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On Nationality

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On Nationality:

On Nationality David Miller, 1995-10-06 Nationalism is a dominating force in contemporary politics but political philosophers have been markedly reluctant to discuss let alone endorse nationalist ideas In this book David Miller defends the principle of nationality He argues that national identities are valid sources of personal identity that we are justified in recognizing special obligations to our co nationals that nations have good grounds for wanting to be politically self determining but that recognizing the claims of nationality does not entail suppressing other sources of personal identity such as ethnicity Finally he considers the claim that national identities are dissolving in the late twentieth century This timely and provocative book offers the most compelling defence to date of nationality from a radical perspective Series description Oxford Political Theory presents the best new work in contemporary political theory It is intended to be broad in scope including original contributions to political philosophy and also work in applied political theory The series will contain works of outstanding quality with no restriction as to approach or subject matter **The Human Rights of Aliens Under International and Comparative Law** Carmen Tiburcio, 2001-01-01 This volume deals with the basic human rights of aliens from the perspective of international and comparative law It examines the rules regarding treatment of aliens and the extent to which these rules have been adopted in the domestic legislation of more than 40 different states It aims to achieve two basic goals 1 to define the status of aliens under international law that is which rights are granted to every person by international instruments and 2 to establish whether this set of rules has been adopted by the domestic legislation of the states under review The author classifies the basic human rights of aliens into seven different categories namely 1 fundamental rights 2 private rights 3 social and cultural rights 4 economic rights 5 political rights 6 public rights and 7 procedural rights For each of these categories she reviews opinions of international legal commentators decisions of international and regional tribunals as well as national legislation domestic court decisions and opinions of local authorities

On Nationality David Miller, 1995 **A Law of Peoples for Recognizing States** Chris Naticchia, 2016-11-02 Which political entities should the international community recognize as member states granting them the rights and powers of statehood and entitling them to participate in formulating adjudicating and implementing international law What criteria should it use and are those criteria defensible From Kosovo Palestine and Taiwan to South Sudan Scotland South Ossetia Abkhazia and Catalonia these questions continuously arise and constantly challenge the international community for a consistent principled stance In response to this challenge Chris Naticchia offers a social contract argument for a theory of international recognition a normative theory of the criteria that states and international bodies should use to recognize political entities as member states of the international community Regardless of whether political entities adequately respect human rights or practice democracy he argues we must recognize a critical mass of them to get international institutions working Then we should recognize secessionist entities that suffer from persistent grave and widespread human rights

abuses by their government and under certain conditions minority nations within multinational states that seek independence We must also recognize entities whose recognition would contribute to the economic development of the least well off entities Drawing on the social contract tradition and developing a broadly Rawlsian view A Law of Peoples for Recognizing States will both challenge and appeal to a broad readership in political philosophy international law and international relations

Queering Multiculturalism Aret Karademir, 2018-09-15 Queering Multiculturalism argues for group specific rights for ethno cultural minorities but without ignoring that such rights may lead to ethnic chauvinism balkanization and the cultural marginalization of minorities within minorities such as ethnic LGBT people Thus it aims to construct a liberal theory of minority rights to accommodate ethno cultural diversity without destroying ethno sexual diversity and without privileging one type of minority group over another

Schreuer's Commentary on the ICSID Convention Stephan W. Schill, Loretta Malintoppi, August Reinisch, Christoph H. Schreuer, Anthony Sinclair, 2022-09-14 This unique compendium offers an article by article commentary on the Convention on the Settlement of Investment Disputes between States and Nationals of Other States Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor State disputes it incorporates the preparatory work the Convention's text various rules and regulations adopted under the Convention the practice of arbitral tribunals under the Convention and academic writings on the subject The first and second editions of this Commentary have been relied upon by numerous arbitral tribunals This third edition follows the same system and approach but extensive updates and revisions reflect the vast increase in arbitral practice since the publication of the second edition A number of novel issues that have emerged through this practice are now addressed making this practice oriented guide an indispensable tool for anyone dealing with the ICSID Convention Likewise the number of contributors to and editors of the third edition has increased

Legal Migration to the European Union Anja Wiesbrock, 2010-08-16 This book provides a comprehensive analysis of EU legislation in the area of legal migration Five Directives on family reunification long term residence students researchers and highly qualified migrants are critically assessed Moreover the implementation of the Directives in three Member States Germany the Netherlands and Sweden and national legislation in two Member States with an opt out from EU migration law the UK and Netherlands are assessed This includes national rules on the integration of third country nationals and access to citizenship The book calls into question the compliance of several European and national provisions with EU principles of law and international human rights

International Refugee Law and the Protection of Stateless Persons Michelle Foster, Hélène Lambert, 2019-04-04 International Refugee Law and the Protection of Stateless Persons examines the extent to which the 1951 Convention relating to the Status of Refugees protects de jure stateless persons While de jure stateless persons are clearly protected by the 1954 Convention relating to the Status of Stateless Persons this book seeks to explore the extent to which such persons are also entitled to refugee status The questions addressed include the following When is a person without a nationality for the purpose of the 1951 Refugee

Convention What constitutes one's country of former habitual residence as a proxy to one's country of nationality When does being stateless give rise to a well founded fear of persecution for reasons specified in the 1951 Refugee Convention and or UNHCR mandate What are the circumstances under which statelessness constitutes persecution or inhuman or degrading treatment How are courts assessing individual risk or threat to stateless persons The book draws on historical and contemporary interpretation of international law based on the travaux préparatoires to the 1951 Refugee Convention and its antecedents academic writing UNHCR policy and legal documents UN Human Rights Council resolutions UN Human Rights Committee general comments UN Secretary General reports and UN General Assembly resolutions It is also based on original comparative analysis of existing jurisprudence worldwide relating to claims to refugee status based on or around statelessness By examining statelessness through the prism of international refugee law this book fills a critical gap in existing scholarship

Statelessness William Conklin, 2014-12-01 Statelessness is a legal status denoting lack of any nationality a status whereby the otherwise normal link between an individual and a state is absent The increasingly widespread problem of statelessness has profound legal social economic and psychological consequences but also gives rise to the paradox of an international community that claims universal standards for all natural persons while allowing its member states to allow statelessness to occur In this powerfully argued book Conklin critically evaluates traditional efforts to recognize and reduce statelessness The problem he argues rests in the obligatory nature of law domestic or international By closely analysing a broad spectrum of court and tribunal judgments from many jurisdictions Conklin explains how confusion has arisen between two discourses the one discourse inside the other as to the nature of the international community One discourse a surface discourse describes a community in which international law justifies a state's freedom to confer withdraw or withhold nationality This international community incorporates state freedom over nationality matters bringing about the de jure and effective stateless condition The other discourse an inner discourse highlights a legal bond of socially experienced relationships Such a bond judicially referred to as effective nationality is binding upon all states and where such a bond exists harm to a stateless person represents harm to the international community as a whole *Documents* Council of Europe: Parliamentary Assembly, 2005-01-06

A Cultural Interpretation of the Genocide Convention Kurt Mundorff, 2020-08-25 This book critiques the dominant physical and biological interpretation of the Genocide Convention and argues that the idea of culture is central to properly understanding the crime of genocide Using Raphael Lemkin's personal papers archival materials from the State Department and the UN as well as the mid century secondary literature it situates the convention in the longstanding debate between Enlightenment notions of universality and individualism and Romantic notions of particularism and holism The author conducts a thorough review of the treaty and its preparatory work to show that the drafters brought strong culturalist ideas to the debate and that Lemkin's ideas were held widely in the immediate postwar period Reconstructing the mid century conversation on genocide and situating it in the much broader mid century

discourse on justice and society he demonstrates that culture is not a distraction to be read out of the Genocide Convention it is the very reason it exists This volume poses a forceful challenge to the materialist interpretation and calls into question decades of international case law It will be of interest to scholars of genocide human rights international law the history of international law and human rights and treaty interpretation *League of Nations Publications*, 1927 *The Human Right to Citizenship* Barbara von Rütte, 2022-12-28 The open access publication of this book has been published with the support of the Swiss National Science Foundation This book offers a comprehensive analysis of the right to citizenship in international and regional human rights law It critically reflects on the limitations of state sovereignty in nationality matters and situates the right to citizenship within the existing human rights framework It identifies the scope and content of the right to citizenship by looking not only at statelessness deprivation of citizenship or dual citizenship but more broadly at acquisition loss and enjoyment of citizenship in a migration context Exploring the intersection of international migration human rights law and belonging the book provides a timely argument for recognizing a right to the citizenship of a specific state on the basis of one's effective connections to that state according to the principle of *jus nexi* *Brownlie's Documents on Human Rights* Ian Brownlie, Guy S Goodwin-Gill, 2010-06-24 Basic Documents on Human Rights provides a collection of key documents and covers all elements of the subject It is an account of the most important instruments adopted by the UN its agencies regional organizations and other actors

Contemporary Issues in Human Rights Law Yumiko Nakanishi, 2017-10-05 This book is published open access under a CC BY NC ND 4.0 license This book analyzes issues in human rights law from a variety of perspectives by eminent European and Asian professors of constitutional law international public law and European Union law As a result their contributions collected here illustrate the phenomenon of cross fertilization not only in Europe the EU and its member states and the Council of Europe but also between Europe and Asia Furthermore it reveals the influence that national and foreign law EU law and the European Convention on Human Rights and European and Asian law exert over one another The various chapters cover general fundamental rights and human rights issues in Europe and Asia as well as specific topics regarding the principles of nondiscrimination women's rights the right to freedom of speech in Japan and China's Development Banks in Asia Protection of human rights should be guaranteed in the international community and research based on a comparative law approach is useful for the protection of human rights at a higher level As the product of academic cooperation between ten professors of Japanese Taiwanese German Italian and Belgian nationalities this work responds to such needs

The Reception of Asylum Seekers under International Law Lieneke Slingenberg, 2014-12-01 Increasingly European states are using policy on the reception of asylum seekers as an instrument of immigration control eg by deterring the lodging of asylum applications preventing integration into their societies and exercising a large degree of control over asylum seekers in order to facilitate expulsion The European Union is currently engaged in a process of developing minimum conditions for the reception of asylum seekers as part of a Common European

Asylum System This book critically examines the outcomes of the negotiation process on these minimum standards Directive 2003/9/EC and Directive 2013/33/EU in relation to international refugee law international social security law and international human rights law It presents a comprehensive analysis of state obligations that stem from these different fields of law with regard to asylum seekers access to the labour market and social security benefits and compares them to the minimum standards developed in the European Union To this end it offers an in depth study into the notion of non discrimination on the basis of nationality in the field of social security and a detailed analysis of recent developments in the case law of the European Court on Human Rights on positive obligations in the socioeconomic sphere It takes into account both the special characteristics of international legal obligations for states in the socioeconomic sphere and the legal consequences of the tentative legal status of asylum seekers In addition this book particularly examines how the instrumental use of social policy relates to international law

The UN Convention on the Rights of the Child John Tobin, 2019-03-28 The United Nations Convention on the Rights of the Child is the most extensive and widely ratified international human rights treaty This Commentary offers a comprehensive analysis of each of the substantive provisions in the Convention and its Optional Protocols on Children and Armed Conflict and the Sale of Children Child Prostitution and Pornography It provides a detailed insight into the drafting history of these instruments the scope and nature of the rights accorded to children and the obligations imposed on states to secure the implementation of these rights In doing so it draws on the work of the Committee on the Rights of the Child international regional and domestic courts academic and interdisciplinary scholarly analyses It is of relevance to anyone working on matters affecting children including government officials policy makers judicial officers lawyers educators social workers health professionals academics aid and humanitarian workers and members of civil society

The Oxford Handbook of Citizenship Ayelet Shachar, Rainer Bauboeck, Irene Bloemraad, Maarten Vink, 2017-07-27 Contrary to predictions that it would become increasingly redundant in a globalizing world citizenship is back with a vengeance The Oxford Handbook of Citizenship brings together leading experts in law philosophy political science economics sociology and geography to provide a multidisciplinary comparative discussion of different dimensions of citizenship as legal status and political membership as rights and obligations as identity and belonging as civic virtues and practices of engagement and as a discourse of political and social equality or responsibility for a common good The contributors engage with some of the oldest normative and substantive quandaries in the literature dilemmas that have renewed salience in today's political climate As well as setting an agenda for future theoretical and empirical explorations this Handbook explores the state of citizenship today in an accessible and engaging manner that will appeal to a wide academic and non academic audience Chapters highlight variations in citizenship regimes practiced in different countries from immigrant states to non western contexts from settler societies to newly independent states attentive to both migrants and those who never cross an international border Topics include the selling of citizenship multilevel citizenship in between

statuses citizenship laws post colonial citizenship the impact of technological change on citizenship and other cutting edge issues This Handbook is the major reference work for those engaged with citizenship from a legal political and cultural perspective Written by the most knowledgeable senior and emerging scholars in their fields this comprehensive volume offers state of the art analyses of the main challenges and prospects of citizenship in today s world of increased migration and globalization Special emphasis is put on the question of whether inclusive and egalitarian citizenship can provide political legitimacy in a turbulent world of exploding social inequality and resurgent populism

The Use of Force against Ukraine and International Law Sergey Sayapin, Evhen Tsybulenko, 2018-09-08 Written by a team of international lawyers from Europe Asia Africa and the Caribbean this book analyses some of the most significant aspects of the ongoing armed conflict between the Russian Federation and Ukraine As challenging as this conflict is for the international legal order it also offers lessons to be learned by the States concerned and by other States alike The book analyses the application of international law in this conflict and suggests ways for this law s progressive development It will be useful to practitioners of international law working at national Ministries of Defence Justice and Foreign Affairs as well as in Parliaments to lawyers of international organizations and to national and international judges dealing with matters of public international law international humanitarian law and criminal law It will also be of interest to scholars and students of international law and to historians of international relations Sergey Sayapin is Assistant Professor in International and Criminal Law at the School of Law of the KIMEP University in Almaty Kazakhstan Evhen Tsybulenko is Professor of Law at the Department of Law of the Tallinn University of Technology in Tallinn Estonia

Permanent Court of International Justice United States. Congress. House. Committee on Foreign Affairs, 1932 Considers legislation to authorize U S contribution to World Court for 1932

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