Li-ann Thio

Managing Babel: The International Legal Protection of Minorities in the Twentieth Century

International Studies in Human Rights

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Ilias Bantekas, Lutz Oette

Managing Babel The International Legal Protection Of Minorities In The Twentieth Century: Managing Babel: The International Legal Protection of Minorities in the Twentieth Century Li-Ann

Thio, 2005-01-01 Minority protection is integral to a civilised standard of internal good governance. The goal of promoting friendly inter group relations within states highlights the linkages between constitutionalism and the extending reach of international law in shaping domestic governance and structuring relations between the state non state communities and individuals While law per se cannot guarantee the security and integrity of minority groups law and legal institutions play a role in promoting a tolerant and pluralistic environment and a multicultural ethos that appreciates rather than resents ethno cultural diversity This book is a comprehensive modern study of the important field of international protection of minority rights focusing on 20th century developments Minority rights regimes which address the issue of group identity and autonomy have essentially been a stabilising force buttressing state survivability in the face of claims to self determination or secession These serve to promote the peaceful co existence of distinct ethno cultural groups captured by the metaphor of Babel within existing states Despite overlaps the content of minority protection is more modest than the claim of indigenous groups for collective rights or peoples rights to self determination As part of the contemporary corpus of human rights norms minority protection may be appreciated as an aspect of the evolving content of the internal dimension of the right to self determination Chapter 1 introduces some key definitional and conceptual problems in the field of minority protection and presents a brief historical review of international approaches up to 1919 Chapter 2 discusses the League of Nations era Chapter 3 examines approaches towards minority protection after World War Two as reflected in the drafting of the United Nations Charter and efforts to protect minorities outside the UN regime In this period discussed in Chapters 4 and 5 minorities issues remained largely submerged within the UN project of promoting universal individual human rights Chapter 6 addresses the post 1989 revival in minorities issues within the UN Chapter 7 offers a succinct overview of what might be considered a parallel history with respect to the development of regional human rights schemes and what these afford to minority protection closing with concluding observations Meticulously researched this volume offers a valuable synthesis of this important but often heart breaking field Managing Babel Li-Ann Thio, 2005 This book is a comprehensive modern study of the important field of international protection of minority rights focusing on 20th century developments Minority Rights and Liberal Democratic Insecurities Anna-Mária Bíró, Dwight Newman, 2022-11-11 This book addresses the impact of a range of destabilising issues on minority rights in Europe and North America This collection stems from the fact that liberal democracy did not bring about the end of history but rather that the transatlantic region of Europe and North America has encountered a new era of instability particularly since the global financial crisis The transatlantic region may have appeared to be entering a period of stability but terrorist attacks on the soil of Euro Atlantic states the financial crisis itself and other changes including mass migration the rise of populism changes in fundamental political conceptions technological change

and most recently the Covid pandemic have brought increasing uncertainties and instabilities in existing orders In these contexts the book investigates the resulting difficulties and opportunities for minority rights Bringing together scholars from a range of disciplines who are engaged in work on various unstable orders the book provides a unique and largely neglected perspective on present developments as well as addressing the pressing issue of the future of the minority rights regime at global regional and national levels This book will appeal to those with interests in minority rights human rights nationalism Internal Self-Determination in International Law Kalana Senaratne, 2021-08-05 Internal self determination is an under explored topic in international law It is popularly understood to be a principle of relatively recent origin promoting democratic freedoms to populations and autonomy for minority groups within states It has also been viewed as a principle receiving the support of Western states in particular In this first book length critical study of the topic the reader is invited to rethink the history theory and practice of internal self determination in a complex world Kalana Senaratne shows that it is a principle of great but varied potential Internal self determination promises democratic freedoms and autonomy to peoples but it also represents an idea which is not historically new and is ultimately a principle which can be promoted for different and conflicting purposes Written in a clear and accessible style this book will be of interest to international lawyers state officials minority groups and students of law and politics **Cultural Legitimacy in** Sino-Western Dialogue on Minority Rights Hanna H. Wei, 2025-03-31 Based on a cross cultural approach to defining and implementing international standards of human and minority rights this book aims to explore the most plausible way to enhance Sino Western dialogue on minority rights Having identified and examined the ideological and practical difficulties that such dialogical events have encountered and will continue to encounter in the future the book focuses particularly on the role of culture in intercultural communication and on analysing it in conjunction with the complex and intertwined impact of other forces be they historical political social or emotional The author has successfully found ways to overcome some of the difficulties and to further utilise intercultural dialogue as a conflict management strategy in the field of minority rights The book will appeal to scholars postgraduate students NGOs and policymakers in the fields of human and minority rights with a particular interest in multiculturalism intercultural dialogue and human and minority rights in China **Minority Groups** and Judicial Discourse in International Law Gaetano Pentassuglia, 2009-07-15 Set against previous stages of minority protection under international law this book discusses the role of courts and court like bodies particularly in the Americas Africa and Europe in articulating and accommodating the interests and needs of ethno cultural minority groups as part of the human rights discourse Conceptually it exposes different moments of intervention by such bodies involving the recognition of group existence or identity the adjustment of human rights norms to accommodate the group's perspectives the establishment of processes designed to address the complexities resulting from competing claims and the expansion of procedural avenues within litigation The result is a fresh comparative practical and theoretical perspective on international

jurisprudence as an emerging distinctive component in the complex history of the field Global Minority Rights Ioshua Castellino, 2017-05-15 This important volume brings together a range of material in different areas of law and the social sciences that address questions concerning the rights of minorities. The discipline is arguably one of the oldest branches of public international law and owes its heritage to those who struggled to create standards to protect the numerically inferior and non dominant communities from the excesses of the majority While reflecting this rich heritage the works contained in this volume show the extent to which policy constructs especially in law have begun to pay heed to the need to include minorities in different domestic settings across the globe To provide readers with a structured approach to understanding global minority rights law the editor divides the issues into six main headings namely Historical Development Conceptual Development Contemporary Challenges Fundamental Norms of Minority Protection Specific Rights of Minorities Human Rights and Minority Rights **Double Standards Pertaining to Minority Protection** Kristin Henrard, 2010-10-05 While allegations of double standards are mostly voiced in relation to the EU this book takes a multidimensional approach to the use of differential standards concerning minorities and minority protection Not only do academics from different disciplines contribute to the volume but the multidimensionality also resides in the fact that several international organisations active in the field of minority protection are included in the analysis Furthermore differential standards are also discussed in relation to the ongoing debate about the status and rights of new minorities Finally the challenge of protecting minorities and other vulnerable groups within minorities is addressed In the process the book revisits the fundamental tenets of minority protection as well as the basic rational of the international organisations concerned International Approaches to Governing Ethnic Diversity Jane Boulden, Will Kymlicka, 2015-02-12 One of the most remarkable features of the post Cold War period has been the upsurge of international involvement in questions of ethnic diversity From the United Nations and the European Court of Human Rights to diverse international philanthropic and advocacy organizations a wide range of international actors have adopted policies and principles for addressing questions of ethnic rights identity and conflict International Approaches to Governing Ethnic Diversity explores whether and how these international actors contribute to the peaceful and democratic governance of ethnic diversity It focuses on two broad areas of international work the evolution of international legal norms regarding the rights of minorities and indigenous peoples and international approaches to conflict and post conflict development The book charts new territory by mapping the range of international actors who affect the governance of ethnic diversity and exploring their often contradictory roles and impacts Most international actors come to questions of ethnic diversity indirectly and reluctantly on the basis of widely varying mandates many of which were established to fulfill other objectives They naturally therefore have different priorities and perspectives And yet the book identifies a striking convergence amongst international actors around discourses of diversity and equality demonstrating the existence of an epistemic community where actors work within common vocabularies discourses and principles that attempt

to link human rights pluralism development and peace Secessionist Entities and International Law Benedikt C. Harzl, 2025-03-20 This book examines secessionist entities that arose during and after the dissolution process of the USSR and considers them as legal subjects in their own right By employing a novel and more innovative approach the agency of these subjects otherwise often ignored or disregarded is taken into account Drawing on the cases of the South Caucasus the author suggests going beyond the binary concept of statehood and traditional notions of sovereignty He advocates embracing an inclusive reading of international law which enables to foster creative ambiguity vis vis these entities as means of conflict Raphael Lemkin and the Concept of Genocide Douglas Irvin-Erickson, 2017 Rapha l Lemkin was one of the twentieth century s most influential human rights figures coining the word genocide in 1942 and working to embed the idea into international law This book sheds new light on the concept of genocide exploring the connection between Lemkin s philosophical writings juridical works and politics Minorities of Europeanization Hakan Ovunc Ongur, 2014-11-13 What are the societal effects of Europeanization How successful is the EU s project to create an overarching European identity representative of all its citizens transcending national boundaries and including those previously excluded as national minorities This study addresses these questions by adapting the Social Identity Theory's SIT concept of social identity to the discussions of European identity offering a novel approach that remedies previous definitional and ontological problems of the term The conceptualization of a European social identity is generated here to invite a reconsideration of conventional understandings of how minorities group identities are formed Presenting itself as a challenge to nations and nationality the European integration process has yet to achieve its supra national ideal falling instead into the trap of nationalizing those who are subsumed under the category of minorities in practice arguably because of a faulty theoretical understanding of the term The new Others of Europeanization have been chosen specifically to emphasize despite the EU s united in diversity rhetoric the marked lack of united destiny and common heritage of selected European nationals Among these new Others Russophones in the Baltic states the Roma people populations of the Western Balkans immigrants and guest workers and Muslims residing in European countries have all been excluded from Europe's new social identity Through in depth historical analysis this book aims to correct this problem providing both European studies and broader political science literatures with a new understanding of minorities that is more dynamic both in practice and theory Modernity, Minority, and the Public Sphere, 2016-07-18 Modernity Minority and the Public Sphere Jews and Christians in the Middle East explores the many facets associated with the questions of modernity and minority in the context of religious communities in the Middle East by focusing on inter communal dialogues and identity construction among the Jewish and Christian communities of the Middle East and paying special attention to the concept of space This volume draws examples of these issues from experiences in the public sphere such as education public performance and political engagement discussing how religious communities were perceived and how they perceived themselves Based on the conference proceedings from the 2013

conference at Leiden University entitled Common Ground Changing Interpretations of Public Space in the Middle East among Jews Christians and Muslims in the 19th and 20th Century this volume presents a variety of cases of minority engagement in Middle Eastern society With contributions by T Baarda A Boum S R Goldstein Sabbah A Massot H M ller Sommerfeld H L Murre van den Berg L Robson K Sanchez Summerer A Schlaepfer D Schroeter and Y Wallach Commentary on the International Covenant on Civil and Political Rights Paul M. Taylor, 2020-07-02 A 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 Minorities and Nationalism in Turkish Law Derya Bayir, 2016-04-22 Examining the on going dilemma of the standards management of diversity in Turkey from a historical and legal perspective this book argues that the state s failure to accommodate ethno religious diversity is attributable to the founding philosophy of Turkish nationalism and its heavy penetration into the socio political and legal fibre of the country It examines the articulation and influence of the founding principle in law and in the higher courts jurisprudence in relation to the concepts of nation citizenship and minorities In so doing it adopts a sceptical approach to the claim that Turkey has a civic nationalist state not least on the grounds that the legal system is generously littered by references to the Turkish ethnie and to Sunni Islam Also arguing that the nationalist stance of the Turkish state and legal system has created a legal discourse which is at odds with the justification of minority protection given in international law this book demonstrates that a reconstruction of the founding philosophy of the state and the legal system is necessary without which any solution to the dilemmas of managing diversity would be inadequate Adopting an interdisciplinary approach this timely book will interest those engaged in the fields of Middle Eastern Islamic Ottoman and Turkish studies as well as those working on human rights and international law and nationalism Development of International Law by the International Court of Justice Christian J. Tams, James Sloan, 2013-09-12 This book traces the impact that the International Court of Justice ICJ the principal judicial organ of the United Nations has had on various areas of international law A number of prominent international experts examine whether and to what extent international law has been shaped by the Court's jurisprudence The informal development of international law through the Court's judgments contrasts with the development of international law through more deliberate means such as treaty making

Assessing key areas of international law over which the ICJ has exercised its jurisdiction such as international environmental law international human rights the law of the sea and the law of immunities this book comprehensively details the impact of international jurisprudence on contemporary international law Continuing the work started by Sir Hersch Lauterpacht s influential book The Development of International Law by the Permanent Court of International Justice this book provides key new insights into the role of the Court in wider international law It makes required reading for anyone studying the ways in which international courts have in shaped the evolution of international law Synergies in Minority Protection Kristin Henrard, Robert Dunbar, 2008 Have recent developments in international and European law resulted in an integrated and coherent system of minority protection COVID-19 and the Right to Health in Africa Ebenezer Durojaye, Roopanand Mahadew, 2024-05-28 This collection draws upon a range of thematic and regional case studies and uses the right to health as a normative framework to explore the devastating impact of the COVID 19 pandemic in Africa Drawing lessons from across the continent the book discusses the challenges faced by African states seeking to ensure the availability accessibility and quality of health care in the context of the COVID 19 pandemic In particular the volume explores the impact of the pandemic on the right to health of vulnerable and marginalized groups such as women children elderly persons with disabilities refugees and asylum seekers and people from disadvantaged communities. Due to the poor funding of the healthcare systems access to health related services was limited to these groups in many African countries thereby leading to avoidable COVID 19 related deaths through shortages of vital supplies including diagnostic tests ventilators and oxygen cylinders Chapters in the volume also explore the contentious issues of vaccine mandates equity resource allocation and the rights of healthcare providers during the pandemic This collection will be of interest to students of public health human rights and the social sciences as well as to academics and policymakers with an interest in the nexus between the COVID 19 International Human Rights Law and Practice Ilias Bantekas, Lutz pandemic and public health policy in Africa Oette, 2016-09-29 The second edition of this innovative textbook explores human rights law through an engaging combination of theory and practice Ethnic Identity and Minority Protection Thomas W. Simon, 2012-01-01 In Ethnic Identity and Minority Protection Designation Discrimination and Brutalization Thomas W Simon examines a new framework for considering ethnic conflicts In contrast to the more traditional theories of justice Simon s theory of injustice shifts focus away from group identity toward group harms effectively making many problems such as how to define minorities in international law dramatically more manageable

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