

Constitutionalization of General International Law —
An Answer to Globalization?
Some Structural Aspects
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Abstract

Globalization implies the erosion of municipal human rights protection. A possible answer is the internationalization of that protection. This article looks at possibilities to reënforce international protection by constitutionalizing general international law. While many rules of constitutional protection have been internationalized, mainly by multilateral treaties, and while the international community is able to issue general international consensus law protecting human rights globally, up to now it has not made extensive use of this ability. Further, an entrenchment of such consensus law, once issued, against amendments or abolition by later consensus law appears not to be feasible. In contrast, treaty bodies have developed human rights treaty law in such a way that it now offers far-reaching protection against attenuation by whatever means, thereby emulating an entrenchment of the treaty rules, if only restricted to treaty States.