

TABLE OF CONTENTS

DEDICATION	v
ACKNOWLEDGEMENTS	vii
LIST OF ABBREVIATIONS	ix
CHAPTER ONE	
INTRODUCTION	1
Sovereignty as Structure and Sovereignty as Content	2
Structure	8
The Role of International Relations Theory	10
Scope of Enquiry	12
Concluding Remarks	13
CHAPTER TWO	
SOVEREIGNTY AS THE STRUCTURE OF INTERNATIONAL LAW	15
I. Introduction	15
II. Sovereignty in International Law	16
A. Sovereignty and Authority over Territory	16
B. Sovereignty, Independence and Consent	18
C. Sovereignty and Personality	22
Comments	23
III. Sovereignty in International Relations Theory	24
A. Modern International Relations Theory	24
B. Sovereignty in Realist, Structural Realist and Neo-Liberal Institutionalist Thinking	27
Comments	29

IV. Conclusions 29

CHAPTER THREE

THE UNITED NATIONS AND SHARED AUTHORITY OVER TERRITORY . 31

I. Introduction 31

II. Delegation, Obligation and Precision in the UN 34

A. Human Rights in the General Assembly 37

i. 1945 – Late 1950s 38

ii. Late 1950s – Mid 1970s 40

iii. Mid 1970s – Present 41

iv. The GA and Legalisation 44

B. Human Rights in the Human Rights Council and Commission on Human Rights 55

i. Historical Perspective 58

ii. Monitoring Functions 59

iii. The CHR and Legalisation 63

C. Conclusions on the United Nations and Legalisation 66

III. Sovereignty and Shared Authority 68

A. Sovereignty and ‘Perpetuity’ 68

Comments 76

B. ‘Perpetuity’ and the UN Human Rights Regime 78

Comments 84

IV. Conclusion 85

CHAPTER FOUR

SOVEREIGNTY, HUMAN RIGHTS AND INTERNATIONAL DISPUTE

SETTLEMENT 89

I. Introduction 89

II. International Legal Personality and the Individual 90

III. The Individual in International Dispute Settlement Prior to Contemporary Human Rights Protection Mechanisms 93

A. Diplomatic Protection 93

B.	Individual Access to Dispute Settlement Prior to the Creation of the UN	96
IV.	The Individual in Contemporary International Human Rights Dispute Settlement	100
A.	Regional Mechanisms	102
i.	Institutional Structure	102
ii.	Access	103
iii.	Remedies	107
iv.	Legal Weight of Decisions	108
v.	Compliance	109
	Comment	112
B.	UN Charter-Based Mechanisms	114
i.	Institutional Structure	114
ii.	Access	115
iii.	Remedies	117
iv.	Legal Weight of Decisions	119
v.	Compliance	120
	Comment	121
C.	UN Treaty-Body Mechanisms	123
i.	Institutional Structure	123
ii.	Access	124
iii.	Remedies	125
iv.	Legal Weight of Decisions	126
v.	Compliance	128
	Comment	129
D.	Conclusion on Contemporary Human Rights Dispute Settlement ..	131
V.	Conclusions: Implications for Sovereignty	134
A.	Dispute Settlement and Shared Authority over Territory	135
B.	Dispute Settlement and Consent	136
C.	Sovereignty and the Personality of Individuals	140
CHAPTER FIVE		
NON-GOVERNMENTAL ORGANISATIONS, GLOBAL HUMAN RIGHTS TREATIES AND SOVEREIGNTY		
145		
I.	Introduction	145
A.	International NGOs and Global Civil Society	146

Table of Contents

II. Non-Governmental Organisation Participation in Context	150
Comment	157
III. Non-Governmental Organisations in Treaty-Making	158
A. Introduction	158
B. Non-Governmental Organisations and International Relations Theory	160
Comments	166
C. Non-Governmental Organisations' modes of participation in Treaty-formation	168
i. Consciousness-Changing	169
ii. Agenda-Setting	173
iii. Education and Persuasion During Negotiations	175
iv. Introduction of Draft Texts	176
v. Participation in Negotiations	179
vi. NGO Coercion	182
Comments	184
IV. Conclusion: Implications of Non-Governmental Organisation Participation for Sovereignty	189
CHAPTER SIX	
CONCLUSIONS	195
The Balance between the UN and Member States in the Area of Human Rights	198
The Autonomy of NGOs and the Failures of Positivism	203
International Relations Theories and International Law	209
BIBLIOGRAPHY	211
INDEX	237