

# Modern Law of Self-Determination

Edited by

Charles H. McMillan

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# Modern Law Of Self Determination Developments In International Law Vol 16

**James Summers**



## **Modern Law Of Self Determination Developments In International Law Vol 16:**

*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      **The Proposed Nordic Saami Convention** Nigel Bankes, Timo Koivurova, 2013-01-31 In 2005 an expert group representing the governments of Norway Sweden and Finland and the Saami parliaments of these countries agreed upon a draft text of a Nordic Saami Convention Key parts of the text deal with the recognition of Saami land and resource rights More recently the three governments have embarked on negotiations to move from this draft text to a final convention that may be adopted and ratified by all three countries Negotiations commenced in the Spring of 2011 and should be completed within five years This collection of essays explores the national and international dimensions of indigenous property rights and the draft Convention which recognises the Saami as one people divided by international boundaries Part one of the book seeks to provide a global and theoretical context for these developments in the Nordic countries with a series of essays dealing with the moral and legal reasons for recognising indigenous property interests and different conceptualisations of the relationship between indigenous peoples and settler societies including recognition reconciliation and pluralism Part two of the book examines some international legal issues associated with the Convention including the background to the Convention Part three turns to examine aspects of the recognition of Saami property interests in each of the three Nordic states while Part four provides some comparative experiences examining the recognition of indigenous property rights in a number of jurisdictions including Canada Australia and a number of South American states An additional essay considers gender issues in relation to indigenous property rights      **International Law and Nomadic People** Marco Moretti, 2012-06-27 Nomadic people have over the years been subject to prejudice and negative thinking by sedentarised societies as well as by political and legislative systems It was finally only in the 1970s that international lawyers began to reassess the status of these peoples to recognise their rights and above all to protect them In his thesis Marco Moretti defines the relationship between nomadic people and law makers between the 16th and 19th centuries This is followed by establishing the evolution of the human rights movement recognising peoples who are not state entities and therefore giving place for the existence of nomadic people worldwide      Modern Law of Self-Determination Christian Tomuschat, 2023-08-21 Modern Law of Self Determination examines the significance of the right to self determination in the new world order For decades self

determination was seen as a right of colonial peoples Now the decolonization process has come to an end its scope and meaning need to be re examined Increasingly the ethnic groups within established nation States claim some separate political status In extreme cases of persecution of an ethnic group by a ruling majority secession may provide the only viable remedy to resolve the conflict However international law cannot promote a general Balkanization of the globe The legitimate interests of all ethnic groups should be accommodated within the framework of existing States Self determination which today is predominantly understood as implying a right to independent statehood may have to be re interpreted as conferring no more than a right to autonomy or federal statehood Such a conception is in line with a modern tendency that highlights the necessary internal dimension of self determination Modern Law of Self Determination is based on papers delivered at a conference in Bonn in August 1992 which have been updated and reviewed by the authors in light of the discussions following their presentation *Third World Attitudes Toward International Law* Frederick E. Snyder, Surakiart Sathirathai, 1987-06-23 *The Human Right to Water* Inga Winkler, 2014-08-14 The United Nations General Assembly and the Human Rights Council recognised the human right to water in 2010 This formal recognition has put the issue high on the international agenda but by itself leaves many questions unanswered This book addresses this gap and clarifies the legal status and meaning of the right to water through a detailed analysis of its legal foundations legal nature normative content and corresponding State obligations The human right to water has wide ranging implications for the distribution of water Examining these implications requires putting the right to water into the broader context of different water uses and analysing the linkages and competition with other human rights that depend on water for their realisation Water allocation is a highly political issue reflecting societal power relations with current priorities often benefitting the well off and powerful Human rights in contrast require prioritising the most basic needs of all people The human right to water has the potential to address these underlying structural causes of the lack of access to water rooted in inequalities and poverty by empowering people to hold the State accountable to live up to its human rights obligations and to demand that their basic needs are met with priority **International Development and Human Aid** Paulo Barcelos, 2016-08-16 These 8 essays mirror and expand the complexity of contemporary discussions on cosmopolitanism and global justice focusing on a normative study of the global institutional order with suggestions of direct ways to reform it They assess schemes of worldwide distributive justice and the mechanisms required to discharge the global duties that the theories establish **Irish Yearbook of International Law, Volume 7, 2012** Fiona de Londras, Siobhán Mullally, 2014-12-04 The Irish Yearbook of International Law IYIL supports research into Ireland's practice in international affairs and foreign policy filling a gap in existing legal scholarship and assisting in the dissemination of Irish thinking and practice on matters of international law On an annual basis the Yearbook presents peer reviewed academic articles and book reviews on general issues of international law Designated correspondents provide reports on international law developments in Ireland Irish practice in international

bodies Ireland and the Law of the Sea and the law of the European Union as relevant to developments in Ireland In addition the Yearbook reproduces key documents that reflect Irish practice on contemporary issues of international law Publication of the Irish Yearbook of International Law makes Irish practice and opinio juris more readily available to Governments academics and international bodies when determining the content of international law In providing a forum for the documentation and analysis of North South relations the Yearbook also makes an important contribution to post conflict and transitional justice studies internationally As a matter of editorial policy the Yearbook seeks to promote a multilateral approach to international affairs reflecting and reinforcing Ireland s long standing commitment to multilateralism as a core element of foreign policy

Sources of International Law Martti Koskeniemi, 2017-07-05 A collection of essays on the various aspects of the legal sources of international law including theories of the origin of international law explanation of its binding force normative hierarchies and the relation of international law and politics

*Radical Democracy in Modern Indian Political Thought* Tejas Parasher, 2023-07-20 The first study of a neglected tradition of participatory democracy in modern India

**Tracing the Roles of Soft Law in Human Rights** Stéphanie Lagoutte, Thomas Gammeltoft-Hansen, John Cerone, 2016-11-10 Soft law increasingly shapes and impacts the content of international law in multiple ways from being a first step in a norm making process to providing detailed rules and technical standards required for the interpretation and the implementation of treaties This is especially true in the area of human rights While relatively few human rights treaties have been adopted at the UN level in the last two decades the number of declarations resolutions conclusions and principles has grown significantly In some areas soft law has come to fill a void in the absence of treaty law exerting a degree of normative force exceeding its non binding character In others areas soft law has become a battleground for interpretative struggles to expand and limit human rights protection in the context of existing regimes Despite these developments little attention has been paid to soft law within human rights legal scholarship Building on a thorough analysis of relevant case studies this volume systematically explores the roles of soft law in both established and emerging human rights regimes The book argues that a better understanding of how soft law shapes and affects different branches of international human rights law not only provides a more dynamic picture of the current state of international human rights but also helps to unsettle and critically question certain political and doctrinal beliefs Following introductory chapters that lay out the general conceptual framework the book is divided in two parts The first part focuses on cases that examine the role of soft law within human rights regimes where there are established hard law standards its progressive and regressive effects and the role that different actors play in the incubation process The second part focuses on the role of soft law in emerging areas of international law where there is no substantial treaty codification of norms These chapters examine the relationship between soft and hard law the role of different actors in formulating new soft law and the potential for eventual codification

*Queer Encounters with International Law* Tamsin Phillippa Paige, Claerwen O'Hara, 2024-10-07 This book focuses on queer people

and their encounters with international law Traversing a wide range of topics from trans discrimination and conversion therapy to sadomasochism and abolitionism this book asks questions about the impossibility of freedom and equality for queer communities in the world and the role that different areas of international law have to play in such a pursuit It considers how queer lives and bodies are rendered legible or illegible to the law through how we define concepts such as gender identity or private life It also reflects on whether legal activism focused on LGBTIQ rights can ever reflect the insights of queer theory The book engages with new issues in international law such as recent contestation over the meaning of gender in international human rights law and international criminal law It also showcases the diversity of approaches to queering international law that are emerging While some chapters offer a critique of international law's violent and exclusionary tendencies others re-invest in international law as a tool in the struggle for queer liberation by seeking to re-imagine it in queer directions The questions addressed in this book are wide-ranging and approached differently by the authors However all centre on the complex relationship between international law queer theory and queer lives and what the future holds for these encounters going forward This collection of queer encounters with international law will be invaluable to scholars of international law human rights and international relations with an interest in critical approaches to these areas as well as to researchers activists and practitioners working in cultural gender and sexuality studies

#### **Secession** Marcelo

G. Kohen, 2006-03-30 The end of the Cold War brought about new secessionist aspirations and the strengthening and re-awakening 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

#### *Human Rights in Development, Volume 9* Lone Lindholt, Sten

Schaumburg-Müller, 2021-11-29 The current edition is the fifteenth in the series Over the years the structure of the yearbook has shifted from that of a journal to a thematic anthology The main editorship as well as the thematic expertise for this volume has been the responsibility of the Danish Institute for Human Rights As the title of this volume Human Rights and Local Living Law indicates its focus is on the various forms of local informal and/or customary law and their interaction with human rights The Human Rights in Development series takes its starting point in a development perspective and aims to be topical comprehensive and multi-disciplinary exemplifying the cross-fertilization of theoretical and practical approaches Contributions are sought from researchers and practitioners in both donor and recipient countries To ensure an increased

focus on Southern perspectives participation in the editorial work and inclusion of authors from a broad geographical scope has been and is continuously sought The volumes published in the Human Rights in Development series which for historical reasons still carry the word Yearbook in their title are the result of a long term collaboration between human rights research institutes and centres Currently the partners in the project include the Christian Michelsen Institute Bergen the Danish Institute for Human Rights Copenhagen the Icelandic Human Rights Centre Reykjavik the Ludwig Boltzman Institute of Human Rights Vienna the Netherlands Institute of Human Rights Utrecht the Norwegian Centre for Human Rights Oslo the Raoul Wallenberg Institute of Human Rights and Humanitarian Law Lund and the bo Akademi University Institute for Human Rights Turku bo As in previous years the publication is aimed at a broad audience including government agencies donor agencies embassies the press non governmental organisations and the academic community

Fragmentation and the International Relations of Micro-states Jorri Duursma, 1996-10-31 At a time when nearly all armed conflicts are related to self determination and frequently to claims for secession this meticulous study examines the legal issues at stake in the light of the existence of European micro States Liechtenstein San Marino Monaco Andorra and the Vatican City Jorri Duursma makes a thorough analysis of the true origins meaning and faults of the modern right of self determination asking fundamental questions What constitutes a people with a right to self determination How small a people has this right Who are allowed to secede What is a state according to international law Jorri Duursma s book provides an up to date and informed account of these important issues which also draws on recent experiences in Eastern Europe and Yugoslavia It is the first book to provide a thorough international legal account of the European micro states and develops a novel approach to the problems of fragmentation

**The JAG Journal** ,1947 **Self-Determination, Terrorism and the International Humanitarian Law of Armed Conflict** Elizabeth Chadwick, 2023-08-28 A preliminary definition of international terrorism was agreed by the world community in 1937 Since then a World War and the Cold War have made any such modern consensus impossible In particular the UN principles of equal rights and self determination of Peoples have caused political and juridical confusion in that liberation fighters who utilize terror methods as one tactic in an overall political strategy to achieve self determination are frequently termed terrorists and are prosecuted as such In order to regulate wars of self determination under international law and to control the means and methods of warfare utilized in them international humanitarian law IHL was extended in 1977 to include armed conflicts for the right to self determination as enshrined in the Declaration on Principles of International Law concerning Friendly Relations and Co operation among States in accordance with the Charter of the United Nations Thus acts of terrorism perpetrated during armed struggles for self determination are separable from random acts of international violence and when perpetrated by states or insurgent forces during wars of self determination may be prosecuted under IHL as war crimes However although states are obliged to seek out and prosecute the perpetrators of illicit acts of warfare they rarely do so Dr Chadwick argues that should IHL be fully utilized during wars of self determination if

only for purposes of guidance the separability of illicit acts of war would enable the international community to reach consensus more easily in regard to a definition of terrorism in general and a coordination of efforts to deter its occurrence

**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

**Peoples and International Law** James Summers, 2007-08-13 Peoples and International Law is the most comprehensive current account of the right of self determination in international law The book examines the law of self determination as the product of the interaction between nationalism and international law This broad and interdisciplinary work charts this interaction through different aspects of the legal process in international instruments judicial decisions legal obligations and historical context critically and in extensive detail The book is essential reading for those with an interest both in peoples rights in international law and the study of nationalism

*Indigenous Rights and Development* Andrew Gray, 1997 The Arakmbut are an indigenous people in the southeastern Peruvian rain forest who have survived with their culture intact despite encounters with missionaries since the 1950s and a gold rush into their territory over the past 15 years This final volume of the series looks at the growing consciousness among the Arakmbut of their own rights and the growing development of indigenous rights internationally and describes the importance of the invisible spirit world in the Arakmbut legal system Annotation copyrighted by Book News Inc Portland OR



## The Enigmatic Realm of **Modern Law Of Self Determination Developments In International Law Vol 16**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing short of extraordinary. Within the captivating pages of **Modern Law Of Self Determination Developments In International Law Vol 16** a literary masterpiece penned by way of a renowned author, readers attempt a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting impact on the hearts and minds of those who partake in its reading experience.

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