

## **RESOLUTION NO 4/2008**

### **INTERNATIONAL HUMAN RIGHTS LAW AND PRACTICE**

The 73<sup>rd</sup> Conference of the International Law Association, held in Rio de Janeiro, Brazil, 17-21 August 2008:

**HAVING CONSIDERED** the Final Report on the Impact of International Human Rights Law on General International Law by the Committee on International Human Rights Law and Practice;

**TAKING NOTE** of the interim report of the Committee on the subject submitted to the 72<sup>nd</sup> Conference held in Toronto in 2006 which was based on papers prepared for a meeting of the Committee held in Maastricht under the auspices of the Maastricht Centre for Human Rights;

**TAKING ACCOUNT** of the meeting of the Committee held at Certosa di Pontignano, Siena, Italy under the auspices of the University of Siena;

**NOTES** that many of the papers prepared as part of the Committee's work will appear in an edited volume in the coming year;

**NOTES** the ongoing impact of human rights law on the development of general international law documented in the report of the Committee;

**ENDORSES** the Committee's view that human rights law should be seen as part of general international law and that a reconciliation approach reflecting aspirations of dialogue and coherence, rather than a fragmentation approach that presumes the division of international law into so-called self-contained regimes, is preferable in this area and that general international law must accommodate the special, non-reciprocal nature of international obligations in the field of human rights;

**CONCLUDES** that the impact of human rights law on general international law reflects a response to a deeply and widely felt need to make the international legal order more responsive to the needs of a wider range of actors than just states, focusing on the individual and including the international community, this term understood as referring to humankind as a whole and not just the community of states;

**ENCOURAGES** closer interaction and exchange of information between on the one hand human rights organisations, including courts and expert bodies, and on the other, judicial and expert bodies with a mandate in respect of general international law, in particular the International Court of Justice and the International Law Commission; and

**REQUESTS** the Secretary-General of the International Law Association to forward a copy of the final Report and of this resolution to the United Nations High Commissioner for Human Rights and the International Law Commission, and widely amongst the community of international lawyers, including members of international and regional courts and other expert bodies within human rights law and other areas of international law.