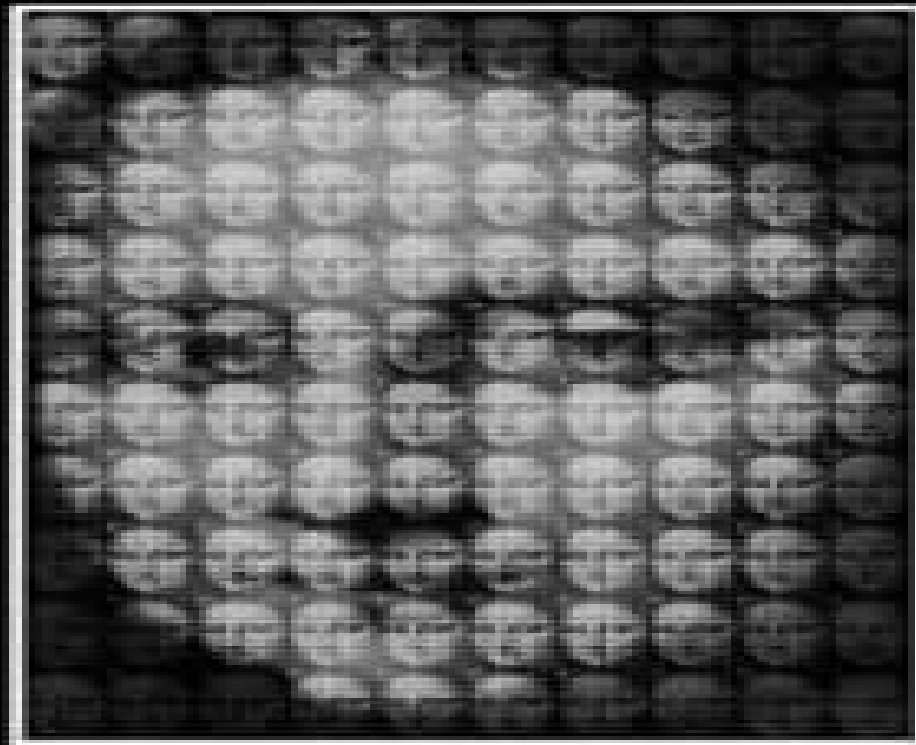


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Human Rights Obligations of Non-State Actors



Andrew Clapham

Non State Actors And Human Rights Collected Courses Of The Academy Of European Law

Albert A Gayle



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Collected Courses of the Academy of European Law:1997 European Community Law Academy of European Law,2001-05-23 The Academy of European Law was established by the European University Institute in 1990 and extends the Institute's current programmes into a larger field of interest. It has as its main activity the holding of annual Summer Courses in the law of the European Community and the protection of human rights in Europe. In addition to General Courses, shorter courses are held on subjects of special academic and practical interest in both fields. Finally, special guest lectures on topical issues are given by policy makers, judges, and persons who have held or currently hold the highest position in these fields. The courses are published in the language in which they were delivered: English and French. **Human Rights Obligations of Non-State Actors** Andrew Clapham,2006-03-02 The threats to human rights posed by non-state actors are of increasing concern. Human rights activists increasingly address the activity of multinational corporations, the policies of international organizations such as the World Bank and the World Trade Organization, and international crimes committed by entities such as armed opposition groups and terrorists. This book presents an approach to human rights that goes beyond the traditional focus on states and outlines the human rights obligations of non-state actors. Furthermore, it addresses some of the ways in which these entities can be held legally accountable for their actions in various jurisdictions. The political debate concerning the appropriateness of expanding human rights scrutiny to non-state actors is discussed and dissected. For some, extending human rights into these spheres trivializes human rights and allows abusive governments to distract us from ongoing violations. For others, such an extension is essential if human rights are properly to address the current concerns of women and workers. The main focus of the book, however, is on the legal obligations of non-state actors. The book discusses how developments in the fields of international responsibility and international criminal law have implications for building a framework for the human rights obligations of non-state actors in international law. In turn, these international developments have drawn on the changing ways in which human rights are implemented in national law. A selection of national jurisdictions, including the United States, South Africa, and the United Kingdom, are examined with regard to the application of human rights law to non-state actors. The book's final part includes suggestions with regard to understanding the parameters of the human rights obligations of non-state actors. Key to understanding the legal obligations of non-state actors are concepts such as dignity and democracy. While neither concept can unravel the dilemmas involved in the application of human rights law to non-state actors, a better understanding of the tensions surrounding these concepts can help us to understand what is at stake. *The Elgar Companion to UNCITRAL* Rishi Gulati,Thomas John,Ben Köhler,2023-11-03 As one of the most important international organisations in the sphere of international trade law, UNCITRAL aims to help develop and promote uniform private law internationally. This comprehensive Companion delineates the range of issues considered at UNCITRAL, as well as assessing the potential for future work and reforms. **International organisations, non-State actors, and the**

formation of customary international law Sufyan Droubi, Jean d'Aspremont, 2020-12-08 This volume offers new practical and theoretical perspectives on one of the most complex questions regarding the formation of international law namely that actors other than states contribute to the making of customary international law Notwithstanding the International Law Commission's valuable contribution the making of customary international law remains riddled with acute practical and theoretical controversies that continue to be intensively debated Making extensive reference to the case law of international law courts and tribunals as well as the most recent scholarly work on customary international law this volume provides a comprehensive study of the contribution of international organisations and non state actors to the formation of customary international law With innovative tools and guidance for law students legal scholars and researchers in law as well as legal practitioners advisers judges arbitrators and counsels this collection is essential reading for those wishing to understand and address contemporary questions of international law making

Non-State Actors and International Law Andrea Bianchi, 2017-03-02 The expression non state actors has become part and parcel of the common parlance of international lawyers Together with the traditional subjects of international law such as states and international organizations non state actors play an important role in international law making law adjudication and law enforcement processes Although the subjects actors discourse takes place in a variety of contexts most of the time the relevant narrative merely describes how different actors participate in the legal process in any given area Little attention has been drawn to the theoretical discourse about non state actors and its relation to the doctrine of the subjects of international law Whether the solution lies in relativizing the subjects or rather in subjectivizing the actors remains open to doubt The constant swing of the pendulum from the normative to the descriptive mesmerizes the observer but hardly hides the struggle for determining who may legitimately and authoritatively perform legally relevant acts on the international scene

[The Concept of Group Rights in International Law](#) Corsin Bisaz, 2012-08-28 Through a collective biography of four scholars Erich Kaufmann Hans Kelsen Hersch Lauterpacht and Hans J Morgenthau this book investigates how Jewish identity and intellectual ties to Judaic civilization in the German speaking and legal context influenced international law By using biblical constitutive metaphors it argues that Jewish German lawyers inherited inter alia a particular Jewish legal approach that framed their understanding of the law as a means to reach God The overarching argument is that because of their Jewish heritage Jewish scholars inherited the endorsement of earthly particularism for the sake of universalism and the other way around for the sake of universalism humanity's differences need to be solved through the law

The Right of Self-Defence Against Non-State Actors Eduardo Granzotto, 2021-06-07 This book is the product of the author's master's thesis defended in 2019 at King's College in the International Peace and Security programme of the Department of War Studies In light of the new contemporary threats to international peace and security and their impact on jus ad bellum rules the author questions whether the Unlawful or Unwilling Doctrine UoU used as an argument for the use of force in the recent fight against the Islamic State in Syria has a

legal basis in the context of self defence against non state actors He then goes on to explore practical ways in which the doctrine s application can be improved In the King s College s Department of War Studies the examiners described the author s thesis as an exceptional piece of scholarly work absorbing from its first line and reported that the author demonstrates a striking comprehension of complex legal questions in addition to providing coherent insightful and very sophisticated arguments Professor Granzotto s clever perceptive and opportune master s thesis led to a rich and particularly persuasive book which reflects the thoughts of a mature though young scholar ___ for whom we must predict the continuity of a superb career

Economic, Social and Cultural Rights in International Law Manisuli Ssenyonjo,2009-07-03 The effective promotion protection and fulfilment of economic social and cultural ESC rights is an important but under explored component of international human rights law of which ESC rights form an essential part They are fundamental to the dignity of every person At the international level ESC rights are protected in several international instruments the most comprehensive being the International Covenant on Economic Social and Cultural Rights the Covenant ratified by a majority of States However claims of violations of ESC rights are treated less seriously This book subjects ESC rights protected in the Covenant to a deeper analysis in light of the practice of the Committee on Economic Social and Cultural Rights while taking into account other relevant sources of ESC rights at national regional and international levels It also analyses key issues relevant to ESC rights with particular emphasis on various themes including State obligations non State actor s obligations women s ESC rights domestic protection of ESC rights and State reservations to ESC rights The book further makes a thorough examination of the rights to work health and education By so doing it demonstrates that ESC rights are justiciable and must not be marginalised The book also brings together a collection of essential materials on ESC rights needed to understand and analyse the subject Written by an international human rights scholar this timely work will be of value to all those interested in human rights and international law

Challenging Acts of International Organizations Before National Courts August Reinisch,2010-09-09 An increasing number of challenges against the activities and decisions of international organisations are brought before national courts This book offers an overview of how different courts have dealt with these cases and an analysis of the legal framework which applies to them identifying common ground across jurisdictions

The Earth Charter, Ecological Integrity and Social Movements Laura Westra,Mirian Vilela,2014-06-20 The Earth Charter is a declaration of fundamental ethical principles for building a just sustainable and peaceful global society with ecological integrity as a major theme This book provides a series of analyses of ecological integrity as it relates to the Earth Charter social movements and international law for human rights It is shown how the Earth Charter project began as a United Nations initiative but it was carried forward and completed by a global civil society initiative The drafting of the Earth Charter involved the most inclusive and participatory process of its time ever associated with the creation of an international declaration This process is the primary source of its legitimacy as a guiding ethical framework The Earth

Charter was finalized and then launched in 2000 and its legitimacy has been further enhanced by its endorsement by over 6 500 organizations including many governments and international organizations In the light of this legitimacy an increasing number of international lawyers recognize that the Earth Charter is acquiring the status of a soft law document The book also shows the strong connection between ecological integrity and social justice particularly in the defence of indigenous people and includes contributions from both the North and the global South specifically from Central and South America

International Investment Law and the Right to Regulate Lone Wandahl Mouyal, 2016-03-10 The book considers the ways in which the international investment law regime intersects with the human rights regime and the potential for clashes between the two legal orders Within the human rights regime states may be obligated to regulate including a duty to adopt regulation aiming at improving social standards and conditions of living for their population Yet states are increasingly confronted with the consequences of such regulation in investment disputes where investors seek to challenge regulatory interferences for example in expropriation claims Regulatory measures may for instance interfere with the investment by imposing conditions on investors or negatively affecting the value of the investment As a consequence investors increasingly seek to challenge regulatory measures in international investment arbitration on the basis of a bilateral investment treaty This book sets out the nature and the scope of the right to regulate in current international investment law The book examines bilateral investment treaties and ICSID arbitrations looking at the indicative parameters that are granted weight in practice in expropriation claims delimiting compensable from non compensable regulation The book places the potential clash between the right to regulate and international investment law within a theoretical framework which describes the stability flexibility dilemma currently inherent within international law Lone Wandahl Mouyal goes on to set out methods which could be employed by both BIT negotiators and adjudicators of investment disputes allowing states to exercise their right to regulate while at the same time providing investors with legal certainty The book serves as a valuable tool an added perspective for academics as well as for practitioners dealing with aspects of international investment law

Research Handbook on Disasters and International Law Marie Aronsson-Storrier, Susan C. Breau, 2024-09-06 This thoroughly revised second edition investigates the role of international law in preventing preparing for and responding to both sudden and slow onset disasters With both revised and entirely new chapters this Research Handbook explores international law in light of significant contemporary global challenges and developments in theory law and practice

Global Order Beyond Law Thomas Dietz, 2014-12-01 Well functioning contract law is a crucial prerequisite for economic development However even though international trade has increased enormously in recent decades we still know little about the contract enforcement mechanisms that exist in today's globalised markets The aim of this work is to shed light on the governance of complex cross border contracts by developing a comprehensive theoretical framework for understanding the relevance of both formal and informal institutions This framework is then applied to an empirical study of cross border software development contracts

Combining a unique data set of 41 qualitative expert interviews with statistical data and surveys the author demonstrates that state contract laws show fundamental signs of dysfunction across borders Companies engaged in globalised exchange therefore rarely use this mechanism Even the European Union's supranational enforcement order is in practice insignificant Against all expectations international commercial arbitration also turns out to be limited in its ability to provide a workable legal infrastructure for global commerce With global trade lacking a reliable formal legal order companies have reacted by creating their own informal governance structures This book explains how complex exchange in global markets has emerged in the absence of a global legal order

Collective Self-Defence in International Law James A. Green, 2024-01-25 Collective self defence can be defined as the use of military force by one or more states to aid another state that is an innocent victim of armed attack However it is a legal justification that is open to abuse and its exercise risks escalating conflict Recent years have seen an unprecedented increase in the number of collective self defence claims It has been the main basis for US led action in Syria 2014 and was advanced by Russia in relation to its full scale invasion of Ukraine 2022 Yet there still has been little analysis of collective self defence in international law This book crucially progresses the debate on various fundamental and under explored questions about the conceptual nature of collective self defence and the requirements for its operation Green provides the most detailed and extensive account of collective self defence to date at a time when it is being invoked more than ever before

Recueil Des Cours de L'Academie de Droit Européen, **Non-state Actors and Human Rights** New York University. Center for Human Rights and Global Justice, 2005 The not a cat syndrome can the international human rights regime accommodate non state actors Philip Alston The changing international legal framework for dealing with non state actors August Reinisch The evolving status of NGOs under international law a threat to the inter state system Menno T Kamminga Economic social and cultural human rights and the International Monetary Fund François Gianviti Catching the conscience of the king corporate players on the international stage Celia Wells and Juanita Elias Corporate responsibility and the international law of human rights the new Lex Mercatoria Ralph G Steinhardt The accountability of multinationals for human rights violations in European law Olivier de Schutter Human rights responsibilities of business as non state actors David Weissbrodt and Muria Kruger

Beyond Human Rights Anne Peters, 2016-10-27 Beyond Human Rights previously published in German and now available in English is a historical and doctrinal study about the legal status of individuals in international law

Human dignity and fundamental rights in South Africa and Ireland Anne Hughes, 2014-04-11 Post apartheid South Africa has yielded enlightened judicial decisions in contrast to the limited interpretation of human rights in Ireland The value of human dignity with its central position in international law underpins both countries Constitutions but has left a more striking mark in South Africa There it has impacted significantly on punishment for crimes family life children's rights defamation sexual violence investigations substantive equality and socio economic rights Practical guidance can be gleaned from South Africa to revitalise Irish jurisprudence While its focus is on South Africa and Ireland this

book draws on the experience of many countries and regions

Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme , Volume 34 Volume 34, 1991 Council of Europe Staff,Council of Europe/Conseil de L'Europe,1994-11-30 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 1991 Its presentation follows that of the previous volume Part one contains basic texts and information of a general nature Part two deals with the European Commission of Human Rights Part three with the European Court of Human Rights Part four with the Resolutions of the Committee of Ministers and Parts five and six with the other work of the Council of Europe in the field of human rights the situation in the Member States and developments within the European Communities A Bibliography and Index are included Ce volume de l'Annuaire de la Convention europeenne des Droits de l'homme pr par par la Direction des Droits de l'homme du Conseil de l'Europe concerne l'ann e 1991 La premi re partie contient des textes fondamentaux la deuxi me partie contient les rapports de la Commission europeenne des Droits de l'homme la troisi me partie donne des informations sur la Cour europeenne des Droits de l'homme la quatri me partie contient les R solutions du Comit des Ministres et les cinqui me et sixi me parties regroupent toutes les autres activit s concernant la Convention dans le cadre du Conseil de l'Europe et comprennent des informations sur les d bats devant les parlements nationaux et sur les d veloppements au sein des Communaut s europeennes concernant la protection des droits de l'homme Le volume se termine avec une bibliographie et une index

Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 34 (1991) Council of Europe/Conseil de l'Europe,1994-12-01 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 1991 Its presentation follows that of the previous volume Part one contains basic texts and information of a general nature Part two deals with the European Commission of Human Rights Part three with the European Court of Human Rights Part four with the Resolutions of the Committee of Ministers and Parts five and six with the other work of the Council of Europe in the field of human rights the situation in the Member States and developments within the European Communities A Bibliography and Index are included Ce volume de l'Annuaire de la Convention europeenne des Droits de l'homme pr par par la Direction des Droits de l'homme du Conseil de l'Europe concerne l'ann e 1991 La premi re partie contient des textes fondamentaux la deuxi me partie contient les rapports de la Commission europeenne des Droits de l'homme la troisi me partie donne des informations sur la Cour europeenne des Droits de l'homme la quatri me partie contient les R solutions du Comit des Ministres et les cinqui me et sixi me parties regroupent toutes les autres activit s concernant la Convention dans le cadre du Conseil de l'Europe et comprennent des informations sur les d bats devant les parlements nationaux et sur les d veloppements au sein des Communaut s europeennes concernant la protection des droits de l'homme Le volume se termine avec une bibliographie et une index

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