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THE RIGHT TO DEMOCRACY IN INTERNATIONAL LAW

*Between Procedure, Substance and
the Philosophy of John Rawls*

Khalifa A. Alfadhel

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Right To Democracy In International Law

Gerry Simpson



Right To Democracy In International Law:

The Democratic Legitimacy of International Law Steven Wheatley, 2010-06-02 The objective of this work is to restate the requirements of democratic legitimacy in terms of the deliberative ideal developed by Jürgen Habermas and apply the understanding to the systems of global governance The idea of democracy requires that the people decide through democratic procedures all policy issues that are politically decidable But the state is not a voluntary association of free and equal citizens it is a construct of international law and subject to international law norms Political self determination takes place within a framework established by domestic and international public law A compensatory form of democratic legitimacy for inter state norms can be established through deliberative forms of diplomacy and a requirement of consent to international law norms but the decline of the Westphalian political settlement means that the two track model of democratic self determination is no longer sufficient to explain the legitimacy and authority of law The emergence of non state sites for the production of global norms that regulate social economic and political life within the state requires an evaluation of the concept of international law and the legitimate authority of non state actors Given that states retain a monopoly on the coercive enforcement of law and the primary responsibility for the guarantee of the public and private autonomy of citizens the legitimacy and authority of the laws that regulate the conditions of social life should be evaluated by each democratic state The construction of a multiverse of democratic visions of global governance by democratic states will have the practical consequence of democratising the international law order providing democratic legitimacy for international law

The Right to Democracy in International Law Khalifa A Alfadhel, 2016-12-19 This book explores the right to democracy in international law and contemporary democratic theory asking whether international law encompasses a substantive or procedural understanding of the notion The book considers whether there can be considered to be a basis for the right to democracy in international customary law The book then goes on to explore the relevant provisions in international treaties including the International Covenant on Civil and Political Rights before looking at the role of regional organizations and human rights regimes Khalifa A Alfadhel draws on the work of John Rawls in order to put forward a theoretical basis for the right to democracy

International Law in a Multipolar World Matthew Happold, 2013-03 This book explores the implications of a multipolar world for the development of international law including contributions from Nigel White Alexander Orakhelashvili and Christian Pippin The contributions explore issues including the use of force governance regionalism and the relevance of the UN considering the relationship between power and law

Democracies and International Law Tom Ginsburg, 2021-09-30 Democracies and authoritarian regimes have different approaches to international law grounded in their different forms of government As the balance of power between democracies and non democracies shifts it will have consequences for international legal order Human rights may face severe challenges in years ahead but citizens of democratic countries may still benefit from international legal cooperation in other areas Ranging

across several continents this volume surveys the state of democracy enhancing international law and provides ideas for a way forward in the face of rising authoritarianism The Cambridge Handbook of New Human Rights Andreas von Arnould, Kerstin von der Decken, Mart Susi, 2020-01-02 The book provides in depth insight to scholars practitioners and activists dealing with human rights their expansion and the emergence of new human rights Whereas legal theory tends to neglect the development of concrete individual rights monographs on new rights often deal with structural matters only in passing and the issue of new human rights has received only cursory attention in literature By bringing together a large number of emergent human rights analysed by renowned human rights experts from around the world and combining the analyses with theoretical approaches this book fills this lacuna The comprehensive and dialectic approach which enables insights from individual rights to overarching theory and vice versa will ensure knowledge growth for generalists and specialists alike The volume goes beyond a purely legal analysis by observing the contestation rhetorics the struggle for recognition of new human rights thus speaking to human rights professionals beyond the legal sphere *The Evolving ECOWAS Normative Architecture and Contemporary International Law* Senalor K. Yawlui, 2025-07-14 This second edition of *The Evolving ECOWAS Normative Architecture and Contemporary Law* maintains the main thrust of the original by analysing the Peace and Security Architecture of the Economic Community of West African States ECOWAS The study highlights the institutional transformation of ECOWAS from an economic organisation into one that promotes a rules based system anchored in democratic norms and the rule of law for regional stability and effective integration It reconciles legal principles with the evolving norm of responsibility to protect considering the growing importance of respect for human rights In addition to a thorough analysis of ECOWAS intervention in The Gambia and an evaluation of the regional bloc s good governance agenda the new edition also delves into the withdrawal of Mali Burkina Faso and Niger from ECOWAS on January 29 2025 and its implications for the sub region s and continental integration *The Right to Development in International Law* Subrata Roy Chowdhury, Erik M.G. Denters, Paul J.I.M. de Waart, 2023-11-27 The chapters in this volume are based on the papers that were presented at the Calcutta seminar organized in March 1992 by the ILA Committee on Lehal Aspects of a New International Economic Order NIEO The conference focused on the right to development in particular its ideas and ideology human rights aspects and implementation in specific areas of international law The volume is accordingly organized in three parts The chapters cover a vast area of subjects derived from the UN Declaration of the Right to Development From the developed and underdeveloped world 33 authors discuss topics including contents scope and implementation of the right to development human rights of individuals and peoples co operation between the European Community and the Lom IV states current developments in investments treaties refugee protection development and democracy concept of sustainable development environmental issues protection of intellectual property transfer of technology human rights in international financial institutions and the legal conceptualization of the debt crisis Professor

Oscar Schachter observes in the first chapter that the Declaration continues to be a challenging subject for legal commentary for its detable legal status its combination of collective and individual rights its expansive conception of development and its equivocal obligation Apart from support doubts about the concept to the right to development may also be found in this volume

The Oxford Handbook of International Law in Europe, 2024-12-04 This handbook provides a comprehensive account of how international law is understood and practiced in Europe which is defined for the purposes of the book as Council of Europe countries in the past and in the present It is separated into parts covering Europe s values intellectual traditions and institutions as well as examinations of European countries and regions A diverse group of leading scholars and practitioners of international law are led by three overarching focus points the success and failures of the pacifying effect of international law the diversity of international legal experiences and traditions within Europe and the impact of European ideas on international law globally By examining these areas the book also analyses Europe s changing role in the world and the impact of global influences on the understanding of international law in European countries The book is a study of regionalism in international law but also a study of the impact of a region which at least historically has had an overwhelming influence on the development and interpretations of international law

Ombuds Institutions, Good Governance and the International Human Rights System Linda C. Reif, 2020-07-27 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

The Routledge Handbook of the Philosophy of Human Rights Jesse Tomalty, Kerri Woods, 2025-08-20 The Routledge Handbook of the Philosophy of Human Rights is an outstanding resource covering key questions problems and debates in scholarship on the nature justification authority and relevance of human rights The volume comprises 35 chapters by leading scholars from a range of philosophical orientations and traditions The

Handbook is divided into five sections Approaching the Philosophy of Human Rights Grounds of Human Rights Critical Perspectives Contemporary Human Rights Issues Human Rights of Groups The volume is essential reading for students and researchers in philosophy who are interested in understanding human rights It is also a valuable resource for those in related fields including law political science sociology and the humanities *Democracy in International Law* James

Crawford,1994-04-28 Professor Crawford s inaugural lecture as Whewell Professor of International Law at Cambridge addresses a number of facets of the relationship between international law and democratic principles In particular he examines the ways in which international law may or may not underwrite those principles a subject which has increased greatly in significance as governments and international organisations search for a New World Order in the post Cold War world **Legal Republicanism** Samantha Besson,José Luis Martí,2009-03-26 Interest in republicanism as a political theory has burgeoned in recent years but its implications for the understanding of law have remained largely unexplored Legal Republicanism is the first book to offer a comprehensive critical survey of the potential for creating republican accounts of fundamental issues in law and legal theory Bringing together contributors with backgrounds in political and legal philosophy the essays in the volume assess republicanism s historical traditions conceptual coherence and normative proposals The collection offers a valuable insight into new debates taking place in republican political and legal theory It also analyses potential republican approaches to concrete issues arising in areas of law such as criminal constitutional and international law Finally the book includes comparisons between republican legal traditions and how they react to contemporary challenges The book will be of value to political and democratic theorists to legal philosophers and constitutional theorists and all those interested in the legitimacy of decision making in national and international settings **China, State**

Sovereignty and International Legal Order Phil C.W. Chan,2015-05-19 China s rise has aroused apprehension that it will revise the current rules of international order to pursue and reflect its power and that in its exercise of State sovereignty it is unlikely to comply with international law This book explores the extent to which China s exercise of State sovereignty since the Opium War has shaped and contributed to the legitimacy and development of international law and the direction in which international legal order in its current form may proceed It examines how international law within a normative institutional framework has moderated China s exercise of State sovereignty and helps mediate differences between China s and other States approaches to State sovereignty such that State sovereignty and international law may be better understood

Routledge Handbook of International Law David Armstrong,2009-01-13 This Handbook provides a definitive global survey of the interaction of international politics and international law *Decolonising International Law* Sundhya Pahuja,2011-09-29 The universal promise of contemporary international law has long inspired countries of the Global South to use it as an important field of contestation over global inequality Taking three central examples Sundhya Pahuja argues that this promise has been subsumed within a universal claim for a particular way of life by the idea of development As the

horizon of the promised transformation and concomitant equality has receded ever further international law has legitimised an ever increasing sphere of intervention in the Third World The post war wave of decolonisation ended in the creation of the developmental nation state the claim to permanent sovereignty over natural resources in the 1950s and 1960s was transformed into the protection of foreign investors and the promotion of the rule of international law in the early 1990s has brought about the rise of the rule of law as a development strategy in the present day Democracy's International Law

Jackson Harvey Ralston,1922 **Right to Democracy in International Law** Jude Ibegbu,2003 In an age that has been dubbed a global era by reason of its import Dr Ibegbu s perspectives on democracy are liable to be noteworthy in the international community First it breaches national boundaries that have shielded in humane practices against men and women who have no democratic rights because each nation is deemed to be entitled to rule on how its citizens are governed

Intervention in Civil Wars Chiara Redaelli,2021-02-25 This book investigates the extent to which traditional international law regulating foreign interventions in internal conflicts has been affected by the human rights paradigm Since the adoption of the Charter of the United Nations foreign armed interventions in internal conflicts have turned into a common practice At first sight it might seem that state practice has developed in a chaotic fashion however on closer examination specific patterns emerge The book charts these patterns by examining the traditional doctrines of intervention and testing them against state practice The book has two aims Firstly it seeks to clarify the current legal framework regulating interventions in internal conflicts Secondly it plots the emergence of new trends and investigates whether they are becoming part of positive international law By taking this dual focus it offers the first truly comprehensive examination of foreign interventions in internal conflicts The Oxford Handbook of International Organizations Jacob Katz Cogan,Ian Hurd,Ian

Johnstone,2016-11-24 Virtually every important question of public policy today involves an international organization From trade to intellectual property to health policy and beyond governments interact with international organizations in almost everything they do Increasingly individual citizens are directly affected by the work of international organizations Aimed at academics students practitioners and lawyers this book gives a comprehensive overview of the world of international organizations today It emphasizes both the practical aspects of their organization and operation and the conceptual issues that arise at the junctures between nation states and international authority and between law and politics While the focus is on inter governmental organizations the book also encompasses non governmental organizations and public policy networks With essays by the leading scholars and practitioners the book first considers the main international organizations and the kinds of problems they address This includes chapters on the organizations that relate to trade humanitarian aid peace operations and more as well as chapters on the history of international organizations The book then looks at the constituent parts and internal functioning of international organizations This addresses the internal management of the organization and includes chapters on the distribution of decision making power within the organizations the structure of their assemblies the

role of Secretaries General and other heads budgets and finance and other elements of complex bureaucracies at the international level This book is essential reading for scholars practitioners and students alike **The Nature of International Law** Gerry Simpson, 2017-10-05 This title was first published in 2002 The purpose of this volume is to provide a map of some of the great theoretical debates within the discipline of international law The essays included are structured as dialogues between international legal theorists on concrete subjects such as democracy gender compliance sovereignty and justice They represent the most interesting theoretical work undertaken in international law

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