Chapter 16

Compliance with human rights norms extraterritorially: ‘human rights imperialism’?

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1. Introduction

It is a great honour and pleasure to contribute this chapter paying tribute to Professor Gowlland-Debbas. Vera is one of those exceptional people who combine excellence with integrity and collegiality. As an international lawyer, she is striking for being entirely comfortable with, and an authority in, both theoretical and doctrinal aspects of the field. She is also a member of an increasingly rare breed in international law: the true generalist, able to range across all of the discipline, and be universally regarded as a leading expert, in some instances the leading expert, in whatever areas of international law she writes on – and she has focused on some of the most important, contested and difficult areas of law. Her work is seminal, often foundational, always excellent. Vera has also combined superlative intellectual work with important engagements in both legal practice and institutionally at the United Nations in Geneva. She has, further, made an immense contribution to the international academy through leadership and service on national, regional and international research institutes, associations and journals. Perhaps above all this, Professor Gowlland-Debbas is valued for her warmth, kindness and collegiality. Not only does she illustrate powerfully what to aspire to on an intellectual level in the nature of one’s work. She has also inspired many of us on a personal level in the example she has set and the support she has given.

This chapter is about the extraterritorial application of human rights law treaties. It offers a critical evaluation of the treatment of two issues of principle by the English courts that were invoked in a decision about whether and to