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# REASON, JUSTICE AND DIGNITY

A Journey to Some Unexplored  
Sources of Human Rights

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# Racism And Human Rights Nijhoff Law Specials 58

**Sjúrður Skaale**



## **Racism And Human Rights Nijhoff Law Specials 58:**

The Ethical Economy of Conflict Prevention And Development Ralf Bredel, 2007 Central to the current development debate is the importance of human welfare in the context of group conflict. When considering ethnic racial and religious conflict, this debate draws us toward a political economy of conflict. Moreover, notions of an economic paradigm have become prominent when international organizations debate conflict prevention. In looking closer at the political economy of conflict, this publication argues the need to assimilate into our thinking distinct social and ethical economies of conflict prevention. A social economy of conflict prevention considers the interplay of economic with structural and cultural factors in conflict, explaining a much neglected category of conflict, i.e. hidden conflict. The ethical economy of conflict prevention considers implicit ethical statements development practitioners use. From these statements arise ethical paradoxes that influence the evolving economic paradigm in such way as to contradict one of its intrinsic desires, namely to restrict conflict prevention strategies to effective technical interventions. Eventually, such narrow focus on technical interventions could identify this evolving paradigm as an economical paradigm. In contrast, a rethinking of the ethical economy of conflict prevention provides a useful tool for international organizations when implementing a human rights based approach to development and long term conflict prevention.

Property Rights in Blood, Genes and Data Jasper A. Bovenberg, 2006 Taking a case and context driven approach and backing up traditional legal analysis with historical analogies, web surveys and practical experience, Jasper Bovenberg provides counter intuitive, provocative and practical answers and recommendations for such controversial issues as how to share the benefits of DNA research, whether or not to recognize personal property rights in bodily material and access to biomedical datasets in academia.

Disability in International Human Rights Law Gauthier de Beco, 2021-08-12 This book examines what international human rights law has gained from the new elements in the UN Convention on the Rights of Persons with Disabilities (CRPD). It explores how the CRPD is intricately bound up with other international instruments by studying the relationship between the Convention rights and those protected by other human rights treaties, as well as the overall objectives of the UN. Using a social model lens on disability, the book shows how the Convention sheds new light on the very notion of human rights. The book provides a theoretical framework which explicitly integrates disability into international human rights law. It explains how the CRPD challenges the legal subject by drawing attention to distinct forms of embodiment before introducing the idea of the disabled subject, which stems from a recognition that all individuals encounter disability related issues during their lives. The book also shows how to apply this theoretical framework to several rights and highlights the consequences for the implementation of human rights treaties as a whole. It builds upon the literature of disability studies and legal and political theory, as well as drawing upon the recommendations of treaty bodies and reports of UN agencies and disabled people's organisations. This book thereby provides an agenda setting analysis for all human rights experts by showing the benefits of placing disabled people at the heart of international human

rights law      **The Rule of Law, Freedom of Expression and Islamic Law** Hossein Esmaeili, Irmgard Marboe, Javaid Rehman, 2017-12-14 The importance of the rule of law is universally recognised and of fundamental value for most societies Establishing and promoting the rule of law in the Muslim world particularly in the Middle East North Africa and Central Asia has become a pressing but complicated issue These states have Muslim majority populations and the religion of Islam has an important role in the traditional structures of their societies While the Muslim world is taking gradual steps towards the establishment of rule of law systems most Muslim majority countries may not yet have effective legal systems with independent judiciaries which would allow the state and institutions to be controlled by an effective rule of law system One important aspect of the rule of law is freedom of expression Given the sensitivity of Muslim societies in relation to their sacred beliefs freedom of expression as an international human rights issue has raised some controversial cases This book drawing on both International and Islamic Law explores the rule of law and freedom of expression and its practical application in the Muslim world      **The Right to National Self-Determination** Sjúrdur Skaale, 2005-01-01 What are the Faroese and the Greenlanders Are they peoples in their own right indigenous peoples or Danish minorities And what is their status under international law Do they have the right to national self determination And if so what does this right include This volume describes the constitutional history of the Faroes and Greenland it analyses the current international status of the two countries and compares it to countries in similar situations and looks at how Denmark has administered the sovereignty of its dependencies It thus sheds new light on a constitutional arrangement that by some is described as democratic creative and imaginative and by others is deemed colonial But the book also deals with the status of non sovereign polities and the right to self determination in general as well as with the current attitude of the UN towards such matters It thus offers insights which can be of value for other countries struggling with the issue as well as scholars working in this field      *Human Rights and the UN: Practice Before the Treaty Bodies* Michael O'Flaherty, 2021-11-22

**Accountability, Investigation And Due Process in International Organizations** Chris De Cooker, 2005 This work brings together a number of papers written by experts mostly senior and active international civil servants but also retired staff analyzing the measures taken in international organizations in order to obtain greater accountability Codes of conduct have been introduced as well as more detailed measures of control This has also required review of due process and dispute resolution provisions The main objective of these codes of conduct is to foster appropriate behaviour of staff but ideally these codes should also be instrumental in avoiding disputes since staff knew more clearly what is expected of them This book is a reflection of exchanges of views and information between administrative lawyers and to some extent investigators prosecutors to ensure that the organizations become more transparent corruption free and respective of the highest standards Accountability and transparency have now become the rule and increasingly also the practice Much is still to be done however Discussions are ongoing in many organizations This work s purpose is also to contribute to these discussions

In addition to the analytic and frank contributions this work contains various documents of international organizations reflecting the codes of conduct and charters of values now in place

**Serious Violations of Human Rights** Ilia Siatitsa, 2022-05-12 This book analyses the use of the expression serious violations of human rights and similar ones such as gross or grave in international practice It highlights some of the recurring responses and consequences to such violations and suggests that a new special regime eponymous to the above mentioned expression was formed This special regime is understood as substantively limited to a very specific issue area of human rights violations Within this regime a series of monitoring mechanisms and procedures are in place to highlight document and record such violations specific measures are taken to enforce compliance and certain consequences arise focused on remedying the victims of such violations As such this special regime is comprised of at least four thinly interconnected components the substantive the monitoring the enforcement and the remedial ones This monograph constitutes a first step towards the recognition of such a regime allowing far more constructive and coherent elaboration in the future Practice around this category of violations may well evolve in a different direction than the one suggested here However what becomes apparent from this work is that the serious violations of human rights are a key notion in the international legal order as it allows the international community to depict those factual situations requiring its attention and action

**Democratising Development** Peris Jones, Kristian Stokke, 2005-11-01 What are the prospects and means of achieving development through a democratic politics of socio economic rights Starting from the position that socio economic rights are as legally and normatively valid as civil and political rights this anthology explores the politics of acquiring and transforming socio economic rights in South Africa The book brings together an interdisciplinary group of leading scholars in an examination of the multifaceted politics of social and economic policy making rights based political struggles and socio economic rights litigations The post apartheid South African experience shows that there is no guarantee that democracy will eliminate poverty or reduce social inequality but also that democratic institutions and politics may provide important means for asserting interests and rights in regard to development Thus it is argued that democratic politics of socio economic rights may democratise development while also developing democracy

**Swords Into Plowshares** Roy S.K. Lee, 2006 Brings together contributions analyzing some pressing issues in the world and suggests ways and methods to manage these problems This book covers topics such as the decision making in the UN Security Council the position of the United States vis a vis the United Nations human rights and economic and social development and others

**Legal Aspects of the Cyprus Problem** Frank Hoffmeister, 2006 The five versions of the comprehensive settlement plan for Cyprus which UN Secretary General Annan tabled between 2002 and 2004 raised a variety of international law and European law questions This book contains the first systematic analysis of the Annan plan thereby providing an overview of the legal aspects of the Cyprus problem It also discusses how the plan was intended to be accommodated in the European legal order Did it comply with the fundamental principle of democracy rule of law and human

rights Would a united Cyprus have been able to speak with one voice and to implement EU law properly The Author who has worked both for the European Commission and for the UN Special Advisor on Cyprus presents a precise account of facts and thorough legal assessments He also tackles current legal problems arising out of Cyprus membership in the EU and the suspension of the *acquis communautaire* in the northern part of Cyprus He finally analyses how the question of recognition affects the relations between Cyprus and Turkey The book is an ideal choice for practitioners and researchers because it combines first hand information on the most recent developments on Cyprus with legal evaluations from an international official trained in international and European law

The September 11 Terrorist Attacks and the Invasion of Iraq in Contemporary International Law Edward McWhinney, 2004-11-01 The US administration's pursuit of the Al Qaeda organisation and Taliban regime in Afghanistan responsible for the September 11 2001 international terrorist attacks was supported by an international coalition of the willing and backed by the full legal authority of UN Security Council Resolutions The US bid to follow this successful multilateral initiative with similar armed intervention against Saddam Hussein's government failed to rally support in the Security Council The US then proceeded to act unilaterally and with British military support to invade Iraq The problems for contemporary international law and the UN Charter based World Order system posed by the conflicts within the Security Council and the assorted legal claims advanced such as a revived doctrine of Humanitarian Intervention regime change as a justification for intervention Preemptive military strikes as an exercise in Self defence and Multilateralism versus Unilateralism in the exercise of the Peace and Security powers under the UN Charter are canvassed in the present collection of legal opinions

Freedom of Religion and Belief Rinaldo Cristofori, Silvio Ferrari, 2016-12-05 The essays and articles selected for this volume analyze what is generally understood by freedom of religion and belief in today's world The different aspects of this fundamental right are considered from the contents of freedom of religion to the possible limitations of this freedom and from the freedom of or freedom from conundrum to the question of the collective or individual right This volume reflects legal philosophical and international perspectives addresses numerous unanswered questions and offers an effective overview of the current literature and debate in this aspect of the discipline of law and religion

*The Weaknesses in the International Protection of Minority Rights*

Javaid Rehman, 2021-10-05 The issue of minority rights continues to occupy a sensitive position in international law Historical as well as contemporary events show that the subject is also capable of engulfing the international community as a whole The contention of the present study is that international law is in itself a difficult medium for providing adequate rights for minorities and for effectively safeguarding those rights This volume analyses the weaknesses in the international protection of minority rights through a detailed examination of the practices and policies of Pakistan Thought provoking and original in its approach this volume will prove to be of enormous value to international human rights lawyers and to scholars engaged in the study of minority rights in South Asia and Pakistan

**The EU Race Directive** Erica Howard, 2009-10-16 In 2000 the

European Union adopted a Directive against discrimination on the grounds of racial or ethnic origin This book provides an in depth evaluation of the Race Directive and its effects questioning how successful the Race directive has been The EU Race Directive discusses the history of the fight against racial discrimination in the EU and the equality clauses in international Human Rights instruments It then examines the terms race racism and racial discrimination and equality in the Directive The book also looks at the concepts of equality which can be distinguished in the Race Directive and in the subsequent developments at EU level Examining whether the Directive has improved the protection against racial or ethnic origin discrimination for people within the EU the book concludes with an assessment of how far the EU has come on the road to racial equality with the adoption of the Race Directive and the subsequent developments It also contains proposals for possible improvements The comprehensive and up to date analysis in this book goes beyond most other books written on the subject and the specific focus on racism and racial discrimination means a more thorough examination than most texts focusing on discrimination on a larger number of grounds This book will be of great value to students and academics in European law social sciences and human rights researching racism racial discrimination ethnicity and race relations It will also be useful for policy makers

**European Union Administration** Peter Nedergaard,2007 The book analyses the administrative system in the European Union with a focus on the efficiency and legitimacy of the administrative practices In the analysis three distinct theoretical perspectives are used a structural a procedural and a cultural thus ensuring that a broad variety of factors are included

**Zeitschrift für Genozidforschung** ,2005

The United Nations and the Principles of International Law Vaughan Lowe,Colin Warbrick,2002-09-11 Reconsiders the UN s Declaration of Principles of International Law Governing Friendly Relations Between States in the light of new problems of conflict resolution

**The Right to Protection from Incitement to Hatred** Mona Elbahtimy,2021-10-28 Against the backdrop of the new globalized hate speech dynamics the nature and scope of States obligations pursuant to international human rights law on prohibiting incitement to hatred have taken on increased importance and have become a controversial issue within multilateral human rights diplomacy Key questions being posed in the on going debates over how best to respond to the new wave of hatred include whether the international legal norm against incitement to hatred as it currently stands is suitable to address the contemporary challenges of this phenomenon Alternatively does it need to be developed further This book traces the journey of this norm in three analytical domains its emergence relevant supranational jurisprudence and the recent standard setting attempts within the UN The book argues that five internal features of the norm had a strong influence on its difficult path within international human rights law

**The International Politics of Human Rights** Monica Serrano,Thomas G. Weiss,2014-01-03 The responsibility to protect R2P is at a crossroads the latest in a journey that is only ten years old This book present debates on the prevention of mass atrocities to R2P s normative prospects The book addresses key questions as a way to inform and drive on going conversations about R2P Moving beyond well rehearsed debates about the tensions and

meanings around sovereignty in R2P practice the book focuses on advancing the credibility of the preventive dimensions of R2P whilst simultaneously examining the extent of R2P's current value added in state decision making especially for the 2011 actions in Libya and Côte d'Ivoire Questions addressed include Did the R2P framework of the 2005 World Summit Declaration intend to mould sovereignty and if so how Can R2P break or revert cycles of violence How can one determine the appropriate duration and timing of the preventive and protective phases of R2P Who what should be the targets of preventive action and how does this have an impact on R2P diplomacy Under which conditions are particular policy tools likely to be effective Which state and regional actors are best suited to using these tools What are the barriers to successful preventive action how can they be overcome What capacities need to be built at the national regional and international levels in order to operationalize R2P's preventive agenda Examining a wide range of countries this work will be essential reading for students and scholars of international human rights international organizations peacekeeping and conflict resolution



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