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International Human Rights and Humanitarian Law: Treaties, Cases and Analysis by Francisco Forrest Martin, Stephen J. Schnably, Richard J. Wilson, Jonathan S. Simon, and Mark V. Tushnet. Cambridge: Cambridge University Press, 2006. 1022 pp.

This weighty tome is intended as a student textbook for two ever-expanding international law disciplines—international human rights law and international humanitarian law. Each of these areas needs a substantial text in their own right and a combined version is undoubtedly an ambitious undertaking, at which the authors of this work have succeeded. In the Preface the authors explain that in recent times we have witnessed increased legalization in the area of human rights humanitarian law along with increased opportunities for victims to pursue legal protection and redress. There can be no doubt that a textbook of this nature will be valuable in educating students about the importance of upholding human rights and humanitarian law and providing the skills and tools necessary to this end.

As stated, international human rights law and international humanitarian law could be, and have been, subjects of separate texts. In this instance the authors have chosen to combine the two disciplines, as “these fields have become integrated, relying on each other for their own respective coherence” (xxix). The validity of this statement cannot be doubted, especially in light of recent high-profile judicial decisions (e.g., *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, International Court of Justice Advisory Opinion (9 July 2004)). At the same time there is a belief that human rights and humanitarian law are, and should remain, distinct disciplines with their own foundations, spheres of application and methods of understanding and interpretation. Without doubt there is significant overlap between these two areas of law as they are both “human focused.” At the same time, it must be kept in mind that the full range of humanitarian law is intimately involved with the lawful conduct of hostilities requiring the application of a different set of considerations based on the circumstances. The view from human rights condemns any actions that threaten or endanger human life and would question even the lawful (from the view of humanitarian law) conduct of hostilities that would be detrimental to various aspects of human life. The authors make the point that combining the two is necessary since international law “demands” that one set of legal obligations are interpreted consistently with other international legal obligations. Given the close, if not integral, relations between these two fields dealing with both at the same time is undoubtedly a very useful exercise.

The book is divided into six chapters and contains a detailed table of contents. Chapter 1 provides an overview of the development of international human rights and humanitarian law and sketches out a number of institutional protection mechanisms, both universal and regional. The chapter is very brief, but this is out of necessity, as any substantial treatment of the issues involved in either the history or institutional mechanisms would unduly lengthen the text. The authors clearly want to focus on the procedures and substance of international human rights and humanitarian law protections, so an area that is potentially more of an academic interest is bound to be marginalised. Nonetheless, a list of further reading and reference works on the history and development of the institutional aspects of international human rights and humanitarian law for people who are interested in the particular institutions would have been helpful. Chapter 2 examines the formal sources and principles for international human rights and humanitarian law. As the authors make clear, much of international law is based on treaties and formal texts; it is not a law of cases but more one of statutory construction (23). While this is an obvious point for

specialists, at the same time it is a difficult point to make for students in trying to foster their understanding of the subject. However, it is interesting to note that the increased legalization of international human rights and humanitarian law—as identified by the authors in the Preface—has resulted in much more case law in this area. And, as this book shows, there are a substantial number of cases, judicial decisions (both domestic and international) and quasi-judicial views to call upon.

Chapter 3 deals specifically with the incorporation of international law in the United States. This is an interesting chapter as any study on the domestic incorporation of international law is valuable to all international lawyers. Furthermore, given the high profile of U.S. cases, this information will be valuable to non-U.S. academics and students. Chapter 4 deals with international human rights tribunal procedures and remedies, and Chapter 5 covers substantive international human rights and humanitarian law provisions. These are the main chapters in the work containing a wealth of information on the particular areas. Chapter 6 provides a brief overview of theories and critiques surrounding human rights and humanitarian law. It appears the authors were going for breadth of coverage here in terms of approaches and are not advocating any particular perspective. Again, an extended list of further reading would be useful for this section.

Does this work succeed as a teaching text? Inevitably every academic will have his or her own view on this, and individuals will find fault with particular areas or approaches. In this reviewer's opinion, the authors have succeeded in putting together a solid book of cases and materials that will be beneficial to students studying in these fields. The appeal of the work should not be limited to the U.S. alone as much of the material has global relevance. Unfortunately, as violations of international human rights and humanitarian law continue, any effort to educate and train individuals for addressing violations can only be for the good.

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