

NATIONAL RIGHTS, INTERNATIONAL OBLIGATIONS

*Simon Ganev,
David George,
and Peter Jones*

National Rights International Obligations

**Eibe Riedel, Gilles Giacca, Christophe
Golay**



National Rights International Obligations:

National Rights, International Obligations Simon Caney, 2018-02-07 Nationalism is once again rising and spreading. Nationlist movements are active throughout the world demanding political recognition of their nations identity. Yet the current revival of nationalism has taken place alongside claims that nation states are becoming obsolete in an increasingly globalized world. In addition now perhaps more than ever people are conscious of humanity as a whole and are ready to take seriously the international dimensions of morality. In this collection of timely essays distinguished moral and political philosophers examine issues raised by the competing claims of nationhood and internationalism from a variety of perspectives and defend a variety of answers. Questions discussed include: Is humanity really divided into nations or are nations invented by nationalists? Does a nation have the right to be self determining? If so must each nation form a separate and sovereign state? Do our obligations stop at national boundaries? Do we not have obligations to human beings as such? Why then should we be less concerned about foreigners than about our compatriots? Can we be concerned for social justice within societies yet not across the world as a whole? If we embrace ideas of human rights and global obligations how do we establish what those rights and obligations actually are? Is it proper plausible or practical to aspire to such universal moral principles in a world characterized by national diversity and cultural difference? *International Political Theory* Kimberly Hutchings, 1999-11-03 A lucid comprehensive analysis of normative approaches to international relations and an original contribution to critical theory. Andrew Linklater University of Keele Hutchings combines a valuable account of the current state of the art with a lucid exposition of her own highly distinctive position. This will be required reading for students in international political theory and indeed anyone interested in normative issues in international relations. Chris Brown London School of Economics and Political Science Providing an invaluable overview of the competing schools of thought in traditional and contemporary international theory this book seeks to path the way forward for new ways of thinking about international political morality. First the role and place of normative theory in the study of international politics is explained before a discussion of mainstream approaches within international relations and applied ethics. Here the student is introduced to the central debates between realists and idealists and cosmopolitans and communitarians. Second the conceptual challenges of contemporary approaches in critical theory postmodernism and feminism are outlined and then used as a platform to develop the author's own Hegelian Foucauldian approach for doing normative international theory. Third the insights drawn from each approach are applied to the study of two key topics in contemporary theoretical debate: the right to self determination and the idea of cosmopolitan democracy and conclusions drawn for transcending the theoretical deadlock in international relations. Accessibly written and wide ranging this text will quickly become essential reading for all students and academics of politics and international relations seeking a deeper understanding of the underlying tensions and future potential of international theory today. 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 Ombudsman, Good Governance and the International Human Rights System Linda C. Reif, 2013-12-19 This book uses comparative law and comparative international law approaches to explore the role of human rights ombuds classic based ombuds and other types of ombuds institutions in human rights protection and promotion their methods of application of international and domestic human rights law and their roles in strengthening good governance It highlights the increasing importance of national human rights ombuds institutions globally and their roles as national human rights institutions NHRIs Chapters address ombuds institutions as mechanisms to strengthen democratic horizontal and vertical accountability the rule of law and good governance national human rights ombuds institutions as NHRIs the investigatory litigation promotional and other powers of human rights and classic based ombuds and their methods for applying international and domestic human rights law ombuds institutions and the protection and promotion of international children s rights national human rights ombuds additional mandates as OPCAT national preventive mechanisms UN Convention on the Rights of Persons with Disabilities Article 33 2 framework mechanisms and EU national equality bodies human rights ombuds and business and human rights ombuds institutions gender and women s rights the European Ombudsman and human rights national human rights ombuds and

other ombuds models by region accompanied by case studies on national human rights ombuds and the legal and extra legal factors affecting ombuds institutional effectiveness

Human Rights Robert McCorquodale, 2017-11-22 This title was first published in 2003 Theories of human rights are important as they can be a means to challenging entrenched and oppressive power These key essays take a philosophical approach to human rights questioning dominant theories and offering different perspectives on their application

Human Rights and Global Diversity Simon Caney, Peter Jones, 2014-06-17 This examination of global society focuses on its conflict with local societies and questions whether the human race should be treated as belonging to a single global community It considers the universality of human rights and its conflict with group claims to self determination

The Right to Development: Obligations of States and the Rights of Minorities and Indigenous Peoples Margot E. Salomon, Arjun Sengupta, 2003-02-10 The United Nations adopted the Declaration on the Right to Development in 1986 The Declaration recognizes that development is an inalienable human right and describes development as a comprehensive process leading to the well being of all people All states are called upon to cooperate internationally and work nationally to ensure that this comprehensive process in which all human rights can be realized is undertaken without discrimination and that all people may participate fully and equally in this process This paper provides an elaboration of the content of the right to development by drawing on international law It addresses the obligations of states particularly with regard to international cooperation and considers the application of obligations of conduct as well as those of result in giving this right meaning This paper also details the rights of minorities and indigenous peoples and how they relate to the right to development The creation of conditions that enable a state to develop will not necessarily lead to the realization of the right to development by the individuals within that state Traditionally marginalized groups notably minorities and indigenous peoples may not benefit from this development or may be harmed by it Even where the right to development is being realized by the majority the rights of minorities and indigenous peoples could be violated if the process undertaken does not take account of their rights The authors discuss the need to have in place the standards to ensure that the protection and promotion of minority and indigenous rights are fully integrated into policies designed to fulfil the right to development Written in cooperation with the UN Independent Expert on the right to development this work builds on his contribution to the mandated objectives of the inter state UN Working Group on the Right to Development It provides an important contribution to the scope of rights and obligations in this area and the implications that stem from them particularly for minorities and indigenous peoples

International Justice Tony Coates, 2017-11-22 This title was first published in 2000 Part of the academic response to the phenomenon of globalization this text explores the legal and philosophical implications with particular reference to the problem of international justice Among the issues examined in the book are those dealing with matters of principle and with the philosophical grounding of international justice is a moral universalism possible Are the claims of moral universalism reconcilable with those of moral particularism What kind of moral universalism does

international justice entail How does the concept of right bear upon international justice Is justice both distributive and formal applicable to international relations Other issues discussed are of a more specific nature is there a right to development What is the role of justice in the resolution of conflict is humanitarian intervention justified What are the ethical implications of global warming and acid rain **National Courts and the International Rule of Law** André

Nollkaemper, 2012 This book explores the way domestic courts contribute to the maintenance of the international of law by providing judicial control over the exercises of public powers that may conflict with international law The main focus of the book will be on judicial control of exercise of public powers by states Key cases that will be reviewed in this book and that will provide empirical material for the main propositions include Hamdan in which the US Supreme Court reviewed detention by the United States of suspected terrorists against the 1949 Geneva Conventions Adalah in which the Supreme Court of Israel held that the use of local residents by Israeli soldiers in arresting a wanted terrorist is unlawful under international law and the Narmada case in which the Indian Supreme Court reviewed the legality of displacement of people in connection with the building of a dam in the river Narmada under the ILO Indigenous and Tribal Populations Convention 1957 nr 107 This book explores what it is that international law requires expects or aspires that domestic courts do Against this backdrop it maps patterns of domestic practice in the actual or possible application of international law and determines what such patterns mean for the protection of the international rule of law **The Age of Rights** Louis Henkin, 1990 This text explores

the principal issues and developments both in international human rights and in rights in the United States and then compares the concepts and conditions of rights in various parts of the world It pays particular attention to the role of US foreign policy **Weapons under International Human Rights Law** Stuart Casey-Maslen, 2014-01-23 International

human rights law offers an overarching international legal framework to help determine the legality of the use of any weapon as well as its lawful supply It governs acts of States and non State actors alike In doing so human rights law embraces international humanitarian law regulation of the use of weapons in armed conflict and disarmament law as well as international criminal justice standards In situations of law enforcement such as counterpiracy prisons ordinary policing riot control and many peace operations human rights law is the primary legal frame of reference above domestic criminal law This important and timely book draws on all aspects of international weapons law and proposes a new view on international law governing weapons Also included is a specific discussion on armed drones and cyberattacks two highly topical issues in international law and international relations *Contemporary Issues of Human Rights Protection in International and*

National Settings Stefan Lorenzmeier, Vasilka Sancin, 2018-03-26 Der englischsprachige Sammelband beleuchtet die Auswirkungen internationaler Menschenrechte auf den nationalen und europäischen Rechtsordnung aus mehreren Perspektiven Neben den Auswirkungen des Gutachtens 213 des EuGH auf das Verhältnis der EU zur EMRK werden auch die Auswirkungen der Menschenrechtskonvention auf die Rechtsordnungen von Nachbarstaaten wie Norwegen und der Türkei

analysiert Ebenfalls wird eine Bestandsaufnahme der menschenrechtlichen Vorschriften des Assoziierungsabkommens der Europäischen Union mit der Ukraine und deren Auswirkungen auf die interne ukrainische Rechtsordnung vorgenommen Daneben gestellt werden rechtsvergleichend Analysen der Rechtssysteme größerer und kleinerer Mitgliedstaaten der EU wie Deutschland Polen Portugal und Slowenien Mit Beiträgen von Ass Prof Pinar Bacaksiz Dokuz Eylül Universität Izmir Ass Prof Vibeke Blaker Strand und Prof Kjetil Mujezinovic Larsen Norwegisches Menschenrechtsinstitut Oslo Ass Prof Rui Guerra de Fonseca Universität Lissabon Prof Roman Petrov Universität Kiew Mohyla Ass Prof Dr Vasilka Sancin und Prof Mirjam Škrk Universität Ljubljana AkadR Dr Stefan Lorenzmeier LL M Ludwig Universität Augsburg Dr Daniel Engel LL M GWU Universität Augsburg Dasa Bajec Korent Universität Ljubljana Akad R tin Jennifer H IZLwimmer Universität Augsburg Tina Korosec LL M Groningen Universität Ljubljana Masa Kovic Dine LL M Toronto Universität Ljubljana Dorota Miler LL M McGill Universität Augsburg Isabella Risini LL M Chicago Kent Ruhr Universität Bochum D sir e R hle Universität Augsburg Marina Zagar Universität Rijeka Ljubljana

Human Rights in National and International Law Universität Wien. Rechts- und Staatswissenschaftliche Fakultät, 1968 X Conclusions and future prospects The Practice of International and National Courts and the (De-)Fragmentation of International Law Ole Kristian Fauchald, André Nollkaemper, 2014-10-01 In recent decades there has been a considerable growth in the activities of international tribunals and the establishment of new tribunals Furthermore supervisory bodies established to control compliance with treaty obligations have adopted decisions in an increasing number of cases National courts further add to the practice of adjudication of claims based on international law While this increasing practice of courts and supervisory bodies strengthens the adjudicatory process in international law it also poses challenges to the unity of international law Most of these courts operate within their own special regime functional regional or national and will primarily interpret and apply international law within the framework of that particular regime The role of domestic courts poses special challenges as the powers of such courts to give effect to international law as well as their actual practice in applying such law largely will be determined by national law At the same time both international and national courts have recognised that they do not operate in isolation from the larger international legal system and have found various ways to counteract the process of fragmentation that may result from their jurisdictional limitations This book explores how international and national courts can and do mitigate fragmentation of international law It contains case studies from international regimes including the WTO the IMF investment arbitration and the ECtHR and from various national jurisdictions including Japan Norway Switzerland and the UK providing a basis for conclusions to be drawn in the final chapter National Law and International Human Rights Law Onkemetse Tshosa, 2017-07-05 This title was first published in 2001 This text critically examines the role and relevance of international human rights law in the process of protection especially in the cases of Botswana Namibia and Zimbabwe It argues that international human rights law does have a role to play in the protection and indeed the enforcement of human rights in these countries and that there is an

emerging trend to that effect *International Human Rights and Local Courts* Aksel Tømte, Eko Riyadi, 2024-04-29 This book addresses the technicalities of how international human rights law can be applied at the domestic level through a case study of the human rights methodology of the Indonesian judiciary Numerous international human rights treaties have been ratified by States parties all around the world However local implementation has proven a difficult task for national authorities with every State struggling to realize rights to varying degrees This reveals a gap between the standards of human rights as envisaged by the law and those experienced by rights holders at the local level This work analyses how Indonesian courts interpret and apply human rights It discusses the position of human rights within specific areas of Indonesian law constitutional law criminal law and private law It analyses how courts have dealt with specific cases within these fields of law Its key contribution lies in its detailed attention to the role of the Indonesian judiciary in implementing human rights as well as to the influence of international law and the role that actors other than the judiciary play in this process It also incorporates international comparative perspectives The book will be of particular interest to human rights scholars concerned with national judiciaries role in human rights implementation and to scholars judges civil society actors and legal practitioners working with law and human rights in Indonesia The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license The Role of National Human Rights Institutions at the International and Regional Levels Rachel Murray, 2007-06-22 National Human Rights Institutions NHRIs defined by the UN as bodies established to promote and protect human rights have increased in number since the General Assembly adopted principles governing their effectiveness in 1993 The UN and others have encouraged states to set up such institutions as an indication of their commitment to human rights and now over 20 such institutions exist in Africa and many more will follow These institutions have taken various forms including ombudsmen commissions or a combination of the two They differ in terms of how they are established some by constitution some by legislation and some by decree These NHRIs have varying functions usually both promotional and protective such as giving advice to government parliament and others making recommendations on compliance with human rights standards awareness raising and analysis of law and policy Despite the considerable variations in the method of their creation powers and composition most of these institutions have chosen or indeed been mandated to become involved in international and regional fora This book examines these institutions in the African region the way in which they use the international and regional fora the effectiveness of their contributions and how they are able to participate International Human Rights Law Olivier De Schutter, 2014-08-07 The leading textbook on international human rights law is now better than ever The content has been fully updated and now provides more detailed coverage of substantive human rights along with new sections on the war on terror and on the progressive realization of economic and social rights making this the most comprehensive book in the field It has a new more student friendly text design and has retained the features which made the

first edition so engaging and accessible including the concise and critical style and questions and case studies within each chapter as well as suggestions for further reading Written by De Schutter whose extensive experience working in the field and teaching the subject in both the US and EU gives him a unique perspective and valuable insight into the requirements of lecturers and students This is an essential tool for all students of international human rights law Enforcing International Human Rights in Domestic Courts Benedetto Conforti, Francesco Francioni, 2021-09-27 The purpose of this book is to explore the ways in which domestic courts are dealing with international human rights issues in their respective jurisdictions This volume however is not limited to offering a comparative overview It aims principally at identifying the most common obstacles that still hinder the effective adjudication and enforcement of human rights in domestic law Ultimately it aspires to suggest judicial models that may help reduce or remove those obstacles consistently with the principle recognised in modern constitutions that national courts are bound to participate in the implementation process of international law **Economic, Social, and Cultural Rights in International Law** Eibe Riedel, Gilles Giacca, Christophe Golay, 2014-03-14 Recent years have seen a remarkable expansion in the scale and importance of economic social and cultural rights ESC rights culminating in the adoption of the Optional Protocol to the International Covenant on Economic Social and Cultural Rights in December 2008 The Protocol gives individuals and groups the ability to bring complaints about rights violations before the UN Committee on Economic Social and Cultural Rights Against this background this book focuses on the question of how fundamental socio economic human rights enshrined in international law are defined interpreted understood and implemented It assesses how effective efforts to realize ESC rights have been and investigates the contemporary challenges obstructing their protection It sets out the impact of the global financial crisis and austerity measures the human rights responsibilities of corporations and trends in the justiciability of those rights at the national and international level The interrelationship between ESC rights and other legal regimes such as trade and investment law environmental law international criminal law and international humanitarian law is also thoroughly examined After an introduction by the editors the book contains seventeen chapters looking at the main questions which shape the progressive realization of ESC rights and their monitoring mechanisms The authors of the chapters both scholars and practitioners adopt interdisciplinary approaches that move beyond traditional analyses of ESC rights In doing so they clarify and illuminate multiple aspects of the law by bringing together the different aspects of ESC rights restating the challenges they face and assessing the progress that has been made in expanding their adoption

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Table of Contents National Rights International Obligations

1. Understanding the eBook National Rights International Obligations
 - The Rise of Digital Reading National Rights International Obligations
 - Advantages of eBooks Over Traditional Books
2. Identifying National Rights International Obligations
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an National Rights International Obligations
 - User-Friendly Interface
4. Exploring eBook Recommendations from National Rights International Obligations
 - Personalized Recommendations
 - National Rights International Obligations User Reviews and Ratings
 - National Rights International Obligations and Bestseller Lists
5. Accessing National Rights International Obligations Free and Paid eBooks
 - National Rights International Obligations Public Domain eBooks
 - National Rights International Obligations eBook Subscription Services
 - National Rights International Obligations Budget-Friendly Options
6. Navigating National Rights International Obligations eBook Formats

- ePub, PDF, MOBI, and More
- National Rights International Obligations Compatibility with Devices
- National Rights International Obligations Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of National Rights International Obligations
 - Highlighting and Note-Taking National Rights International Obligations
 - Interactive Elements National Rights International Obligations
- 8. Staying Engaged with National Rights International Obligations
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers National Rights International Obligations
- 9. Balancing eBooks and Physical Books National Rights International Obligations
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection National Rights International Obligations
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine National Rights International Obligations
 - Setting Reading Goals National Rights International Obligations
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of National Rights International Obligations
 - Fact-Checking eBook Content of National Rights International Obligations
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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