate cases from European, African, and OAS jurisprudence, ICJ and international criminal justice cases, and expert committees' opinions.

Chapter 1, sections IV and V, deals with issues of internationalizing human rights and whether human rights are universal, discussing universalist, relativist, and intermediary positions. Here the authors could have gone for a more thorough discussion of the issues and included

¹ To name just a few works, see C. Krause and M. Scheinin (eds), *International Protection of Human Rights* (2009); D. Weissbrodt and C. de la Vega, *International Human Rights Law* (2007); C. Tomuschat, *Human Rights. Between Idealism and Realism* (2nd edn, 2008); H.J. Steiner, P. Alston, and R. Goodman, *International Human Rights in Context. Law, Politics, Morals* (2008); R.B. Lillich, H. Hannum, S.J. Anaya, and D. Shelton, *International Human Rights. Problems of Law, Policy, and Practice* (4th edn, 2006); and T. Buergenthal, D. Shelton, and D. Stewart, *International Human Rights in a Nutshell* (2002).

² On its evolution see G. Oberleitner, *Global Human Rights Institutions* (2007) and R. Normand and S. Zaidi, *Human Rights at the UN. The Political History of Universal Justice* (2008).

new viewpoints from non-Western and newly emergent powers on a number of human rights issues, often present at the Human Rights Council. Looking at the discussion on the universality of human rights and also at other issues, voices from the South are rarely cited.

The volume includes a major chapter on basic concepts of international humanitarian law (Chapter 5), an important and welcome addition, given the overwhelming importance of this legal field for many human rights situations in conflict countries, such as Sudan, West Africa, Iraq, Afghanistan. It is also relevant for UN peacekeeping operations, pointing to issues such as immunity for IGO staff and troop-sending states' responsibility, as well as the extraterritorial applicability of human rights treaties (in Chapters 3, 4, and 8). Especially the latter topic is well treated in developing various categories of cases (Chapter 4, section III).

Moreover the treatise offers a discussion on newer issues such as the human right to water, to food, and environmental protection, less so on sexual orientation. The last is only briefly mentioned at 386; there is no reference to the 2008 Yogyakarta Guidelines,³ UN Human Rights Council and General Assembly discussions. There is also little discussion of HIV/AIDS and third generation rights (briefly referred to at 32). The authors opted for not having a concluding chapter, which could have offered a more comprehensive perspective on the evolution of international human rights, and mapped out successes and major challenges. I would have found such a final chapter useful – and indeed necessary.

The book is characteristically legal in approach and analysis. Legal norms, procedures, and relevant discussion are in the fore-

front; much less political issues, i.e., conflicts in the UN Human Rights Council between Western Countries and member states of the Organization of Islamic Conference or the issue of increasing voting among regional groupings. But perhaps this is an expectation which goes beyond the concept of the authors for their volume.

The volume is an outstanding work of scholarship: very well written, clear, and succinct. I have no doubt that the book will be regarded as an indispensable sourcebook for legal and political science classes, and even in other disciplines interested in international human rights protection. The practitioner will also find it very helpful.

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³ The Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity, available at: www.yogyakartaprinciples.org. See also O'Flaherty and Fisher, 'Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles', 8 *Human Rights Law Review* (2008) 207.