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Reservations to Human Rights Treaties and the Vienna Convention Regime

Conflict, Harmony or Reconciliation



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Ineta Ziemele

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Reservations To Human Rights Treaties And The Vienna Convention Regime Conflict Harmony Or Reconciliation

Michael K. Addo



Reservations To Human Rights Treaties And The Vienna Convention Regime Conflict Harmony Or Reconciliation:

Reservations to Human Rights Treaties and the Vienna Convention Regime Ineta Ziemele, Deutsches Institut Fur Menschenrechte, 2013-11-09 There has always been some discomfort about reservations in relation to international obligations of States applicable to individuals This apprehension was once again brought to the forefront of the international normative process with General Comment No 24 of the Human Rights Committee and the work of the International Law Commission on reservations to treaties This book is a contribution to the debate on reservations to human rights treaties Several key questions are addressed Can the reservations regime as codified in the 1969 Vienna Convention on the Law of Treaties adequately address human rights relationships Is there a danger of further fragmentation of international law if human rights treaties were to be treated differently as concerns the reservations regime applicable to these treaties Should the distinction be made between the validity of a reservation and the effects of a reservation found to be invalid These and other questions continue to generate a variety of answers

Reservations to Human Rights Treaties and the Vienna Convention Regime Ineta Ziemele, Deutsches Institut Fur Menschenrechte, 2014-10-05 *Vienna Convention on the Law of Treaties* Oliver Dörr, Kirsten Schmalenbach, 2011-11-22 The Commentary on the Vienna Convention on the Law of Treaties provides an in depth article by article analysis of all provisions of the Vienna Convention The texts are uniformly structured I Purpose and Function of the Article II Historical Background and Negotiating History and III Elements of the Article The Vienna Convention on Treaties between States and IOs and between IOs is taken into account where appropriate In sum the present Commentary contains a comprehensive legal analysis of all aspects of the international law of treaties Where the law of treaties reaches into other fields of international law e g the law of state responsibility the relevant interfaces are discussed and contextualized With its focus on international practice the Commentary is addressed to academia as well as to practitioners of international law

The Cultural Dimension of Human Rights Ana Vrdoljak, 2013-12-05 The intersections between culture and human rights have engaged some of the most heated and controversial debates across international law and theory As understandings of culture have evolved in recent decades to encompass culture as ways of life there has been a shift in emphasis from national cultures to cultural diversity within and across states This has entailed a push to more fully articulate cultural rights within human rights law This volume analyses a range of responses by international law and particularly human rights law to some of the thorniest perennial and sometimes violent confrontations fuelled by culture in relations between individuals groups and the state in international society Across the different issues tackled the contributions are tied by one unifying thread that culture is understood protected and promoted not only for its physical manifestations Rather it is the relationship of culture to people individually or in groups and the diversity of these relationships which is being protected and promoted hence the fundamental overlap between culture and human rights

Consenting to International Law Samantha Besson, 2023-11-29 The obligations stemming from international law are

still predominantly considered despite important normative and descriptive critiques as being based on State consent To that extent international law differs from domestic law where consent to the law has long been considered irrelevant to law making whether as a criterion of validity or as a ground of legitimacy In addition to a renewed historical and philosophical interest in State consent to international law including from a democratic theory perspective the issue has also recently regained in importance in practice Various specialists of international law and the philosophy of international law have been invited to explore the different questions this raises in what is the first edited volume on consent to international law in English language The collection addresses three groups of issues the notions and roles of consent in contemporary international law its objects and types and its subjects and institutions **International Law** Malcolm Evans, 2010-06-24

Clearly and accessibly written this new text provides a valuable resource for undergraduate and postgraduate students of international law and covers subjects including the history theories and sources of international law as well as current areas of interest such as international criminal law **Strengthening the UN Human Rights Treaty Bodies** Nils-Hendrik Grohmann, 2024-03-28 Within the still on going strengthening process the various UN treaty bodies can bring about lasting change on their own This book shows that they are the ones who can introduce new powers using the interpretation of procedural provisions *Transnational Law* Miguel Maduro, Kaarlo Tuori, Suvi Sankari, 2014-05 This book examines the effects of law s de nationalisation by placing European law in the context of transnational law *Conceptual and Contextual Perspectives on the Modern Law of Treaties* Michael J. Bowman, Dino Kritsiotis, 2018-10-25 In recent years there has been a flourishing body of work on the Law of Treaties crucial for all fields within international law However scholarship on modern treaty law falls into two distinct strands which have not previously been effectively synthesized One concerns the investigation of concepts which are fundamental to or inherent in the law of treaties generally such as consent object and purpose breach of obligation and provisional application while the other focuses upon the application of treaties and of treaty law in particular substantive e g human rights international humanitarian law investment protection environmental regulation or institutional contexts including the Security Council the World Health Organization the International Labour Organization and the World Trade Organization This volume represents the culmination of a series of collaborative explorations by leading experts into the operation development and effectiveness of the modern law of treaties as viewed through these contrasting perspectives **Edinburgh Student Law Review - Issue 3 Europeanisation** , *Treaty Conflict and the European Union* Jan Klabbers, 2009 Jan Klabbers examines how membership of the European Union affect treaties concluded between the member and non member states **Religious Actors and International Law** Ioana Cismas, 2014-07-17 This book assesses whether a new category of religious actors has been constructed within international law Religious actors through their interpretations of the religion s they are associated with uphold and promote or indeed may transform potentially oppressive structures or discriminatory patterns This study moves beyond the concern that

religious texts and practices may be incompatible with international law to provide an innovative analysis of how religious actors themselves are accountable under international law for the interpretations they choose to put forward The book defines religious actors as comprising religious states international organizations and non state entities that assume the role of interpreting religion and so claim a special legitimacy anchored in tradition or charisma Cutting across the state non state divide this definition allows the full remit of religious bodies to be investigated It analyses the crucial question of whether religious actors do in fact operate under different international legal norms to non religious states international organizations or companies To that end the Holy See Vatican the Organization of Islamic Cooperation and churches and religious organizations under the European Convention on Human Rights regime are examined in detail as case studies The study ultimately establishes that religious actors cannot be seen to form an autonomous legal category under international law they do not enjoy special or exclusive rights nor incur lesser obligations when compared to their respective non religious peers Going forward it concludes that a process of two sided legitimation may be at stake religious actors will need to provide evidence for the legality of their religious interpretations to strengthen their legitimacy and international law itself may benefit from religious actors fostering its legitimacy in different cultural contexts

The Legal Nature of International Human Rights Michael K. Addo, 2010-05-17 The role and influence human rights in society has been enhanced by its association with international law and yet despite this legal springboard the scope of its legal nature remains uncertain By analysing the work of international human rights courts and treaty bodies alongside a brief historical review this book assesses the distinctive legal dimension of human rights It concludes that the legalisation of human rights is an unplanned and evolving social construct that continues under the managerial oversight of international human rights courts and treaty bodies which employ the primary tool of treaty interpretation These characteristics of the legal environment of human rights in international law provide a good appreciation of the law itself and its limits

Feminist Judgments in International Law Loveday Hodson, Troy Lavers, 2019-09-05 The emergence of feminist rewriting of key judgments has been one of the most interesting recent developments in legal methodology This unique enterprise has seen scholars collaborate in the real world task of reassessing jurisprudence in light of feminist perspectives This important new volume makes a significant contribution to the endeavour exploring how key judgments in international law might have differed if feminist judges had sat on the bench This collection asks whether feminist perspectives can offer meaningful and viable alternatives to international law norms and if so whether that application results in distinguishable differences in outcomes It answers these questions with particular reference to sources of international law the public and private divide State responsibility State immunities treaty law State sovereignty human rights protection global governance and the concept of violence in international law This landmark publication offers a truly innovative reassessment of international law Winner of the 2020 ASIL Certificate of Merit for a Preeminent Contribution to Creative Scholarship

The UN Convention on the Elimination of All Forms of

Discrimination Against Women Marsha A. Freeman, Beate Rudolf, Christine Chinkin, 2012-01-26 This is the first commentary on the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW analyzing the Convention article by article Each chapter provides an overview of an article's negotiating history interpretation and all the relevant case law including decisions and recommendations by the CEDAW Committee **The OIC, the UN, and Counter-Terrorism**

Law-Making Katja Samuel, 2014-07-18 The increasingly transnational nature of terrorist activities compels the international community to strengthen the legal framework in which counter terrorism activities should occur at every level including that of intergovernmental organizations This unique timely and carefully researched monograph examines one such important yet generally under researched and poorly understood intergovernmental organization the Organization of Islamic Cooperation OIC formerly the Organization of the Islamic Conference In particular it analyses in depth its institutional counter terrorism law making practice and the relationship between resultant OIC law and comparable UN norms in furtherance of UN Global Counter Terrorism Strategy goals Furthermore it explores two common mis assumptions regarding the OIC namely whether its internal institutional weaknesses mean that its law making practice is inconsequential at the intergovernmental level and whether its self declared Islamic objectives and nature are irrelevant to its institutional practice or are instead reflected within OIC law Where significant normative tensions are discerned between OIC law and UN law the monograph explores not only whether these may be explicable at least in part by the OIC's Islamic nature and objectives but also whether their corresponding institutional legal orders are conflicting or cooperative in nature and the resultant implications of these findings for international counter terrorism law and policy making This monograph is expected to appeal especially to national and intergovernmental counter terrorism practitioners and policy makers as well as to scholars concerned with the interaction between international and Islamic law norms From the Foreword by Professor Ben Saul The University of Sydney Dr Samuel's book must be commended as an original and insightful contribution to international legal scholarship on the OIC Islamic law international law and counter terrorism It fills significant gaps in legal knowledge about the vast investment of international and regional effort that has gone into the global counter terrorism enterprise over many decades and which accelerated markedly after 9 11 The scope of the book is ambitious its subject matter is complex and its sources are many and diverse Dr Samuel has deployed an appropriate theoretical and empirical methodology harnessed an intricate knowledge of the field and brought a balanced judgement to bear to bring these issues to life *Law and Disciplinarity* R.

Beck, 2016-06-10 Traditional legal borders are increasingly contested in the present day This book explores the nature implications and future of legal borders geographic and intellectual in the twenty first century's dramatically changing global context Equal in Law, Unequal in Fact Timo Makkonen, 2012-01-06 An intriguing paradox characterises international and European action against discrimination On the one hand equality and the right to non discrimination are key human rights and protected by an impressive line of legal documents On the other hand empirical studies show that discrimination is still

rampant today This book maps the gap between the rights and the reality and examines the causes consequences and extent of discrimination in Europe today as well as the international and European legal response to it On the basis of this analysis the study explains why anti discrimination law fails to deliver and what can be done about it The result is of interest to scholars students civil society politicians and anyone interested in equality and making it a reality **Post-Backlash**

Human Rights Law Sanja Dragić,2022-10-24 What are the legal consequences of the political phenomenon of human rights backlash After providing a novel definition of the phenomenon Sanja Dragic explores some of the rules generated as a reaction to the backlash the post backlash human rights law Three case studies meticulously analyze the legal conversations between the opposing states and the global human rights community before the new rules appeared on the international scene The picture that emerges from these insights is of an unequal relationship between the opposing sides and the post backlash law which sustains the afflicted structure **Making Peoples Heard** Asbjørn Eide,Jakob Th. Möller,Ineta

Ziemele,2011-06-22 A leading theme in this impressive collection of essays in honour of Professor Gudmundur Alfredsson is the advancement of international rules and mechanisms to empower individuals groups and peoples everywhere to pursue their rights nationally regionally and internationally The book deals with the many areas of international law and national policies and practices in which important progress has been made since the adoption of the Universal Declaration of Human Rights for better protection of human rights in the modern world It equally provides a critical discussion of the difficulties and failures in various areas and probes questions and issues that are pending solution at the national regional or universal levels The book begins with the examination by several authors from their different perspectives general international law international human rights law and humanitarian law of the existence and meaning of the right to peace Subsequent chapters examine in detail the standard setting monitoring and other ways of ensuring compliance by States and international organizations with the applicable human rights rules A special chapter is devoted to the rights of indigenous peoples and minorities an issue of particular interest and concern to Gudmundur Alfredsson The contributors are academics or practitioners in the field of international law and human rights nearly all of whom having in their own work been closely associated with Professor Alfredsson s various projects aimed at the promotion and protection of human rights This is a remarkable book written by insiders for one of the most prominent players in the international human rights system particularly at the UN level It can serve as a genuine commentary on many of the most burning issues within that system ranging from the performance of the UN Human Rights Council and the situation of UNmikistan Kosovo to the latest developments of the law on minorities and indigenous peoples both at the global and regional level H E Judge Bruno Simma International Court of Justice

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