

Book Reviews

Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe – Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London, Kluwer, XXIX + 1337 pages.

Although the CSCE has gained new momentum in the years following the end of the cold war, it remains little known and information on its activities is scarce. This weighty book attempts to fill in this lacuna by making available the main documents adopted by the various CSCE organs. The documents are preceded by a 120-page introduction in which the genesis and development of the CSCE process are recalled. Although its ambitions are mainly descriptive, this part is made necessary by the thorough transformation experienced by the CSCE in recent years. Documents are classified by their source rather than by topic, but an issue index is provided. Preference has been given to substantive texts rather than to organizational matters. A great number of interpretative statements and reservations made by participating States are also included. Because of its comprehensive nature, this publication is likely to become an indispensable source for all scholars working on the CSCE.

R.D.

Arie Bloed, Liselotte Leicht, Manfred Nowak, Allan Rosas (eds), *Monitoring Human Rights in Europe. Comparing International Procedures and Mechanisms*, Dordrecht/Boston/London, Martinus Nijhoff (1993) 338 pages, Index.

This book is the product of a series of meetings of an expert working group convened by the International Helsinki Federation for Human Rights, in collaboration with the Ludwig Boltzmann Institute of Human Rights in Finland. All authors are human rights 'insiders', on the intergovernmental and/or NGO level, which ensures a profound and up-to-date treatment of the subjects which are dealt with in the book: the monitoring of human rights and the prevention of human rights violations through reporting procedures (Vojin Dimirjivic); the efficiency of individual complaint procedures and, in particular, the experience of CCPR, CERD, CAT and ECHR (Rein Mullerson); monitoring the CSCE Human Dimension (Arie Bloed); a comparative study of the monitoring mechanisms and institutional frameworks for human rights protection within the Council of Europe, the CSCE and the European Community (Merja Pentikäinen/Martin Scheinin); the contribution of NGOs to the monitoring and protection of human rights in Europe (Rachel Brett); international mechanisms for the prevention of torture (Manfred Nowak/Walter Sundinger); international mechanisms for the monitoring and the protection of minority rights (Gudmundur Alfredsson/Danilo Türk); future protection of economic and social rights in Europe (Asbjørn Eide); international monitoring mechanisms in situations of armed conflict (Allan Rosas); collective responsibility of States to ensure respect for humanitarian principles (Laurence Boisson de Chazournes); the International War Crimes Tribunal for the former Yugoslavia (Nicholas Howen); case study on the former Yugoslavia, the international mechanisms, their efficiency and failures (Roman Wieruszewski).

With the exception of the last three contributions, the studies focus on the effectiveness of the various mechanisms and frameworks, their differing legal and political characteristics and contexts, their interrelationship as well as their advantages and disadvantages. Even though the title of the book suggests that it is limited to reviewing human rights protection in Europe, it is also useful as an overview of human rights treaty monitoring at the universal (UN) level.

Book Reviews

What makes the book particularly valuable is that most contributions are comprised of sets of individual conclusions and recommendations which are then summarized in a number of general recommendations of the working group as a whole. These lists are comprehensive and to the point. They, as well as the studies themselves, demonstrate that, indeed, a fresh wind is blowing in the intergovernmental human rights machinery. But they also show that Jack Donnelly's characterization of the international human rights regime as largely promotional in nature and lacking real means of enforcement is still correct. The contributions by Laurence Boisson de Chazournes and Roman Wieruszewski, in particular, make this painfully clear. There is no reason for complacency in the human rights movement.

Bruno Simma
University of Munich

Alberta Fabbriotti, 'L'ingresso degli stranieri extra-comunitari ed il trattamento delle domande d'asilo nelle legislazioni dei paesi della C.E.E.', *Abhandlungen zu Flüchtlingsfragen*, Vienna, Braumüller (1993) Volume XXII.

This book has essentially a descriptive character, which corresponds to the goal of the research presented by its author in the abstract contained in the beginning.

The work is divided into two parts. The first – about one sixth of the whole – contains, together with a brief and basic explanation of the concepts of 'immigrant' and 'refugee', a short description of the international customary and treaty law on the status of immigrants (or, more generally, aliens) and refugees. It then treats the issues from the perspective of the EC and its Member States. Basically, we find a brief presentation of the efforts made by the EC institutions, as well as by the Council of Europe, and some of the Member States (in the framework of intergovernmental cooperation) to advance the harmonization process of immigration and asylum policies. As the author rightly stresses, this is a process which is increasingly needed in a Europe faced with common problems – such as increasing immigration pressure from poorer regions, increasing illegal immigration, increasing demands of asylum from nationals of politically unstable countries – and a Europe which strives for the elimination of internal frontiers to achieve its economic or even, to a certain extent, its new political union. The issue of conflict of competence in these matters between Member States and the EC, essential in deciding how the harmonization will take place in the coming future, is also briefly presented. This worthwhile contribution should perhaps be supplemented with the more analytical work of Sarah Collinson in *Europe and International Migration* (London, 1993) which presents the problems of harmonization in a comparative-contextual analysis, sensitive to the Member States' conflicting interests in the field according to their different migration pressures, historical links, political and social traditions, and economic structures. This analysis is also very useful in helping to put national regulations in their political context.

The second part of the book is a compilation of the regulations on immigration and asylum of each of the EC Member States preceded in each case by short summaries and comments. More analytical and comparative analysis would have been useful in order to understand the difficulties of the harmonization process. It would also have been useful to find all the legal texts translated into at least one common language to enable the reader to undertake a comparative analysis.

Rut Rubio Marin
European University Institute