

Anne Peters

Jenseits der Menschenrechte

Die Rechtsstellung des Individuums im Völkerrecht

[Beyond Human Rights. The Legal Status of the Individual in International Law.]

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Anne Peters argues that a paradigm change has occurred which has made human beings the primary international legal persons. This argument unfolds against the backdrop of historical concepts and doctrines concerning the status of the individual under international law. It is based on practice in numerous areas of public international law, ranging from the law of international responsibility over the law of armed conflict, the law of humanitarian assistance, international criminal law, international environmental law, the law of consular relations and the law of diplomatic protection, international labor law and refugee law to international investment law. In these fields, substantive rights and obligations of individuals arguably flow directly from international law, and in some instances procedural mechanisms for enforcing them exist. All this manifests an international legal personality of individuals which is based on customary law, which constitutes a general principle and which can be derived from the human right to legal personality. The new status of the individual goes far beyond human rights.

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