

REVIEWS

Monitoring Compliance: Practice and Procedure at a UN Human Rights Expert Body

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Tyagi, Yogesh (2011) *The UN Human Rights Committee: Practice and Procedure*, Cambridge: Cambridge University Press, ISBN 978-0-521-11593-3

In his book the *United Nations Human Rights Committee: Practice and Procedure*, international law professor Yogesh Tyagi gives an extensive and thought provoking overview of practices and procedures of the Human Rights Committee; this expert body within the UN is established to monitor the compliance of the state parties with the UN International Covenant on Civil and Political Rights. Tyagi offers the reader over eight hundred pages of plain text, almost one hundred pages of annexes, and chapters related to the three official supervisory procedures of the Human Rights Committee entitled “the reporting procedure,” “the inter-state communication procedure,” and “the individual complaint procedure.”

Far too often, and without good reason, the Human Rights Committee has been neglected by academics; even more, it has been confused with the political Human Rights Commission or its successor the Human Rights Council. In fact, academic literature on the Human Rights Committee is fragmented in the sense that authors typically deal with one aspect of the body, either its procedures or its outcome documents. On top of that, existing academic books and articles are typically written from the perspective of an international legal scholar. Whereas traditionally, political scientists and historians have focused merely on practical work and functioning, international legal scholars in publications like this have quite often preferred to rely on their understanding of procedure. Interestingly, over the last years cross-fertilization has become more popular. Legal scholars include in their analysis political dynamics and effectiveness, while a new movement within the social sciences has appropriately reemphasized the importance of institutional design. With respect to the Human Rights Committee, a more comprehensive interdisciplinary approach would be very welcome.

Despite claims in the introduction that this book only deals with procedural aspects of the Human Rights Committee, it makes an attempt to give us the comprehensiveness we need. In the last chapter on limitations and effectiveness, the author deals with many individual complaints cases from the *Dutch Social Security Cases* of the 1980s via the *Korean Trade Union Leader* case of the 1990s, to the *Belgian Terrorist Suspect* case of 2009. Tyagi analyzes the relationship between procedural questions and individual cases as well as the interesting human rights characteristics of the cases.

Yet, if one focuses on effectiveness, as is done in the last pages of the book, a more elaborate, structured, and empirical approach would have been beneficial—an approach that focused extensively on the effectiveness of the Human Rights Committee within the UN and the international legal framework, as well as on the effectiveness within states. Only a thorough analysis can explain when and why states comply with treaty bodies.

Exciting new academic questions are brought up in the last chapter. They are touched upon only briefly, but offer great perspectives for a second edition of the book. One example is the way the European convention on human rights is treated by each actor involved in the treaty body process. Even more interesting is the way the systems and procedures interrelate and collide, and the way different actors comply with, use, and bend the procedures in relation to the substance of human rights law and human rights violations and the composition of the treaty body. Tyagi's comment that Roger Errera (France), Bernhard Graefrath (German Democratic Republic), Torkel Opsahl (Norway), and Christian Tomuschat (Federal Republic of Germany) played a remarkable role in the Human Rights Committee in comparison to their successors begs for more information, research, and in-depth analysis of the (confidential) internal treaty body consultation, as well as the identification of more Human Rights Committee key figures. New streams in historical research, history-based political science, and legal philosophy have focused on the role of international legal experts in judicial and quasi-judicial bodies, and a forum like the Human Rights Committee would be an interesting case study for this.

An element of a more thorough analysis on effectiveness for the second edition of the book could focus on the number of times the Human Rights Committee's dialogues and outcome documents have been an inspiration for discussion by civil servants within the ministries, parliaments, media, NGOs, and civil society organizations, and courts of a particular state party. With this, it is interesting and relevant to analyze in which context these discussions took place. Interestingly, following the number of times a state has been referred to by Tyagi in his book as "a state under supervision of the Human Rights Committee," the self-proclaimed human rights pioneering state of the Netherlands would provide a perfect case for a pilot study on the effectiveness of the work of the committee.

In the end, Tyagi succeeds in addressing the target groups he mentions in the introduction. The book is extremely useful for people who deal with the committee for professional reasons such as lawyers, state party officials, NGOs/CSOs, and UN Office of the High Commissioner for Human Rights staff. Moreover, the book is published in time to assist those who are involved in the review of the treaty bodies, which is now going on within the UN. However, the book is less appealing for those academics in need of a general UN or international organizations theory, historical context, or a more academically/analytically focused approach to the work of the committee. Reading the sections of this book carefully, Tyagi does provide the reader with a lot of analysis next to description; however, a general narrative or *leitmotif* is lacking.

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