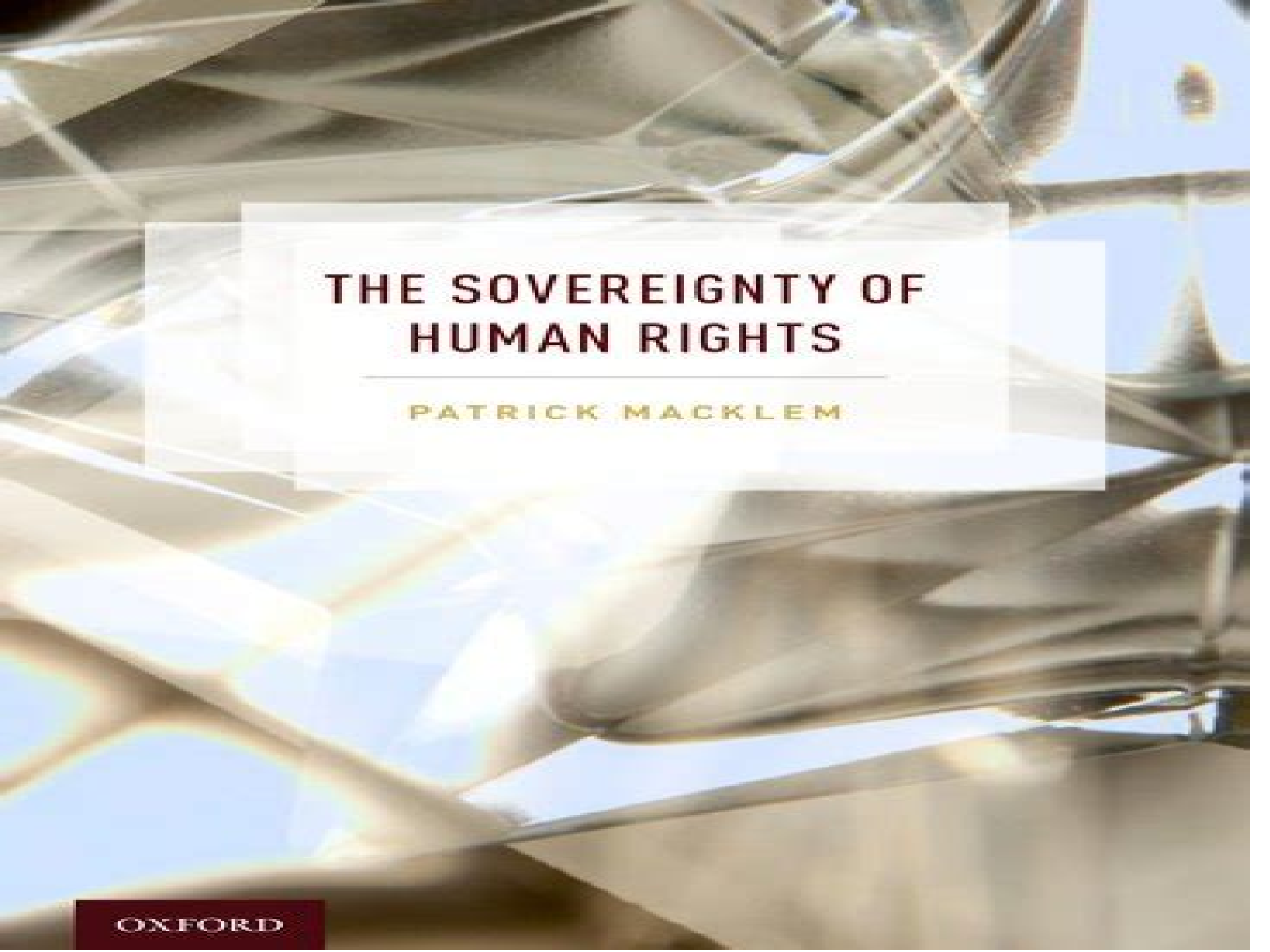




THE SOVEREIGNTY OF HUMAN RIGHTS

PATRICK MACKLEM

OXFORD

The Sovereignty Of Human Rights

Stefan Kirchner



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The Sovereignty of Human Rights Patrick Macklem, 2015-08-20 The Sovereignty of Human Rights advances a legal theory of international human rights that defines their nature and purpose in relation to the structure and operation of international law Professor Macklem argues that the mission of international human rights law is to mitigate adverse consequences produced by the international legal deployment of sovereignty to structure global politics into an international legal order

Negotiating Sovereignty and Human Rights Michaelene Cox, 2016-04-22 Providing an overview of institutional developments and innovations in human rights politics this volume discusses some of the most important current and emerging human rights issues It takes stock of the initiatives policy responses and innovations of past years to identify some of the challenges that will likely require bold and innovative solutions The contributors focus on actors and or issues that are outside the mainstream of international human rights politics the chapters address issues that have only emerged as an important part of the international human rights agenda and generated much advocacy diplomacy and negotiations since the end of the Cold War These issues include the International Criminal Court the norm of Responsibility to Protect R2P the proliferation of small arms and light weapons and its human rights impact truth commissions and the rights of persons with disabilities The contributions offer a direct challenge to entrenched notions of state sovereignty and represent a departure from established ways of policy making

Human Rights in Development: Yearbook 1999/2000 the Millennium Edition Hugo Stokke, Arne Tostensen, 2001-03-01 The twelfth in the series of yearbooks on Human Rights in Development the current millennium edition attempts to take stock of developments in the human rights arena since the Universal Declaration was adopted over half a century ago The introductory overview article chronicles developments within the human rights field to date and sets the stage for a future scenario by looking at the respective roles of governments and the business community in respecting protecting and fulfilling human rights An article on the World Trade Organisation follows the challenges posed by international trade in a human rights perspective The appropriateness of so called smart sanctions as a means of bolstering human rights is discussed in a third contribution A fourth highlights the gender dimensions of the statute of the new international criminal court The challenge of accommodating diversity and the rights of indigenous peoples in the new political dispensation of Guatemala is assessed in a fifth essay whereas affirmative action policies within the context of Malaysia are examined in a sixth one The difficulties inherent in designing managing and evaluating aid programmes for human rights and democracy purposes is the theme of the penultimate contribution whereas the final article considers the use of research in designing aid projects in the judicial system of Nepal The Yearbook on Human Rights in Development is a joint project of European and Canadian research institutes and centres on human rights the Chr Michelsen Institute Bergen the Danish Centre for Human Rights Copenhagen the Icelandic Human Rights Centre Reykjavik the Ludwig Boltzman Institute of Human Rights Vienna the International Centre for Human Rights and Democratic Development Montreal the

Netherlands Institute of Human Rights Utrecht the Norwegian Institute of Human Rights Oslo and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law Lund The Yearbook is geared to a broad readership including government agencies donors embassies the mass media non governmental organisations the academic community and the interested public at large *Human Rights in Development, Volume 6* Hugo Stokke, Arne Tostensen, 2021-10-25 The twelfth in the series of yearbooks on Human Rights in Development the current millennium edition attempts to take stock of developments in the human rights arena since the Universal Declaration was adopted over half a century ago The introductory overview article chronicles developments within the human rights field to date and sets the stage for a future scenario by looking at the respective roles of governments and the business community in respecting protecting and fulfilling human rights An article on the World Trade Organisation follows the challenges posed by international trade in a human rights perspective The appropriateness of so called smart sanctions as a means of bolstering human rights is discussed in a third contribution A fourth highlights the gender dimensions of the statute of the new international criminal court The challenge of accommodating diversity and the rights of indigenous peoples in the new political dispensation of Guatemala is assessed in a fifth essay whereas affirmative action policies within the context of Malaysia are examined in a sixth one The difficulties inherent in designing managing and evaluating aid programmes for human rights and democracy purposes is the theme of the penultimate contribution whereas the final article considers the use of research in designing aid projects in the judicial system of Nepal The Yearbook on Human Rights in Development is a joint project of European and Canadian research institutes and centres on human rights the Chr Michelsen Institute Bergen the Danish Centre for Human Rights Copenhagen the Icelandic Human Rights Centre Reykjavik the Ludwig Boltzman Institute of Human Rights Vienna the International Centre for Human Rights and Democratic Development Montreal the Netherlands Institute of Human Rights Utrecht the Norwegian Institute of Human Rights Oslo and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law Lund The Yearbook is geared to a broad readership including government agencies donors embassies the mass media non governmental organisations the academic community and the interested public at large Human Rights and Sovereign Standards in US Security Sarah Earnshaw, 2025-03-31 This book examines the history of human rights in US security imaginaries and provides a theoretical framework to explore the common sense assumptions around US foreign relations and the universality of the human The inability or unwillingness to provide fundamental freedoms is a central feature in the US presentation of postcolonial spaces as failed and rogue states as nodes of disorder and instability that are then subject to increasingly pre emptive pacification While largely focused on contemporary history from the post WWII Universal Declaration to drone war the author critically engages with longer entwined histories such as Westphalian mythology humanitarian intervention and imperial aerial policing Bridging history law politics culture and war the theoretical bounding of the regime of truth offers a fresh reading for those knowledgeable on human rights and as security policy This volume will

be of value to students and scholars of American Studies history critical International Relations IR human rights history and those interested in conceptions of liberty and US foreign relations Human rights and international security Stefan Kirchner, 2008-10-21 Document from the year 2008 in the subject Law European and International Law Intellectual Properties language English abstract With the advent of Human Rights in international law several core ideas of the traditional system of international law have been challenged such as the principle of non interference and state sovereignty as well as the prohibition of the use of force especially with the decision that massive human rights violations can form a threat to international peace and security to which the UN Security Council can respond with measures according to Chapter VII of the UN Charter While at first sight a change of paradigm in international law or in any legal system is not negative per se the rules which collide with a truly effective and universal protection of HR through international law are the very rules which form the foundation for international peace and security the primary reason for the existence of international law While international peace and security require the stability provided by the Westphalian system they can at the same time be endangered by massive violations of human rights On the other hand can Human Rights only be enjoyed in times of peace while the Westphalian system can limit the effective and universal enforcement of Human Rights in cases in which the UN Security Council has failed to take action under Chapter VII This short book is an attempt at reconciling these needs which are at times direct against each other at times interlinked ones with a special focus on massive violations of human rights which are not being addressed effectively by the UN Security Council To this end we will look at the Human Rights dimensions of international peace and security outlined above before we come to the core issue of the paper the legality of the use of force for the protection of Human Rights in cases in which the UN Security Council fails to act or in other words the question of in how far the need for universal respect for human rights can overrun the need for peace given the links between both factors indicated above Human Rights in the Emerging Global Order K. Mills, 1998-09-14 Mills focuses on one of the most significant parts of the sovereignty debate on human rights and humanitarian issues and raises three interrelated questions First how are empirical processes and practices undermining traditional notions of sovereignty These include actions by the United Nations and other organizations on behalf of human rights such as humanitarian intervention the movements of refugees and others across the borders and increasing calls for communal self determination Second taking into account the above question and examining these issues from a normative political theory perspective what should be the relationship between individuals groups states and the international community with respect to the twin aspects of power and authority inherent in sovereignty Third what new or modified international institutions may be needed in the future to deal with these humanitarian issues **Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development** Niels M. Blokker, Daniëlla Dam-de Jong, Vid Prislán, 2021-07-19 This rich collection focuses on the broad research interests of Professor Nico Schrijver in whose honour it was created Written by a wide range

of international scholars affiliated with Leiden University's Grotius Centre for International Legal Studies the essays reflect Professor Schrijver's important contribution to academia and practice particularly in the fields of sovereignty human rights and sustainable development The authors aim to reflect on changes in international law and on new developments in the diverse fields they explore Furthering frontiers is the research theme of the Grotius Centre Its exploration in this thought provoking volume is a fitting homage to Nico Schrijver's achievements on the occasion of his retirement as Chair of Public International Law of Leiden University

The Sovereignty of Human Rights Patrick Macklem, 2017 This essay is a reply to four critiques of the thesis advanced in *The Sovereignty of Human Rights* which are to be published in a special issue of the *Jerusalem Review of Legal Studies* The first claims that practices associated with human rights in the international arena bear a loose conceptual and methodological relationship to the role that the book ascribes to human rights in international law The second highlights the practice of actors who circumvent the state to engage directly with multinational corporate human rights abuses which *The Sovereignty of Human Rights* fails to treat as salient to the theoretical architecture of international human rights law The third characterizes the book's account of the right to development as at best an optimistic overstatement of its efficacy and at worst a hindrance to development efforts by states at the receiving end of international assistance The final contribution explores the under theorized relationship between the book's thesis and the burgeoning scholarship on global constitutionalism implicitly suggesting that it underplayed the hand that it dealt itself Each is addressed in turn

Human Rights Education in China Weihong Liang, 2022-04-25 The book provides new research highlighting perspectives perceptions and practices regarding human rights and human rights education in China It traces the emergence and evolution of the human rights conception and human rights education from comparative perspectives China's deeply embedded philosophical and cultural traditions shed light on its ideas of human rights and human rights education The efforts to construct an independent and strong nation state since the mid to late nineteenth century fashioned the Chinese thinking of rights and citizenship and the reciprocal relation between the individual and community state With the help of collected data the book unpacks that the goal making and content selection of human rights education in China rely heavily on the provisions given by central authorities however the practices have different facets depends on how the people perceive and respond those requirements in the school and classroom contexts The book concludes by explaining the human rights education in China as a socialization project for citizenship making and suggests that China's doctrine on human rights and human rights education is closely associated with cultural relativization and social construction Though China is just beginning to develop human rights education in its education systems this study suggests possible direction for future research How to live with human rights should be included further in schooling especially how to infuse human rights education into all aspects of school day to day life

Human Rights, Intervention, and the Use of Force Philip Alston, Euan Macdonald, 2008-09-11 This collection presents an analysis of the imperatives of sovereignty human rights and national

security in the post 9 11 era and examines their relationship to procedural and substantive legitimacy in liberal democratic states The Effectiveness of the UN Human Rights System OBE Subedi (QC (Hon), Surya P.),Surya P. Subedi,2017 9 4

Addressing the challenges brought about by a multi polar world **Irregular Migrants and the Right to Health** Stefano Angeleri,2022-08-04 Analyses how human rights law can overcome constraining approaches to the right to health of irregular migrants **South-South Migrations and the Law from Below** Oreva Olakpe,2023-05-18 Winner of the Hart SLA Book Prize 2024 This book explores the narratives and experiences of people in the Global South as they encounter the impact of international law in their lives It looks specifically at approaches to international migrations and the law as states in the Global South confront migration related challenges Taking a case study approach drawn from the experiences of undocumented and displaced migrants in China and Nigeria the book shows how informal justice systems not only exist but are upheld With an innovative analysis drawing both on intersectionality and a Third World Approaches to International Law TWAIL it moves away from the classic international versus regional and domestic law approach to reveal the experience of the Third World in relation to the law This fascinating study will appeal to international law human rights and immigration scholars as well as those in the field of development studies **Sovereignty, Knowledge, Law** Panu Minkkinen,2009-05-22

Sovereignty Knowledge Law investigates the notion of sovereignty from three different but related perspectives as a legal question in relation to the sovereign state as a political question in relation to sovereign power and as a metaphysical question in relation to sovereign self knowledge The varied and interchangeable uses of legal sovereignty political sovereignty and metaphysical sovereignty in contemporary debates have resulted in a situation where the word sovereignty itself has become something of a non concept Panu Minkkinen shows here how these three perspectives have informed one another by addressing their shared relationship to law and to the autocephalous function of sovereignty that is the attempt to provide a single source and foundation for law power and self knowledge Through an effort to domesticate the intrinsically heterocephalous nature of power the juridical and jurisprudential aim has been to confine power within the closed vertical hierarchy of traditional legal thinking Sovereignty Knowledge Law thus elaborates this heterocephaly proposing new understandings of sovereignty as well as of law and of legal scholarship *Rights, Bodies and Recognition* Daniel Breazeale,2019-03-29 The German philosopher Johann Gottlieb Fichte 1762 1814 has long been recognized as an important and original figure in the history of philosophy and Western thought and as a seminal influence upon the Romantic tradition The essays in this book focus on Fichte s contributions in political theory as set out in his Foundations of Natural Right Fichte was notorious as a political radical and his ideas in in political theory proved to be decisive influences upon his contemporaries and of striking relevance to current political dispute This volume of essays which examine such issues as Fichte as a social contract theorist his theory of gender relations and his theories on punishment and the criminal law among many other topics remedies what has been a striking lacuna in the existing scholarly literature *Natural Resources and*

Human Rights Jérémie Gilbert, 2018-10-18 Natural resources and their effective management are necessary for securing the realisation of human rights. The management of natural resources is linked to broad issues of economic development as well as to political stability, peace and security, but it is also intimately connected to the political, economic, social and cultural rights of individuals and communities relying on these resources. The management of natural resources often leads to ill-planned development, misappropriation of land, corruption, bad governance, misaligned budget priorities, lack of strong institutional reforms and weak policies coupled with a continued denial of the human rights of local communities. This book argues that human rights law can play an important role in ensuring a more effective and sustainable management of natural resources, putting forward the idea of a human rights based normative framework for natural resource management. It offers a comprehensive analysis of the different norms, procedures and approaches developed under human rights law that are relevant to the management of natural resources. Advocating for a less market and corporate approach to the control, ownership and management of natural resources, this book supports the development of holistic and coherent integration of human rights law in the overall international legal framework governing the management of natural resources. **Unlikely Partners?** Anna Michalski, Zhongqi Pan, 2017-03-27 This book provides an in-depth analysis of the relations between China and the EU, tracing the development of this complex yet intriguing relationship between two substantially different actors. To uncover a deeper understanding of this unlikely partnership, the authors analyze the partnership through the prism of contending norms and worldviews. The China-EU strategic partnership has evolved through fits and starts, but despite continuous trade disputes and severe diplomatic misunderstandings, the EU and China pledge to uphold even deepen the partnership. Policy experts and scholars will learn how such contending bilateral relationships can be managed and establish a better understanding of deep-seated conceptual differences between these two entities. Conceptual Gaps in China-EU Relations Zhongqi Pan, 2012-10-15 The contributors attempt to look into how China and Europe differently interpret political concepts such as sovereignty, soft power, human rights, democracy, stability, strategic partnership, multilateralism, multipolarization and global governance to examine what implications of their conceptual gaps may have on China-EU relations. **The Politics of International Political Theory** Mathias Albert, Anthony F. Lang Jr., 2018-08-13 This book assesses the impact of the work of Chris Brown in the field of International Political Theory. The volume engages with general issues of IPT as well as basic issues such as the use and role of practical reasoning and presents a nuanced understanding about issues regarding the legitimacy of war and violence. It explores questions that pertain to human rights, morality and ethics and generally an outlook for devising a better world. The project is ideal for audiences with interest in International Relations, Ethics and Morality Studies and International Political Theory.

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