

**R Murray *The role of national human rights institutions at the international and regional levels. The African experience***

Hart Publishing (2007) 137 pages

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Rachel Murray's book is probably the first of its kind solely to focus on national human rights institutions (NHRIs) in Africa. Previous works on the subject have generally looked at the NHRIs worldwide. In any case, there is a famine in Africa on works such as this on subjects that are practical to the African project. Murray's book comes in handy for the

'book-starved' African libraries, academic institutions, policy makers, civil society, victims of human rights abuses and perhaps also perpetrators of violations of human rights when they change positions and become victims seeking to vindicate their rights. Also, it is a handmaiden for 'Africanists' beyond the continent.

With 91 pages and, including annexures, bibliography and index, 137 pages, the book is not only handy but user-friendly. It is a small but rich book, easy to carry around and to use as reference material. People do not have much time to read lengthy material. Students, in particular, with a mountain of materials to scan through, easily find that they do not have much time for lengthy, technically intimidating material. This book is an excellent piece for the busy practitioner, students and bureaucrats who want to find what they want in an instant without having to scan through voluminous material.

The book is easy to read. This is a distinct advantage and also one of its main competitive characteristics. Murray's book is simple, friendly, practical and relevant. It is relevant because the subject it deals with is one that is relevant to ordinary men and women. Often, human rights, though *human*, have the tendency to sound pedantic and beyond the ordinary. This book is different. It is written in such a way that both the lay person and the most sophisticated professional will be able to follow. As indicated before, there is a list of important documents in the annexures. Some of the documents listed, such as the Paris Principles, are often hard to come by. Therefore, the book is also an invaluable source of key information on the subject and on human rights law in general.

In addition, Murray is an 'insider' in most of the issues about which she writes. For example, she regularly attends African Commission sessions, about which she has published academic works. Therefore, she writes with the advantage of an 'insider', even though she is an 'outsider'. At a judges' workshop in Kenya, this author was approached by a judge who was literally reproaching Murray for writing on African issues, particularly the African Charter on Human and Peoples' Rights, instead of Africans. She wondered whether Murray had the necessary sensitivity to write on African rights. The short answer of course is that when there is a gap, anyone who can must try to fill it. With this and her other works, Murray is fulfilling an important need.

However, just like every book, it has several flaws and inadequacies. The first of these is the title itself. 'The role of national human rights institutions at the international and regional levels' immediately suggests a very limited focus, which in fact treats the subject unfairly. The impression from this is that the book does not even deal with a quarter of the work NHRIs generally do, which is at national level. It is probably correct to say that NHRIs have no role at all either at international or regional levels, that is assuming that the two terms 'international' and 'regional' represent two distinct levels as is being suggested. Most of

the work of NHRIs is in fact national and this would appear to be in line with its original concept in the Paris Principles. Clearly, NHRIs have no business at international and regional forums. With obviously limited resources at their disposal, most of them would do well to spend these resources implementing local obligations by spreading the word of human rights locally and protecting victims. Fortunately, some of them, such as the South African Human Rights Commission, whose Chief Executive Officer (CEO) was reportedly among those Murray interviewed as part of the research, have already complained about the high cost of sending delegations to such meetings as the Human Rights Commission sessions. (This was stated by the CEO of the South African Human Rights Commission in a meeting at a workshop jointly organised between the Commission and the Human Rights Institute of South Africa (HURISA), held at the offices of the Commission on 26 November 2007.)

The title also boasts to provide 'the experience of Africa'. This is not entirely correct. It is most definitely not possible to come up with 'the experience of Africa' from an examination only of the international and regional roles of the NHRIs. Besides, the methodology used makes this claim impossible. Interviews with one or two Europeans and four or so mostly officers of NHRIs, though in different African countries, can hardly enable one to form a perspective from an 'African experience'. It is too much of an exaggeration to say 'an experience of Africa' with only a handful of respondents, however useful these may have been. The point is that Africa is a large continent. Often, experiences from one or two countries would be dangerous to replicate to others, let alone to call them 'the African experience'. The method was probably not wrong, but definitely not adequate. There is no indication that researchers tried to reach beneficiaries or communities to understand from them their views in relation to the subject being investigated. Besides officials, the author should have made an effort to at least reach beneficiaries.

Also, there are technical errors in parts of the book, some of which are not attributable to the author. For example, Appendix 11 on the Resolution on Granting of Observer Status to the National Human Rights Institutions in Africa, which appears on page 97, evokes one of the African Commission on Human and Peoples' Rights' typical flaws. On the African Commission website, there is an attempt to provide for 'observer status' for non-governmental organisations (NGOs) differently from 'affiliate status' (on the website wrongly spelt as 'afflate status'), which is reserved for the NHRIs. Therefore, while Murray is right in quoting this as 'Resolution on the Granting of Observer Status to National Human Rights Institutions in Africa', the African Commission on the website provides it as 'Resolution on the Granting of Affiliate Status to National Human Rights Institutions in Africa' ([http://www.achpr.org/english/\\_infor/news\\_en.html](http://www.achpr.org/english/_infor/news_en.html)), which is technically dif-

ferent and could easily be confusing to practitioners, researchers and students. On page 126 of the bibliography, she cites the 'Kigali Declaration', without details, as such as the African Commission session at which the Declaration was adopted.

However, in spite of these and other flaws and errors, technical and substantive, the book remains an important contribution to the dissemination of critical knowledge in the field. Consisting of seven chapters, including a four-page introduction and a short background in which it deals with the independence era, the book goes on to provide the scope of the study. Chapter two deals with the difficult but critical issue of legitimacy of NHRI participation. In this chapter the author, basing her views on reasons advanced both by the United Nations and 'African regional bodies', claims that the common reason for the involvement of NHRIs at international and regional levels is basically two-fold. Its first role is to provide another way of ensuring states' compliance with their international obligations. Indeed, both the UN National Institutions Unit and the Office of the UN High Commissioner for Human Rights see these bodies as playing a leading role in this respect. The second role, as captured by the author, is for the bodies, through their involvement at these levels, to act as 'filters' for the international mechanisms by educating and providing information to individuals and groups who wish to use them. Reality, however, shows these to be nothing more than tall orders. Most of the NHRIs in Africa simply do not have the competence to play these roles, let alone to do so effectively. At the time of preparing the review, this author has been told by officials from two African NHRIs how, although they regularly attend the African Commission public sessions, they do not understand the principles and application of the African Charter or those of international human rights. Even though they may attend these sessions, most African NHRIs practically have no competence as suggested to assist states' compliance with their international obligations or to advise victims on how to use these systems to access the mechanisms. They cannot possibly play these roles when they themselves lack a basic understanding which is necessary for any kind of role-playing. Therefore, it is being 'too patronising' of the NHRIs to suggest that, just like NGOs, these bodies can be seen as 'experts' or bodies that provide legal expertise on human rights. The African Commission, for example, has been on record to complain about affiliated NHRIs' failure, just like state parties, to comply with their obligation to submit reports every two years to the Commission on their activities upon being granted the affiliate status.

Other important chapters include chapter 3 on 'the role of NHRIs in the United Nations' and inevitably their role at regional level which is dealt with in chapter 4. Chapter 5 deals with the important subject of state and non-state actors as well as their status in international law, where they can be viewed both as subjects and objects of international

law and, finally, as participants. The last substantive chapter — chapter 6 — tackles perhaps the most intractable question regarding the accountability of the NHRIs, which is dealt with in the most comprehensive way. However, the sources cited in trying to define accountability, particularly the elusive notions of good and bad governance, still leave the terminology unclear. Therefore, instead of dwelling only on this, Murray makes an effort to discuss some of the potential roles and responsibilities of NHRIs. As indicated, this is followed by appendices, bibliography and an index.

This is a book one must have on one's desk or bookshelf. It is a useful tool for activists and lobbyists of human rights, including NGOs, academics, NHRIs, government officials, international organisations, students and others.