

Anne F. Bayefsky

Marko Milanovic, Michael Wood

Self-determination in International Law Anne F. Bayefsky, 2000-03-04 The case of Quebec within Canada and the Supreme Court of Canada's case on the legality of secessionist attempts by Quebec is one example of the tension associated with the relationship between self determination and a right of secession. The object of the book is to render available to the international community the expert opinions and legal arguments associated with the Supreme Court of Canada's decision on the Quebec Secession Reference The questions put to the Court in large part concerned international law leading the parties to the Reference to seek opinions from international law experts around the world as they prepared their arguments which are presented in this book Self determination is an idea rooted in human dignity and its meaning and force parallel the emergence of new understandings of the nature of sovereignty and the role of international law in the protection of human rights The UN Human Rights Committee has identified self determination as one of the most awkward principles to define because abuse of this right could jeopardize international peace and security Self determination as formulated by the International Court of Justice requires a free and genuine expression of the will of the peoples concerned But serious questions remain about the extent of the relationship between self determination and a right of secession Does self determination legitimate internal self government association of some kind with another state or statehood and in what Self-Determination in International Law, Quebec and Lessons Learned Anne Bayefsky, 2021-11-15 The case of contexts Quebec within Canada and the Supreme Court of Canada's case on the legality of secessionist attempts by Quebec is one example of the tension associated with the relationship between self determination and a right of secession The object of the book is to render available to the international community the expert opinions and legal arguments associated with the Supreme Court of Canada's decision on the Quebec Secession Reference The questions put to the Court in large part concerned international law leading the parties to the Reference to seek opinions from international law experts around the world as they prepared their arguments which are presented in this book Self determination is an idea rooted in human dignity and its meaning and force parallel the emergence of new understandings of the nature of sovereignty and the role of international law in the protection of human rights The UN Human Rights Committee has identified self determination as one of the most awkward principles to define because abuse of this right could jeopardize international peace and security Self determination as formulated by the International Court of Justice requires a free and genuine expression of the will of the peoples concerned But serious questions remain about the extent of the relationship between self determination and a right of secession Does self determination legitimate internal self government association of some kind with another state or statehood and in what contexts The Concept of Group Rights in International Law Corsin Bisaz, 2012-08-28 The Concept of Group Rights in International Law offers a critical appraisal of the concept of group rights in international law on the basis of an extensive survey of existing group rights in contemporary international law Among some of its findings is the

observation that an ideological way of arguing about this legal category is widespread among scholars as well as practitioners it sees this ideological framing as one of the main reasons why international law has so far been very reluctant to provide group rights and to call them by their name Accordingly the book re evaluates the concept based on the experience with existing group rights in international law and pleads for a more pragmatic approach Despite limitations with the concept the overall thesis is that there is a role for group rights as a pragmatic tool allowing for a principled approach to substate groups through international law Such an approach could turn group rights into an arguably minor but nevertheless highly relevant legal category of international law **Self-Determination, International Law and Post-Conflict Reconstruction** Manuela Melandri, 2018-10-03 The right to self determination has played a crucial role in the process of assisting oppressed people to put an end to colonial domination Outside of the decolonization context however its relevance and application has constantly been challenged and debated This book examines the role played by self determination in international law with regard to post conflict state building It discusses the question of whether self determination protects local populations from the intervention of international state builders in domestic affairs With a focus on the right as it applies to the people of an independent state it explores how self determination concerns that arise in the post conflict period play out in relation to the reconstruction process The book analyses the situation in Somalia as a means of drawing out the impact and significance of the legal principle of self determination in the process of rebuilding post conflict institutions In so doing it seeks to highlight how the relevance of self determination is often overlooked in this context The Right of Self-Determination of Peoples Jörg Fisch, 2015-12-09 The right of self determination of peoples holds out the promise of sovereign statehood for all peoples and a domination free international order But it also harbors the danger of state fragmentation that can threaten international stability if claims of self determination lead to secessions Covering both the late eighteenth and early nineteenth century independence movements in the Americas and the twentieth century decolonization worldwide this book examines the conceptual and political history of the right of self determination of peoples It addresses the political contexts in which the right and concept were formulated and the practices developed to restrain its potentially anarchic character its inception in anti colonialism nationalism and the labor movement its instrumentalization at the end of the First World War in a formidable duel that Wilson lost to Lenin its abuse by Hitler the path after the Second World War to its recognition as a human right in 1966 and its continuing impact after decolonization The International Legal System in Quest of Equity and Universality Laurence Boisson de Chazournes, Vera Gowlland-Debbas, 2021-10-18 Georges Abi Saab began his writing and teaching at a time when the process of decolonization and thereafter the guest for emancipation began to make its far reaching impact on the international scene producing significant changes in the international environment both quantitatively in increasing the number of nation States and qualitatively in changing patterns of interests and claims This was bound to result in new pressures on the international legal system itself and in a

questioning of the traditional Eurocentric content of international law In his work and teaching Professor Abi Saab viewed the dynamics of international law as a function of two driving forces the emergence of the third world and the sense of injustice In his view the first driving force the emergence of the third world raised the problem of exclusion exclusion from participation in the elaboration of international law and the decision making process and exclusion as beneficiaries of the resulting rules of international law At the same time this new force introduced diversity into the international scene reflecting the richness of the international community in its different facets. This process remains relevant today reflecting the contemporary problem of exclusion of new actors as well as their quest for participation. The second driving force the sense of injustice posed a teleological problem for him that of defining community values in order that they capture the different facets of justice whether formal or distributive So long as there is no effective organic structure international law in his view will continue to remain effectiveness oriented reflecting rather than impacting on the structures of power Nevertheless it is undeniable that there is an on going process of development of community values and interests as Georges Abi Saab wrote with reference to international crimes law like all social phenomena is a continuous unfolding a continuous process of elaboration He has also considered that the dynamics of the international legal process itself can be captured from the perspective of international organizations as vehicles for change in the international system From his early writings Georges Abi Saab approached the United Nations Charter as a blueprint both normative and institutional for a certain type of international society International institutions with all their imperfections continue for him to be the means of realization of the law of cooperation which lies at the heart of his concept of the international system The themes selected for this volume in honour of Professor Georges Abi Saab are intended to reflect his unique and pioneering contribution to the field of international law The contributors are drawn from what he has always considered to be his large family of former students in his forty years of teaching Georges Abi Saab has acted as mentor to generations of students from all over the world who have benefited from his vision insights originality and creative and stimulating use of language The contributors also include colleagues and friends who share a similar vision of the international legal system **Bibliography of the International** Court of Justice, 2012-04 The present publication contains bibliographical references concerning the International Court of Justice received by the Registry of the Court during the year 2000 It is the nineteenth issue in a new series of a bibliography which goes back to the origins of the Court
The Canadian Contribution to a Comparative Law of Secession Giacomo Delledonne, Giuseppe Martinico, 2018-12-11 This edited collection gathers together Canadian and non Canadian scholars to reflect on and celebrate the 20thanniversary of the Quebec Secession Reference delivered by the Canadian Supreme Court in 1998 It opens withtwo Canadian scholars exchanging thoughts on the legacy of the reference from a domestic perspective as one of the most questioned decisions of the Canadian Supreme Court To follow non Canadian scholars discuss the impact of this reference abroad reflecting upon its influence in European and non European contexts Spain Scotland the EU after

Brexit Eastern European Countries Ethiopia and Asia Two final chapters one by a lawyerand one by a political scientist explore the democratic theory behind that reference Finnish Yearbook of International Law, Volume 24, 2014 Tuomas Tiittala, 2018-01-11 The Finnish Yearbook of International Law aspires to honour and strengthen the Finnish tradition in international legal scholarship Open to contributions from all over the world and from all persuasions the Finnish Yearbook stands out as a forum for theoretically informed high quality publications on all aspects of public international law including the international relations law of the European Union The Finnish Yearbook publishes in depth articles and shorter notes commentaries on current developments book reviews and relevant overviews of Finland's state practice While firmly grounded in traditional legal scholarship it is open for new approaches to international law and for work of an interdisciplinary nature The Finnish Yearbook is published for the Finnish Society of International Law by Hart Publishing Earlier volumes may be obtained from Martinus Nijhoff an imprint of Brill Publishers Further information may be found at A Right to Self-determination and a Privilege to Independence Marie-Hélène Boccara, 2007 A Precedent? James Summers, 2011-08-25 Kosovo's declaration of independence on 17 February 2008 has had a profound and polarising impact on international relations While over a third of the world's countries have recognised Kosovo others have been concerned that it sets a precedent for secessionist minorities Indeed Kosovo appears to have been used as a precedent in the Russia Georgia conflict over South Ossetia The book brings together contributions from leading academics on the legal aspects of Kosovo and in particular the International Court of Justice's Advisory Opinion of 2010 The result is an extensive examination from a variety of experts on Kosovo and its impact on international law Imperialism, Sovereignty and the Making of International Law Antony Anghie, 2007-04-26 Examines the relationship between imperialism and international law **Diversity and Self-Determination in International Law** Karen Knop, 2002-04-18 The emergence of new states and independence movements after the Cold War has intensified the long standing disagreement among international lawyers over the right of self determination especially the right of secession Knop shifts the discussion from the articulation of the right to its interpretation She argues that the practice of interpretation involves and illuminates a problem of diversity raised by the exclusion of many of the groups that self determination most affects Distinguishing different types of exclusion and the relationships between them reveals the deep structures biases and stakes in the decisions and scholarship on self determination Knop's analysis also reveals that the leading cases have grappled with these embedded inequalities Challenges by colonies ethnic nations indigenous peoples women and others to the gender and cultural biases of international law emerge as integral to the interpretation of self determination historically as do attempts by judges and other institutional interpreters to meet these challenges Democracy, Minorities and International Law Steven Wheatley, 2005-12-22 Examines the regulation of cultural conflicts from the perspective of international law The Law and Politics of the Kosovo Advisory Opinion Marko Milanovic, Michael Wood, 2015-03-19 This volume is an edited

collection of essays on various aspects of the 2010 Kosovo Advisory Opinion of the International Court of Justice The main theme of the book is the interplay between law and politics regarding Kosovo's independence generally and the advisory opinion specifically How and why did the Court become the battleground in which Kosovo's independence was to be fought out or not How and why did political arguments in favour of Kosovo s independence e g that Kosovo was a unique sui generis case which set no precedent for other secessionist territories change in the formal legal setting of advisory proceedings before the Court How and why did states supporting either Kosovo or Serbia choose to frame their arguments How did the Court perceive them What did the Court want to achieve and did it succeed in doing so And how was the opinion received and what broader implications did it have so far These are the questions that the book hopes to shed some light on To do so the editors assembled a stellar cast of contributors many of whom acted as counsel or advisors in the case as well a number of eminent scholars of politics and international relations whose pieces further enrich the book and give it an interdisciplinary angle The book thus tells the story of the case places it within its broader political context and so attempts to advance our understanding of how such cases are initiated litigated and decided and what broader purposes they may or A Commentary on the International Covenant on Civil and Political Rights Paul M. Taylor, 2020-07-02 A may not serve new and an essential reference work for any international human rights law academic student or practitioner A Commentary on the International Covenant on Civil and Political Rights spans all substantive rights of the International Covenant on Civil and Political Rights ICCPR approached from the perspective of the ICCPR as an integrated coherent scheme of rights protection In detailed coverage of the Human Rights Committee's output when monitoring ICCPR compliance Paul M Taylor offers extraordinary access to forty years of its Concluding Observations Views and General Comments organised thematically This Commentary is a solid and practical introduction to any and all of the civil and political rights in the ICCPR and a rare resource explaining the requirements for domestic implementation of ICCPR standards An indispensable research tool for any serious enquirer into the subject the Commentary speaks to the accomplishments of the ICCPR in striving for universal human rights standards A Landscape of Contemporary Theories of International Law Emmanuel Roucounas, 2019-09-16 This rich and remarkable volume offers an overview of the most important schools movements and trends which make up the theoretical landscape of contemporary international law as well as the works of over 500 authors It moves beyond generalization and examines how the relevant literature deals with the basic issues of the international legal system such as international obligations legitimacy compliance unity and universality the rule of law human rights use of force and economics It offers insights into the addressees the state international organizations individuals and other private persons and the construction of international law including law making the relationship between norms and interpretation Moreover it widens the discourse by addressing old yet enduring as well as new concerns about the functioning of the international legal system and presents views of non international lawyers and political scientists regarding that system It is

a valuable analysis for researchers students and practitioners How Terrorism Is Wrong Virginia Held, 2011-03-04 What is terrorism How is it different from other kinds of political violence Why exactly is it wrong Why is war often thought capable of being justified On what grounds should we judge when the use of violence is morally acceptable It is often thought that using violence to uphold and enforce the rule of law can be justified that violence used in self defense is acceptable and that some liberation movements can be excused for using violence but that terrorism is always wrong How persuasive are these arguments and on what bases should we judge them How Terrorism is Wrong collects articles by Virginia Held along with much new material It offers a moral assessment of various forms of political violence with terrorism the focus of much of the discussion Here and throughout Held examines possible causes discussed including the connection between terrorism and humiliation Held also considers military intervention conventional war intervention to protect human rights violence to prevent political change and the status and requirements of international law She looks at the cases of Rwanda Kosovo Iraq and the Israeli Palestinian conflict Finally she explores questions of who has legitimate authority to engage in justifiable uses of violence whether groups can be responsible for ethnic violence and how the media should cover terrorism Held discusses appropriate ways of engaging in moral evaluation and improving our moral recommendations concerning the uses of violence Just war theory has been developed for violence between the military forces of conflicting states but much contemporary political violence is not of this kind Held considers the guidance offered by such traditional moral theories as Kantian ethics and utilitarianism and also examines what the newer approach of the ethics of care can contribute to our evaluations of violence Care is obviously antithetical to violence since violence destroys what care takes pains to build but the ethics of care recognizes that violence is not likely to disappear from human affairs and can offer realistic understandings of how best to reduce it The Use of Force Against Individuals in War Under International Law Ka Lok Yip, 2022 This series emerged through the vision of the late Antonio Cassese Since then the series has published original and innovative works on challenging issues in international humanitarian law and international criminal justice primarily by emerging authors Given the ever growing intersection of these areas with other fields of international law such as the jus ad bellum and disciplines such as criminology sociology and history the scope of the series also incorporates these perspectives Fresh approaches and new ideas for improving conceptual and practical challenges are welcomed The series editors encourage submissions from around the world and will consider edited collections although the primary focus is on authored works Book jacket

Leading Works in International Law Donna Lyons, 2023-11-23 This volume provides an innovative and engaging way of assessing the development of international law scholarship and practice to date and its potential future development by focusing upon the leading works of the discipline International law has established itself as an important area of academic study and legal practice Given its academic legal and everyday significance and its prolific role within law school teaching and research it is important to question and analyse the development of international law exploring the complex and shifting

interplay between law policy theory and culture and the role of international and national actors within a diverse and dynamic community of nations This collection presents contributions from leading scholars of public international law across the globe and the works chosen by the editor represent a diverse range of subjects within the broader discipline Each chapter analyses the importance and legacy of a specific work with a view to reflecting upon how that publication has contributed to shaping the broader literature in the field of international law and how it may continue to have an influence on both scholarship and practice in the future Taken as a whole the chapters included in this collection provide an original exploration of a variety of important themes about how the discipline has evolved over time The Prologue and Epilogue critically assess the development of international law in light of the reflections by contributors The book will be a valuable resource for lawyers international law practitioners students and academics alike

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