

## Guide to International Human Rights Practice, Edited by Hurst Hannum

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## HUMAN RIGHTS

**GUIDE TO INTERNATIONAL HUMAN RIGHTS PRACTICE.** Edited by Hurst Hannum. Philadelphia, Pa.: University of Pennsylvania Press, 1984, 310 pp., \$35.00 (cloth), \$12.95 (paper).

Sadly, one is still subject, at times, to proclamations negating the very existence of international law. Although the small number of lawyers who betray their professional incompetence by such remarks are, of late, becoming virtually extinct, one still hears such neanderthal stridulations from those who seek the political advantages of international anarchy and from an occasional journalist reaching out in desperation for what he or she believes to be "dramatic copy."<sup>1</sup> The short, obvious response to such misprison of leadership can be expressed by the simple question: What "label" should one place on the behavior of nation states with respect to their ongoing conformity to treaty and custom, a conformity that pervades almost every aspect of their bilateral and multilateral relations? Thus, the wisdom of the maxim *Rex debet esse sub lege quia lex facit regem*—the king ought to be under the law, because the law makes the king.

Many lawyers do, however, engage in a counterpart phenomenon of more recent vintage, one that exhibits a paradox: Although human rights represents one of the four present "growth" areas of international law,<sup>2</sup> its very existence is often questioned by members of the legal profession. Since the substantive content of international human rights law has been clearly established for some time,<sup>3</sup> such negations must have reference to a belief in the lack of effective procedures for its implementation.

When evaluated in this context, the contribution of Hurst Hannum and his colleagues is readily apparent: one volume completely dedicated to this vital subject<sup>4</sup> serving as a practical "how to do it" manual. It should also mute the voices of those nay-sayers who possess a modicum of respect for empirical reality. Of course, this effect requires that one embrace a broad concept of lawyering; namely, court action *plus* "advocacy" in its various other dimensions—from lobbying, to representation before adminis-

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1. See, e.g., Harris, *International Law Ridiculous Concept*, Detroit Free Press, July 11, 1969, at 11-A, col. 1.

2. The other three are the law of the sea, space law, and the law of state responsibility.

3. See e.g., L. SOHN & T. BUERGENTHAL, *INTERNATIONAL PROTECTION OF HUMAN RIGHTS* (1973); and R. LILICH & F. NEWMAN, *INTERNATIONAL HUMAN RIGHTS, PROBLEMS OF LAW AND POLICY* (1979).

4. A 1978 publication, *INTERNATIONAL HUMAN RIGHTS LAW AND PRACTICE* (J. Tuttle ed. 1978), although a valuable effort at that time, does not contain Hannum's breadth of coverage.

trative bodies, to legislative and quasi-legislative activity at both the various municipal as well as the international levels.<sup>5</sup> Given the fact that virtually all law firms and corporate law departments of any substantial size have specialized litigation divisions or sections and that (like most other lawyers) they often represent a small portion of total legal activity, who can deny the integrity of this concept or definition? Its application to international human rights law is no different than its application to taxation or to regulated industries.

This sterling volume is separated into five sections or segments in addition to the traditional Forward and Introduction: Preliminary Considerations, International Procedures for Making Human Rights Complaints; Techniques and Forums for Protecting Rights; Domestic and National Remedies; and a rich collection of valuable appendices. From the procedure for complaints by individuals before international bodies to helpful hints for lobbyists—from UNESCO to the ILO—from disappearances to detentions to refugees—it is all to be found in this volume.

The relatively small work also possesses an additional, valuable function. Immediately upon its publication some months prior to this writing, this reviewer adopted the volume as the first of two required publications in his recently completed class in International Protection of Human Rights,<sup>6</sup> thereby replacing the more traditional textbook/casebook approach used in the past. In this pedagogical experiment, the Hannum guide has produced two predictable results: students realize that the discipline of international human rights is more than a "culture course," offering valuable but general background information; and (the other side of the coin) they also perceive that there may be significant practical dimensions to the discipline in the future practice of law.

If, during the next decade, the practical value of human rights considerations substantially increases in the activities of many attorneys, this work will no doubt have made its contribution to that maturation of civilization. And, as in all instances where the individual successfully challenges the state by means of the law, all other individuals should also ultimately

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5. Many international human rights instruments mandate that signatory states conform their municipal law and regulations to the commitments undertaken in the instrument. *See, e.g.*, Section 1(a)X of the Helsinki Accords (Final Act of the Conference on Security and Co-operation in Europe, Helsinki, Aug. 1, 1975) to which the United States is signatory. Basket III of the Accords, dealing with human rights (Co-operation in Humanitarian and Other Fields) can be found, *inter alia*, in Human Rights Documents, Committee on Foreign Affairs, U.S. Congress 261-719 (1983); the basic declaration is at page 233, and the obligation referred to above is at page 234.

6. The second volume, edited by Louis Henkin, was *THE INTERNATIONAL BILL OF RIGHTS: THE COVENANT ON CIVIL AND POLITICAL RIGHTS* (1981).

benefit. After all, "the law makes the king."

Symbolically, the process began in Genesis when Abraham, the father of God's "chosen people," displayed his gratitude with his audacious challenge to God on a basic issue of human rights: individual guilt. When he won his cause,<sup>7</sup> the tradition was established for future advocates who choose to labor in the vineyards of human rights, be it at the municipal or international level. This book, like all contributions to the process, should be received with the respect engendered for such noble objectives.

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7. *Genesis*: 18:20-33.

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