

BOOK REVIEWS

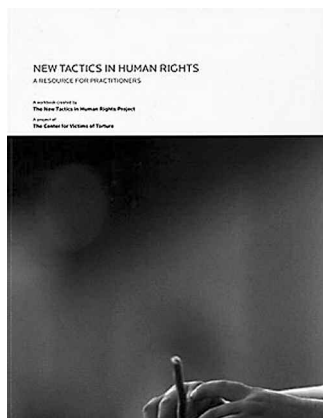
TRICIA CORNELL, KATE KELSCH, NICOLE PALASZ (EDS.), *NEW TACTICS IN HUMAN RIGHTS: A RESOURCE FOR PRACTITIONERS* (MINNEAPOLIS, MN: CENTER FOR VICTIMS OF TORTURE, 2004, 191 PP., PBK.).

New Tactics in Human Rights: A Resource for Practitioners is a compilation of more than 100 stories of tactical innovations by groups and individuals working to protect and restore human rights around the world. The stories are told by various non-governmental organizations, activists, student groups, and those working to achieve diverse goals, such as indigenous land rights, environmental protection, and freedom for political prisoners. The manual was created by the Minneapolis-based group Center for Victims of Torture (CVT) in an effort to document successful human rights strategies, which can serve as both models for and inspirations to other human rights practitioners and activists. As Douglas Johnson, CVT's Executive Director, notes in his introductory comments, the recent history of human rights violations in Bosnia, Rwanda, and Sierra Leone suggests that "something is not working" and that implementing new strategies is essential to preventing future human rights abuses.

The manual is divided into four major chapters — Prevention, Intervention, Restoration, and Building Human Rights Cultures and Institutions — that outline angles from which to tackle specific areas of human rights violations. Each sub-section contains a variety of stories, such as the American Library Association's account of ways it limits opportunities for abuse of privacy by encouraging libraries to destroy all unnecessary records that could potentially be demanded by the U.S. government under the PATRIOT Act. Other stories describe using expropriation laws to ensure the protection of economic rights and creating alternative dispute resolution mechanisms to avoid police involvement in situations where officers potentially may be abusive.

The Intervention chapter offers four

principal strategies to stop ongoing abuse: resistance, disruption, persuasion, and incentive. For example, Masdoor Kisan Shakti Sangathan (MKSS), an Indian human rights organization, shares the tactics it used to tackle high-level corruption in India, particularly the embezzlement of funds allocated for community development projects. Through sit-ins and media involvement, MKSS was able to pressure the state of Rajasthan to pass a right-to-information law that requires public access to all government public expenditure records. MKSS compared the figures in these records with those obtained through site visits and interviews, and then organized hearings to publicly address misappropriation of funds. Other suggested intervention techniques include training victims of human rights abuses to monitor and defend their rights and offering loans with favorable terms to small-business owners on the condition that they do not use child labor.



For those helping to restore and rebuild communities after human rights abuses have occurred, the Restoration chapter explores strategies for remembering the abuses, strengthening individuals and communities, and seeking redress. Finally, the Building Human Rights Cultures and Institutions chapter outlines ways to promote human rights by building communities where those rights are understood and respected. The Everyday Hero Campaign of the 5-in-6 Project, for example, invites men to help curb the high rates of domestic violence in South Africa by encouraging them to attend public meetings and share nonviolent solutions. Other tactics include using popular culture to engage young people in human rights reporting and using theater to break the silence around sensitive human rights issues.

The goal of *New Tactics* is not only to present new ideas, but to suggest new ways of applying old ones. The organizations highlighted have been successful precisely because of their creative approach and the manual encourages other practitioners to

think innovatively. *New Tactics* is visually appealing, interspersed with photos, and user-friendly. Stories are typically limited to less than one page, with the region, target sector, and specific human rights strategy outlined at the end of each page so that readers can quickly identify topics they find relevant to their particular goals. The manual also serves as a valuable resource tool for identifying organizations and contains a directory of contact information for all of the groups that contributed to the manual. *New Tactics in Human Rights* is an uplifting compilation of tremendous advancements in the field of human rights and an invaluable resource for those working in the international human rights community. Hard copies may be requested by contacting the New Tactics in Human Rights Project, c/o The Center for Victims of Torture, at (+1) 612-436-4800, or by e-mail at nettactics@cvt.org. Copies of the manual are also available to download free of charge at <http://www.newtactics.org/main.php/>.

THEODORA CHRISTOU AND JUAN PABLO RAYMOND (EDS.), *EUROPEAN COURT OF HUMAN RIGHTS: REMEDIES AND EXECUTION OF JUDGMENTS* (LONDON: BRITISH INSTITUTE OF INTERNATIONAL & COMPARATIVE LAW, 2005, 115 PP., PBK.).

With the long-awaited creation of the International Criminal Court and the continued public discussion of its envisioned role and capacity, it seems only prudent to consider, by way of comparison, the legacy of another permanent international judicial body, the European Court of Human Rights (ECHR). To this end, *European Court of Human Rights: Remedies and Execution of Judgments* offers a revealing study of the challenges faced by this long-standing institution, specifically addressing the execution of its judicial decisions and the remedies it provides petitioners. As editors of the book, Theodora Christou and Juan Pablo Raymond have included four articles that came out of a 2003 conference held by the British Institute of International and Comparative Law. Taken together they provide distinct perspectives on the many processes that follow the issuance of judgments, and how these processes affect both individual remedies and the implementation

of judgments by Member States of the Council of Europe (Council).

Akin to other international courts, the ECHR lacks the authority to implement its own decisions and relies instead on the cooperation of Member States to enact legislative reform pursuant to the Court's judgment or to reexamine domestic judicial decisions to bring them into compliance with those of the Court. As author Murray Hunt notes, however, "There is an inevitable tension between ... [this] principle of subsidiary and the equally important principle ... that the Convention rights, as interpreted by the Court, be given real and practical effect in national legal systems" (25). It is the interaction and, in some cases, confrontation between these two principles that gives rise to an inevitable debate over whether or not individual states have adequately complied with the judgments of the ECHR. Reflecting on this, Hunt suggests that although measures obligating Member States to implement ECHR judgments do exist, it is necessary for the Court to reform its traditional declaratory judgments by providing explicit instructions regarding the type of action and redress that should be taken to sufficiently execute its judgments. As authors Tom Barkhuysen and Michiel L. van Emmerik note, such a modification of the ECHR's judgments could facilitate the development of more comprehensive case law, thus clarifying the Court's interpretation of the European Convention on Human Rights and possibly reducing the vast number of repeat applications that currently place considerable strain on the Court's operation.

Although these reforms might help to bring state compliance in line with that envisioned by the ECHR, instances in which judgments have been largely ignored present a more significant problem. As author Ed Bates notes, these cases pose a unique dilemma because in the absence of intermediate measures, the Committee of Ministers (the body charged with ensuring enforcement of judicial decisions) is left with little recourse to compel states to execute the Court's judgments beyond that of expelling them from the Council. Such an extreme measure has never been, and is unlikely to be, invoked in the future. Nevertheless, the authors in *European Court of Human Rights* correctly argue that the continued non-compliance by some Member States harms the integrity of the Court and threatens to establish a "two-tier human rights system" in which some states are held to a lower standard than others. To avoid such a scenario

Bates argues that in the future "the main issues concerning execution of judgments ... require political, not legal choices to be made ... [An] 'unquestioning attitude' ... needs to exist across the States that Court rulings *must* be followed (105)." Bates' comment echoes those made by the other authors that, with the continued expansion of the Council of Europe and the growing diversity of the political and judicial systems of its Member States, the ECHR's future as a successful source of supranational legal remedies hinges on addressing these very fundamental issues.

SADAKO OGATA, *THE TURBULENT DECADE: CONFRONTING THE REFUGEE CRISES OF THE 1990s* (NEW YORK & LONDON: W.W. NORTON & CO., 2005, 402 PP., Hbk.).

The scandals and misbegotten reform attempts of the modern United Nations and its many branches make it an easy target for criticism. Sadako Ogata's *The Turbulent Decade* underscores the degree to which the UN has always been a high wire act, struggling to maintain a balance between the interests of its major players and those who need its help the most. Nothing illuminates this point more than the position of the UN High Commission for Refugees (UNHCR) during Ogata's tenure as its High Commissioner. Ogata structures her story around four major international refugee crises — Iraq, the Balkans, the African Great Lakes region, and Afghanistan — over the course of the 1990s.

At the beginning of the last decade, the end of the Cold War fanned the flames of ethnic and civil conflict around the globe, producing large-scale migrations and displacements. It was in this environment that Ogata took office and in these circumstances that she had to carry out UNHCR's mandate. She dealt immediately with the aftermath of the first Gulf War and the displacement of over 1,000,000 Kurds within northern Iraq and to Iran. The subsequent Balkan wars and the Rwandan genocide form the basis of the two chapters that constitute the bulk of Ogata's memoir. A discussion of Afghanistan, which brought her tenure as High Commissioner to a close, rounds out the book with an examination of repatriation, reconstruction, and peace-building efforts.

It is easy to think that these crises occurred consecutively, but there is a significant overlap amongst them, which only makes UNHCR's efforts more astounding. Further, the memoir continually stresses the ever-growing gap

between political and military decisions, and the difficult reality for scores of humanitarian workers on the ground. Unfortunately, as Ogata makes clear, humanitarian crises are exceptional political tools. A politician makes an appearance and some aid is pledged, meanwhile the lives of the people affected and those trying to assist them are frequently spun into caricatures helpful for someone else's agenda, which often involves pushing the problem off-stage as soon as possible. Attempts to assist by UNHCR in the Balkans and the Great Lakes region, for example, were repeatedly set back due to inadequate military protection that was promised but never delivered and continual politicking. Each move led to another web of complications and alliances and, as in Rwanda, refugees often were used by parties in the conflict as political leverage.

More than just a political memoir, this book is a significant meditation on the complexity of addressing what "humanitarian" means. As Ogata herself says, "There are no humanitarian solutions to humanitarian problems." Often the consequences of the world's many humanitarian and human rights tragedies can best be immediately treated by organizations such as UNHCR, but certainly they alone will not be able to resolve them. Perhaps the most significant insight Mme. Ogata leaves us with is that treating problems in the short term is no substitute for long-term reconstruction. But as long as we must keep applying bandages, and perhaps even preventing cuts, let us hope that we have courageous persons like Mme. Ogata on hand. **HRB**

Gwyneth Hesser, a J.D. candidate at the Washington College of Law, wrote the review of New Tactics in Human Rights for the Human Rights Brief.

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Mihir Mankad, a J.D. candidate at the Washington College of Law, wrote the review of The Turbulent Decade for the Human Rights Brief.