

Clearly it is a good book in which the reviewer can only find one small passage to criticise. Sir John's lectures fall into this category. They are warmly recommended to everyone who is prepared to give more than a passing thought to the fate of others unluckier than themselves.

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U.N. Protection of Civil and Political Rights, by JOHN CAREY, LL.M. (N.Y.). (Syracuse University Press, U.S.A., 1970), pp. i-xii, 1-205. Price \$7.50 (U.S.).

This is the eighth volume resulting from research carried out under the auspices of the Procedural Aspects of International Law Institute and published in the Procedural Aspects of International Law Series under the general editorship of Professor Richard B. Lillich.

It follows such studies as: *International Claims: their adjudication by National Commissions*, written by the editor and published in 1962, and Richard A. Falk's study of *The Role of Domestic Courts in the International Legal Order*.

The volume under review maintains the high standard set by its predecessors. Mr Carey has carefully analysed and documented a vast amount of United Nations' material dealing with the protection of human rights. He commences with a discussion of the need for international protection of human rights and regrettably, this need is all too obvious to the observer of the contemporary international scene.

His approach as outlined in chapter 1 is to investigate the techniques employed to protect human rights and to evaluate their effectiveness.

Chapter 2 is entitled 'International Legislation to Establish Human Rights'. This is unfortunate terminology because, at the level of international law, it is quite clear that there is no such thing as 'legislation' in the commonly accepted municipal law sense. It is only fair to mention that the author himself in his summary and conclusion refers to 'The Use of Declarations or Treaties for International "Legislation"' and so would appear to agree with this observation. There is no doubt that the establishment of standards in this way, even though treaties only bind those states which are parties to them, is helpful in protecting human rights. Conferences to draw up any such treaties provide a forum for discussion and if a number of states agree with the principles enunciated, then an international standard is established. This may become a part of international customary law, for those states which accept it as such. States which refuse to accept it may still be affected through the medium of international public opinion.

A long range method of protection of human rights is education, and the author draws attention to the fact that the United Nations has actively carried on a programme of seminars and fellowships to achieve this objective.

As in all areas of international law the real difficulty arises when a state refuses to comply. Can force be used to coerce governments to respect human rights? It seems beyond argument that the states themselves can no longer use force by virtue of the provisions of the Kellogg-Briand Pact and the United Nations Charter. The United Nations has power to use force pursuant to Chapter 7 of the Charter, but it cannot do so unless the states, members of the Security Council, are willing to allow it to act. Mr Carey refers to the 'twin drawbacks' of the United Nations in this area as being 'ineffectiveness and political sensitivity'. This criticism should be read not as a criticism of the United Nations itself but rather as a criticism of those member states who at times will not allow the organization to fulfil its functions.

He discusses the possibility of 'protection through non-criminal adjudication', but as he rightly points out in chapter 8, at the present time, 'state against state Court actions have little appeal for Governments'. The usefulness of this sort of

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procedure would depend on individual or non-state organizations being given the right to institute such actions. However, if this obstacle is overcome and a judgment is obtained, there is still the difficulty of enforcing that judgment against a recalcitrant state and this problem is canvassed in chapter 6.

At the end of the second world war, criminal actions were brought in respect of crimes against humanity before the tribunals in Nuremberg and Tokyo, and the author examines the possible extension of this concept in chapter 7. Although there have been several proposals for an International Criminal Court, no such Court exists as yet and there are grave doubts as to whether the states would agree to its establishment in the present climate of international opinion.¹ Nonetheless this remains a possible method of protecting human rights in the future. A long established diplomatic procedure, international negotiation, is another technique that may be employed in this area, and this is analysed in chapter 8.

In the remaining chapters he deals with Investigation, Sources of Information, the United Nations Double Standard and the Power of Publicity. One of the main obstacles to the resolution of international conflict at the present time is the lack of any suitable method of ascertaining facts and here the author makes use of the United Nations Southern Africa investigations as a model for analysis. In this way he is able to demonstrate the practical difficulties that may be experienced by fact finding groups or agencies, for example, non co-operation by the government concerned and the grading of evidence. The experience of the United Nations Ad Hoc Group which carried out the Southern Africa investigations makes it clear that if such investigations are to be effective the procedures of the investigating body must be rigidly laid down and followed. As indicated above there are problems with regard to sources of information and it seems beyond doubt that the best results will be obtained from oral hearings conducted on a judicial basis with the use of proper cross-examination procedures.

One interesting point made by Mr Carey, which is often overlooked, is the development of the United Nations Double Standard. This refers to the discrepancy which has arisen in United Nations practice in the treatment of individuals according to their status. Inhabitants of a trusteeship territory have the right of petition to the Trusteeship Council to complain of wrongs committed by the government whereas the citizens of the administering power have no such right.

The author concludes that investigation and negotiation are two of the most effective methods of protecting human rights at the present time, followed 'by publicity, and in extreme cases by impartial judicial procedures including criminal charges under established law'. Publicity is an extremely potent weapon in the fight against oppression. The importance of international public opinion may be difficult to prove but should not be underestimated.

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Portrait of a Profession—The Centennial Book of the New Zealand Law Society, edited by ROBIN COOKE Q.C. (A. H. and A. W. Reed, Wellington, New Zealand, 1969) pp. 1-422 and index. Australian price \$7.50.

In the year 1969 the New Zealand Law Society celebrated its first Centenary. It was proposed that to mark the occasion the Society should publish a history of the profession in New Zealand. To carry out the project a small committee was appointed and Mr Robin Cooke Q.C., was appointed editor. The present volume is the result of their labours and the labours of a number of persons who undertook to write chapters. The book is therefore what Sir Denis Blundell in his preface has described as 'very much a collective enterprise'.

¹ The Afro-Asian bloc would lend little or no support to this proposal after the South-West Africa cases (*Ethiopia v. South Africa* and *Liberia v. South Africa* (1966) I.C.J. Reports 6).

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