

Human Rights Beyond Borders:

Re-conceptualising Obligations,
Anchoring Accountability,
Aiming for Global Justice

Petrine Leweson

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Supervised by Graham Finlay

University College Dublin, Ireland

Abstract

Motivated by a concern about global injustice and convinced that the notion of extraterritorial human rights obligations (ETOs) constitutes a potentially powerful response, the present paper sets out to ‘crack the code’ of making the notion of ETOs come into its own and gain the strongest possible position to contribute to the long overdue realisation of global justice.

The paper operates with the hypotheses that success in achieving global justice ultimately depends on how ETOs are conceptualised; and that a minimalist, functional and local conceptualisation of ETOs can provide the necessary conceptual clarity for making the notion of ETOs come into its own and answer to the two gaps –a *regime gap* and a *conceptual gap*– of the present human rights protection.

Drawing from law, philosophy and politics, a ‘negative re-conceptualisation’ is proposed with a view to provide closure to these gaps and test the hypotheses at hand. Moreover, the proposed ‘negative re-conceptualisation’ serves the two-fold purpose of this paper. It contributes to the on-going theoretical debate and more importantly, on a broader meta-level, promotes the establishment and articulation of the significance of conceptualisation. This proves vital in the struggle for global justice and has the potential to remedy the mistaken propensity to rank the conceptual challenge as on par with other recognised challenges.

Abbreviations

CESCR	Committee on Economic, Social and Cultural Rights
CPR	Civil and Political Rights
ECtHR	European Court of Human Rights
ESCR	Economic, Social and Cultural Rights
ETO	Extraterritorial human rights obligation
HRC	Human Rights Committee
IACHR	Inter-American Court of Human Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IEL	International Environmental Law
IFI	International Financial Institutions
IGO	Inter-Governmental Organisation
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IO	International Organisation
MNC	Multinational Companies
VCLT	Vienna Convention on the Law of Treaties
UDHR	Universal Declaration of Human Rights

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