

George Andreopoulos, Zehra F. Kabasakal Arat,  
and Peter Juviler, Editors

# Non-State Actors in the Human Rights Universe



  
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# Nonstate Actors And Human Rights

**Philip Alston**



## **Nonstate Actors And Human Rights:**

*Non-state Actors and Human Rights* Philip Alston, 2005 Can transnational corporations ignore human rights as long as governments don't hold them accountable If the UN is put in charge of a territory is it bound by human rights law Does that body of law apply to private security contractors who use torture to achieve their goals Does the right to freedom of speech apply in a private shopping mall which has become the modern day town centre Under traditional approaches to human rights non State actors are beyond the direct reach of international human rights law They cannot be parties to the relevant treaties and so they are only bound to the extent that obligations accepted by States can be applied to them by governments The result is that entities including Non Governmental Organizations international organizations such as the UN and the IMF private security contractors and transnational corporations along with many others are generally considered not to be bound directly by human rights law This situation threatens to make a mockery of much of the international system of accountability for human rights violations As privatization outsourcing and downsizing place ever more public or governmental functions into the hands of private actors the human rights regime must adapt if it is to maintain its relevance The contributors to this volume examine the different approaches that might be taken in order to ensure some degree of accountability Making space in the legal regime to take account of the role of non State actors is one of the biggest and most critical challenges facing international law today

Human Rights Obligations of Non-State Actors Andrew Clapham, 2006-03-02 The threats to human rights posed by non state actors are of increasing concern Human rights activists increasingly address the activity of multinational corporations the policies of international organizations such as the World Bank and the World Trade Organization and international crimes committed by entities such as armed opposition groups and terrorists This book presents an approach to human rights that goes beyond the traditional focus on states and outlines the human rights obligations of non state actors Furthermore it addresses some of the ways in which these entities can be held legally accountable for their actions in various jurisdictions The political debate concerning the appropriateness of expanding human rights scrutiny to non state actors is discussed and dissected For some extending human rights into these spheres trivializes human rights and allows abusive governments to distract us from ongoing violations For others such an extension is essential if human rights are properly to address the current concerns of women and workers The main focus of the book however is on the legal obligations of non state actors The book discusses how developments in the fields of international responsibility and international criminal law have implications for building a framework for the human rights obligations of non state actors in international law In turn these international developments have drawn on the changing ways in which human rights are implemented in national law A selection of national jurisdictions including the United States South Africa and the United Kingdom are examined with regard to the application of human rights law to non state actors The book's final part includes suggestions with regard to understanding the parameters of the human rights obligations of non state actors Key to

understanding the legal obligations of non state actors are concepts such as dignity and democracy While neither concept can unravel the dilemmas involved in the application of human rights law to non state actors a better understanding of the tensions surrounding these concepts can help us to understand what is at stake

**Non-State Actors in International Law** Math Noortmann, August Reinisch, Cedric Ryngaert, 2015-08-27 The role and position of non state actors in international law is the subject of a long standing and intensive scholarly debate This book explores the participation of this new category of actors in an international legal system that has historically been dominated by states It explores the most important issues actors and theoretical approaches with respect to these new participants in international law It provides the reader with a comprehensive and state of the art overview of the most important legal and political developments and perspectives Relevant non state actors discussed in this volume include in particular international governmental organisations international non governmental organisations multinational companies investors and armed opposition groups Their legal position is considered in relation to specific issue areas such as humanitarian law human rights the use of force and international responsibility The main legal theories on non state actors position in international law neo positivism the policy oriented approach and transnational law are covered at the beginning of the book and the essential political science perspectives on non state actors role in international politics and globalisation as well as their soft power are presented at the end

*Non-State Actors and International Obligations* James Summers, Alex Gough, 2018-10-02 Non State Actors and International Obligations examines the contribution and relevance of non state actors in the creation and implementation of international obligations These actors have traditionally been marginalised within international law and ambiguities remain over their precise role Nonetheless they have become increasingly important in legal regimes as participants in their implementation and enforcement and as potential holders of duties themselves Chapters from academics and practitioners investigate different aspects of this relationship including the sources of obligations their implementation human rights aspects dispute settlement responsibility and legal accountability

**Foundations of Global Health & Human Rights** Lawrence O'Gallagher, Gostin, Benjamin Mason Meier, 2020 Human rights are essential to global health yet rising threats in an increasingly divided world are challenging the progressive evolution of health related human rights It is necessary to empower a new generation of scholars advocates and practitioners to sustain the global commitment to universal rights in public health Looking to the next generation to face the struggles ahead this book provides a detailed understanding of the evolving relationship between global health and human rights laying a human rights foundation for the advancement of transformative health policies programs and practices International human rights law has been repeatedly shown to advance health and wellbeing empowering communities and fostering accountability for realizing the highest attainable standard of health This book provides a compelling examination of international human rights as essential for advancing public health It demonstrates how human rights strengthens human autonomy and dignity while placing clear responsibilities on government

to safeguard the public's health and safety Bringing together leading academics in the field of health and human rights this volume 1 explains the norms and principles that define the field 2 examines the methods and tools for implementing human rights to promote health 3 applies essential human rights to leading public health threats and 4 analyzes rising human rights challenges in a rapidly globalizing world This foundational text shows why interdisciplinary scholarship and action are essential for health related human rights placing human rights at the center of public health and securing a future of global health with justice

Non-State-Actors and Human Right Violations Ogochukwu C Nweke, 2022-02-04 Essay from the year 2020 in the subject Politics Topic Public International Law and Human Rights grade 77 00 University of Zambia Faculty of Law course International Human Rights Law language English abstract The aim of this work is to assess the international regional and national human rights regimes to see whether or not non state actors are bound by the expectations of human rights why they are not if they are not and how they can be taken into account for the human rights violations that their activities cause In doing this an assessment of non state actors how they are sometimes created by the state and the roles they play in society will be made Recommendations will be made where necessary on how this important stakeholder when it comes to international human rights can be made to be more involved and accountable with regards to issues related to human rights The author of this text is not a native English speaker Please excuse any grammatical errors and other inconsistencies

*Top Ten Global Justice Law Review Articles 2008* Amos Guiora, 2009 *Top Ten Global Justice Law Review Articles 2008* is a thorough and accessible review of the most salient the most controversial and the most illuminating essays on security law in the previous calendar year In this edition Professor Amos Guiora presents the ten most vital and pertinent law review articles from 2008 written by both scholars who have already gained international prominence as experts in global justice as well as emerging voices in the realm of international criminal law and human rights These articles deal with issues of terrorism security law environmental law and the preservation of civil liberties in the post 9 11 world The chosen selections derive not just from the high quality and expertise of the articles authors but equally from the wide diversity of legal issues addressed by those authors Guiora combines the expertise of scholars from both eminent law schools and government agencies to provide a valuable resource for scholars and experts researching this important subject area This annual review provides researchers with more than just an authoritative discussion on the most prominent global justice debates of the day it also educates researchers on new issues that have received far too little attention in the press and in academia These expert scholars and leaders tackle and give voice to issues that range from the psychology of terrorism to the role of oil in the Sudanese genocide to the oppression of women in new Arab democracies to transnational environmental cooperation and beyond Together the vast knowledge and independent viewpoints represented by these ten authors make this volume a valuable resource for individuals new to the realm of global justice and for advanced researchers with a sophisticated understanding of the field *Top Ten Global Justice Law Review Articles 2008* serves as a one stop guidebook on

how both the U S and the world generally are currently grappling with fundamental principles of social and political life

**Foreign Fighters under International Law and Beyond** Andrea De Guttry, Francesca Capone, Christophe Paulussen, 2016-02-27 This book offers various perspectives with an international legal focus on an important and underexplored topic which has recently gained momentum the issue of foreign fighters It provides an overview of challenges pays considerable attention to the status of foreign fighters and addresses numerous approaches both at the supranational and national level on how to tackle this problem Outstanding experts in the field lawyers historians and political scientists contributed to the present volume providing the reader with a multitude of views concerning this multifaceted phenomenon Particular attention is paid to its implications in light of the armed conflicts currently taking place in Syria and Iraq Andrea de Guttry is a Full Professor of International Law at the Scuola Superiore Sant Anna Pisa Italy Francesca Capone is a Research Fellow in Public International Law at the Scuola Superiore Sant Anna Christophe Paulussen is a Senior Researcher at the T M C Asser Instituut in The Hague the Netherlands and a Research Fellow at the International Centre for Counter Terrorism The Hague

**International Financial Institutions and International Law** Daniel D. Bradlow, David B. Hunter, 2010-01-01 The fundamental recognition in this book is that the issue of what international legal principles are applicable to the operations of the IFIs is an important topic that would benefit from more rigorous study Twelve deeply committed contributors whose work spans the academic policy and activist spectrum suggest that a better understanding of these legal issues could help both the organizations and their Member States structure their transactions in ways that are more compatible with their developmental objectives and their international responsibilities

**Human Rights Violations Arising from Conduct of Non-State Actors** Jan Hessbruegge, 2014 The conduct of non state actors can give rise to human rights violations to a greater extent than one would expect Human rights law interpreted in the light of general international law applies to every private actor that is endowed with state power in any form It applies to private entities that perform public functions and state owned entities that are misused for political purposes The state can also incur human rights responsibility for private conduct that it adopts as its own and for the conduct of de facto agents or hierarchically structured agent groups over whom it exercises effective control Finally human rights responsibility also ensues where non state groups such as insurrectionary movements usurp state power The Westphalian paradigm of state responsibility has traditionally limited international law to hold only the state rather than the usurpers themselves responsible but this short coming is gradually being corrected as a customary norm emerges which extends human rights obligations also to non state actors governing territory Abuses of true non state power are checked as well Existential human rights are to be protected by reasonable and appropriate measures under all circumstances bearing in mind countervailing human rights In addition the state has human rights obligations to protect the individual from non state abuses of power wherever access to public or tangible social goods is concerned and there is a disproportionate power relationship between the competing non state

actors However the current system suffers from one grave weakness It is based on the premise that states are strong enough to check the range of agents that form part of the machinery of government and that they can fulfill all their protective duties If we are really experiencing a power shift away from the state and toward the non state realm this foundational premise becomes shaky At the same time as state capability to protect is weakening their ambit of protective obligations to protect is widening since the non state sector expands into former state domains The obvious answer would be to supplement the existing framework of vertical and diagonal human rights obligations with horizontal obligations for those non state actors that seem to accumulate power most prominently transnational corporations The emerging duty for non state actors not to become complicit in human rights violations of states is a first step in the right direction Institutionalizing State Responsibility Vincent-Joël Proulx, 2016-05-06 Since the 9 11 attacks international organizations have become actively engaged in devising counterterrorism strategies and frameworks This monograph examines the role UN organs can play in implementing the law of State responsibility in global security contexts using transnational terrorism as its principal case study The institutional mechanisms utilized by the UN in implementing State responsibility are assessed in detail shedding light on how the ICJ the General Assembly and the Security Council contribute to the implementation of State responsibility in the context of global security By acknowledging the Security Council's role as a post 9 11 legislator this book argues that the Council can play an important and sometimes determinant role in implementing a State's legal responsibility for failing to prevent terrorism both inside and outside the Chapter VII framework Featuring a discussion of the more controversial consequences flowing from State responsibility this monograph also explores the prospect of injured States adopting forcible measures against responsible States for their failures to prevent terrorism The book investigates whether self defence and other forcible reactions envisaged both inside and outside the Council can be reconciled with State responsibility principles

**International Studies** Scott Straus, Barry Driscoll, 2025-07-29 In the Third Edition of International Studies Global Forces Interactions and Tensions award winning scholars Scott Straus and Barry Driscoll take an intellectually stimulating and empirical approach to global studies with a clear framework that helps students think about how key factors forces interactions and tensions contribute to world events and global problems The book grounds students in the field's core concepts to help learners with a wide variety of backgrounds and interests consider causes and effects of global problems

**New Battlefields/Old Laws** William C. Banks, 2011-10-25 An internationally recognized authority on constitutional law national security law and counterterrorism William C Banks believes changing patterns of global conflict are forcing a reexamination of the traditional laws of war The Hague Rules the customary laws of war and the post 1949 law of armed conflict no longer account for nonstate groups waging prolonged campaigns of terrorism or even more conventional insurgent attacks Recognizing that many of today's conflicts are low intensity asymmetrical wars fought between disparate military forces Banks's collection analyzes nonstate armed groups and irregular forces such as terrorist and insurgent groups

paramilitaries child soldiers civilians participating in hostilities and private military firms and their challenge to international humanitarian law Both he and his contributors believe gaps in the laws of war leave modern battlefields largely unregulated and they fear state parties suffer without guidelines for responding to terrorists and their asymmetrical tactics such as the targeting of civilians These gaps also embolden weaker nonstate combatants to exploit forbidden strategies and violate the laws of war Attuned to the contested nature of post 9 11 security and policy this collection juxtaposes diverse perspectives on existing laws and their application in contemporary conflict It sets forth a legal definition of new wars describes the status of new actors charts the evolution of the twenty first century battlefield and balances humanitarian priorities with military necessity While the contributors contest each other they ultimately reestablish the legitimacy of a long standing legal corpus and they rehumanize an environment in which the most vulnerable targets civilian populations are themselves becoming weapons against conventional power

**International Institutions and National Policies** Xinyuan Dai, 2007-10-11 The proliferation of international institutions and their impact has become a central issue in international relations Why do countries comply with international agreements and how do international institutions influence national policies Most theories focus on the extent to which international institutions can wield carrots and sticks directly in their relations with states Xinyuan Dai presents an alternative framework in which they influence national policies indirectly by utilizing non state actors NGOs social movements and empowering domestic constituencies In this way even weak international institutions that lack carrots and sticks may have powerful effects on states Supported by empirical studies of environmental politics human rights and economic and security issues this book sheds fresh light on how and why international institutions matter It will be of interest to students scholars and policymakers in both international relations and international law

**Handbook of International Relations** Walter Carlsnaes, Thomas Risse, Beth A Simmons, 2012-09-18 The original Handbook of International Relations was the first authoritative and comprehensive survey of the field of international relations In this eagerly awaited new edition the Editors have once again drawn together a team of the world's leading scholars of international relations to provide a state of the art review and indispensable guide to the field ensuring its position as the pre eminent volume of its kind The Second Edition has been expanded to 33 chapters and fully revised with new chapters on the following contemporary topics Normative Theory in IR Critical Theories and Poststructuralism Efforts at Theoretical Synthesis in IR Possibilities and Limits International Law and International Relations Transnational Diffusion Norms Ideas and Policies Comparative Regionalism Nationalism and Ethnicity Geopolitics in the 21st Century Terrorism and International Relations Religion and International Politics International Migration A truly international undertaking this Handbook reviews the many historical philosophical analytical and normative roots to the discipline and covers the key contemporary topics of research and debate today The Handbook of International Relations remains an essential benchmark publication for all advanced undergraduates graduate students and academics in politics and international relations **The**

**Emerald International Handbook of Technology-Facilitated Violence and Abuse** Jane Bailey, Asher Flynn, Nicola Henry, 2021-06-04 The ebook edition of this title is Open Access and freely available to read online This handbook features theoretical empirical policy and legal analysis of technology facilitated violence and abuse TFVA from over 40 multidisciplinary scholars practitioners advocates survivors and technologists from 17 countries

**Gambling with Violence** Yelena Biberman, 2019-06-04 In *Gambling with Violence* Yelena Biberman tackles a global problem that is particularly consequential for Pakistan and India state outsourcing of violence to ordinary civilians criminals and ex insurgents Why would these countries gamble with their own national security by outsourcing violence arming nonstate actors inside their own borders Drawing on over 200 interviews archival research and fieldwork conducted across Asia Europe and North America Biberman introduces the balance of interests thesis to deepen our understanding of state nonstate alliances in civil war This framework centers on the distribution of power during war and shows how various combinations of interests result in distinct types of coalitions Incorporating case studies of civil war and counterinsurgency her book sheds light on how militias alliances and South Asian security connect today

**Gender and Private Security in Global Politics** Maya Eichler, 2015 For two hundred years the provision of military security has been a central and defining function of the modern nation state The increasing reliance on private military and security companies in contemporary conflict marks a fundamental transformation in the organization of military violence and it raises issues of accountability and ethics that are of particular concern to feminists This privatization of force not only enables states to circumvent citizens democratic control over questions of war and peace but also undermines women s and minority groups claims for greater inclusion in the military sphere *Gender and Private Security in Global Politics* brings together key scholars from the fields of international relations security studies and gender studies to argue that privatization of military security is a deeply gendered process The chapters employ a variety of feminist perspectives including critical postcolonial poststructuralist and queer feminist perspectives as well as a wide range of methodological approaches including ethnography participant observation genealogy and discourse analysis This is the first book to develop an extended feminist analysis of private militaries and to draw on feminist concerns regarding power justice and equality to consider how to reform and regulate private forces

*The New Foreign Policy* Laura Neack, 2008-07-07 In this cogent text Laura Neack argues that foreign policy making in this uncertain era of globalization and American global hegemony revolves around seeking and maintaining power Now in a thoroughly revised and updated edition the book reviews both old and new lessons on how foreign policy decisions are made and executed To make sense of these lessons Neack employs a rich array of new and enduring international case studies organized in a set of concise accessible chapters Following a levels of analysis organization the author considers all elements that influence foreign policy including the role of leaders bargaining national image political culture public opinion the media and non state actors

**International Law and International Relations** Thomas J.

Biersteker, Peter J. Spiro, Chandra Lekha Sriram, Veronica I. Raffo, 2006-10-19 This unique volume examines the opportunities for and initiates work in interdisciplinary research between the fields of international law and international relations disciplines that have engaged little with one another since the Second World War Written by leading experts in the fields of international law and international relations it argues that such interdisciplinary research is central to the creation of a knowledge base among IR scholars and lawyers for the effective analysis and governance of macro and micro phenomena International law is at the heart of international relations but due to challenges of codification and enforceability its apparent impact has been predominantly limited to commercial and civil arrangements International lawyers have been saying for years that law matters in international affairs and now current events are proving them right International Law and International Relations makes a powerful contribution to the theory and practice of global security by initiating a research agenda building an empirical base and offering a multidisciplinary approach that provides concrete answers to real world problems of governance This book will be of great interest to all students of international law international relations and governance

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