

HUMAN RIGHTS LAW 5



Edited by Andrew Clapham

Human Rights and Non-State Actors



Non State Actors And Human Rights

Ben Saul, Dapo Akande



Non State Actors And Human Rights:

Non-state Actors and Human Rights Philip Alston, 2005 Can transnational corporations ignore human rights as long as governments don't hold them accountable If the UN is put in charge of a territory is it bound by human rights law Does that body of law apply to private security contractors who use torture to achieve their goals Does the right to freedom of speech apply in a private shopping mall which has become the modern day town centre Under traditional approaches to human rights non State actors are beyond the direct reach of international human rights law They cannot be parties to the relevant treaties and so they are only bound to the extent that obligations accepted by States can be applied to them by governments The result is that entities including Non Governmental Organizations international organizations such as the UN and the IMF private security contractors and transnational corporations along with many others are generally considered not to be bound directly by human rights law This situation threatens to make a mockery of much of the international system of accountability for human rights violations As privatization outsourcing and downsizing place ever more public or governmental functions into the hands of private actors the human rights regime must adapt if it is to maintain its relevance The contributors to this volume examine the different approaches that might be taken in order to ensure some degree of accountability Making space in the legal regime to take account of the role of non State actors is one of the biggest and most critical challenges facing international law today

Non-State Actors and International Obligations James Summers, Alex Gough, 2018-10-02 Non State Actors and International Obligations examines the contribution and relevance of non state actors in the creation and implementation of international obligations These actors have traditionally been marginalised within international law and ambiguities remain over their precise role Nonetheless they have become increasingly important in legal regimes as participants in their implementation and enforcement and as potential holders of duties themselves Chapters from academics and practitioners investigate different aspects of this relationship including the sources of obligations their implementation human rights aspects dispute settlement responsibility and legal accountability

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

Non-State Actors in International Law Math Noortmann, August Reinisch, Cedric Ryngaert, 2015-08-27 The role and position of non state actors in international law is the subject of a long standing and intensive scholarly debate This book explores the participation of this new category of actors in an international legal system that has historically been dominated by states It explores the most important issues actors and theoretical approaches with respect to these new participants in international law It provides the reader with a comprehensive and state of the art overview of the most important legal and political developments and perspectives Relevant non state actors discussed in this volume include in particular international governmental organisations international non governmental organisations multinational companies investors and armed opposition groups Their legal position is considered in relation to specific issue areas such as humanitarian law human rights the use of force and international responsibility The main legal theories on non state actors position in international law neo positivism the policy oriented approach and transnational law are covered at the beginning of the book and the essential political science perspectives on non state actors role in international politics and globalisation as well as their soft power are presented at the end

Legal Sources in Business and Human Rights Martina Buscemi, Nicole Lazzerini, Laura Magi, Deborah Russo, 2020-06-02 Legal Sources in Business and Human Rights engages with some evolving trends that are currently affecting the international and EU law sources in the field of Business and Human Rights Three main dynamics are detected and explored the emergence of international legal obligations that are also binding on corporations Part I the growing participation of corporations in traditional international standard setting and law making processes and in parallel the emergence of atypical and heterogeneous law making processes Part II the formal or substantive hardening of originally soft normative standards through a multi layered and multi player law making process Part III Interestingly these trends concur to mitigate States reluctance to accept binding rules in this field and to strengthen the effectiveness of soft international regulation

The Oxford Guide to International Humanitarian Law Ben Saul, Dapo Akande, 2020-05-07 International humanitarian law is the law that governs the conduct of participants during armed conflict This branch of law

aims to regulate the means and methods of warfare as well as to provide protections to those who do not or who no longer take part in the hostilities It is one of the oldest branches of international law and one of enduring relevance today The Oxford Guide to International Humanitarian Law provides a practical yet sophisticated overview of this important area of law Written by a stellar line up of contributors drawn from those who not only have extensive practical experience but who are also regarded as leading scholars of the subject the text offers a comprehensive and authoritative exposition of the field The Guide provides professionals and advanced students with information and analysis of sufficient depth to enable them to perform their tasks with understanding and confidence Each chapter illuminates how the law applies in practice but does not shy away from the important conceptual issues that underpin how the law has developed It will serve as a first port of call and a regular reference work for those interested in international humanitarian law *Research Handbook on the Theory and History of International Law* Alexander Orakhelashvili, 2020-12-25 This updated and revised second edition with contributions from renowned experts provides a comprehensive scholarly framework for analyzing the theory and history of international law Featuring an array of legal and interdisciplinary analyses it focuses on those theories and developments that illuminate the central and timeless basic concepts and categories of the international legal system highlighting the interdependency of various aspects of theory and history and demonstrating the connections between theory and practice

The 'Legal Pluriverse' Surrounding Multinational Military Operations Robin Geiß, Heike Krieger, Henning Christian Lahmann, 2020 This book conceptualizes and examines theories of the Legal Pluriverse the multiplicity of rules that regulate multinational missions and the diverse actors involved The book sets out the various legal regimes assesses how these rules interact and exposes norm conflicts areas of legal uncertainty or ambiguous loopholes **Due Diligence Obligations in International Human Rights Law** Maria Monnheimer, 2021-02-18 With the importance of non State actors ever increasing the traditional State centric approach of international law is being put to the test In particular significant accountability lacunae have emerged in the field of human rights protection To address these challenges this book makes a case for extraterritorial due diligence obligations of States in international human rights law It traces back how due diligence obligations evolved on the international plane and develops a general analytical framework making the broad and vague notion of due diligence more approachable The framework is applied to different fields of international law which provides guidance on how due diligence obligations can be better conceptualized Drawing inspiration from these developments the book analyses how extraterritorial human rights due diligence obligations could operate in practice and foster global human rights protection *International Human Rights Law* Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, David Harris, 2014 International Human Rights Law offers a thought provoking consideration of the subject from its philosophical foundations to contemporary challenges with contributions from leading experts Critical and detailed it covers all elements of a traditional international human rights course and is suitable for use as a stand alone textbook Constitutionalism 2030

Christoph Bezemek, 2022-08-25 Constitutionalism is in crisis And the crisis unfolds not only on a national or a regional level It is a global phenomenon Democracy is no longer on the rise the Rule of Law appears weakened political cohesion seems to erode Human Rights Protection finds itself questioned International Criminal Law struggles for broad recognition international trade may have lost some of its appeal Institutional actors find their authority questioned established political parties are threatened by ever changing popular movements But where to does the charted road lead How will the Crisis of Constitutionalism unfold in the years to come Nobody knows of course But at the same time Nobody is too keen to make an educated guess either This volume remedies that By giving nine eminent scholars in law and political science the opportunity to make their predictions where the constitutionalist project will stand ten years from now it creates a forum of deliberation that will not only aim at anticipating the developments in question but at the same time shape academic discourse on constitutionalism alongside it

The Treatment of Combatants and Insurgents Under the Law of Armed Conflict

Emily Crawford, 2010-01-14 This book looks at why international law continues to make the legal distinction between persons who participate in an international or an internal armed conflict and drawing on considerable legal precedent legal theory and the situation in Guantanamo Bay it argues that it is time for the law of armed conflict to be applied more uniformly

The United Nations Special Procedures System Aoife Nolan, Rosa Freedman, Thérèse Murphy, 2017-01-09 The United Nations Special Procedures system is a key element of the evolving international framework for human rights protection and promotion However despite the system's expansion the range of roles and functions performed by mandate holders and the mounting evidence of its strengths and limitations there has been very little academic interrogation or analysis of Special Procedures This lacuna is ever more problematic given the growing profile and effectiveness of the Special Procedures work as well as the increasing attention and challenges that they face both externally from States and internally from within the UN system Given the current state of play of Special Procedures it is essential that scholarly attention be focussed upon the system How does it contribute to international human rights protection How when and why does it fail to do so What steps can and should be taken to address shortcomings both within the system and in terms of the legal and political context within which it operates Featuring expert contributions from key players within and expert commentators on the Special Procedures system this volume addresses these questions in an in depth and rigorous scholarly manner

Due Diligence and Its Application to Protect Women from Violence Carin Benninger-Budel, 2008 The contributors to this volume analyse the effectiveness of the due diligence standard as well as other strategies to prevent and respond to violence against women by non state actors taking into account contemporary problems that pose threats to women's rights

The Oxford Handbook of International Law in Armed Conflict Andrew Clapham, Paola Gaeta, Tom Haeck, Alice Priddy, 2014-03-13 Over the past ten years the content and application of international law in armed conflict has changed dramatically This Oxford Handbook provides an authoritative and comprehensive study of the role of international law in armed conflict and engages

in a broad analysis of international humanitarian law human rights law refugee law international criminal law environmental law and the law on the use of force With an international group of expert contributors the Handbook has a global multi disciplinary perspective on the place of law in war The Handbook consists of 32 chapters in seven parts Part I provides the historical background of international law in armed conflict and sets out its contemporary challenges Part II considers the relevant sources of international law Part III describes the different legal regimes land warfare air warfare maritime warfare the law of occupation the law applicable to peace operations and the law of neutrality Part IV introduces crucial concepts in humanitarian law the use of weapons proportionality the principle of distinction and internal armed conflict Part V looks at rights issues life torture fair trials the environment economic social and cultural rights the protection of cultural property and the human rights of members of the armed forces Part VI covers key issues in times of conflict the use of force terrorism unlawful combatants mercenaries forced migration and issues of gender Part VII deals with accountability for war crimes the responsibility of non state actors compensation before national courts and finally transitional justice

Top Ten Global Justice Law Review Articles 2008 Amos Guiora, 2009-09-11 *Top Ten Global Justice Law Review Articles 2008* is a thorough and accessible review of the most salient the most controversial and the most illuminating essays on security law in the previous calendar year In this edition Professor Amos Guiora presents the ten most vital and pertinent law review articles from 2008 written by both scholars who have already gained international prominence as experts in global justice as well as emerging voices in the realm of international criminal law and human rights These articles deal with issues of terrorism security law environmental law and the preservation of civil liberties in the post 9 11 world The chosen selections derive not just from the high quality and expertise of the articles authors but equally from the wide diversity of legal issues addressed by those authors Guiora combines the expertise of scholars from both eminent law schools and government agencies to provide a valuable resource for scholars and experts researching this important subject area This annual review provides researchers with more than just an authoritative discussion on the most prominent global justice debates of the day it also educates researchers on new issues that have received far too little attention in the press and in academia These expert scholars and leaders tackle and give voice to issues that range from the psychology of terrorism to the role of oil in the Sudanese genocide to the oppression of women in new Arab democracies to transnational environmental cooperation and beyond Together the vast knowledge and independent viewpoints represented by these ten authors make this volume a valuable resource for individuals new to the realm of global justice and for advanced researchers with a sophisticated understanding of the field *Top Ten Global Justice Law Review Articles 2008* serves as a one stop guidebook on how both the U S and the world generally are currently grappling with fundamental principles of social and political life

The 'War on Terror' and the Framework of International Law Helen Duffy, 2015-04-09 Helen Duffy s analysis of international law and practice in relation to terrorism and counter terrorism provides a framework for analysing the lawfulness of the many

legislative policy and judicial developments which have proliferated since 9 11 Among the many specific issues she addresses are targeted killings and the death of Osama bin Laden detentions including Guantanamo Bay sanctions regimes surveillance extraordinary renditions the prohibition on association or support for terrorism and the evolving preventive role of criminal law She also considers the unfolding responses to political and judicial wrongs committed in the war on terror such as the impact of the courts on human rights protection While exploring areas of controversy uncertainty and flux she questions post 9 11 allegations of gaping holes inadequacies or transformation in the international legal order and concludes by highlighting characteristics of the war on terror and questioning its longer term implications **International Law** Sanford

Silverburg,2018-04-19 This book offers diverse multinational perspectives on traditional and emergent issues in the practice and study of international law It deals with the evolving foundations of international law and covers a wide range of issues that link international politics to international law **The Practice of Shared Responsibility in International Law** André

Nollkaemper,Ilias Plakokefalos,Jessica Schechinger,Jann K. Kleffner,2017-02-02 This book reviews the practice of shared responsibility in multiple issue areas of international law to assess its application and development **Transitional Justice**

for Israel/Palestine Jeremie Bracka,2022-01-01 This book applies the dynamic field of transitional justice to conflict resolution in Israel Palestine Around the globe diverse societies have pursued truth telling restorative justice and reconciliation to end conflict yet the language of transitional justice has been all but absent in Israel Palestine This volume squarely addresses how transitional justice could contribute to conflict transformation and accountability incorporating the questions of collective justice memory and human rights It covers the most important historical and legal issues facing Israel Palestine with a focus on civil societies in South Africa Northern Ireland and Latin America Ultimately the book proposes an unofficial Israeli Palestinian Truth and Empathy Commission IPTEC to address gross human rights abuses committed by both nations Transitional Justice for Israel Palestine will be of interest to researchers NGOs and policy makers working in transitional justice and societies with ongoing conflict

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