A Revised Account of Patrick Macklem's Sovereignty of Human Rights

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The critiques of Macklem's theory, particularly regarding its perceived over-inclusiveness, underscore the necessity of distinguishing "human rights in international law" from the narrower regime of IHRL. Macklem's theory emphasizes the broader role of human rights across diverse areas of international law, where human rights principles play a significant yet distinct role. By addressing critiques that conflate these concepts, this essay has highlighted how Macklem's legal conception of human rights enriches our understanding of their dynamic and multifaceted function within the international legal order. Moreover, recognizing the interplay between human rights and other areas of international law, my extended theory proposed in this essay not only mitigates the risk of fragmentation but affirms the adaptability and positive role of human rights in addressing the complexities of global justice.

Introduction

Patrick Macklem's The Sovereignty of Human Rights[1] sets forth an ambitious goal: to offer a legal theory of human rights in international law that defines their nature and purpose.[2] From the outset, Macklem distinguishes his approach from other prominent accounts or theories of human rights. For example, unlike James Griffin's moral account, Macklem highlights that international human rights law (IHRL) safeguards rights that apply to certain individuals and not to others, based on reasons often influenced by historical and geographical contingencies. Similarly, he departs from political approaches and situates his theory within the framework of sovereignty, which enables him to sidestep the limitations of morality- or politics-centred approaches.

[1] Patrick Macklem, *The Sovereignty of Human Rights* (OUP, 2015)
[2] Ibid, p.1

Recognising the considerable benefits and significance of Macklem's theory, this paper seeks to critically engage with the concerns regarding its potential over-inclusiveness and under-inclusiveness. In doing so, it aims to offer thoughtful refinements and suggestions for enhancing the framework, ultimately contributing to a more comprehensive understanding of the role of human rights in international law. Part II of this paper will examine the claims of over-inclusiveness directed at Macklem's theory, offering a nuanced response that clarifies and advocates for the adoption of a broader conceptualisation of "human rights in international law", addressing a gap in the existing literature. Then, Part III will suggest Macklem to include the perspective that human rights in international law also actively shape and enhance the development of other international legal frameworks into Macklem's theory. This approach challenges Macklem's restrictive view of human rights as merely corrective, advocating instead for a dynamic, integrative framework that fosters a greater legitimacy of the international legal system. This paper aims to call for a rethinking of the purpose of human rights in international law and its goal to enhance Macklem's normative account in The Sovereignty of Human Rights.

Over-inclusiveness – human rights in international law or international human rights law?

The Criticisms

One of the most widely discussed critiques of Macklem's theory pertains to its perceived over-inclusiveness, particularly his broad incorporation of various branches of international law. This critique is especially prominent in response to his assertion that "Human rights serve as instruments that mitigate adverse consequences of how international law organises global politics into an international legal system".[3] Several scholars have contended that Macklem's theory is applicable to other areas of public international law, extending beyond the scope of international human rights law (IHRL). These critiques reveal a deeper issue of a conceptual conflation between human rights in international law and IHRL. In the following section, I aim to

[3] Ibid, p.22

critically examine whether Macklem has effectively addressed these comments. Further, I will delve into the potential misunderstanding or misinterpretation that may have contributed to such critiques, with the objective of clarifying the conceptual underpinnings of Macklem's claim.

Notably, criticisms of over-inclusiveness have been particularly pronounced in relation to international environmental law, international trade law and international economic law. For instance, Basak Cali[4] has contended that certain foundational principles of international environmental law such as the prevention of transboundary environmental harm, the recognition of environmental issues as a common concern for humanity and the doctrine of common but differentiated responsibilities, similarly aim to "monitor the exercise and distributive consequences of state sovereignty."[5] Likewise, Tomer Broude has pointed out that the regulation of production and disposal of toxic and hazardous waste within international environmental law operates with a comparable logic.[6] In the context of international economic law and international trade law, similar critiques have emerged. Broude highlights that international economic law was designed to mitigate the adverse effects of sovereignty manifesting as economic nationalism, where states prioritise protectionist policies at the expense of global welfare.[7] International economic law aims to curtail such policies, fostering global economic integration through mechanisms that promote free trade and investment. Christopher McCrudden has echoed this perspective, arguing that international trade law plays a comparable role in regulating state sovereignty, spanning areas such as trade, investment and public procurement.[8] These

[4] Basak Cali, 'International Human Rights Law: One Purpose or Many? Reflection on Macklem's The *Sovereignty of Human Rights*' (2017) Volume 15, No.1 Jerusalem Review of Legal Studies 77, p.82-83

[5] Macklem, *supra note 1*, p.1

[6] Tomer Broude, 'Deontology, Functionality, and Scope in *the Sovereignty of Human Rights*' Volume 15, No.1 Jerusalem Review of Legal Studies 111, p.118

[7] Ibid, p.119

[8] Christopher McCrudden, 'Is the Principal Function of International Human Rights Law to Address the Pathologies of International Law? A Comment on Patrick Macklem's The Sovereignty of Human Rights' 67(4) University of Toronto Law Journal 623, p.629

critiques collectively suggest that the legal conception of human rights Macklem presents is not unique to it but is shared by other branches of public international law.

Macklem's Response and the Distinctiveness of Human Rights

In response to the above critiques[9], Macklem crucially highlights an essential distinction: while human rights in international law share some structural similarities with other legal norms, such as being "part of customary international law or are enshrined in treaties,"[10] they serve a fundamentally "distinct function."[11] Unlike other areas of public international law, which "vest entitlements in states and regulate relations between and among states," human rights in international law "vests rights in individuals and collectivities not co-extensive with the population of states. "[12] This individual- and collective-centered perspective underscores the distinctive role human rights play within the broader international legal framework. Macklem's argument is compelling because it aligns with the essence of the term "human rights" itself, which inherently emphasises the legal capacity of humans, no matter as individuals or collectives. This focus on individuals and collectives is not only a linguistic reflection of "human" rights but also an essential legal principle that sets these rights apart from emerging concerns such as animal rights or the rights of nature and rivers. While these other rights might hold significance in environmental or ethical contexts, human rights in international law are uniquely designed to safeguard the legal standing of persons within the international order.

The Problem of Conflating IHRL and Human Rights in International Law

Building on Macklem's response, I have identified a misconception upon examining these critiques in conflating "human rights in international law" as stated by Macklem, with the specific regime of IHRL. This distinction is critical, as Macklem's theory did not intend to confine to the framework of IHRL but rather seeks to

[9] Patrick Macklem, 'The Sovereignty of Human Rights: A Reply to Four Critiques', Volume 15, No. 1 Jerusalem Review of Legal Studies 122

[10] Ibid, p.125; *see also* Macklem, *supra note 1*, p.22

[11] Ibid

[12] Ibid

conceptualise the role of human rights across the broader landscape of international law. In particular, Cali, Broude and McCrudden have all repeatedly employed the term "international human rights law" as a proxy for Macklem's discussion of "human rights in international law" in their critiques. While these scholars' conflation is problematic, it is somewhat understandable, as Macklem himself uses terms like "international human rights law" and "human rights in international law" interchangeably. This inconsistency contributes to misrepresentation and confusion, highlighting the need for greater precision to maintain clarity and integrity in discussions of his theory.

Firstly, it overlooks the fundamental premise of Macklem's argument and the primary aim of his book: to propose a "legal theory of human rights in international law that defines their nature and scope."[13] By narrowing the discussion to the confines of IHRL, these scholars risk oversimplification and divert from the broader legal inquiry that Macklem seeks to address, undermining the nuanced analysis his theory offers.

Secondly, this conflation disregards the broader objective of the discussion, which is to provide a legal, as opposed to a purely normative, conception of human rights. Human rights, as they appear within international law, often extend beyond the specific mandates of IHRL and intersect with other domains. Excluding the consideration of human rights embedded in other areas of international law risks fragmenting our understanding of human rights and obscuring their legal significance within the international legal order, and therefore is counterproductive to the wider mission of discerning their legal conception. For example, in "International Human Rights Law" by Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris[14] identified specific domains of international law that they regard as having particularly close ties to IHRL. These connections are characterised by the influence of IHRL on their development (see section III), as well as the embedding of certain human rights protections within their

[13] Macklem, *supra note 1*, p.1

[14] Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris, *International Human Rights Law* (4th edn, OUP 2022)

respective regimes. Drawing on the examples of international refugee law (IRL) and International Humanitarian Law (IHL), I aim to address the issues inherent in conflating IHRL with the border concept of human rights in international law.

International Refugee Law (IRL) in Relation to Macklem's Broader Concept

Before delving into the relationship between IHRL and international refugee law, it is important to highlight that refugee law is a distinct legal framework, despite increasing debates regarding its connection to IHRL. While Vincent Chetail[15] argued that human rights law has profoundly influenced and reshaped the core principles of the Refugee Convention[16], leading to a significant shift in the normative framework of forced migration from refugee law to human rights law, there remains a mainstream view that these two regimes operate independently. According to the mainstream perspective, the primary source for refugee rights remains the Refugee Convention, rather than human rights law.[17]

The Refugee Convention, while a part of refugee law due to its scope,[18] is widely recognised as a human rights instrument i.e. a text that protects human rights but not a part of IHL.[19] This recognition underscores that human rights instruments are not confined to the IHRL regime alone but exist within other areas of international law. As such, the Refugee Convention serves as an apt example to demonstrate the presence and significance of human rights principles outside the traditional scope of IHRL, highlighting the need to account for these instruments in the discussion of the role of human rights in international law.

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[15] Vincent Chetail, 'Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law' in Ruth , *Human Rights and Immigration* (OUP 2014) 19, p.19

[16] Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention)

[17] Alice Edwards, 'International Refugee Law' in Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (ed), *International Human Rights Law* (4th edn, OUP 2022) 563 p.568

[18] Ibid, p.563

[19] Ibid, p.568

Adopting the narrow interpretation of IHRL, as opposed to the more expansive concept, limits our ability to fully grasp the scope and implications of Macklem's theory. This is because the restricted view allows refugee law to fall squarely within Macklem's legal conception of human rights, as it aims to protect refugees from the adverse consequences of a state-centric international legal system that often leaves stateless individuals without protection. Some parts of refugee law also govern the relationship between states and refugees, who can be considered as "individuals and collectivities".[20] However, it is not Macklem's intent to encompass all of refugee law within his legal conception of human rights. His theory would focus on specific principles within refugee law that concern human rights, like non-discrimination, non-refoulement and the protection against penalisation of asylum-seekers and refugees with legitimate reasons for unlawful entry or stay, rather than mechanisms that allocate responsibility among states for processing asylum claims such as in the Dublin Regulation.[21] Therefore, the border conception is particularly advantageous as it allows for the inclusion of human rights principles embedded in legal frameworks like IRL without conflating them entirely with IHRL.

A similar line of reasoning applies to IHL, which also shares a close connection with IHRL. Humanitarian law is designed to "balance the violence inherent in an armed conflict with the dictates of humanity",[22] therefore mitigating the adverse impacts of an armed conflict that can arise within the framework of international law. For example, under international law, the use of force is legal with the authorisation of the UN Security Council or for self-defence under Chapter VII of the UN Charter.[23] This mitigation is evident in the protections and rights extended to both prisoners of war and civilians during times of conflict.

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[20] Macklem, *supra note 1*, p.22

[21] Convention Determining the State Responsibile for Examining Applications for Aslyum lodged in one of the member states of the European Communities (Dublin Convention)

[22] Sandesh Sivakumaran, 'International Humanitarian Law' in Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (ed), *International Human Rights Law* (4th edn, OUP 2022) 527, p.527

[23] Charter of the United Nations, 24 October 1945, 1 UNTS XVI (UN Charter)

For prisoners of war, humanitarian law confers critical rights, including but not limited to protection from torture, the right to adequate food and water, access to medical care, appropriate clothing and freedom of religion, as enshrined in the Third Geneva Convention.[24] Similarly, civilians benefit from significant safeguards under humanitarian law, such as the right to food and medical supplies articulated in Article 23 of the Fourth Geneva Convention.[25] Adopting the narrower interpretation risks IHL falling into the scope of Macklem's theory as humanitarian law also focuses not solely on states, but regulates the delicate balance between the rights of the occupied, the occupying power and the displaced sovereign.[26]

The above provisions reflect the profound role that human rights principles play in shaping the obligations and protections enshrined within humanitarian law. The interplay between international humanitarian law and IHRL also underscores the broader notion of human rights in international law, emphasizing that their significance extends beyond the confines of specific regimes. To disregard this interconnectedness would be to overlook a vital dimension of how human rights operate and are embedded within the international legal order.

Reinforcing Macklem's context-dependent argument

Adopting a broader conceptualisation of human rights reinforces Macklem's argument that its nature is inherently context-dependent. This approach often starts with the assumption of a homogenous foundation of human rights, overlooking the nuanced and context-specific realities in which human rights are invoked and applied. Such an overreach risks neglecting the diversity of historical, cultural and geopolitical conditions that shape the role of human rights in international law.

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[24] Geneva Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135 (Third Geneva Convention)

[25] Geneva Convention Relative to the Protectino of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287 (Fourth Geneva Convention)

[26] Sivakumaran, *supra note 20,* p.536

In contrast, Macklem's theory is focused on human rights as they arise within the framework of international law, including those existing in specific regimes. This approach deliberately avoids the necessity of beginning analysis with instruments from the IHRL regime, such as the Universal Declaration of Human Rights[27], which tends to favour a universalist perspective. While the universalist view offers a broad foundation, it risks marginalising human rights that emerge in distinct contexts such as during an armed conflict or when an individual is rendered stateless. Addressing human rights within other frameworks such as prisoner of war or refugee rights reinforces and builds on Macklem's claim that the scope of human rights "appears to be steeped in contingencies of history and geography".[28] Further proving that IHRL does not need to be guided by universal norms as suggested by Buchanan such as affirming the equal moral status of human beings.[29] By not anchoring his analysis exclusively in IHRL, Macklem avoids treating human rights as static, one-size-fits-all solutions. Instead, his theory highlights their dynamic and context-dependent nature, which is critical to understanding how these rights function across varied geopolitical and cultural landscapes.

For the reasons outlined above, the concept of "human rights in international law" offers a more comprehensive and nuanced understanding of Macklem's theory than IHRL. It addresses the interplay and complementarity between different areas of international law, acknowledging their mutual influence and the broader systemic coherence they collectively achieve—an idea that will be expanded upon in Section III. This approach enriches the discourse by recognizing human rights as dynamic tools that respond to specific historical and situational demands, rather than as immutable standards imposed uniformly across all contexts. It is this adaptability, rooted in the interconnectedness of international law's various branches, that ensures human rights

[27] Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR)

[28] Macklem, *supra note 7,* p.124

[29] Allen Buchanan, 'Why International Legal Rights?' in Cruft et al. (eds), *Philosophical Foundations of Human Rights* (OUP, 2015) 244

remain relevant and effective in addressing the complexities of global justice.

Under-inclusiveness: proposal for expanding Macklem's theory

Human Rights as Positive and Constructive

The relationship between IHRL and other areas of international law provides valuable insights into the complementary nature of these legal frameworks. The influence of IHRL on the development of these other regimes is crucial since it shapes their evolving role within the broader international legal system. Building on the analysis of the preceding section, I propose that human rights in international law also promote the positive effects or advantageous consequences of how international law organises global politics into an international legal system. While Macklem's theory has rightly emphasized the corrective function of IHRL, particularly in addressing the injustices of colonialism and the inequalities towards minorities or indigenous peoples perpetuated by international law, it overlooks the broader, preventive and positive role that human rights can play. I argue that human rights do more than merely mitigate the negative effects of historical injustices or current systematic inequalities; they contribute actively to the promotion of global values like justice, accountability, and democracy. It is essential to distinguish between merely filling gaps or mitigating adverse effects and amplifying the positive consequences of international law. IHRL does not only serve to address problems retrospectively but actively influences the development of international legal frameworks in ways that foster greater accountability and respect for human rights across international law.

In addition to criticisms of Macklem's theory for being overly inclusive, Cali has raised concerns that the theory may be under-inclusive.[30] Cali contends that Macklem's focus on the sovereignty of human rights may not fully capture the scope of IHRL's legal practice, particularly when it comes to the application of qualified rights and the duty to protect. Cali argues that the limits of

[30] Cali, *supra note 2,* p.82

qualified rights hinge on their necessity and proportionality in a democratic society, suggesting that IHRL has a deeper purpose than simply mitigating the effects of sovereignty. Its function, she asserts, is also to ensure that sovereign regimes are structured as "rights-respecting democratic regimes."[31] Furthermore, the duty to protect compels sovereign states to exercise their public powers in ways that align with the promotion and protection of human rights, which directly influences their exercise of sovereignty. Macklem's article[32] which aims to provide a response to Cali's critiques, however, did not fully address this issue. I agree with Cali's assertion that human rights in international law do more than just reduce the adverse effects of international law; they play a critical role in shaping the positive development of both international and domestic legal systems. This positive influence promotes fundamental values like democracy, thus enhancing the global legal framework. As Cali discussed the effects on domestic legal systems, I would like to provide a clarification that domestic law is only relevant in our discussion regarding the role of human rights in international law, because the enforcement of international law highly depends on states. For example, in countries like the United Kingdom, where international law must be incorporated into domestic law, human rights law's influence on the domestic legal order cannot be understated.

The following section will further substantiate the proposal that human rights play an active role in enhancing the development of international legal frameworks that promote shared values. It aims to examine how IHRL influences the development of other areas of international law, including international criminal law (ICL) and international trade law (ITL). These areas which may seem distinct from IHRL, are in fact deeply intertwined with human rights law and are significantly shaped by its principles. Through this exploration, it will highlight the positive contributions that IHRL makes to the international legal system, thus amplifying its role in advancing justice and respect for human rights globally.

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[31] Ibid

[32] Macklem, *supra note 7*

How IHRL influenced other international regimes

International Criminal Law (ICL)

IHRL has played a pivotal role in shaping and advancing the development of crimes under ICL. One significant example can be found in the landmark case of Akayesu[33], where the trial chamber was tasked with defining rape for the first time in international law.[34] To construct an appropriate legal definition, the trial chamber drew upon IHRL, specifically referencing the Torture Convention[35]. In its analysis, the court compared rape to torture, noting that both acts serve purposes such as intimidation, degradation, humiliation, discrimination, punishment, control, and the destruction of a person's dignity.[36] This comparison illustrates the profound influence of IHRL in shaping the substantive content of ICL, showcasing how IHRL does more than simply mitigate the adverse effects of international law, but actively contributes to the construction of the international legal framework itself.

Moreover, IHRL has further contributed to the development of case law in ICL. In *Prosecutor v. Furundžija*[37], the trial chamber revisited the definition of rape, acknowledging the limitations of the Akayesu judgment. The court clarified that forced oral penetration also constitutes rape, asserting that the "general principle of respect for human dignity,"[38] which is central to IHRL, underpins the broader understanding of sexual violence in ICL. This highlights how the recognition of human dignity and the protection of human rights, central tenets of IHRL, elevate the standards of respect for individuals and contribute to the evolution of ICL.

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[33] Prosecutor v. Akayesu, Trial Judgment, ICTY, Trial Chamber, ICTR-96-4-T (2 September 1998)

[34] Ibid, para 596

[35] Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984) 1465 UNTS 85 (Torture Convention)

[36] Akayesu, *supra note 29,* para 593

[37] Prosecutor v. Furundžija, Trial Judgment, ICTY, Trial Chamber, IT-95-17/1-T, 10 December 1998

[38] Ibid, para 183

International Trade Law (ITL)

A similar process of influence can be observed in ITL, where IHRL has shaped the development of key provisions. For example, the signing of the General Agreement on Tariffs and Trade (GATT)[39] occurred prior to the adoption of the Universal Declaration of Human Rights. For many years, the definition of certain general exceptions under Article XX of the GATT was often considered ambiguous. A notable instance of the interplay between IHRL and ITL occurred in the case of European Communities – Measures Prohibiting the Importation and Marketing of Seal Products[40] in 2014. The World Trade Organization (WTO) Appellate Body was tasked with interpreting the exception for "public morals" in the context of a ban on the importation and sale of seal products, specifically addressing the impact on indigenous peoples' rights. Throughout the proceedings, the Appellate Body considered both the UN Declaration on the Rights of Indigenous Peoples[41] and the ILO Convention 169[42] to determine the definition of “public morals” incorporated into trade agreements with reference to Article XX(a) of the GATThttps://www1.essex.ac.uk/hrc/documents/KUREMER_10.17..pdf[43]. This reference demonstrates how IHRL has not only influenced but also shaped the interpretation of trade regulations, ensuring that international trade agreements are more attuned to the protection of human rights.

The complementary nature of different branches of international law is an important consideration that Macklem could further explore to enhance and refine his theory. By suggesting that human rights in international law serve merely to mitigate adverse

[39] General Agreement on Tariffs and Trade (adopted 15 April 1994) 1867 UNTS 187 (hereinafter GATT)

[40] European Communities – Measures Prohibiting the Importation and Marketing of Seal Products, Panel and Appellate Body Reports (WT/DS400/AB/R, WT/DS401/AB/R) (18 June 2014)

[41] United Nations Declaration on the Rights of Indigenous Peoples, UNGA RES/61/295 (2 October 2007)

[42] The International Labour Organization (ILO) Convention (No.169) concerning Indigenous and Tribal Peoples in Independent Countries (entered into force 5 September 1991) 1650 UNTS (ILO Convention 169)

[43] Başak Çalı, Lorna McGregor, Alexandre Skander Galand, Betül Durmuş, Irina Crivet, ‘The Effects of International Human Rights Law on other branches of Public International Law: An annotated Compilation of Case Law’ (University of Essex, 2017) p.82

effects, Macklem frames them as having a predominantly retrospective, corrective function. This perspective restricts human rights to addressing harms that have already occurred, rather than recognizing their potential to engage proactively with other areas of international law to actively enhance their development and legitimacy.

This paper's extended theory diverges from Macklem's narrower interpretation but aligns with the broader aim of the Sovereignty of Human Rights to discern the nature and purpose of human rights[44] in international law while simultaneously elevating the legitimacy of the international legal system. This approach complements the book's "richer mission" by emphasizing that international law, as a whole, becomes more legitimate when it incorporates the principles and values of international human rights law.[45] Rather than remaining static or indifferent to the systemic inequalities it generates, such as the exploitation of natural resources or the perpetuation of colonial structures, international law must evolve. Allowing itself to be influenced by human rights law fosters a dynamic system that continuously strives for fairness, accountability, and equity.

The restrictive view proposed by Macklem has significant negative implications for human rights in international law. Confining human rights to a reactive, mitigating role, limits their capacity to influence and inspire improvement in other areas of international law. This not only diminishes the legitimacy of the broader international legal framework but also perpetuates the very systemic inequalities that human rights law seeks to address. Without a proactive commitment to improvement, international law risks entrenching injustices rather than working to dismantle them.

Therefore, my extended theory advocates for a more integrative and forward-looking approach. By recognizing human rights as a force that actively shapes and enhances other branches of international law, this perspective underscores their broader purpose in fostering a just and equitable international legal

[44] Macklem, *supra note 1,* p.1
[45] Ibid, p.2

system. It challenges international law to not only acknowledge the injustices it has perpetuated but to take a leading role in addressing and preventing them. Through this lens, human rights law is not merely a corrective mechanism but a driving force for progress, ensuring that international law evolves to better reflect the values of justice, equality, and human dignity.

Conclusion

In conclusion, the critiques of Macklem's theory, particularly regarding its perceived over-inclusiveness, underscore the necessity of distinguishing "human rights in international law" from the narrower regime of IHRL. Macklem's theory emphasizes the broader role of human rights across diverse areas of international law, where human rights principles play a significant yet distinct role. By addressing critiques that conflate these concepts, this essay has highlighted how Macklem's legal conception of human rights enriches our understanding of their dynamic and multifaceted function within the international legal order. Moreover, recognizing the interplay between human rights and other areas of international law through my extended theory not only mitigates the risk of fragmentation but also affirms the adaptability and positive role of human rights in addressing the complexities of global justice.

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