

Index

A

Actio popularis, 72
Ad hoc Tribunals, 132
Afghanistan, 63, 115, 203
African Charter on Human and Peoples' Rights, 131, 142
Aggression, 118
Albania, 217
Aliens, 57, 65, 75, 186, 189, 191–193, 196, 198
Amicus curiae submissions, 168–172, 174, 175, 177
Apartheid, 118
Arbitration, 168–179
Argentina, 86
Armed attack, 117
Australia, 63, 85, 220, 225
Autonomy of human rights regimes, 30–34

B

Baltic clause, 217
Barayagwiza case, 133
Barcelona Traction case, 69, 190
Blockade, 114, 116, 128
Boundaries, 9, 10, 20, 30, 47, 188, 189, 191
Boycott, 116, 117, 122
Breach of peace, 118
Bulgarian clause, 217
Burden of proof, 74, 137

C

Canada, 33, 63–64, 81, 114, 155, 170, 173, 178
Chechnya, 71
Civil society, 126, 168–170, 172, 179

Committee on Migrant Workers, 193
Constitutionalization of international law, 204, 207
Convention on the Elimination of Racial Discrimination, 196
Cosmopolitan legal order, 205, 208
Cotonou Agreement, 219–221, 223, 227
Council of Europe, 69, 71, 107, 187
Customary international law, 15, 56, 65, 176

D

D'Amato-Kennedy Act, 115
Delimitation of boundaries, 10, 11, 20
Democracy, 207, 214, 219–210, 227
Development assistance, 213
Development of human rights law, 5
Diplomatic protection, 55–66, 69–76, 194, 208
Discourse, 46–48, 84–87, 89, 129
Discrimination, 37, 152, 190, 191, 196, 198
Dispute settlement, 70, 106, 173, 234

E

Eastern Europe, 62
Economic and social rights, 167, 197
Effectiveness of law, 6–7
El Salvador, 177–178
Embargo, 114–117, 120, 122, 123, 128
Enforcement, 14, 15, 18–22, 30, 58, 70, 72, 103, 107, 150, 191, 223, 224
Environment, 162, 172, 176, 214, 219
Equality, 11, 37, 186–188, 190, 191, 198, 214
Equality of treatment, 186, 190–192, 198

Equity, 10, 125
 Erga omnes obligations, 22, 152, 160, 190
 Ethics, 16, 50
 Ethnic Cleansing, 80, 82, 89, 118
 European Convention on Human Rights, 57,
 69–76, 97, 101, 102, 104, 106, 240–242
 European Court of Human Rights, 31, 58, 70,
 71, 75, 76, 97–100, 102–105, 126,
 132, 241
 European Court of Justice, 100, 102, 107,
 125–127, 164
 European Social Charter, 33, 190, 196
 European Union, 6, 8, 22, 27, 30, 35, 37, 86, 87,
 100, 102, 105, 116, 120, 121, 123,
 126–128, 155, 162, 164, 189, 190,
 214, 219, 221, 227
 European Union common foreign and security
 policy, 123
 European Union Trade Agreements, 214–222
 Evolutive interpretation, 43, 49
 Exclusive domain, 185, 186, 188
 Exhaustion of local remedies, 57–58
 Expropriation, 174, 175
 External freedom, 201–204, 206
 Extra-territoriality, 115, 153–155

F

Failed state, 21, 82, 93
 Fair and equitable treatment, 174, 175
 Food for oil program, 122
 Forced disappearance, 17, 19
 Foreigners, 185, 186, 188–194, 196–198
 Freedom, 3–6, 8, 11, 30, 64, 75, 103, 117, 131,
 139, 142, 189, 190, 192, 196, 198,
 201–204, 206, 208, 214, 237, vii
 of association, 190, 195
 of expression, 139
 of opinion, 5
 Free trade agreements, 213–228
 Freezing of assets, 120

G

Genocide, 8, 80, 82, 89, 115, 118, 131
 Genuine connection, 57
 Germany, 19, 21, 22, 24, 33, 38, 62, 85–87, 99,
 105, 164, 185
 Globalization, 94, 101, 203, 204, 206, 207
 Good governance, 121, 219, 227
 Guantanamo, 62, 63

H

Harmonization of international law, 15–24
 Hierarchy of norms, 18, 38, 141, 148
 Humanitarian disaster, 122, 203
 Humanitarian Law, 34–36, 89, 113, 115, 118,
 120, 128, 140
 Human Rights Commission, 31, 35, 70, 120, vii

I

ICC. *See* International Criminal Court (ICC)
 ICJ. *See* International Court of Justice (ICJ)
 ICSID, 169–179
 ILC. *See* International Law Commission (ILC)
 Implementation, 10, 14, 32, 55, 58, 70, 75, 85,
 87, 89, 94, 97–100, 106, 123, 195, 197,
 218, 221–223, 229, 232, 236–238,
 240–242
 Indigenous peoples, 167, 176
 Individual obligations, 75
 Individual petition, 194–197
 Individual rights, 5, 49, 55, 59, 60, 63, 105,
 193, 201, 202, 206
 Inter-American Court of Human Rights, 16, 17,
 31, 33, 36, 37, 190, 195
 International Bill of Human Rights, 131
 International Court of Justice (ICJ), 10, 19, 21,
 22, 24, 28, 36, 43–45, 56, 57, 59, 65, 69,
 76, 94, 115, 151, 154, 162, 163,
 185, 190
 International Covenant on Civil and Political
 Rights, 6–8, 58, 65, 131, 140, 142
 International Criminal Court (ICC), 132,
 134, 135, 137–143
 International Criminal Law, 27, 131, 133,
 134, 201
 International criminal proceedings,
 132–134, 138
 International Criminal Tribunal for Rwanda, 133
 International Criminal Tribunal for the former
 Yugoslavia, 16, 133
 International Labour Organization, 173
 International Law Commission (ILC), 19, 21,
 28, 29, 41–45, 48, 56, 57, 60, 61, 64, 76,
 93, 96, 147, 149, 153, 159, 162, 193
 International legal order, 3, 13, 18, 93, 156,
 186, 194, 205, 207, viii
 Internationally wrongful act, 19, 21, 56, 57, 65,
 69, 93–95, 101, 102
 International security, 95, 114, 115
 International Social Law, 189–194

Interpretation, viii, 5, 24, 29, 30, 32–34, 41–50, 79, 88, 101–104, 106, 118, 127, 139–143, 149–153, 155–165, 167, 173, 174, 177, 179, 196, 207, 225, 226, 230–242
 Interpretive community, 46–49
 Inter-state application at the ECtHR, 69–76
 Investment, 30, 117, 167–169, 171, 173–179, 187, 188, 219, 227
 Investor-State arbitrations, 167–180

J

Jus cogens, 13–25, 37, 38, 61, 207

K

Kant, Immanuel, 201–205
 Kosovo, 79–81, 106, 139, 203

L

Labor rights, 226
 LaGrand case, 185
 Law as a means, 3–11
 Law as an end, 3–11
 League of Nations, 114
 Legal order, 102, 147, 149–151, 155, 156, 162, 164, 202, 205–208, 242
 Legal philosophy, 201–204, 206, 207
 Legislation, 5, 96, 100, 107, 187, 188, 191, 193, 231, 238, 242
 Legitimacy of arbitration process, 168
 Legitimacy of sanctions, 128
 Lex ferenda, 9
 Lubanga case, 140, 141

M

Massacre, 213, 215, 216
 Migrant workers, 185–199
 Migration, 185–189
 Minimum standard of treatment, 65, 186
 Montego Bay Convention, 10, 11
 Moral, 8–11, 14, 16, 19, 23, 79, 93, 124, 126, 150, 152–159, 191, 204

N

NAFTA, 169–179, 226
 Nationality, 30, 57, 61, 63, 65, 69, 70, 75, 94, 193
 National treatment principle, 190, 191

Natural law, 7–11, 80
 Natural rights, 202–204, 206
 Nature, 4, 5, 17, 27, 28, 32, 37, 43–45, 49, 58, 64, 75, 76, 95–101, 104, 133, 152, 156, 161, 168, 176, 191, 192, 197, 202, 231
 Non-discrimination, 37, 161, 190, 197, 198, 218
 Non-governmental organizations (NGOs), 195, 198, 221, 227
 Normative activity of human rights courts, 206
 Nuclear proliferation, 115, 117

O

Object and purpose of treaty interpretation, 48
 Obligation of conduct/obligation of means, 9
 Obligation of result, 9, 104
 Obligation to investigate, 17
 Ombudsperson, 125

P

Pacta sunt servanda, 31
 Peace, 8, 30, 69, 80, 82–85, 87, 88, 94, 113, 114, 116, 118–121, 206, vii
 Permanent Court of International Justice, 185
 Political repression, 124
 Political rights, 6–8, 58, 65, 71, 131, 140, 142, 148, 193, 194, 197–198
 Politics, 3–9, 11
 Positive law, 7–11, 45, 47
 Presumption of innocence, 141
 Pretrial detention, 132–134, 137, 140
 Principle of legality, 137
 Provisional release, 131–143
 Public interest, 170–171, 176, 179
 Public order, 16, 94, 237, 239, 240

R

Reciprocity, 76, 161, 189
 Refugees, 60, 138, 187, 203
 Regional human rights protection, 25
 Regional organizations, 115, 179
 Reserved domain, 118
 Responsibility to protect, 79–90, 120
 Right to defense, 141
 Right to enjoy the benefits of scientific progress, 11
 Right to health, 190
 Right to life, 5, 29
 Right to property, 6, 35, 198

Right to water, 174, 175
 Right to work, 5, 161, 197, 198
 Roman law, 190
 Rule of law, 121, 214, 220, 227
 Rwanda, 22, 79–81, 86, 87, 115, 118, 119, 133

S

Sanctions, 17, 35, 107, 113–129, 154, 197, 216, 223, 232, 238
 Secondary law, 100, 237, 239
 Second World War, 114, 214
 Security Council, 22, 35, 37, 76, 80–83, 87–90, 102, 107, 114–120, 122, 123, 126, 128, 205, 207
 Self-contained regime, 28, 29, 48, 148
 Slavery, 5–8, 30
 Smart sanctions, 123, 124, 128
 Social rights, 3, 5, 10, 167, 192, 194–198
 Soft law, 6, 7, 191
 Somalia, 80, 115, 119, 203
 South Africa, 62, 76, 85–87, 114, 118, 197, 219
 Sovereignty, 80, 81, 118, 154, 191, 205, 206, viii
 Special regime, 28–30, 34–36
 Standing, 74, 75
 Stateless, 60
 State responsibility, 28, 29, 31
 Students, 187
 Subjective interpretation, 45, 46
 Subjects of international law, 22, 93, 94, 164, 201
 Subsidiarity of inter-state application, 75–76
 Systemic integration, 41–43, 50, 174

T

Tanzania, 31, 171, 175–176
 Terrorism, 95, 114, 115, 117, 121
 Threat of peace, 119
 Torture, 8, 16, 17, 19, 21, 23, 28, 29, 37, 121, 149, 193, 196, 240

Transnational institutions, 204
 Treaty application, 31–33

U

Uganda, 213, 215, 216
 United Kingdom, 21, 33, 34, 38, 71, 73, 74, 86, 97, 100, 103, 106
 United Nations Charter, 214
 United Nations General Assembly, 4, 6–8, 11, 59, 90
 United Nations Sanctions Committee, 125
 United Nations Security Council, 35, 80, 82, 88, 89, 107, 114–120, 128, 205, 207
 United States of America, 117, 120, 128, 129, 186
 Universal Declaration of Human Rights, 4, 6

V

Values, 10, 11, 14–20, 23, 24, 38, 133, 154, 193, 214, 216, 226, 227, 238, viii
 Verticalization of international law, 13, 18, 19
 Vienna Convention on the Law of Treaties (VCLT), 10, 13, 16, 18, 19, 22, 24, 31, 32, 42, 45, 46, 48–50, 148, 151, 156, 159–162, 177, 217

W

Weapons of mass destruction, 121
Weltbürgerrecht, 202
 World state, 203–205
 World Trade Organization (WTO), 3, 27, 29, 34, 36, 48, 116, 129, 147–165, 215, 226, 227
 World War II, 114, 214

Z

Zimbabwe, 121, 170, 171