Guglielmo Verdirame


It sometimes happens that a new book is published in the midst of quite a bit of fanfare, sometimes even deservedly so. It also happens, on occasion, that newly published books remain under the radar screen and, again, sometimes deservedly so. One book that has remained under everyone’s radar screen is the book under review, and in this case the lack of attention is unjustifiable, for Verdirame has written a fine and timely book on a most important topic.

International organizations have always had a ‘good press’, so to speak. The early writers on international organizations treated them optimistically and with velvet gloves, imbued with the view that international organizations represented the “salvation of mankind”, in Nagendra Singh’s classic phrase.¹ Under the prevailing theory of functionalism, it seemed, international organizations could do no wrong: their mission was the common good, and doing wrong would be incompatible with this common good.

This picture started to attract nuances during the 1980s and 1990s, with the breakdown of the International Tin Council, reports on turf wars amongst humanitarian agencies, the dropping of bombs by the North Atlantic Treaty Organization (‘NATO’); and about a decade ago the first writings started to appear suggesting that even the United Nations, the most revered international organization of all, could possibly be engaged in wrongful conduct and even, perish the thought, be engaged in human rights violations.²

This now is the theme picked up by Verdirame, a professor of international law at King’s College in London and unapologetic human rights advocate. Yet, whereas with some human rights lawyers their advocacy tends to get in the way of their scholarship, Verdirame has delivered an impeccable, thoroughly research and well-argued critique of the United Nations’ human rights record, and what to do about it.

Verdirame takes his time constructing his argument: the first three chapters are devoted to a discussion of the problems involved, why international organizations ought to respect human rights standards, and the legal framework surrounding the responsibility of international organizations under

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international law. Four subsequent chapters go into considerable detail when discussing the issues coming up in United Nations relief and development operations, peacekeeping, territorial administration, and the imposition of sanctions. The final substantive chapter outlines the emerging doctrine of equivalent protection, and the book ends with a brief concluding chapter.

Perhaps the main value of the book rests on the conceptual level, even though there arguably is some conceptual slippage involving the notions of responsibility and accountability. Verdirame focuses predominantly on the acts of international organizations on the ground: their operational activities rather than their legislative production, and en passant makes clear that often the bureaucracy plays a different role from the political organs of the United Nations: “the second level of practice, that is the practice of the bureaucracy, is often more determinative of the actual conduct of the organization than the first level” (p. 58).

A telling example is how the Security Council and General Assembly in several resolutions stressed the relevance of non-discrimination in dealing with Afghanistan, yet the United Nations ended up concluding a Memorandum of Understanding with Afghanistan that ultimately entrenched the problematic position of women in Afghanistan, therewith clearly ignoring the non-discrimination norm.

His focus on operational activities also allows him to pay attention to the management of refugee camps by the United Nations High Commissioner for Refugees (‘UNHCR’), which, lest we forget, is to be regarded as a program of the United Nations rather than as an international organization in its own right. Here Verdirame does not pull his punches: he condemns the very existence of refugee camps as a blatant violation of human rights (except perhaps in case of emergencies, but even then their duration should be short), and the way the camps are run is often not very commendable either: the book starts forcefully with the story of how UNHCR in 1997, in Kenya, subjected refugees to the “punitive suspension of food distribution after some had staged a protest against the UNHCR” (p. 2).

A key building block of Verdirame’s argument is the proposition that international organizations are legally bound to respect human rights, despite the oft-noted circumstance that international organizations are not parties to many human rights conventions. Part of the argument flows from the international legal personality of international organizations: quoting the who-Egypt opinion of the International Court of Justice (‘Court’), Verdirame suggests that

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3 He adds a further refinement when distinguishing between three levels of institutional practice: the acts of political organs, the practice of the bureaucracy, and the actual conduct, mainly shaped by the bureaucracy (p. 172).