

STATE OF DEMOCRACY, HUMAN RIGHTS AND THE RULE OF LAW

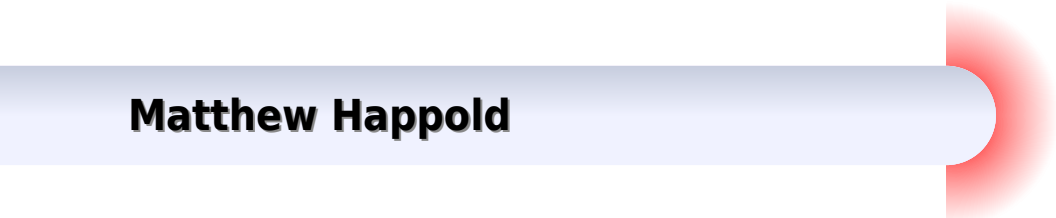


Report of the Secretary General
of the Council of Europe

2023

Right To Democracy In International Law

Matthew Happold



Right To Democracy In International Law:

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 **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

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

International Law in a Multipolar World

Matthew Happold, 2013-03-01 Since the creation of the United Nations in 1945 international law has sought to configure itself as a universal system Yet despite the best efforts of international institutions scholars and others to assert the universal application of international law its relevance and applicability has been influenced if not directed by political power Today the decline of the West and ascent of China and India pose particular challenges for international law and institutions The international system appears to be moving towards multipolarity with various sites of power competing to exert influence in the world today With contributors from a variety of countries providing perspectives from the disciplines of international law and international relations theory International Law in a Multipolar World addresses the implications that multipolarity poses for the international legal system Contributors including Jean d'Aspremont Jrg Kammerhofer Alexander Orakhelashvili Christian Pippin and Nigel White explore issues such as the use of force governance and democracy regionalism and the relevance of the United Nations in a multipolar world while considering the overarching theme of the relationship between power and law International Law in a Multipolar World is of particular interest to academics and students of public international law international relations theory and international politics

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

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

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