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# SELF DETERMINATION AND NATIONAL MINORITIES

THOMAS D. MUSGRAVE

OXFORD MONOGRAPHS IN INTERNATIONAL LAW

# Self Determination And National Minorities

**Tove H. Malloy**



## **Self Determination And National Minorities:**

Self-determination and National Minorities Thomas D. Musgrave,1997 The Western Sahara Case

**Self-determination and National Minorities** Thomas Duncan Musgrave,1993      **Devising an Adequate System of Minority Protection** Kristin Henrard,2021-07-26      **Minorities, Peoples and Self-Determination** Nazila Ghanea-Hercock,Alexandra Xanthaki,2005-05-01 The present volume in honour of Professor Patrick Thornberry presents new thinking on minority and indigenous rights in international law Contributors to this 17 chapter volume include an impressive range of academics thinkers practitioners and international civil servants with a number of different approaches to this complex area Not all of them take a legal approach and this exploration benefits from the variety of frameworks utilised in contributing to the controversial area of minority and indigenous rights Debates that receive attention in this volume include self determination definitional issues collective rights and rights to natural resources Other chapters unravel challenges that have not attracted sufficient attention to date such as multiculturalism integration colour as a ground for discrimination and the economic and social rights of minorities The volume also looks critically at the work of the World Bank the African Union the Council of Europe and the OSCE in this arena Finally case studies highlight the regrettable similarities in the suffering of groups in different parts of the world as well as the stark contrast between state claims and their actual practice The contributors are Gudmundur Alfredsson Michael Banton Joshua Castellino Erica Irene A Daes Mar a Amor Est banez Nazila Ghanea Geoff Gilbert B lent G kay Tom Hadden Dominic McGoldrick Timothy Murithi John Packer Chandra K Roy Malcolm N Shaw Martin Scheinin Sia Spiliopoulou kermark and Alexandra Xanthaki      *Minorities, Minority Rights and Internal Self-Determination* Ulrike Barten,2014-09-23 The book questions the classic idea of self determination the right to self determination is a right of peoples not of minorities by examining the content of the right to self determination and the content of minority rights Self determination has four dimensions the political the economic the social and the cultural dimensions Minorities have minority rights that touch on most aspects of life as a member of a minority If there is an overlap between minority rights and the different dimensions of self determination the concept that the right to self determination is only applicable to peoples loses credibility No global and general conclusion is envisaged there are restrictions in place The work is limited to the European framework and is further restricted to classic minorities The argument is based on a legitimacy and justice approach The analysis in this book shows that some minority rights overlap with the different dimensions of internal self determination In short classic minorities in Europe have a right to internal self determination

*Minorities' Claims: From Autonomy to Secession* Gnanapala Welhengama,2017-11-30 This title was first published in 2000 An investigation of how the claims of minority groups for greater political power through autonomy and secession clash with the concerns of the nation State and how States refusals to respond positively to such claims contribute to the escalation of ethnic conflicts in contemporary multi ethnic polities In addition this book examines the extent to which the international

community is prepared to accommodate the concerns of minority groups beyond traditionally identified minority rights. The validity of claims for autonomy with shared sovereignty, autonomy as an inherent part of self-determination, autonomy as a solution to current ethnic conflicts, secessionist and irredentist movements and their impact on peace and security are analyzed in detail. Most importantly, whether minorities as such can secede from the State in which they live by virtue of self-determination is critically analyzed. The discussion of peoples in the context of self-determination is the first detailed research on this subject to appear in international and human rights literature.

*The Theory of Self-Determination* Fernando R. Tesón, 2016-04-07. When can a group legitimately form its own state? Under international law some groups can but others cannot. But the standard is unclear and traditional legal analysis has failed to elucidate it. In *The Theory of Self-Determination* leading scholars chart new territory in our theoretical conception of self-determination. Drawing from diverse scholarship in international law, philosophy and political science they attempt to move beyond the prevailing nationalist conceptions of group definition. At issue are such universal questions as: when does a group qualify as a people? Does history matter? Or is it a question of ethnic status? Are these matters properly solved by popular vote? Anchored in modern analytical political philosophy but with implications for a wide range of scholarship, this volume will prove essential for scholars and practitioners of international law, global justice and international relations.

**The Self-determination of Minorities in International Politics** Alexis Heraclides, 1991. Published in 1991, *The Self-determination of Minorities in International Politics* is a valuable contribution to the field of Politics.

*The Quest for Self-determination* Dov Ronen, 1979. Dov Ronen proposes in this interpretive essay that ethnic nationalism is simply the newest form of a basic human drive for self-determination that has been manifested in four other movements since the French Revolution: nineteenth century nationalism, Marxist-Leninist class self-determination, self-determination for minorities as espoused by Wilson, and decolonization. Ronen's intention in this book is to explain what self-determination is, why people fight for it, and what the implications of the struggle may be. Though Ronen's approach is primarily analytical and philosophical, he uses four cases: the Scots, Biafra, the Palestinians, and South Africa to illustrate the application of his thesis to current events.

**The Right of Self-determination. The Protection of the National Minorities** Julius Wlassics, 1922. *Towards Recognition of Minority Groups* Marek Zirk-Sadowski, Bartosz Wojciechowski, 2016-02-24. This volume analyses current debates concerning problems in the nature, justification and legal protection of human rights for minorities with reference to the issues surrounding social milieu as a source of any legitimized law which is in itself in need of legal recognition as well as being an object of legal protection. With contributions from a global network of scientists across several continents, the work examines the debate dedicated to the understanding of the normative framework expressed in terms of human rights that guarantee autonomous action in public and private for minority groups as well as individuals. The chapters go on to study the particular claims that need to be audible and visible for others in the public sphere with reference to the legal protection of human

rights The work concludes with the completion of an interpretative circle debating the issues of legal consensus and legal identity with respect to the specificity of the patterns and modes guiding human interactions Going beyond the legal analysis to discuss communication strategies in human rights this collection will be of great interest to those studying the philosophy and theory of law practical philosophy in general political sciences and theory of democracy

**National Minorities and the European Nation-states System** Jennifer Jackson Preece, 1998 The collapse of Yugoslavia Czechoslovakia and the Soviet Union has resulted in a proliferation of discontented national minorities Thus the possibility for destabilizing ethnic conflict has become acute National minorities have accordingly emerged as a major focus of international relations in post Cold War Europe Jennifer Jackson Preece s powerful new study offers an innovative analysis of these developments Scrutinizing them within the historical context of changing practices and evolving norms she reveals that the European national minority question is nothing new rather its foundations extend deep into contemporary history Moreover the problem is intrinsically derivative of the nation states system itself a system which potentially intensifies minority disaffection Examining these issues against the backdrop of relevant treaties diplomatic negotiations and international practices Jackson Preece presents the definitive assessment of the fate of national minorities in the European states system

*Self-determination and National Minorities* Tove H. Malloy, 2012 The unofficial non binding referendum in Northern Kosovo and the ongoing debate in the international community about solutions for the Serbian minority bring the problem of self determination for national minorities back to the fore The right to vote on national allegiance and sovereign borders has never been a simple matter in European inter state relations let alone in international law such a referendum is not respected unless it holds international backing even if it is considered a domestic matter And a referendum on sovereign international borders is usually the result of long and often drawn out geo political processes including tediously negotiated settlements after major bellicose conflicts It is not something national minorities can unilaterally decide to undertake independently This is at least one of the lessons that European history has taught us Thus the case of Northern Kosovo is not likely to be any different than past referenda on national allegiance and sovereign borders Drawing on the experience of the 1920 referendum in the Danish German border region this Issue Brief will put the problem of self determination for the Serbs in Northern Kosovo in an historical perspective as a basis for a contemporary analysis Publisher s description

*Democracy, Ethnic Diversity, and Security in Post-Communist Europe* Anita I. Singh, 2001-06-30 Inder Singh examines why international organizations including the UN OSCE and Council of Europe advocated democratic governance based on the rule of law and respect for human and minority rights as the method by which states should try to accommodate their ethnically mixed populations She discusses how realistic this advice has been given the tension between the principle of the sovereignty of states and their international obligations and the extent to which democratization had made for ethnic and political stability in post communist Europe Inder Singh demonstrates that this advocacy of democracy to handle ethnic diversity questions the

perception of nationalism as a cause of war and disorder This pathbreaking study will be of appeal to academics and policy makers interested in how the management of ethnic diversity through democracy can enhance domestic and international security

**European Integration and the Nationalities Question** John McGarry, Michael Keating, 2006-09-27 A highly topical examination of the effect of European integration on relations between states and minority nations This new collection brings together the leading specialists in the field and covers a wide range of cases from Northern Ireland in the West to Estonia and Latvia in the East and Cyprus in the South East The contributors assess how European integration has affected the preparedness of states to accommodate minorities across a range of fundamental criteria including enhanced rights protection autonomy the provision of a voice for minorities in the European and international arena and the promotion of cross border cooperation among communities dissected by state frontiers The comprehensive chapters stress the importance of the nationality question and the fact that contrary to the hopes and beliefs of many on the left and right it is not going to go away Beginning with an introductory essay that summarizes the impact of European integration on the nationalities question this accessible book will be of strong interest to scholars and researchers of politics nationalism ethnic conflict and European studies

[Xinjiang - China's Northwest Frontier](#) K. Warikoo, 2016-03-02 Xinjiang is the pivot of Asia where the frontiers of China Tibet India Afghanistan Pakistan and Central Asia approach each other The growing Uyghur demand for a separate homeland and continuing violence in Xinjiang have brought this region into the focus of national and international attention With Xinjiang becoming the hub of trans Asian trade and traffic and also due to its rich energy resources Uyghur Muslims of Xinjiang are poised to assert their ethno political position thereby posing serious challenge to China's authority in the region This book offers a new perspective on the region with a focus on social economic and political developments in Xinjiang in modern and contemporary times Drawing on detailed analyses by experts on Xinjiang from India Central Asia Russia Taiwan and China this book presents a coherent concise and rich analysis of ethnic relations Uyghur resistance China's policy in Xinjiang and its economic relations with its Central Asian neighbours It is of interest to those studying in Chinese and Central Asian politics and society

**International Relations and Security Studies**

**Multicultural Odysseys** Will Kymlicka, 2009-02-05 We are currently witnessing the global diffusion of multiculturalism both as a political discourse and as a set of international legal norms States today are under increasing international scrutiny regarding their treatment of ethnocultural groups and are expected to meet evolving international standards regarding the rights of indigenous peoples national minorities and immigrants This phenomenon represents a veritable revolution in international relations yet has received little public or scholarly attention In this book Kymlicka examines the factors underlying this change and the challenges it raises Against those critics who argue that multiculturalism is a threat to universal human rights Kymlicka shows that the sort of multiculturalism that is being globalized is inspired and constrained by the human rights revolution and embedded in a framework of liberal democratic values However the formulation and implementation of

these international norms has generated a number of dilemmas The policies adopted by international organizations to deal with ethnic diversity are driven by conflicting impulses Pessimism about the destabilizing consequences of ethnic politics alternates with optimism about the prospects for a peaceful and democratic form of multicultural politics The result is often an unstable mix of paralyzing fear and naive hope rooted in conflicting imperatives of security and justice Moreover given the enormous differences in the characteristics of minorities eg their size territorial concentration cultural markers historic relationship to the state it is difficult to formulate standards that apply to all groups Yet attempts to formulate more targeted norms that apply only to specific categories of minorities eg indigenous peoples or national minorities have proven controversial and unstable Kymlicka examines these dilemmas as they have played out in both the theory and practice of international minority rights protection including recent developments regarding the rights of national minorities in Europe the rights of indigenous peoples in the Americas as well as emerging debates on multiculturalism in Asia and Africa

**China's Tibet Policy** Dawa Norbu, 2001 An important new study by a leading Tibetan scholar of the historical Sino Tibetan relationship traditionally two rival and interlocked states *Unity in Diversity* Christophe van der Beken, 2012 This book argues that the development of federalism in Ethiopia fits in with a global trend towards increased attention to ethnic minority rights and to federalism as a mechanism for ethnic conflict prevention and management The Ethiopian federation is designed as a framework within which the Ethiopian ethnic groups can protect their rights and within which they are stimulated to develop a cooperative relationship To put it differently the constitutional objective of the federal structure is the creation of unity in diversity The book evaluates the capacity of Ethiopian federalism to achieve this objective by investigating the relevant historical political and legal aspects Series Recht und Politik in Afrika Law and Politics in Africa Vol 10 *Reflections on the UN Declaration on the Rights of Indigenous Peoples* Stephen Allen, Alexandra Xanthaki, 2011-01-12 The adoption of the Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly on 13 September 2007 was acclaimed as a major success for the United Nations system given the extent to which it consolidates and develops the international corpus of indigenous rights This is the first in depth academic analysis of this far reaching instrument Indigenous representatives have argued that the rights contained in the Declaration and the processes by which it was formulated obligate affected States to accept the validity of its provisions and its interpretation of contested concepts such as culture land ownership and self determination This edited collection contains essays written by the main protagonists in the development of the Declaration indigenous representatives and field leading academics It offers a comprehensive institutional thematic and regional analysis of the Declaration In particular it explores the Declaration's normative resonance for international law and considers the ways in which this international instrument could catalyse institutional action and influence the development of national laws and policies on indigenous issues

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