Charlesworth addresses "The Challenges of Human Rights Law for Religious Traditions". There can be little doubt that she considers that religious traditions must yield to the demands of human rights thinking. Carolyn Evans, however, in "Religious Freedom in European Human Rights Law; the Search for a Guiding Conception" points to the lack of a real understanding of religion at the heart of human rights thinking and argues that the European Court of Human Rights "ought to show a greater awareness of the rich, complex, diverse nature of religion and belief" (p.396). Then Ritter goes further with a devastating critique of contemporary human rights thinking in "Universal Rights Talk/Plurality of Voices". He does not mince words, but claims that "it remains unclear whether human rights exist" and "how they are ethically justified" (p.417). His examination of various religious traditions is not geared towards discerning their congruence with international law and human rights but at seeking a religiously based justification that can give them an authentic grounding since, "Absent religious authorization, rights talk is reduced to a self-proclaimed moralism, the authority of which resounds no further than the authority of its speaker. The advocacy of human rights has consequently become culturally imperialistic and normatively impotent" (p.452). These are mighty claims and reach to the very heart of the matter, which is that the relationship between religion and international law is neither transient nor historic, but contemporary, enduring and vital. This book serves us well by reminding us of this and advancing our understanding of the issues.

MALCOLM D. EVANS

The International Criminal Court: The Making of the Rome Statute. Edited by ROY S. LEE. [The Hague-London-Boston. Kluwer Law International. 1999. xxxv + 657 pp. ISBN 90–411–1212–X. £103.25 (hbk)]

THE subject of this book, the making of the Statute of the International Criminal Court (the "Rome Statute"), has been described by the UN Secretary-General Kofi Annan in his Preface as "certainly one of the finest moments in the history of the United Nations" (p.ix). This book is an edited collection of essays by many of the persons who were very closely involved in the preparation and eventual adoption of the Statute of the Court at the diplomatic conference in Rome in July 1998. Twenty-eight authors from 17 countries have made contributions that address the whole range of substantive and procedural issues involved with the preparation and adoption of the Rome Statute.

The book is the outcome of a successful collaboration between the United Nations Institute for Training and Research (UNITAR) and the Project on International Courts and Tribunals (PICT). It is edited by Dr Roy Lee who is currently a Senior Special Fellow of UNITAR, but who was previously, among other things, the Executive Secretary of the Rome Diplomatic Conference and Secretary of the Preparatory Committee on the Establishment of the Court.

The book starts with a very helpful section entitled "Key Terms and References" that will prove very useful for the non-specialist reader. This section usefully defines terms that are constantly referred to later in the text (e.g. "Final Act, PrepCom Draft" and "PrepCom") (p.xxiii), sets out the various draft statutes as they have evolved over time (e.g. Zutphen Draft Statute) (pp. xxv–xxviii), and provides definitions of the various working groups of the Rome Conference (e.g. "WGAL", "WGIC", and "WGE") (pp.xxix–xxx).

The Introduction provided by Dr Lee is not just a run-through of the chapters that are to follow. It draws on his experience as Secretary of the Preparatory Committee and as Executive Secretary of the Rome Conference to address, for example, a number of aspects

of the decision-making processes used at the Conference as well as issues pertaining to the management of the Conference (which included 160 participating States, 20 intergovernmental organisations, 14 UN Specialized Agencies, and a coalition of 200 NGOs).

An important feature of the Rome Statute is the complementary (i.e. secondary) role assigned to the Court *vis-à-vis* national criminal investigations or prosecutions of an accused. John Holmes in Chapter 1 provides an excellent account of the issues relating to this principle of complementarity as discussed in the Preparatory Committee and at the Rome Conference.[1]

The negotiations on the crimes falling within the jurisdiction of the Court were some of the most politically sensitive conducted at the Rome Conference. In particular, the lack of agreement on a definition of aggression led to the Rome Statute providing that the Court will not be able to exercise jurisdiction over this crime until a suitable definition is adopted. The discussion of the crime of aggression is well covered in Chapter 2 (Herman von Hebel and Darryl Robinson). This chapter also details the discussions, proposals, and final formulation of the crimes of Genocide, Crimes against Humanity, and War Crimes over which the Court will be able to exercise its jurisdiction.

The proposals and discussions relating to the jurisdiction of the Court are examined in an excellent Chapter 3 by Elizabeth Wilmshurst. What then follows is a series of useful chapters on the relationship between the Court and the Security Council (Chapter 4: Lionel Yee); the composition and administration of the Court (Chapter 5: Medard Rwelamira); the role of the Court's prosecutor (Chapter 6: Silvia Fernández de Gurmendi); international criminal law principles (Chapter 7: Per Saland); international co-operation and judicial assistance (Chapter 9: Phakiso Mochochoko); penalties (Chapter 10: Rolf Einar Fife); establishing an enforcement regime to ensure observance of the Court's judgments (Chapter 11: Trevor Pascal Chimimba); the inclusion of gender issues in the Statute of the Court (Chapter 12: Cate Steains); a description of the important and unique role that NGOs played in the formulation and adoption of the Statute (Chapter 13: William Pace and Mark Thieroff), issues of financing (Chapter 14: Rama Rao); and issues pertaining to the Preamble and Final Clauses of the Rome Statute (Chapter 15: Tuiloma Neroni Slade and Roger Clark).

Chapter 8 contains a comprehensive treatment of a number of issues relating to international criminal law procedures. These include a recounting of the separate process of negotiations relating to these procedures (Silvia Fernández de Gurmendi): investigation and prosecution (Fabricio Guariglia); the trial proceedings (Hans-Jörg Behrens); the rights of persons suspected or accused of a crime (Håkan Friman); reparation to victims (Christopher Muttukumaru); protection of national security information (Donald Piragoff); and the appeal and revision of judgments (Helen Brady and Mark Jennings).

The development of the Rome Statute is discussed by Philippe Kirsch in Chapter 16. Mr Kirsch has played, and continues to play, a unique and crucial role in the establishment of the Court as Chair of the Committee of the Whole at the Rome Conference and Chair of the UN Preparatory Commission for the International Criminal Court. The author draws on this unique experience to provide valuable insights into the processes of development of the Statute. Similarly, Dr Adriaan Bos in Chapter 17 draws on his experience as Chair of the UN Ad Hoc Committee on the Establishment of an International Criminal Court, and Chair (from 1996–1998) of the UN Preparatory Committee on the Establishment of an International Criminal Court, to provide a unique perspective on what has been achieved by the adoption of the Rome Statute.

The Epilogue written by Professor Giovanni Conso provides, in part, an interesting personal account of the final meeting at which the Rome Statute was adopted. A sense of the

1. For further discussion of issues that may arise in practice concerning the application of this principle of complementarity (e.g. in a future Pinochet-type case), see D. Sarooshi, "The Statute of the International Criminal Court", (1999) 48 I.C.L.Q., pp.387 *et seq*.

"genuine exultation" that pervaded the Conference on the effective adoption of the Statute is conveyed to the reader.

Finally, the book contains, usefully, a copy of the Rome Statute; the Resolution (Resolution F) adopted by States at the Conference that provides for the establishment of a Preparatory Commission for the Court and sets out its future areas of work; and the views and comments of governments on the Rome Statute.

Dr Lee is to be congratulated for having assembled contributions from many of the key players involved with the conclusion and adoption of the Rome Statute. The insights conveyed by these authors will no doubt establish this excellent book as essential reading for anyone interested in the establishment and future operation of this important judicial institution.

DANESH SAROOSHI

Remedies in International Human Rights. By DINAH SHELTON. [Oxford: Clarendon Press. 1999. xli + 387 pp. ISBN 0–19–829859–5. £80 (hbk)]

INTERNATIONAL law is particularly weak when it comes to remedying and deterring the wrongdoing of individual perpetrators. The law of State responsibility is inadequate because it derives from inter-state actions. The Rome Statute of the International Criminal Court is limited to certain crimes only. Under international human rights law, individuals may bring an action against a State before an international tribunal, but these tribunals have so far been reluctant to explain the principles upon which a remedy is afforded. Furthermore, no international civil action against an individual human rights violation may yet be brought under international law; the State may nevertheless be found responsible. And yet, as explained by Shelton, the law of remedies is at the core of human rights protection and the success of human rights law. This is because the purpose of remedies is to provide reparation for past action (i.e., its individual function) as well as to prevent or deter future similar violation from re-occurring (i.e., its societal function). Thus, the very purpose of remedies impacts on the depth of States' compliance with human rights norms. This is an important point and one that needs to be emphasised when dealing with human rights protection and human rights law in particular.

Shelton's book is also insightful through its comparative review of the jurisprudence of the European and Intra-American Courts of Human Rights in their provision of remedies to individual victims of human rights violations. Shelton shows, in particular, that the European Court of Human Rights has developed an unsatisfactory jurisprudence through a restrictive interpretation of Article 41 of the European Convention. She concludes that the Court should take it upon its power to order specific actions to States to remedy a situation. An insight into the jurisprudence of other international tribunals provides relevant suggestions.

Furthermore, Shelton's book offers a lucid appraisal of the role of the different types of remedies in human rights litigation. Thus, to take the example of declaratory judgments, Shelton considers that declaratory relief is useful to prevent a violation but that it does not as such provide an adequate remedy. In a similar vein of critical argument, she finds that awards of compensatory damages are rare (and determined at the discretion of the Court) in the European system, whereas the Intra-American Court of Human Rights is more willing to afford such remedy, and in accordance with international law. This state of affairs raises concern for the fairness of the human rights system, and she calls for "much more attention