

Secession: The Legitimacy of Self-Determi nation

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Secession The Legitimacy Of Self Determination

Michel Rosenfeld, András Sajó



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Secession Lee C. Buchheit, 1996 *The Oxford Handbook of Comparative Constitutional Law* Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends *The Concept of Group Rights in International Law* Corsin Bisaz, 2012-08-28 Through a collective biography of four scholars Erich Kaufmann Hans Kelsen Hersch Lauterpacht and Hans J Morgenthau this book investigates how Jewish identity and intellectual ties to Judaic civilization in the German speaking and legal context influenced international law By using biblical constitutive metaphors it argues that Jewish German lawyers inherited inter alia a particular Jewish legal approach that framed their understanding of the law as a means to reach God The overarching argument is that because of their Jewish heritage Jewish scholars inherited the endorsement of earthly particularism for the sake of universalism and the other way around for the sake of universalism humanity s differences need to be solved through the law **Ethical Reasoning in International Affairs** C. Navari, 2013-11-06 Arguing for a middle ground between idealism and realism this book considers the most pressing ethical and moral issues in contemporary international politics including intervention human rights and aid and sets about reasoning how to resolve them in politically realistic ways A *Companion to Contemporary Political Philosophy* Robert E. Goodin, Philip Pettit, Thomas W. Pogge, 2012-03-12 This new

edition of *A Companion to Contemporary Political Philosophy* has been extended significantly to include 55 chapters across two volumes written by some of today's most distinguished scholars. New contributors include some of today's most distinguished scholars among them Thomas Pogge, Charles Beitz, and Michael Doyle. Provides in depth coverage of contemporary philosophical debate in all major related disciplines such as economics, history, law, political science, international relations, and sociology. Presents analysis of key political ideologies including new chapters on Cosmopolitanism and Fundamentalism. Includes detailed discussions of major concepts in political philosophy including virtue, power, human rights, and just war.

Territorial Disputes and State Sovereignty Jorge E. Núñez, 2020-05-11. Adopting a multi disciplinary approach, this book opens new ground for research on territorial disputes. Many sovereignty conflicts remain unresolved around the world. Current solutions in law, political science, and international relations generally prove problematic to at least one of the agents. Part of these differences, arguing that disputes are complex, multi layered, and multi faceted, this book brings together a global inter disciplinary view of territorial disputes. The book reviews the key conceptual elements central to legal and political sciences with regards to territorial disputes, state sovereignty, and self determination. Looking at some of the current long standing disputes worldwide, it compares and contrasts the many issues at stake and the potential remedies currently available in order to assess why some territorial disputes remain unresolved. Finally, it offers a set of guidelines for dispute settlement and conflict resolution that current remedies fail to provide. It will appeal to students and scholars working in international relations, legal theory, and jurisprudence, public international law, and political sciences.

Indigenous Peoples in International Law S. James Anaya, 2004. In this thoroughly revised and updated edition of the first book length treatment of the subject, S. James Anaya incorporates references to all the latest treaties and recent developments in the international law of indigenous peoples. Anaya demonstrates that while historical trends in international law largely facilitated colonization of indigenous peoples and their lands, modern international law's human rights program has been modestly responsive to indigenous peoples' aspirations to survive as distinct communities in control of their own destinies. This book provides a theoretically grounded and practically oriented synthesis of the historical, contemporary, and emerging international law related to indigenous peoples. It will be of great interest to scholars and lawyers in international law and human rights, as well as to those interested in the dynamics of indigenous and ethnic identity.

Examining Colonial Wars and Their Impact on Contemporary Military History Madueño, Miguel, Guerrero, Alberto, 2023-03-28. Colonial wars have been a very active part of 19th and 20th century history and their importance has often been overlooked. Their study and analysis in order to understand the contemporary world and current international relations is as necessary as it is interesting. *Examining Colonial Wars and Their Impact on Contemporary Military History* approaches the phenomenon of colonial wars with the intention of understanding the most immediate past in order to analyze the contemporary and current scenarios with new tools. It contributes to the dissemination of content without neglecting the considerations of social sciences and

history with a compilation and analytical character Covering topics such as black market armaments imperialism and military history this premier reference source is a dynamic resource for historians anthropologists sociologists government officials students and educators of higher education librarians researchers and academicians African Yearbook of International Law, 1997 A. A. Yusuf, 1998-07-30 The African Yearbook of International Law offers systematic analyses and scientific dissection of international law issues as they apply to Africa and Africa's contribution to the progressive development of international law It contributes to the promotion and acceptance of and respect for the principles of international law and encourages the teaching study dissemination and wider appreciations of international law in Africa Each volume of the African Yearbook of International Law contains general articles articles that center on a special theme notes and commentaries book reviews basic documents and a comprehensive index The African Yearbook of International Law addresses the tension and interrelationships among issues such as territorial integrity self determination ethnic diversity and nation building Development human rights and democratization in Africa also receive thorough attention and examination The African Yearbook of International Law sheds light on the causes of the fragility of African State institutions so as to facilitate the identification of appropriate remedies The Special Theme of this volume is Civil Conflicts in Africa Part II Les conflits internes en Afrique 2eme Partie *Autonomy* Ruth Eschelbacher Lapidoth, Ruth Lapidoth, 1997 **Nationalism and Intra-State Conflicts in the Postcolonial World** Fonkem Achankeng, 2015-09-28 This book highlights the complexities of nationalism and the struggles of different groups left unaddressed within the nation states of a postcolonial world The central question is what happened to the worldly and radical visions of freedom liberty and equality that animated intellectual activists and policy makers from Woodrow Wilson in the 1920s This book analyzes the outcome of lumping disparate groups of people together under one nation state and holding them together against the knowledge of the incompatibility theory of plural states In a world of arbitrarily and colonially mapped sovereign states groups and nations with distinctive histories and cultures trapped within the borders of sovereign states want the freedom to decide their own destinies This book challenges deconstructs and decolonizes Western epistemologies related to postcolonial state formation and maintenance In examining the freedom concept that no human group ought to be determining the independence of other human groups this book constructs an alternative conceptualization of nations and peoples rights in the twenty first century in which radical hopes and global dreams are recognized as central to internal nationalism struggles The Palgrave Handbook of International Political Theory Howard Williams, David Boucher, Peter Sutch, David Reidy, Alexandros Koutsoukis, 2023-11-02 This handbook provides an exploration of the field of International Political Theory IPT which in its broadest terms examines the ways in which ideas about justice sovereignty and legitimacy shape international politics It is a comprehensive resource for those interested in understanding the philosophical political and legal issues that arise from interactions between states peoples and global actors The two volumes of the handbook cover a wide range of topics from the

foundations of international political thought to the latest debates in the field They are designed to give readers a comprehensive overview of the key concepts and arguments within international political theory and provide an introduction to the main debates in the field Volume 1 takes us from the ancient world to the formation of the modern state system as we lay the groundwork for a critical understanding of changes in and challenges to core ideas such as sovereignty international law and territorial integrity The contributions to this volume explore the European domination of the discipline providing insights into how it came to conceive the world in its own image They also focus on non Western perspectives and reactions to European hegemony

International Law in the Netherlands H. F. van Panhuys, 1980-12-18

Secession Marcelo G. Kohen, 2006-03-30 The end of the Cold War brought about new secessionist aspirations and the strengthening and reawakening of existing or dormant separatist claims everywhere The creation of a new independent entity through the separation of part of the territory and population of an existing State raises serious difficulties as to the role of international law This book offers a comprehensive study of secession from an international law perspective focusing on practice and applicable rules of international law It includes theoretical analyses and a scrutiny of practice throughout the world by eighteen distinguished authors from Western and Eastern Europe North and Sub Saharan Africa North and Latin America and Asia Core questions are addressed from different perspectives and in some cases with divergent views The reader is also exposed to a far reaching picture of State practice including some cases which are rarely mentioned and often neglected in scholarly analysis of secession

Post-Colonial Cameroon Joseph Takougang, Julius A. Amin, 2018-06-13 In this unique volume leading scholars examine how Cameroonians organize and experience their lives under Cameroonian leadership and local responses to that leadership The volume offers essential case studies that allow us to examine the lives of ordinary people in post colonial Africa through five lenses politics society and culture economy international relations and migration It places the nation s contemporary challenges within a broader political economic and socio cultural context and uses that to make recommendations for future directions The book also celebrates areas in which the country has done well and calls on its citizens to build on those achievements This volume is forward looking and as such raises important questions about issues of development ethnicity wealth poverty and class

Modern Essays on Nigerian Law Remigius N Nwabueze, 2019-10-08 This collection of essays provides critical and in depth analyses of Nigerian law with comparisons to the laws of England and Wales Canada Australia the USA and Singapore It brings together world class Nigerian legal academics who teach in various and leading law schools across the globe The contributions represent the entire gamut of Nigerian law from land law and the Land Use Act through banking law to commercial law They also encompass insights from human rights law and procedures criminal law international law and the concept of self determination and Internet law and the regulation of electronic commerce This book will be exceedingly useful to legal practitioners and academics students and comparatists

Peoples and International Law James Summers, 2014-04-09 Peoples and International Law is a detailed

survey of the law of self determination with a focus on the concept of nations and peoples It engages with different aspects of this law with particular emphasis on the drafting and implementation of international instruments The second edition includes new coverage of the Declaration on the Rights of Indigenous Peoples and the African and Arab charters It considers recent practice by the Human Rights Committee Committee on Economic Social and Cultural Rights and African Commission on Human and Peoples Rights dealing with the emerging political economic and environmental aspects of the right The book looks at the interaction of international law nationalism and liberalism in theories of nationhood and self determination as well as the historical development of the right and the decisions of international bodies Lastly it examines practice in this area including new developments in remedial independence and international territorial administration Also available in hardback

Understanding Ethnic Conflict Raymond Taras,Rajat Ganguly,2015-08-07 *Understanding Ethnic Conflict* provides all the key concepts needed to understand conflict among ethnic groups Including approaches from both comparative politics and international relations this text offers a model of ethnic conflict s internationalization by showing how domestic and international actors influence a country s ethnic and sectarian divisions Illustrating this model in five original case studies the unique combination of theory and application in *Understanding Ethnic Conflict* facilitates more critical analysis of contemporary ethnic conflicts and the world s response to them

Secessionism and Separatism in Europe and Asia Jean-Pierre Cabestan,Aleksandar Pavković,2013 The boundaries between secessionism and separatism are often blurred and in many cases study of secessionism encompasses that of separatism and vice versa Recognising this inherent relationship this book provides a comparative survey of recent attempts at secession and separatist movements from across Europe and Asia and assesses the responses of the respective host governments The essays address two main questions which arise from the relationship between state governments and secessionist movements first how secessionist or separatist movements gather support and mobilize their target populations and second how central political authorities respond to the challenges that secessionist or separatist movements pose to their capacity to control the country With political analysis of recent cases ranging from the Balkans the USSR the UK and the Basque Country to Sri Lanka Burma China Tibet and Taiwan the authors identify both similarities and differences in the processes and outcomes of secessionist and separatist movements across the two distinct regions This volume will be an invaluable resource for those who wish to understand the dynamics of secessionist movements and as such will appeal to students and scholars of Asian and European politics comparative politics international relations and conflict studies It will also be helpful to practitioners and policy makers who wish to understand and contribute to the resolution of such conflicts

States Falling Apart? Eva Maria Belser,Alexandra Fang-Bär,Nina Massüger,Rekha Oleschak Pillai,2015-08-24 An increasing number of European countries are being faced with demands for greater autonomy or independence from regional groups The legitimacy of nation states in Europe is thus being called into question not only by the forces of globalization and Europeanization from above but also by

growing pressure to recognize the autonomous or independent status of regional groups from below From Scotland to Catalonia from Flanders to South Tyrol the movements vary in their intensity and demands yet also have many commonalities This book constitutes a compilation of papers presented at the international Conference States Falling Apart Secessionist and Autonomy Movements in Europe at the University of Fribourg in 2013 and is a timely addition to the literature on secession autonomy and federalism With theoretical contributions and case studies it presents a wide range of opinions and facts on these issues

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