

**FLORENTINO RUIZ RUIZ, *SUCESIÓN DE ESTADOS Y SALVAGUARDIA DE LA DIGNIDAD HUMANA: LA SUCESIÓN DE ESTADOS EN LOS TRATADOS GENERALES SOBRE PROTECCIÓN DE DERECHOS HUMANOS Y DERECHO HUMANITARIO***  
**(BURGOS: UNIVERSIDAD DE BURGOS, 2001).**

*By Melissa Martins Casagrande\**

The author of the book reviewed is Dr. Florentino Ruiz Ruiz, a professor at the Department of Public Law at the University of Burgos in Spain. Dr. Ruiz specializes in Public International Law and International Relations and has published numerous works relating to the field of International Human Rights Law.

The book reviewed, titled *Sucesión de Estados y Salvaguardia de la Dignidad Humana*, which translates from Spanish as “State Succession and Safeguarding of Human Dignity”, was published in 2001.<sup>1</sup> The book focuses on Public International Law, specifically on matters related to the succession of States and the responsibility of preserving human rights and dignity. .

In the first of three self-contained chapters, the author explores the recognition of human rights and humanitarian law norms in multilateral treaties. He also expounds on the two theoretical perspectives regarding the obligations of succeeded States toward multilateral treaties: the principle of continuity and the ‘clean slate’ rule.

In the second chapter, the practice of State succession in the matter of treaty obligations is described in cases of decolonization, secession of part of a State’s territory, dissolution of States, unification of States and incorporation of a State as part of another State’s territory, and by use of historic and recent events as examples.

In the book’s third chapter, the author methodically describes the formal procedures and actions to be adopted in the event of State succession as established in

---

\* Doctor of Civil Law Candidate, Institute of Comparative Law - McGill University. The author may be contacted at: melissa.martinscasagrande@mail.mcgill.ca.

<sup>1</sup> Due to its date of publication the book does not include recent facts and developments that are of interest to the field of analysis such as the publication in 2005 of the ICRC Study in Customary International Humanitarian Law; certain reformulations in the United Nations structure, namely the establishment of the Human Rights Council; recent conflict and post-conflict scenarios that affect States parties to treaties studied; recent jurisprudential developments before the ICJ on the cases concerning the application of the *Convention on the Prevention and Punishment of the Crime of Genocide* filed in 1993 by Bosnia and Herzegovina and in 1996 by Croatia against the then Federal Republic of Yugoslavia (See *Application for the Revision of the Judgment of 11 July 1996 in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)*, *Preliminary Objections*, (*Yugoslavia v. Bosnia and Herzegovina*), Judgment of 3 February 2003, [2003] I.C.J. Rep. 7); and the two most recent cases of State succession: East Timor in 2002; and the change of name from Federal Republic of Yugoslavia to Serbia and Montenegro in 2003 and later emergence of the two independent States of Serbia and Montenegro in 2006.

eleven multilateral human rights treaties and the Geneva Conventions and its additional Protocols. This chapter also includes a separate analysis of the mechanisms of control, enforcement and dispute resolution in terms of upholding human rights.

In his conclusive remarks, the author adopts a prescriptive position when elaborating on existing practices. Possible paths to future State successions are proposed through the development of hypotheses for the application of the principle of continuity in multilateral human rights and humanitarian law treaty obligations, respecting, to some extent, the principle of consent of the State parties with regard to treaty making and adhesion.

The author makes a rigorous methodological choice when, in the third chapter, he opts to only consider treaties that are generally accepted and open to universal ratification. Although it represents logical reasoning on the part of the author who would prefer to consider the general application of those treaties, it discounts other treaties which could also potentially be relevant in the circumstances of a State succession.<sup>2</sup>

The work reviewed represents a comprehensive approach to the topic and includes legislative, jurisprudential and doctrinal sources and positions found in the English, French and Spanish languages. The author also includes insights from Sociology and Political Science references. A comprehensive methodology is used in the analysis of State, judicial and institutional practices and monitoring and enforcement bodies of multilateral human rights treaties.<sup>3</sup>

The distinctiveness of individual State succession processes is considered in the attempt to establish a uniform standard in the rules and procedures to be followed regarding the continuity of human rights and humanitarian law treaties upon State succession. The author also considers other factors such as the historical perspective and the instability in the political, legal and social scenarios involved in certain succession processes which can fuel human rights and humanitarian law violations and the need to guarantee accountability if such violations occur.

The work reviewed represents a significant contribution to the study of the methods used in safeguarding human dignity from a public international law perspective. The method and content chosen represent a diplomatic practice-oriented and formal legal approach to the research problem posed. Consequently, topics often encountered in current discussions on international human rights law and international

---

<sup>2</sup> The treaties that the author considers not sufficiently representative, but that could be relevant to the analysis of State succession include: the *Convention Relating to the Status of Stateless Persons*, 23 September 1954, 360 U.N.T.S. 117 (entered into force 6 June 1960), the *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity*, 26 November 1968, GA Res. 2391 (XXIII), annex, 23 UN GAOR Supp. (No. 18) at 40, U.N. Doc. A/7218 (1968) (entered into force 11 November 1970) and the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts*, 25 May 2000, GA Res. 54/263, Annex I, 54 UN GAOR Supp. (No. 49) at 7, UN Doc. A/54/49, Vol. III (2000), (entered into force on 12 February 2002).

<sup>3</sup> A remarkable documental review about State succession is provided exposing the institutional practice of the UN Secretariat, ILO and ICRC, and the institutional and judicial practice of the EC.

humanitarian law such as postcolonial theory, cultural relativism, gender perspectives, self-determination and autonomy, amongst others, are rarely present in the analysis.