
Reviewed by Daniel C. Turack*

In his thoughtful Forward to this book, E.V.O. Dankwa, the Former Chair of the African Commission on Human and Peoples’ Rights, immediately alerts the readers to some of the ongoing problems that confront human rights in Africa, namely, poverty, hunger, malnutrition, lack of gender equality, discrimination due to ethnic differences, disease, wars, arbitrary detention, extra-judicial executions, unemployment and exploitation of children. Despite these maladies of society that are present to a great extent in all African countries, Frans Viljoen, who is a Professor of Law at the Law Faculty of the University of Pretoria, brings to light an in-depth and comprehensive picture of human rights on the continent as it has evolved and is in operation today.

The title of the book, “International Human Rights Law in Africa”, captures the examination of the global human rights system, the regional and subregional operating systems in Africa with respect to their various institutions, norms and practices. The scope of this panoramic investigation details national implementation and enforcement to highlight individual state commitment to and compliance with human rights. In short, have the international obligations undertaken at all international levels by states actually been domesticated? And, are the institutions at each level cooperating

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and coordinated to a “human rights-directed goal”?1 The author is concerned with the extent of integration of the systems, the degree of overlap or do they supplement, or reinforce each other, and whether the various processes are moving towards some design of supranational character. Into this mix are added the realities of the many problems associated with economic and legal integration within Africa. Poverty has an overarching influence on whether socio-economic rights can be justifiable.

The book is divided into six parts. Part I provides the necessary background for the neophyte or uninitiated reader in international human rights, and relates how the subject fits into international law generally. Readers learn that there are three generations of international human rights, and four levels in which it operates, namely, national, subregional, regional and global. The three established regional systems, fledgling subregional developing systems, and an envisaged regional system, are introduced.

There is a discussion of how international norms may be invoked nationally, that is, whether a state’s approach is monist or dualist, plus the application of the principle of subsidiarity and the presence of international human rights in the national law. Furthermore, there is a succinct review of the various sources of international human rights law, the relationship between the sources, and the convergence of international human rights law, international humanitarian law, and international criminal law.

Implementation and enforcement of international human rights law is looked at through main legal approaches to explain non-compliance. Roles for implementing or monitoring bodies are set out as are the mechanisms of how individual complaints are handled. There is also an insight on how intergovernmental organizations create their impact as well as how the techniques of other disciplines can contribute to bringing greater adherence to international human rights law.

Part II of the book is devoted to international human rights at the global level. Within the system created via the United Nations Charter, discussion centers on the significance of human rights application in African countries. Here one finds an assessment of the

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1 See: p. xxii.