Responsibility of hybrid public-private bodies under international law: A case study of global health public-private partnerships

Clarke, L.C.

Citation for published version (APA):

General rights
It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations
If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: https://uba.uva.nl/en/contact, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.
4.3. CONCLUDING REMARKS ........................................................................119

5. STATE RESPONSIBILITY ........................................................................123

5.1. ATTRIBUTION TO STATES ..................................................................124
  5.1.1. Responsibility through the Acts of Partnerships ...............................125
    5.1.1.1. Article 5 .............................................................................125
    5.1.1.2. Article 7 .............................................................................128
    5.1.1.3. Article 8 .............................................................................130
    5.1.1.4. Article 9 .............................................................................138
  5.1.2. Responsibility through the Omission of States .................................140
    5.1.2.1. Due Diligence ....................................................................140

5.2. A BREACH OF AN OBLIGATION .........................................................146
  5.2.1. Obligations of States under International Human Rights Law ..........147
    5.2.1.1. Right to Life ......................................................................148
    5.2.1.1.1. Treaty Law ..................................................................148
    5.2.1.1.2. Customary International Law ........................................152
    5.2.1.2. Right to Health ..................................................................154
    5.2.1.2.1. Treaty Law ..................................................................155
    5.2.1.2.2. Customary International Law ........................................160
  5.2.2. Possibility of a Breach ....................................................................161

5.3. A PLURALITY OF RESPONSIBLE STATES ....................................163

5.4. CONCLUDING REMARKS .................................................................167

6. RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS ............171

6.1. ATTRIBUTION TO INTERNATIONAL ORGANIZATIONS ..................175
  6.1.1. Responsibility through the Acts of Partnerships ...............................175
    6.1.1.1. Article 6 .............................................................................176
    6.1.1.2. Article 8 .............................................................................182
  6.1.2. Responsibility through the Omission of International Organizations ....184
    6.1.2.1. Due Diligence ....................................................................184

6.2. A BREACH OF AN OBLIGATION .........................................................186
  6.2.1. Obligations of International Organizations under International Human Rights Law 187
    6.2.1.1. Right to Life and Right to Health ........................................188
  6.2.2. Possibility of a Breach ....................................................................191

6.3. A PLURALITY OF RESPONSIBLE INTERNATIONAL ORGANIZATIONS AND STATES 193

6.4. CONCLUDING REMARKS .................................................................200

7. CONCLUSION .........................................................................................203

BIBLIOGRAPHY

LIST OF CASES AND ADVISORY OPINIONS

LIST OF TREATIES, DECLARATIONS, LEGISLATION AND OTHER AGREEMENTS


SELECTED RESOURCES ON PARTNERSHIPS