

MAHMOUD CHERIF BASSIOUNI, ED, *GLOBALIZATION AND ITS IMPACT ON THE FUTURE OF HUMAN RIGHTS AND INTERNATIONAL CRIMINAL JUSTICE* (CAMBRIDGE: UNITED INTERSENTIA LTD, 2015).

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You would think that a “High-Level Meeting of Experts”¹ convened “to address the need to uphold Human Rights and advance International Criminal Justice”², for discussing ways to alleviate “extreme poverty”³ and implement the “rule of law”⁴ in the age of “Globalization”⁵ would take place at a venue where the people actually suffer from such ailments, but no; as has become customary with almost all global causes that show a disconnect between the purpose of the meetings and the ways to achieve that purpose, the “High-Level Meeting” took place at Siracusa, Italy, over, at least, an eight course “feast”⁶. Although, M. Cherif Bassiouni’s wife, Elaine Bassiouni, does appear to show some conscience when she says “enough already” after she was served with the sixth course, the Ambassador-at-Large of the United States of America, Stephen J. Rapp, showed no hesitation in gulping down “the seventh and the eighth courses” and then the “cake that would dwarf that at a royal wedding”⁷. The United States’ Ambassador behaved this way perhaps because the United States of America is not a signatory to the jurisdiction of the International Criminal Court and “it is almost impossible for the United States these days to ratify

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¹ Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) at vii [Cherif Bassiouni].

² Nassir Abdulaziz Al-Nasser, “Opening Speech” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 5 at 5 [Al-Nasser].

Nassir Abdulaziz Al-Nasser has been the Permanent Representative of Qatar to the United Nations in New York (1998-2011), he has been President of the United Nations General Assembly (2011-2012) and is High Representative for the United Nations Alliance of Civilizations (since 2012).

³ Amina J Mohammed, “Opening Speech” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice*, (Cambridge: Intersentia Ltd, 2015) 9 at 10 [Mohammed].

Amina J Mohammed is the United Nations Special Advisor to the Secretary-General on Post-2015 Development Planning (since 2015).

⁴ Al-Nasser, *supra* note 2 at 8.

⁵ Sheikh Khalid Bin Ali Al Khalifa, “Opening Speech” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 11 at 11 [Al Khalifa].

Sheikh Khalid Bin Ali Al Khalifa is the Minister of Justice and Islamic Affairs of Bahrain.

⁶ Stephen J Rapp “Opening Speech” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 17 at 17.

Stephen J Rapp is the Ambassador-at-Large for War Crimes Issues in the Office of Global Criminal Justice at the United States Department of State (since 2009).

⁷ *Ibid.*

treaties”⁸. The United States’ Ambassador had thus nothing to worry about.

Mahmoud Cherif Bassiouni is a well-known name in the international legal community. He has been termed the “Godfather of International Criminal Law” and a “war crimes expert” by the media⁹. Appropriate to M. Cherif Bassiouni’s reputation, the meeting brought “together a number of leading experts in the field of human rights and international criminal law”¹⁰. The subsequent book, however, is not all Professor Bassiouni’s own work. It is a compilation of speeches and articles written by the gathered “experts” and others with, of course, an executive summary and an article¹¹ written by Professor Bassiouni himself. Professor Bassiouni postulates that in this age of globalization, “the center of gravity of human rights has, as it should, moved from internationalization to nationalization”¹². And that, “our globalized world is becoming less committed to the identification and enforcement of the common good and that in the next few decades, all of this may lead to a reconfiguration of the international community”¹³. More ominously, Professor Bassiouni predicts that “the rich and powerful [...] will be in the fortresses on top of the hills which are surrounded by walls and moats to keep them safe on the inside, while on the outside, will be those living in a sea of poverty and chaos”¹⁴.

More specifically, the book opens up with an executive summary and the speeches of the invited dignitaries. H.E. Ambassador Nassir Abdulaziz Al-Nasser, one of such dignitaries, clarifies that Cherif Bassiouni “asked [him] to address the need to uphold Human Rights and advance International Criminal Justice in light of the challenges posed by Globalization”¹⁵. H.E. Minister Sheikh Khalid Bin Ali Al Khalifa, in turn, defines globalization as a phenomenon which involves “a deepening and broadening of rapid trans-boundary exchanges [...] and interactions occur[ring] at all levels of governance and among non-state actors, creating a more interdependent world”¹⁶. H.E. Amina J. Mohammed, in her speech, outlines the prayer of the meeting when she states that “We must aspire to eradicate poverty, protect the environment, and promote economic opportunity for all”¹⁷.

⁸ *Ibid.*

⁹ International Judicial Monitor Link, “Biography” (2014), Online: M Cherif Bassiouni <<http://mcherifbassiouni.com/biography/>>.

¹⁰ Danilo Türk, “Opening Speech” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 23 at 23.

Danilo Türk has been President of the Republic of Slovenia (2007-2012).

¹¹ Cherif Bassiouni, *supra* note 1 at 37.

¹² *Ibid* at 43.

¹³ Hans Corell, “Assessing the Impact of Security and Geopolitical Considerations on the Protection of Human Rights and the Pursuit of International Criminal Justice” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 173 at 173.

¹⁴ Hans Corell, “Future Global Governance with a Focus on the Protection of Human Rights and Criminal Justice” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 178 at 179.

¹⁵ Al-Nasser, *supra* note 2.

¹⁶ Al Khalifa, *supra* note 5.

¹⁷ Mohammed, *supra* note 3.

Subsequently, the book is divided in four parts. The scholarly articles in Part I discuss human rights and international criminal justice in general. Cherif Bassiouni points out that at present, “three different international legal regimes [co-exist] [...] They are: International Humanitarian Law (“IHL”), International Criminal Law (“ICL”), and International Human Rights Law (“IHRL”)”¹⁸. Furthermore, that “These regimes are, at once, complementary and distinct”¹⁹. And that the “gaps and overlaps will continue to exist as long as the states are lacking the political will to eliminate them”²⁰. Carli Pierson, among other writers, echoes that sentiment by stating that “there is an obvious disconnect between the proliferation of international and regional HRIs, the bodies that monitor them and the starkly contrasting reality of the selective implementation of human rights by States”²¹. She succinctly states that “a vast quantity of the existing international human rights and criminal justice bureaucracy is admittedly oppressive, non-navigable, and arguably unnecessary”²².

The articles in Part II discuss contemporary challenges facing human rights and international criminal justice. Mario Silva, in a circular argument, opines that “The most pertinent contributory factor to state failure is the accumulation of structural gaps or deficits over a period of time which creates an environment of domestic and regional instability”²³. H.R.H. Prince El Hassan Bin Talal very aptly puts it that “[i]f legal principles exist, but the capacity or willingness to enforce them is absent, they will not be respected”²⁴. On a relatively cheerful note, however, Ben Saul adds that “criminal law controls offer the promise of restraint and the rule of law”²⁵.

Part III of the book discusses the impact of population, resources, and environmental concerns. Errol Mendes, in identifying the root cause of the failure of States points out that “Failure [to recognise] ‘fundamental aspects of global pluralism’ is ‘one of the causes of the malaise and criticisms of many of our institutions of global

¹⁸ Mahmoud Cherif Bassiouni, “Human Rights and International Criminal Justice in the Twenty-First Century” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 35 at 45.

¹⁹ *Ibid.*

²⁰ *Ibid* at 48.

²¹ Carli Pierson, “An Assessment of the Current International Human Rights Paradigm and Recommendations for Moving Forward” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 67 at 68.

²² *Ibid* at 84.

²³ Mario Silva, “Failing States Impact on Human Rights and International Criminal Justice” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 207 at 209.

²⁴ HRH Prince El Hassan Bin Talal “The International Legal Architecture and the Conflicts of the Middle East: An Obsolete Framework or Simply Underutilized?” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 223 at 223.

²⁵ Ben Saul, “Old and New Terrorist Threats: What Form Will They Take and How Will States Respond?” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 281 at 289.

governance’.”²⁶ Additionally, Donald Wuebbles, Aman Chitkara and Clay Matheny opine that “climate change, often referred to as global warming in the media, is one of the most important issues facing humanity”²⁷. In their paper, the said writers examine “the changes occurring to the Earth’s climate [...] and how those changes could affect criminal justice”²⁸. However, Ved Nanda points out that a commitment having been made by all the relevant countries, the “need now is to move from commitment to action and implementation”²⁹ of the Programme of Action³⁰. According to Errol P. Mendes, for sustainable change, “a new vision of global governance, human rights, and international law”³¹ needs to come to fruition.

In Part IV, the role of inter-governmental organizations, international non-governmental organizations, non-governmental organizations and the issue of global governance are discussed. Andrew Clapham notes one of “the effects of globalization: the human rights violations committed by corporations”³². Interestingly, Stephen Mathias states that “non-State actors, including civil society organizations ‘have emerged as global players, and for the first time in human history, States must interact with them on a regular basis’.”³³ Charles Jalloh takes this point one step further by clarifying that the “NGOs have proved themselves to be not only beneficial, but necessary actors in our state-centric international justice system”³⁴.

The book ends with concluding remarks and appendices which include information about the International Institute of Higher Studies in Criminal Sciences³⁵, the participants and the speakers. As Professor Bassiouni himself puts it, the book is an important compilation of works that “assess the impact of a large number of globalization factors on the present and future development of human rights and

²⁶ Errol P Mendes “Global Pluralism: The Next Stage in Global Governance, Human Rights, and International Law” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 461 at 478 [Mendes].

²⁷ Donald J Wuebbles, Aman Chitkara, and Clay Matheny, “The Relationship of Climate Change to Global Security” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 515 at 515.

²⁸ *Ibid* at 516.

²⁹ Ved P Nanda, “Population, Resources, and the Environment: Challenges Ahead” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 545 at 564.

³⁰ Programme of Action [POA].

³¹ Mendes, *supra* note 26 at 463.

³² Andrew Clapham, “The Role of International Non-Governmental Organizations, Globalization, and International Criminal Law” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 565 at 567.

³³ Stephen Mathias, “Inter-Governmental Organizations and International Non-Governmental Organizations in the Era of Globalization, and How They Can Protect Human Rights and Support International Justice” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 575 at 575.

³⁴ Charles C Jalloh, “The Role of Non-Governmental Organizations in Advancing International Criminal Justice” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 589 at 616.

³⁵ International Institute of Higher Studies in Criminal Sciences [IISIC].

international criminal justice”³⁶.

Personally, among the issues mentioned, I found the arguments contained in Part III of the book to be quite intriguing. In particular, the reference to the fertility rates in the African countries for example, Niger³⁷ and the latest news concerning Niger which informed the world that homes are being burned and people being killed in that country³⁸. I, at once, reflected: are the developed nations of Europe and the Americas paranoid about the population increase in the lesser developed countries especially those on the continent of Africa? And if yes, then who are the actual actors behind the group popularly known in the media as Boko Haram who carry out many of such killings³⁹?

Overall, I find the book to be a compelling read especially if someone were researching the “causes of the malaise and criticisms of many of our [existing] institutions of global governance”⁴⁰.

³⁶ Cherif Bassiouni, *supra* note 1.

³⁷ Martin Lees, “Population, Resources and Environmental Challenges Between Now and 2050, and Their World Impacts” in Mahmoud Cherif Bassiouni, ed, *Globalization and Its Impact on the Future of Human Rights and International Criminal Justice* (Cambridge: Intersentia Ltd, 2015) 487 at 491.

³⁸ The Associated Press, “Niger: 40 Killed in Cross-Border Attacks”, *The New York Times* (19 June 2015) at A9.

³⁹ Ioannis Mantzikos, TRI Research Assistant “Boko Haram Attacks in Nigeria and Neighbouring Countries: A Chronology of Attacks”, online: (2014) 8:6 Perspectives on Terrorism, <<http://www.terrorismanalysts.com/pt/index.php/pot/article/view/391/html>>.

⁴⁰ Cherif Bassiouni, *supra* note 1 at 478.