

notes, however, that the success of these alternatives rides the waves of tension between the official political relationship between Taiwan and China.

Dr. Chang advocates the establishment of a “wiki” approach to collecting and sharing information, and finds that non-coercive requests to cooperate are the most effective in these particular cultural and political environments. He notes that the victims of cyber breaches are somehow stigmatized in Chinese culture, as though not being able to protect their information should be a source of shame rather than of injury. Not only should the governments not “play the heavy” in the description of such crimes, they should streamline the system to allow for information to actually flow and be available to be shared.

The level of detail in this study is not only admirable but also highly effective. Dr. Chang’s obvious grasp of the various elements quickly establish his authority. If asking the question as to how long such a book can maintain its integrity and utility given the fast changing nature of computer science and cybercrime, Dr. Chang’s study’s forays into the sociology and cultural difficulties make a solid case that no matter the incidental details and logistics of the technology, China and Taiwan will continue to face this issue long into the future. He has no illusions that whether his proposed alternative solutions speak to the underlying issues, or are anything more than bandages on a wound that has not been stitched.

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***Research Handbook on Human Rights and Humanitarian Law.*** Edited by Robert Kolb and Gloria Gaggioli. Cheltenham, UK; Northampton, MA: Edward Elgar Publishing, 2013. Pp. v, 684. ISBN: 978-1-84980-035-8. US\$280.00.

*Research Handbook on Human Rights and Humanitarian Law* is one of the most recent in the Elgar Research Handbook series. These handbooks are meant to be reference works on a chosen field of study. They combine a treatment of a broad overview of research in the field with an in-depth analysis of selected issues in that field. They are edited by scholars of repute in the field of study who are amply supported by carefully selected contributors, which together results in what the publisher describes as a “state of the art” picture on the subject. *Research Handbook on Human Rights and Humanitarian Law* edited by Robert Kolb and Gloria Gaggioli fits this bill.

The book is divided into four parts. Part one traces the historical background of human rights and international humanitarian law. Part two examines issues common to one or both of these areas of law. Part three shows how these two areas, although distinct from one other, may intersect and points to the need for a combined approach to resolving issues associated with them. Part four deals with the monitoring bodies of both areas of law.

To begin, Maya Hertig Randall sets the tone for the historical background with her discussion of the history of international human rights (IHR). She points out that the Preamble of the Universal Declaration of Human Rights highlights the double nature of IHR. She writes that, “they are at the same time legal and moral rights.” The legal nature of IHR implies a departure from the Westphalian tradition which viewed international law as a legal order regulating the relations among co-equal sovereign states. She explains that the present position of the protection of human rights through international norms questions this Westphalian paradigm. The concept of human rights as moral rights, according to Randall, implies, among other things, minimal empathy and identification with fellow human beings, rooted in the idea that all human beings have certain characteristics in common that transcend other loyalties and identification. Randall then traces the birth of IHR through the cold war era and the development of IHR at the national and international level. In conclusion, Randall explains that the content of human rights has crystallized through the expression of human suffering and injustice and that history has taught us that humanity must be eternally vigilant if the idea of human dignity is to prevail in future.

In the following chapter, Robert Kolb presents the evolution of human rights law and international humanitarian law (IHL). He reminds us that what we see today as a healthy relationship between those two areas of law, each complementing, strengthening, and informing the other, was not always like that. A review of their historic paths reveals two separate and distinct areas of law that were forced by circumstances to progressively converge and relate.

In chapter three, Hans-Joachim Heintze provides the theoretical basis for the relationship between IHR and IHL, drawing on the separation theory through the complementarity theory supported by the International Committee for the Red Cross and the more recent integration theory.

To finish the historical background, Giovanni Distefano attempts to prove that even in this area of the law, the more things change, the more they remain the same. Distefano uses the position of individuals in public international law to buttress his point that although individuals have overtime acquired certain enforceable rights under IHR and IHL principles, the fact that states are still left to assert diplomatic protection in order to enforce some of

these rights means that states, and not individuals, are the true subjects of international law.

In part two, the various chapters identify issues of particular concern to either IHR and or IHL. Vera Gowlland-Debbas and Gloria Gaggioli set the stage by discussing the special relationship between the two areas of the law. The authors explain that as these two areas developed, it became clear that convergence was inevitable to the extent that there has been the humanization of IHL, the emergence of human rights instruments that bridge the two fields, and the development of common rules through customary law. The authors show how the International Court of Justice and the judicial and quasi-judicial organs under some human rights systems have openly applied IHR treaties to disputes governed by IHL. The remaining chapters in part two tackle various common issues such as extraterritorial application of human rights to life and personal liberty during situations of armed conflict, proportionality under the European Convention on Human Rights, and resolving norm conflicts between human rights law and humanitarian law.

Based on the analysis in parts one and two, the contributions in part three tout the need for a combined approach to resolving IHR and IHL situations, in particular protecting victims of armed conflicts. The authors analyze the law of occupation, humanitarian assistance and the prohibition of enforced disappearances, among others, with an eye towards showing how the co-application and the correlative interrelations between IHR and IHL have enriched the normative framework governing the rights of the protected classes.

Part four of the book deals with the monitoring mechanisms at the heart of these two areas of law. In chapter 21, titled, "Universal human rights bodies and international humanitarian law," Walter Kalin demonstrates how international human rights bodies have picked up the slack in the monitoring of the implementation of IHL in the absence of any standing monitoring mechanisms. He notes that the origin of endeavors of the UN human rights system to look at IHL can be traced to the UN Security Council, which linked IHR and IHL in a 1967 resolution on the situation in the Middle East. Other UN bodies took up the refrain and Kalin points out that the 1990/91 Iraqi occupation of Kuwait provided an opportunity for the UN General Assembly and the UN Human Rights Commission to concomitantly invoke IHR and IHL in their resolutions. This and similar statements by the international community have highlighted the close relationship between IHL and HRL and have helped overcome the erstwhile dichotomy of IHR being applicable in peace time and IHL substituting for human rights law in times of armed conflict. This complementary relationship has been further endorsed by the International Court of Justice in its jurisprudence as well as having found expression in the general comments and concluding observations of the

Human Rights Committee and other human rights monitoring bodies. The other contributions in part four of this book illustrate how the three regional human rights systems, the African, the European, and the Inter-American, have all contributed to the “humanization of international humanitarian law” and the “humanitarization of international law of human rights.” One contributor even goes out on a limb to suggest that the courts of these three systems have each indirectly become “a kind of Court of Humanitarian Law.” For its part, the International Committee for the Red Cross has also applied human rights law. Godofredo Torreblanca puts it very succinctly in his contribution entitled, “The International Committee of the Red Cross and human rights law.” Referring to the ICRC, he writes, “Although this institution is mainly recognized and identified as IHL’s guardian, it has gradually included HRL as part of its legal framework on which its actions are based as a response to the humanitarian needs that it faces in the field.”

The review of this book will not be complete without mentioning Manfred Nowaks’ chapter, “A New World Court of Human Rights: a role for international humanitarian law?” He points out that the idea of a World Court of Human Rights is not new and concludes by asserting that such a court is needed in view of the fact that both IHL and HRL suffer from an unacceptable gap between high legal standards and a lack of political will of states to comply with these standards and implement them in practice.

This book serves up plenty of food for thought in the increasingly important area of the intersection of IHL and HRL. Each chapter is well researched and elegantly presented. The authors reveal novel ways to interpret and understand IHL and HRL. There is something in it for a novice to IHL and HRL as well as the seasoned scholar searching for new directions in cutting edge ideas in the subject area. The publisher is right in that this Handbook presents a “state of the art picture” of IHL and HRL. I recommend it highly.

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When establishing a new international criminal court, one of the factors that must be considered is the rules of criminal procedure that will be