

Global Justice State Duties The Extraterritorial Scope Of Economic Social And Cultural Rights In International Law Author Malcolm Langford Dec 2012

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[The State of Economic and Social Human Rights](#) - Lanse Minkler

2013-01-07

Original scholarship on economic and social human rights from cutting-edge scholars in the fields of economics, law, political science, sociology and anthropology.

Extraterritorial Application of Human Rights Treaties - Fons Coomans

2004

"Whether as a result of the war on terrorism, foreign military intervention, economic globalisation or otherwise, state conduct increasingly affects the human rights of individuals beyond its own borders ... This book focuses on the extraterritorial application of four key human rights treaties: the two UN Covenants on Human Rights and the American and European Conventions on Human Rights. It points out inconsistencies in the practice of the supervisory bodies of these treaties and discusses the pros and cons of both a restrictive and an expansive

approach."--Back cover.

The Routledge Handbook on Extraterritorial Human Rights

Obligations - Mark Gibney 2022

"The Routledge Handbook on Extraterritorial Human Rights Obligations brings international scholarship on transnational human rights obligations into a comprehensive and wide-ranging volume. Each chapter combines a thorough analysis of a particular issue area and provides a forward-looking perspective of how extraterritorial human rights obligations (ETOs) might come to be more fully recognized, outlining shortcomings but also best state practices. It builds insights gained from state practice to identify gaps in the literature and points to future avenues of inquiry. The handbook is organized into seven thematic parts: theoretical foundations and challenges, enforcement, migration and refugee protection, financial assistance and section, finance, investment and trade, peace and security, and environment. Chapters summarise the

cutting edge of current knowledge on key topics as leading experts critically reflect on ETOs, and, where appropriate, engage with the Maastricht Principles to critically evaluate their value 10 years after their adoption. The Routledge Handbook on Extraterritorial Human Rights Obligations is an authoritative and essential reference text for scholars and students of human rights and human rights law, and more broadly, of international law and international relations as well as to those working in international economic law, development studies, peace and conflict studies, environmental law and migration"--

Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations - 2017-02-02

Tallinn Manual 2.0 expands on the highly influential first edition by extending its coverage of the international law governing cyber operations to peacetime legal regimes. The product of a three-year follow-on project by a new group of twenty renowned international law experts, it addresses such topics as sovereignty, state responsibility, human rights, and the law of air, space, and the sea. Tallinn Manual 2.0 identifies 154 'black letter' rules governing cyber operations and provides extensive commentary on each rule. Although Tallinn Manual 2.0 represents the views of the experts in their personal capacity, the project benefitted from the unofficial input of many states and over fifty peer reviewers.

Sharing Responsibility - Luke Glanville 2021-05-18

A look at the duty of nations to protect human rights beyond borders, why it has failed in practice, and what can be done about it The idea that states share a responsibility to shield people everywhere from atrocities is presently under threat. Despite some early twenty-first century successes, including the 2005 United Nations endorsement of the Responsibility to Protect, the project has been placed into jeopardy due to catastrophes in such places as Syria, Myanmar, and Yemen; resurgent nationalism; and growing global antagonism. In *Sharing Responsibility*, Luke Glanville seeks to diagnose the current crisis in international protection by exploring its long and troubled history. With attention to ethics, law, and politics, he measures what possibilities remain for

protecting people wherever they reside from atrocities, despite formidable challenges in the international arena. With a focus on Western natural law and the European society of states, Glanville shows that the history of the shared responsibility to protect is marked by courageous efforts, as well as troubling ties to Western imperialism, evasion, and abuse. The project of safeguarding vulnerable populations can undoubtedly devolve into blame shifting and hypocrisy, but can also spark effective burden sharing among nations. Glanville considers how states should support this responsibility, whether it can be coherently codified in law, the extent to which states have embraced their responsibilities, and what might lead them to do so more reliably in the future. *Sharing Responsibility* wrestles with how countries should care for imperiled people and how the ideal of the responsibility to protect might inspire just behavior in an imperfect and troubled world.

The Frontiers of Human Rights - Nehal Bhuta 2016-02-18

In an epoch of transnational armed conflict, global environmental harm, and rising inequality, the extraterritorial application of human rights law has become a pressing and controversial legal issue. Human rights are invoked to address a number of global-scale problems, such as trans-border environmental harm, social and economic development, global inequality, the repression of piracy in ungoverned spaces, and military occupation and armed conflict in the territory of a third state. The chapters collected in this volume grapple with the promise and the dilemmas of the extraterritorial application of human rights law through an analysis of the legal, theoretical, and practical questions raised by extending states' human rights obligations beyond their national territories.

Cultural Rights in International Law and Discourse - Stephenson Chow 2018-02-01

In *Cultural Rights in International Law and Discourse*, Pok Yin S. Chow explains why the very understanding of 'culture' as described in international human rights law failed to capture and address the cultural concerns of groups and communities worldwide.

Challenging Territoriality in Human Rights Law - Wouter Vandenhoele

2015-06-16

Human rights have traditionally been framed in a vertical perspective with the duties of States confined to their own citizens or residents. Interpretations of international human rights treaties tend either to ignore or downplay obligations beyond this 'territorial space'. This edited volume challenges the territorial bias of mainstream human rights law. It argues that with increased globalisation and the impact of international corporations, organisations and non-State actors, human rights law will become less relevant if it fails to adapt to changing realities in which States are no longer the only leading actor. Bringing together leading scholars in the field, the book explores potential applications of international human rights law in a multi-duty bearer setting. The first part of the book examines the current state of the human rights obligations of foreign States, corporations and international financial institutions, looking in particular at the ways in which they address questions of attribution and distribution of obligations and responsibility. The second part is geared towards the identification of common principles that may underpin a human rights legal regime that incorporates obligations of foreign States as well as of non-State actors. As a marker of important progress in understanding what lies ahead for integrating foreign States and non-State actors in the human rights dutybearer regime, this book will be of great interest to scholars and practitioners of international human rights law, public international law and international relations.

Community Interests Across International Law - Eyal Benvenisti

2018-05-17

This book explores the extent to which contemporary international law expects states to take into account the interests of others - namely third states or their citizens - when they form and implement their policies, negotiate agreements, and generally conduct their relations with other states. It systematically considers the various manifestations of what has been described as 'community interests' in many areas regulated by international law and observes how the law has evolved from a legal system based on more or less specific consent and aimed at promoting

particular interests of states, to one that is more generally oriented towards collectively protecting common interests and values. Through essays by experts in the field, this book explores topics such as the sources of international law and the institutional aspects of developing the law and covers a range of areas within the law.

The Global Health Crisis - Thana Cristina de Campos 2017-03-30

Proposing a new view of global justice based on natural law, this book presents a discussion of the key ethical values in contemporary medicine and health, notably in relation to neglected diseases like malaria, Ebola and Zika. The lack of treatments for such diseases points to a global health crisis. Thana Cristina de Campos provides a general framework, based on global commutative justice, for discussion of the ethical responsibilities of international stakeholders, mapping the varying duties they have, and their content and force. She also addresses the urgent need for reforms to the international legal rules on bioethics, notably the system of intellectual property rights. These ideas will be of interest to those who are looking for a more nuanced view of the human right to health than that provided by advocates in the globalist mainstream.

Beyond Law and Development - Sam Adelman 2022-04-28

The book highlights new imaginaries required to transcend traditional approaches to law and development. The authors focus on injustices and harms to people and the environment, and confront global injustices involving impoverishment, patriarchy, forced migration, global pandemics and intellectual rights in traditional medicine resulting from maldevelopment, bad governance and aftermaths of colonialism. New imaginaries emphasise deconstruction of fashionable myths of law, development, human rights, governance and post-coloniality to focus on communal and feminist relationality, non-western legal systems, personal responsibility for justice and forms of resistance to injustices. The book will be of interest to students and scholars of development, law and development, feminism, international law, environmental law, governance, politics, international relations, social justice and activism.

Extraterritorial Application of Human Rights Treaties - Marko Milanovic

2013-03-28

Questions as to when a state owes obligations under a human rights treaty towards an individual located outside its territory are being brought more and more frequently before both international and domestic courts. Victims of aerial bombardment, inhabitants of territories under military occupation, deposed dictators, suspected terrorists detained in Guantanamo by the United States, and the family of a former KGB spy who was assassinated in London through the use of a radioactive toxin, allegedly at the orders or with the collusion of the Russian government - all of these people have claimed protection from human rights law against a state affecting their lives while acting outside its territory. These matters are extremely politically and legally sensitive, leading to much confusion, ambiguity and compromise in the existing case law. This study attempts to clear up some of this confusion, and expose its real roots. It examines the notion of state jurisdiction in human rights treaties, and places it within the framework of international law. It is not limited to an inquiry into the semantic, ordinary meaning of the jurisdiction clauses in human rights treaties, nor even to their construction into workable legal concepts and rules. Rather, the interpretation of these treaties cannot be complete without examining their object and purpose, and the various policy considerations which influence states in their behaviour, and courts in their decision-making. The book thus exposes the tension between universality and effectiveness, which is itself the cause of methodological and conceptual inconsistency in the case law. Finally, the work elaborates on the several possible models of the treaties' extraterritorial application. It offers not only a critical analysis of the existing case law, but explains the various options that are before courts and states in addressing these issues, as well as their policy implications.

Cosmopolitanism in Context - Roland Pierik 2010-06-17

Is it possible and desirable to translate the basic principles underlying cosmopolitanism as a moral standard into effective global institutions. Will the ideals of inclusiveness and equal moral concern for all survive the marriage between cosmopolitanism and institutional power? What are the effects of such bureaucratisation of cosmopolitan ideals? This

volume examines the strained relationship between cosmopolitanism as a moral standard and the legal institutions in which cosmopolitan norms and principles are to be implemented. Five areas of global concern are analysed: environmental protection, economic regulation, peace and security, the fight against international crimes and migration.

State Responsibility, Climate Change and Human Rights under International Law - Margaretha Wewerinke-Singh 2019-03-21

The last decade has witnessed an increasing focus on the relationship between climate change and human rights. Several international human rights bodies have expressed concern about the negative implications of climate change for the enjoyment of human rights, and the Paris Agreement is the first multilateral climate agreement to refer explicitly to states' human rights obligations in connection with climate change. Yet despite this, there are still significant gaps in our understanding of the role of international human rights law in enhancing accountability for climate action or inaction. As the Paris Agreement has shifted the focus of the climate change regime towards voluntary action, and the humanitarian impacts of climate change are increasingly being felt around the world, accountability for climate change has become an increasingly salient issue. This book offers a timely and comprehensive analysis of the legal issues related to accountability for the human rights impact of climate change, drawing on the state responsibility regime. It explains when and where state action relating to climate change may amount to a violation of human rights, and evaluates various avenues of legal redress available to victims. The overall analysis offers a perceptive insight into the potential of innovative rights-based climate actions to shape climate and energy policies around the world.

The Frontiers of Human Rights - Nehal Bhuta 2016

In an epoch of transnational armed conflict, global environmental harm, and rising inequality, the extraterritorial application of human rights law has become a pressing and controversial legal issue. The faultlines of the Westphalian order are the meridians along which the extraterritorial application of human rights run, as human rights are invoked to address a panoply of global-scale problems, from transborder environmental

harm, to social and economic development and global inequality, to the repression of piracy in ungoverned spaces, and military occupation and armed conflict in the territory of a third state.

Routledge Handbook of International Human Rights Law - Scott Sheeran 2014-08-07

The Routledge Handbook of International Human Rights Law provides the definitive global survey of the discipline of international human rights law. Each chapter is written by a leading expert and provides a contemporary overview of a significant area within the field. As well as covering topics integral to the theory and practice of international human rights law the volume offers a broader perspective through examinations of the ways in which human rights law interacts with other legal regimes and other international institutions, and by addressing the current and future challenges facing human rights. Providing up-to-date and authoritative articles covering key aspects of international human rights law, this book work is an essential work of reference for scholars, practitioners and students alike. Chapter 35 of this book is freely available as a downloadable Open Access PDF under a Creative Commons Attribution-Non Commercial-No Derivatives 3.0 license. <https://www.routledgehandbooks.com/doi/10.4324/9780203481417.ch35>

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: A Commentary - Catarina de Albuquerque 2016-12-30

The Extraterritorial Application of the Human Right to Water in Africa - Takele Soboka Bulto 2014

Argues that international human rights and water laws provide legal bases for the right to water and its extraterritorial application.

Human Rights and Development in International Law - Tahmina Karimova 2016-04-28

This book addresses the legal issues raised by the interaction between human rights and development in contemporary international law. In particular, it charts the parameters of international law that states have to take into account in order to protect human rights in the process of

development. In doing so, it departs from traditional analyses, where human rights are mainly considered as a political dimension of development. Rather, the book suggests focusing on human rights as a system of international norms establishing minimum standards of protection of individuals and minimum standards applicable in all circumstances on what is essential for a dignified existence. The various dimensions covered in the book include: the discourse on human rights and development interrelationship, particularly *opinio juris* and the practice of states on the question; the notion of international assistance and cooperation in human rights law, under legal regimes such as international humanitarian law, and emerging rules in the area of protection of persons in the event of disasters; the extraterritorial scope of economic, social and cultural rights treaties; and legal principles on the respect for human rights in externally designed and planned development activities. Analysis of these topics sheds light on the question of whether international law as it stands today addresses most of the issues concerning the protection of human rights in the development process.

Public-Private Partnerships and Responsibility under International Law - Lisa Clarke 2014-03-21

Partnerships between the public and private sectors are an increasingly accepted method to deal with pressing global issues, such as those relating to health. Partnerships, comprised of states and international organizations (public sector) and companies, non-governmental organizations, research institutes and philanthropic foundations (private sector), are forming to respond to pressing global health issues. These partnerships are managing activities that are normally regarded to be within the domain of states and international organizations, such as providing access to preventative and treatment measures for certain diseases, or improving health infrastructure within certain states to better manage the growing risk of disease. In the shadow of the success of these partnerships lies, however, the possibility of something going wrong and it is to this shadow that this book sheds light. This book explores the issue of responsibility under international law in the context

of global health public-private partnerships. The legal status of partnerships under international law is explored in order to determine whether or not partnerships have legal personality under international law, resulting in them being subject to rules of responsibility under international law. The possibility of holding partnerships responsible in domestic legal systems and the immunity partnerships have from the jurisdiction of domestic courts in certain states is also considered. The obstacles to holding partnerships themselves responsible leads finally to an investigation into the possibility of holding states and/or international organizations, as partners and/or hosts of partnerships, responsible under international law in relation to the acts of partnerships. This book will be of interest to those researching and working in areas of global governance, especially hybrid public-private bodies; the responsibility under international law of states and international organizations; and also global health. It provides doctrinal clarification and practical guidance in a developing field of international law.

EU Law Beyond EU Borders - Marise Cremona 2019-05-03

This book addresses the impact of EU law beyond its own borders, the use of law as a powerful instrument of EU external action, and some of the normative challenges this poses. The phenomenon of EU law operating beyond its borders, which may be termed its 'global reach', includes the extraterritorial application of EU law, territorial extension, and the so-called 'Brussels Effect' resulting from unilateral legislative and regulatory action, but also includes the impact of the EU's bilateral relationships, and its engagement with multilateral fora and the negotiation of international legal instruments. The book maps this phenomenon across a range of policy fields, including the environment, the internet and data protection, banking and financial markets, competition policy, and migration. It argues that in looking beyond the undoubtedly important instrumental function of law we can start to identify the ways in which law shapes the EU's external identity and its relations with other legal regimes, both enabling and constraining the EU's external action.

Human Rights Unbound - Lea Raible 2020-05-03

This book explores to what extent a state owes human rights obligations to individuals outside of its territory, when the conduct of that state impacts upon the lives of those individuals. It draws upon legal and political philosophy to develop a theory of extraterritoriality based on the nature of human rights, merging accounts of economic, social, and cultural rights with those of civil and political rights. Lea Raible outlines the four main arguments aimed at changing the way we think about the extraterritoriality of human rights. First, she argues that questions regarding extraterritoriality are really about justifying the allocation of human rights obligations to specific states. Second, the book shows that human rights as found in international human rights treaties are underpinned by the values of integrity and equality. Third, she shows that these same values justify the allocation of human rights obligations towards specific individuals to public institutions - including states - that hold political power over those individuals. And finally, the book demonstrates that title to territory is best captured by the value of stability, as opposed to integrity and equality. On this basis, Raible concludes that all standards in international human rights treaties that count as human rights require that a threshold of jurisdiction, understood as political power over individuals, is met. The book applies this theory of extraterritoriality to explain the obligations of states in a wide range of cases.

United States Attorneys' Manual - United States. Department of Justice 1988

International Law in the US Legal System - Curtis A. Bradley 2020
International Law in the U.S. Legal System provides a wide-ranging overview of how international law intersects with the domestic legal system of the United States, and points out various unresolved issues and areas of controversy. Curtis Bradley explains the structure of the U.S. legal system and the various separation of powers and federalism considerations implicated by this structure, especially as these considerations relate to the conduct of foreign affairs. Against this backdrop, he covers all of the principal forms of international law:

treaties, executive agreements, decisions and orders of international institutions, customary international law, and jus cogens norms. He also explores a number of issues that are implicated by the intersection of U.S. law and international law, such as treaty withdrawal, foreign sovereign immunity, international human rights litigation, war powers, extradition, and extraterritoriality. This book highlights recent decisions and events relating to the topic, including various actions taken during the Trump administration, while also taking into account relevant historical materials, including materials relating to the U.S.

Constitutional founding. Written by one of the most cited international law scholars in the United States, the book is a resource for lawyers, law students, legal scholars, and judges from around the world.

Human Rights, Export Credits and Development Cooperation - Barbara Linder 2019-12-27

This book analyses to what extent the current human rights system allows affected individuals to claim accountability for human rights violations resulting from bilateral development and export credit agency supported undertakings. The author explores three legal pathways: host state responsibility, home state responsibility and corporate responsibility. The book concludes with recommendations on how to strengthen human rights accountability and improve access to justice for adversely affected individuals. It will be of great interest to those researching the intersection between human rights, development cooperation, and investment.

Global Justice, State Duties - Malcolm Langford 2013

Explores whether states possess extraterritorial obligations under international law to respect and ensure economic, social and cultural rights.

Sustainable Development Goals and Human Rights - Markus Kaltenborn 2019-01-01

This open access book analyses the interplay of sustainable development and human rights from different perspectives including fight against poverty, health, gender equality, working conditions, climate change and the role of private actors. Each aspect is addressed from a more human

rights-focused angle and a development-policy angle. This allows comparisons between the different approaches but also seeks to close gaps which would remain if only one perspective would be at the center of the discussions. Specifically, the book shows the strong connections between human rights and the objectives of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals adopted by the United Nations in 2015. Already the preamble of this document explicitly states that "the 17 Sustainable Development Goals ... seek to realise the human rights of all". Moreover, several goals and targets of the 2030 Agenda correspond to already existing individual human rights obligations. The contributions of this volume therefore also address how the implementation of human rights and SDGs can reinforce each other, but also point to critical shortcomings of the different approaches.

[The Routledge Handbook on Extraterritorial Human Rights Obligations](#) - Mark Gibney 2021-12-09

The Routledge Handbook on Extraterritorial Human Rights Obligations brings international scholarship on transnational human rights obligations into a comprehensive and wide-ranging volume. Each chapter combines a thorough analysis of a particular issue area and provides a forward-looking perspective of how extraterritorial human rights obligations (ETOs) might come to be more fully recognized, outlining shortcomings but also best state practices. It builds insights gained from state practice to identify gaps in the literature and points to future avenues of inquiry. The Handbook is organized into seven thematic parts: conceptualization and theoretical foundations; enforcement; migration and refugee protection; financial assistance and sanctions; finance, investment and trade; peace and security; and environment. Chapters summarize the cutting edge of current knowledge on key topics as leading experts critically reflect on ETOs, and, where appropriate, engage with the Maastricht Principles to critically evaluate their value 10 years after their adoption. The Routledge Handbook on Extraterritorial Human Rights Obligations is an authoritative and essential reference text for scholars and students of human rights and human rights law, and

more broadly, of international law and international relations as well as to those working in international economic law, development studies, peace and conflict studies, environmental law and migration.

The Misery of International Law - John Linarelli 2018

Poverty, inequality, and dispossession accompany economic globalization. Bringing together three international law scholars, this book addresses how international law and its regimes of trade, investment, finance, as well as human rights, are implicated in the construction of misery, and how international law is producing, reproducing, and embedding injustice and narrowing the alternatives that might really serve humanity. Adopting a pluralist approach, the authors confront the unconscionable dimensions of the global economic order, the false premises upon which they are built, and the role of international law in constituting and sustaining them. Combining insights from radical critiques, political philosophy, history, and critical development studies, the book explores the pathologies at work in international economic law today. International law must abide by the requirements of justice if it is to make a call for compliance with it, but this work claims it drastically fails to do so. In a legal order structured around neoliberal ideologies rather than principles of justice, every state can and does grab what it can in the economic sphere on the basis of power and interest, legally so and under colour of law. This book examines how international law on trade and foreign investment and the law and norms on global finance has been shaped to benefit the rich and powerful at the expense of others. It studies how a set of principles, in the form of a New International Economic Order (NIEO), that could have laid the groundwork for a more inclusive international law without even disrupting its market-orientation, were nonetheless undermined. As for international human rights law, it is under the terms of global capitalism that human rights operate. Before we can understand how human rights can create more just societies, we must first expose the ways in which they reflect capitalist society and how they assist in reproducing the underlying terms of immiseration that will continue to create the need for human rights protection. This book challenges conventional

justifications of economic globalization and eschews false choices. It is not about whether one is "for" or "against" international trade, foreign investment, or global finance. The issue is to resolve how, if we are to engage in trade, investment, and finance, we do so in a manner that is accountable to persons whose lives are affected by international law. The deployment of human rights for their part must be considered against the ubiquity of neoliberal globalization under law, and not merely as a discrete, benevolent response to it.

Litigating Transnational Human Rights Obligations - Mark Gibney
2013-10-30

Human rights have traditionally been framed in a vertical perspective with the duties of States confined to their own citizens or residents. Obligations beyond this territorial space have been viewed as either being absent or minimalistic at best. However, the territorial paradigm has now been seriously challenged in recent years in part because of the increasing awareness of the ability of States and other actors to impact human rights far from home both positively and negatively. In response to this awareness various legal principles have come into existence setting out some transnational human rights obligations of varying degrees. However, notwithstanding these initiatives, judicial institutions and monitoring bodies continue to show an enormous hesitancy in moving beyond a territorial reading of international human rights law. This book addresses the issue in an innovative and challenging way by crafting legally sound hypothetical "judgments" from a number of adjudicatory fora. The judgments are based on real world situations where extraterritorial or transnational issues have emerged, and draw on existing international human rights law, albeit a progressive interpretation of this law. The book shows that there are a number of judicial and quasi-judicial systems where transnational human rights claims can, and should be enforced. These include: the World Trade Organization; the International Court of Justice; the regional human rights monitoring bodies; domestic courts; and the UN treaty bodies. Each hypothetical judgment is accompanied by detailed commentary placing it in context in order to show how international human rights law

can address issues of a transnational character. The book will be of interest to human scholars and lawyers, practitioners, activists and aid officials.

The European Convention on Human Rights and General

International Law - Anne van Aaken 2018-09-20

The European Court of Human Rights is one of the main players in interpreting international human rights law where issues of general international law arise. While developing its own jurisprudence for the protection of human rights in the European context, it remains embedded in the developments of general international law. However, because the Court does not always follow general international law closely and develops its own doctrines, which are, in turn, influential for national courts as well as other international courts and tribunals, a feedback loop of influence occurs. This book explores the interaction, including the problems arising in the context of human rights, between the European Convention on Human Rights and general international law. It contributes to ongoing debates on the fragmentation and convergence of international law from the perspective of international judges as well as academics. Some of the chapters suggest reconciling methods and convergence while others stress the danger of fragmentation. The focus is on specific topics which have posed special problems, namely sources, interpretation, jurisdiction, state responsibility and immunity.

Human Rights Unbound - Lea Raible 2020-05-03

This book explores to what extent a state owes human rights obligations to individuals outside of its territory, when the conduct of that state impacts upon the lives of those individuals. It draws upon legal and political philosophy to develop a theory of extraterritoriality based on the nature of human rights, merging accounts of economic, social, and cultural rights with those of civil and political rights. Lea Raible outlines four main arguments aimed at changing the way we think about the extraterritoriality of human rights. First, she argues that questions regarding extraterritoriality are really about justifying the allocation of human rights obligations to specific states. Second, the book shows that

human rights as found in international human rights treaties are underpinned by the values of integrity and equality. Third, she shows that these same values justify the allocation of human rights obligations towards specific individuals to public institutions - including states - that hold political power over those individuals. And finally, the book demonstrates that title to territory is best captured by the value of stability, as opposed to integrity and equality. On this basis, Raible concludes that all standards in international human rights treaties that count as human rights require that a threshold of jurisdiction, understood as political power over individuals, is met. The book applies this theory of extraterritoriality to explain the obligations of states in a wide range of cases.

Jurisdiction in International Law - Cedric Ryngaert 2015

This fully updated second edition of *Jurisdiction in International Law* examines the international law of jurisdiction, focusing on the areas of law where jurisdiction is most contentious: criminal, antitrust, securities, discovery, and international humanitarian and human rights law. Since F.A. Mann's work in the 1980s, no analytical overview has been attempted of this crucial topic in international law: prescribing the admissible geographical reach of a State's laws. This new edition includes new material on personal jurisdiction in the U.S., extraterritorial applications of human rights treaties, discussions on cyberspace, the Morrison case. *Jurisdiction in International Law* has been updated covering developments in sanction and tax laws, and includes further exploration on transnational tort litigation and universal civil jurisdiction. The need for such an overview has grown more pressing in recent years as the traditional framework of the law of jurisdiction, grounded in the principles of sovereignty and territoriality, has been undermined by piecemeal developments. Antitrust jurisdiction is heading in new directions, influenced by law and economics approaches; new EC rules are reshaping jurisdiction in securities law; the U.S. is arguably overreaching in the field of corporate governance law; and the universality principle has gained ground in European criminal law and U.S. tort law. Such developments have given rise to conflicts over

competency that struggle to be resolved within traditional jurisdiction theory. This study proposes an innovative approach that departs from the classical solutions and advocates a general principle of international subsidiary jurisdiction. Under the new proposed rule, States would be entitled, and at times even obliged, to exercise subsidiary jurisdiction over internationally relevant situations in the interest of the international community if the State having primary jurisdiction fails to assume its responsibility.

Extraterritorial Application of American Criminal Law - Charles Doyle 2010-10

Crime is usually territorial. It is a matter of the law of the place where it occurs. Nevertheless, a surprising number of American criminal laws apply outside of the U.S. Application is generally a question of legislative intent, expressed or implied. In either case, it most often involves crimes committed aboard a ship or airplane, crimes condemned by international treaty, crimes committed against government employees or property, or crimes that have an impact in this country even if planned or committed in part elsewhere. Although the crimes over which the U.S. has extraterritorial jurisdiction may be many, so are the obstacles to their enforcement. Contents of this report: (1) Introduction; (2) Constitutional Considerations; (3) Conclusion; (5) Bibliography.

Human Rights in Global Health - Benjamin Mason Meier 2018-03-27

Institutions matter for the advancement of human rights in global health. Given the dramatic development of human rights under international law and the parallel proliferation of global institutions for public health, there arises an imperative to understand the implementation of human rights through global health governance. This volume examines the evolving relationship between human rights, global governance, and public health, studying an expansive set of health challenges through a multi-sectoral array of global organizations. To analyze the structural determinants of rights-based governance, the organizations in this volume include those international bureaucracies that implement human rights in ways that influence public health in a globalizing world. This volume brings together leading health and human rights scholars and

practitioners from academia, non-governmental organizations, and the United Nations system. They explore the foundations of human rights as a normative framework for global health governance, the mandate of the World Health Organization to pursue a human rights-based approach to health, the role of inter-governmental organizations across a range of health-related human rights, the influence of rights-based economic governance on public health, and the focus on global health among institutions of human rights governance. Contributing chapters each map the distinct human rights efforts within a specific institution of global governance for health. Through the comparative institutional analysis in this volume, the contributing authors examine institutional dynamics to operationalize human rights in organizational policies, programs, and practices and assess institutional factors that facilitate or inhibit human rights mainstreaming for global health advancement.

The Role of the EU in the Promotion of Human Rights and International Labour Standards in Its External Trade Relations - Samantha Velluti 2020-10-12

This book represents a significant and timely contribution to the copious literature of the EU as a global actor providing new insights and fresh perspectives into the promotion of human rights and international labour standards in the EU's external trade relations, building on and stimulating further – the already well-engaged – scientific dialogue on this area of research. In particular, it provides the basis for developing a new analytical structure for better understanding the role of the EU in promoting human rights and international labour standards in global trade and, in particular, for assessing the extent to which and how normative considerations have influenced the adoption of EU legal instruments and policy decisions. This book will appeal to research scholars, post-graduate students, practitioners and human rights activists.

Encyclopedia of Law and Development - Koen De Feyter 2021-01-29

This comprehensive Encyclopedia is an indispensable resource in the area of law and development. Bringing together more than 80 entries, the Encyclopedia spans a variety of approaches, contextualised histories,

recent developments and forward-looking insights into the role of law in development. It is an invaluable reference point for scholars seeking to engage with issues at the intersection of law and development from both within and outside of the legal field, as well as a thorough but succinct overview for post-graduate students.

Protecting Animals Within and Across Borders - Charlotte E. Blattner 2019

based on author's thesis (doctoral - Universität Basel, 2016) issued under title: The extraterritorial protection of animals: admissibility and possibilities of the application of national animal welfare standards to animals in foreign countries.

Extraterritorial Human Rights Obligations from an African Perspective - Takele Soboka Bulto 2018-05-11

This book addresses the often neglected question of whether African regional human rights instruments impose extraterritorial obligations on State parties, and if so, the extent and scope of these obligations. The prevalence of extraterritorial violations of human and peoples' rights in the African system, due to the actions or omissions of African, as well as non-African, states has not gone unnoticed. Strengthening extraterritorial obligations in Africa is an urgent necessity to ensure a rights-based African regional order that seeks to address, among other issues, challenges stemming from globalisation, accountability for human rights violations in Africa where a third state or entity (as well as an intergovernmental organisation) is involved, and to ensure respect and protection of the human rights of future generations. With the increasing quasi-judicial and judicial scrutiny of the extraterritorial reach of human rights and states' duties, at both international and regional levels- including from the African Commission- the African region is ripe for extraterritorial analysis. Extraterritoriality is an emerging concept in the

context of international human rights law, and has generally not been the focus of many books, and less so in the African context. This book is, therefore, among the first book of its kind, providing the reader with a unique perspective on this important topic. [Subject: African Law, Human Rights Law]

Challenging Territoriality in Human Rights Law - Wouter Vandenhoele 2015-06-19

Human rights have traditionally been framed in a vertical perspective with the duties of States confined to their own citizens or residents. Interpretations of international human rights treaties tend either to ignore or downplay obligations beyond this 'territorial space'. This edited volume challenges the territorial bias of mainstream human rights law. It argues that with increased globalisation and the impact of international corporations, organisations and non-State actors, human rights law will become less relevant if it fails to adapt to changing realities in which States are no longer the only leading actor. Bringing together leading scholars in the field, the book explores potential applications of international human rights law in a multi-duty bearer setting. The first part of the book examines the current state of the human rights obligations of foreign States, corporations and international financial institutions, looking in particular at the ways in which they address questions of attribution and distribution of obligations and responsibility. The second part is geared towards the identification of common principles that may underpin a human rights legal regime that incorporates obligations of foreign States as well as of non-State actors. As a marker of important progress in understanding what lies ahead for integrating foreign States and non-State actors in the human rights dutybearer regime, this book will be of great interest to scholars and practitioners of international human rights law, public international law and international relations.