
Section 4: Rights-based regulation

Rights, irrespective of whether they are natural or invented, legal or non-legal, have to be made concrete in the world through networks that turn rights from script into action. However, there is a danger in leaving the responsibility of network coordination exclusively to one entity, whether state or non-state. For example, when men coordinate the networks, women lose; when states coordinate the networks, migrants and refugees lose.

Each of the chapters in this section takes on a major topic of rights-based regulation and picks up on one or both of the themes mentioned above. Hilary Charlesworth, whose RegNet centre, the Centre for International Governance and Justice, has provided much of the focal point for RegNet's work on rights-based regulation, introduces the reader to the advantages of reconceptualising the enforcement of human rights from a regulatory perspective. Nicola Piper shows how state-led managerialism of rights robs subjects of the promise of rights and turns powerless groups such as migrants into objects of economic and political management. Social movements and transnational advocacy networks have to form new organisational strands in the web of influence if rights are to truly work for such disempowered groups. The rule of law and rights are, or at least should be, intimately linked, but they part company when, as Veronica Taylor shows, the rule of law becomes a set of institutional products peddled by development aid merchants. The limits of networked and smart regulation—forms of regulation described in a number of other chapters in this book—are analysed by Gabrielle

Simm in the netherworld of sexual crime, private security firms and peacekeeping operations. In the last chapter, Michelle Burgis-Kasthala probes the capacity of a rights and agency-based international criminal law to deliver satisfactory outcomes for crimes of individuals that have their roots in the dynamics of state systems.

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