The past sixty years have seen an expansion of international human rights conventions and supervisory organs, not least in Europe. While these international legal instruments have enlarged their mandate, they have also faced opposition and criticism from political actors at the state level, even in well-functioning democracies.

Against the backdrop of such contestations, this book brings together prominent scholars in law, political philosophy and international relations in order to address the legitimacy of international human rights regimes as a theoretically challenging and politically salient case of international authority. It provides a unique and thorough overview of the legitimacy problems involved in the global governance of human rights.

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THE LEGITIMACY OF INTERNATIONAL HUMAN RIGHTS REGIMES

Legal, Political and Philosophical Perspectives

Edited by
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PREFACE

The treaties, practices and institutions of international human rights seem to enjoy much support in the contemporary world, judging by ratification and vocal claims of support. Indeed, philosopher Charles Beitz has suggested that “if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights” (The Idea of Human Rights, Oxford University Press, 2009). Yet their legitimacy is challenged on several fronts. Not only are these international human rights commitments often breached, but states are now increasingly prepared to admit as much. Indeed, many voices now express considerable scepticism about the content, nature and justifications of such international human rights and the institutions established to uphold them. This book examines the contested grounds of legitimacy of the developing global architecture of international human rights law and the international courts and treaty bodies established by human rights conventions.

This is the third book in the Cambridge University Press series Studies on Human Rights Conventions. This series is the result of a larger research project, Should states ratify human rights conventions?, at the Centre for Advanced Study, Oslo, Norway. The project was led by Andreas Føllesdal and Geir Ulfstein. We are grateful for the hospitality of the Centre under Scientific Director, Gro Steinsland and Office Manager, Maria M. L. Sætre. This volume has also benefited from the European Research Council Advanced Grant #269841 MultiRights: The legitimacy of multi-level human rights judiciary, and the Research Council of Norway Centre of Excellence PluriCourts: The legitimate roles of the judiciary in the global order.

The book was developed over a period of three years, including two author meetings in Oslo. These meetings were important in shaping a common approach to this study. The chapters of the book seek to address the legitimacy challenges of the international human rights regimes. The authors have been left with considerable freedom in their choice of approach to their respective chapters.
Several people at Cambridge University Press were helpful in producing this volume. We are grateful for professional assistance and guidance, especially in contacts with Nienke van Schaverbeke, Finola O’Sullivan, Elizabeth Spicer and Richard Woodham. In Oslo, Atle Kolbeinstveit competently organized the two author meetings, and Stephanie Schmölzer provided efficient assistance in preparing the manuscript.

Last but not least, we thank all the authors who contributed to this volume for their engagement, patience and collegiality, and for a great collective learning process.