

Book Reviews

Manfred Nowak, *UN Covenant on Civil and Political Rights. CCPR Commentary*, Kehl, Strasbourg, Arlington, N.P. Engel (1993) 947 pages, including various Appendices and an Index.

Manfred Nowak has for years been one of the most prolific authors on international human rights law. In 1989, he published a commentary on the International Covenant on Civil and Political Rights in German. The book under review is an updated and expanded version of this work. It is a great achievement and an invaluable tool to anybody active in human rights, be it in politics or at the academic level. I cannot but strongly admire the dedication and stamina of its author.

The Commentary examines, article by article, all the provisions of the Covenant and its two Optional Protocols, taking into full account the practice and case-law of the Human Rights Committee, the body entrusted with the supervision and application of the Covenant. Throughout, reference is made to the jurisprudence of regional (European and Inter-American) human rights organs, in particular those of the European Convention system. This study forms the bulk of the text, comprising some 700 pages. However, in addition, the work includes the texts of not only the treaties concerned, but also of all reservations, declarations and understandings by States parties, of the Human Rights Committee's Rules of Procedure and General Comments (up to G.C. 21/44 of 1992), and the Guidelines for reporting. Further, the user will find lists covering the individual communications made under the Optional Protocol, States' reports, ratifications/accessions, the members of the Human Rights Committee, UN documents pertaining to the Covenant, etc. Such comprehensiveness renders the Commentary 'self-contained' (compensating for its external bulkiness – compare the handy format of *International Human Rights: Documents and Introductory Notes*, Vienna, 1993, co-edited and annotated by F. Ermacora, Nowak and H. Tretter, and consider the luggage weight problems of the human rights jet-setter). But inevitably some of this material will soon be out of date. Thus, the format of Nowak's Commentary calls for regular and quick updating through future editions, which the work more than deserves. In the course of such revision, some clearly obsolete materials like those on p. 884 (concerning the hanging over the Federal Republic's Berlin clause) ought to be deleted.

On the substantive side, the Commentary leaves almost nothing to be criticised. Throughout, Nowak takes a progressive, forward-looking stand, almost always siding with the more courageous members of the Human Rights Committee, blended perfectly with a meticulous handling of the rules of treaty interpretation. There are, of course, some points where I would reach different conclusions. For instance, I would have thought that the maxim *in dubio pro libertate* in treaty interpretation, as traditionally understood and applied, refers to the freedom of States, not of the individuals to be protected by human rights conventions, and would thus be in contradiction with the very essence of international protection (p. XXIV, para. 20). More generally, views differing from those of the author (that is, as a rule, more conservative ones) would sometimes have deserved a more comprehensive treatment. On the other hand, it has to be recognized that in most of these instances, the 'jurisprudence' of the Human Rights Committee has simply overruled earlier, more cautious approaches. The more dynamic the Committee becomes, the more urgent will be the need for a thorough assessment of the legal nature and consequences of its utterances. This is something which we do not find in Nowak's Commentary.

In conclusion, the Commentary is a magnificent work. Without wishing to sound arrogant, I am convinced that in the international legal profession, 'users' who cannot read the German language miss out on a lot. Fortunately, the present book makes the admirable know-how of its author accessible to the entire human rights community.

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Selected articles of the Covenant on Civil and Political Rights that are relevant to the practice of male circumcision. 3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2005: UN Covenant on Civil and Political Rights - CCPR Commentary, 2nd edition, Kehl am Rhein/Strasbourg/Arlington 1989, 946 pages. 2008: The United Nations Convention against Torture - A Commentary (together with Elizabeth McArthur), Oxford, 1649 pages. 2012: All Human Rights for All - Vienna Manual on Human Rights (edited together with Karolina Januszewski, Tina Hofstaetter), Vienna/Graz, 672 pages. 2015: Menschenrechte - Eine Antwort auf die wachsende oekonomische Ungleichheit, Vienna/Hamburg, 176 pages. 2017: Human Rights or Global Capitalism, The Limits of Privatisation, Pennsylvania, 25

COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) APPOINTED BY THE GOVERNMENT OF TAIWAN HEAD OF THE INTER-DISCIPLINARY PHD RESEARCH SCHOOL "EMPOWERMENT THROUGH HUMAN RIGHTS" AT THE UNIVERSITY OF VIENNA CHAIR OF COST ACTION "THE ROLE OF THE EU IN UN HUMAN RIGHTS REFORM" MEMBER OF THE AUSTRIAN MONITORING COMMITTEE established in accordance with Article 33 of the UN CONVENTION ON THE RIGHTS. VARIOUS HUMAN RIGHTS FACT-FINDING MISSIONS outside the UN, e.g. to Brazil (for U.n. covenant on CIVIL and political rights - ccpr

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966, and in force from 23 March 1976 in accordance with Article 49 of the covenant. Article 49 allowed that the covenant would enter into force three months after the date of the deposit of the thirty-fifth instrument of ratification or accession. The covenant commits its parties to respect the civil and political rights of