

Secession: The Legitimacy of Self-Determi nation

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Secession The Legitimacy Of Self Determination

**Jure Vidmar, Sarah McGibbon, Lea
Raible**



Secession The Legitimacy Of Self Determination:

Secession Lee C. Buchheit,1996 **Secession as an International Phenomenon** Don H. Doyle,2010-11-01 About half of today's nation states originated as some kind of breakaway state The end of the Cold War witnessed a resurgence of separatist activity affecting nearly every part of the globe and stimulated a new generation of scholars to consider separatism and secession As the 150th anniversary of the American Civil War approaches this collection of essays allows us to view within a broader international context one of modern history's bloodiest conflicts over secession The contributors to this volume consider a wide range of topics related to secession separatism and the nationalist passions that inflame such conflicts The first section of the book examines ethical and moral dimensions of secession while subsequent sections look at the American Civil War conflicts in the Gulf of Mexico European separatism and conflicts in the Middle East Asia and Africa The contributors to this book have no common position advocating or opposing secession in principle or in any particular case All understand it however as a common feature of the modern world and as a historic phenomenon of international scope Some contributors propose that political divorce as secession has come to be called ought to be subject to rational arbitration and ethical norms instead of being decided by force Along with these hopes for the future Secession as an International Phenomenon offers a somber reminder of the cost the United States paid when reason failed and war was left to resolve the issue **A Theory of Secession** Christopher Heath Wellman,2005-09-05 First published in 2005 A Theory of Secession The Case for Political Self Determination offers an unapologetic defense of the right to secede Christopher Heath Wellman argues that any group has a moral right to secede as long as its political divorce will leave it and the remainder state in a position to perform the requisite political functions He explains that there is nothing contradictory about valuing legitimate states while permitting their division Once political states are recognized as valuable because of the functions that they are uniquely suited to perform it becomes apparent that the territorial boundaries of existing states might permissably be redrawn as long as neither the process nor the result of this reconfiguration interrupts the production of the crucial political benefits Thus if one values self determination then one has good reason to conclude that people have a right to determine their political boundaries The Ashgate Research Companion to Secession Peter Radan,2016-03-23 Secession is a detachment of a territory from an existing state with the aim of creating a new state on the detached territory Secession is usually an outcome of the political mobilization of a population on the territory to be detached and as a political phenomenon is a subject of study in the social sciences Its impact on inter state relations is a subject of study in international relations But secession is also subject to regulation both in the constitutional law of sovereign states and in international law Following a spate of secessions in the early 1990s legal scholars have proposed a variety of ways to regulate the international responses to attempts at secessions Moreover since the 1980s normative justification of secession has been subject to an intense debate among political theorists and moral philosophers This research companion has the following three complementary aims First

to offer an overview of the current theoretical approaches to secession in the social sciences international relations legal theory political theory and applied ethics Second to outline the current practice of international recognition of secession and current domestic and international laws which regulate secession Third to offer an account of major secessionist movements past and present from a comparative perspective In their accounts of past secessions and current secessionist movements the contributors to this volume focus on the following four components the nature and source of secessionist grievances the ideologies and techniques of secessionist mobilization the responses of the host state or majority parties in the host state and the international response to attempts at secession This provides a basis for identification of at least some common patterns in the otherwise highly varied processes of secession

Contextualizing Secession Bruno Coppieters, Richard Sakwa, 2003-07-17 In a world where the traditional territorial organisation of the state is coming under increasing challenge from pressures from above globalisation and from below struggles for federalisation and secession the theoretical and practical questions concerning secessionist struggles become ever more acute It is these questions that this volume addresses Why do some struggles for autonomy take acute forms above all violent struggles for secession for example Chechnya while others remain within the framework of constitutional politics for example Tatarstan and Quebec Under what conditions does a distinct political community have the right to secede from another and how should this process be managed Our ten case studies seek to answer these questions on the basis of the application of just war theory to the normative and practical issues concerning the secession struggles in these regions The Introduction sets out the theoretical issues and then each case study provides a rich mix of theoretical and empirical material and some of the broader issues are then drawn together in the concluding chapter The book focuses on four key themes that are central to the ethics of secession The first examines normative issues in particular the tension between choice theories and those based on remedial just cause arguments The second discusses the problem of violence in secessionist struggles and the ensuing relationship between just war theory and the ethics of secession The third problem is the relationship between nationhood and citizenship and in particular the problem of applying what has now become a conventional distinction between ethnic and civic representations of the political community Finally the contentious issue of sovereignty and the way that it frames debates about self determination With each of these themes the application of general moral principles to particular historical contexts opens up new avenues of research This book is essential reading for those who wish to understand both the theoretical and practical issues concerning secession struggles in the world today

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

Secession and European Union Law Núria González Campañá, 2024-05-08

Secession is a live issue in today's Western Europe In the last decade we have witnessed the consolidation of pro independence movements in Scotland and Catalonia and in the near future we might see their re emergence or the rise of other pro secession movements in other European regions The response of the EU institutions to secession within EU Member States may well be based mainly on political considerations However since the EU is a community based on the rule of law it has also to justify its position with normative arguments of principle

Secession and European Union Law provides such normative support drawing on a pluralist reading of the relation between EU law and national law to support the conclusion that EU law should respect domestic constitutional orders This book studies secession within EU Member States through legal methodology the theoretical doctrinal analysis of concepts and institutions considering the evolving reality and case law The legal approach has three dimensions given the three different legal orders that interact at the EU level international law EU law and national constitutional law Based on Article 4 2 TEU the central claim of this book is that the EU duty to respect national identity and fundamental constitutional structures generate obligations to respect Member States constitutional orders provided that the values enshrined in the Article are not violated by the Member State affected

Topical and original Secession and European Union Law reviews and rethinks key features of the EU and the EU legal order

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17

The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and

political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends

Research Handbook on Secession Jure Vidmar, Sarah McGibbon, Lea Raible, 2022-12-13 Combining both theoretical and practical insights the Research Handbook on Secession addresses a wide range of legal issues and concepts surrounding secessions It considers both well known examples such as Kosovo and Bangladesh alongside less frequently discussed cases including Somaliland and Palestine The Research Handbook offers state of the art analysis of international law on among other topics statehood secession self determination as well as comparative constitutional perspectives

Perspectives on Secession Martin Riegl, Bohumil Doboš, 2020-06-24 This book explores the changing nature of secessionist attempts in connection with rapidly evolving geopolitical and technological landscapes By presenting theoretical chapters as well as case studies on various secessionist movements around the globe the contributing authors study a range of topics including the role of the media in secessionist conflicts secessionist referenda and the viability of secessionist attempts in terms of their internal dimension and external support and interference The book will appeal to political scientists and international relations scholars who are interested in the processes politics and geopolitical implications of secessionist movements

On State Secession from International Law Perspectives Jing Lu, 2018-10-30 This book provides essential legal information on state secession in an innovative manner unlike conventional approaches which invariably focus on whether there is a right to secession here the discussion centers on how secessionist conflicts can be effectively resolved To that end the book not only reveals the inadequacy of the current international legal framework but also carefully considers how relevant actors can work to improve the legal system In short it argues that secessionists and non secessionists should conclude an agreement to reconcile their conflicting rights to self determination while external actors should do their utmost to ensure the success of these efforts Positive external involvement requires external actors to refrain from the use of force and to participate more rationally in secessionist conflicts Given its subject matter the book will appeal to a broad readership including students and researchers in international law international relations and ethnic studies as well as enthusiasts in these fields

Territorial Disputes and State Sovereignty Jorge E. Núñez, 2020-05-11 Adopting a multi disciplinary approach this book opens new ground for research on territorial disputes Many sovereignty conflicts remain unresolved around the world Current solutions in law political science and international relations generally prove problematic to at least one of the agents part of these differences Arguing that disputes are complex multi layered and multi faceted this book brings together a global interdisciplinary view of territorial disputes The book reviews the key conceptual elements central to legal and political sciences with regards to territorial disputes state sovereignty and self determination Looking at some of the current long standing

disputes worldwide it compares and contrasts the many issues at stake and the potential remedies currently available in order to assess why some territorial disputes remain unresolved Finally it offers a set of guidelines for dispute settlement and conflict resolution that current remedies fail to provide It will appeal to students and scholars working in international relations legal theory and jurisprudence public international law and political sciences *African Yearbook of International Law*, 1997 A. A. Yusuf, 1998-07-30 The African Yearbook of International Law offers systematic analyses and scientific dissection of international law issues as they apply to Africa and Africa's contribution to the progressive development of international law It contributes to the promotion and acceptance of and respect for the principles of international law and encourages the teaching study dissemination and wider appreciations of international law in Africa Each volume of the African Yearbook of International Law contains general articles articles that center on a special theme notes and commentaries book reviews basic documents and a comprehensive index The African Yearbook of International Law addresses the tension and interrelationships among issues such as territorial integrity self determination ethnic diversity and nation building Development human rights and democratization in Africa also receive thorough attention and examination The African Yearbook of International Law sheds light on the causes of the fragility of African State institutions so as to facilitate the identification of appropriate remedies The Special Theme of this volume is Civil Conflicts in Africa Part II Les conflits internes en Afrique 2eme Partie Ethical Reasoning in International Affairs C. Navari, 2013-11-06 Arguing for a middle ground between idealism and realism this book considers the most pressing ethical and moral issues in contemporary international politics including intervention human rights and aid and sets about reasoning how to resolve them in politically realistic ways *Forgetting Ourselves* Linda S. Bishai, 2006-12-01 In *Forgetting Ourselves* Linda Bishai thoroughly examines why secession has been ignored by international relations both in theory and practice Mainstream perspectives in international relations theory have up to this point questioned neither state formation nor the inside outside divide of state sovereignty Bishai however historicizes and questions the concept of secession itself and the component assumptions of territoriality and identity upon which it rests A Companion to Contemporary Political Philosophy Robert E. Goodin, Philip Pettit, Thomas W. Pogge, 2012-03-12 This new edition of *A Companion to Contemporary Political Philosophy* has been extended significantly to include 55 chapters across two volumes written by some of today's most distinguished scholars New contributors include some of today's most distinguished scholars among them Thomas Pogge Charles Beitz and Michael Doyle Provides in depth coverage of contemporary philosophical debate in all major related disciplines such as economics history law political science international relations and sociology Presents analysis of key political ideologies including new chapters on Cosmopolitanism and Fundamentalism Includes detailed discussions of major concepts in political philosophy including virtue power human rights and just war **The Rise of Tamil Separatism in Sri Lanka** Gnanapala Welhengama, Nirmala Pillay, 2014-03-05 Among the examples of civil wars armed secessionist movements and minority

uprisings in the world today many involve conflict between a minority group's aim for political self-determination and the nation-state's resistance to any diminution of sovereignty. With the expansion of the international regime of human rights, minority groups have reconceptualised their struggle with the understanding that a minority which is linguistically, religiously or ethnically distinctive is entitled to self-determination if their aspirations cannot be met. This book explores the relationship between minority rights, self-determination and secession within international law by contextualising these issues in a detailed case study of the rise of Tamil separatism in Sri Lanka. Welhengama and Pillay show how Tamil communalism hardened into secession and assess whether the Sri Lankan government has met its obligations with respect to the right to self-determination short of secession. Focusing on the legal and human rights arguments for secession by the Tamil community of the North and East of Sri Lanka, the book demonstrates how the language of international law and international human rights played a major role in the development of the arguments for secession. Through a close examination of the case of the Tamil's secessionist movement, the book presents valuable insights into why modern nation-states find themselves threatened by separatist claims and bids for independence based on ethnicity.

Indigenous Peoples in International Law S. James Anaya, 2004. In this thoroughly revised and updated edition of the first book-length treatment of the subject, S. James Anaya incorporates references to all the latest treaties and recent developments in the international law of indigenous peoples. Anaya demonstrates that while historical trends in international law largely facilitated colonization of indigenous peoples and their lands, modern international law's human rights program has been modestly responsive to indigenous peoples' aspirations to survive as distinct communities in control of their own destinies. This book provides a theoretically grounded and practically oriented synthesis of the historical, contemporary and emerging international law related to indigenous peoples. It will be of great interest to scholars and lawyers in international law and human rights as well as to those interested in the dynamics of indigenous and ethnic identity.

Understanding Ethnic Conflict Raymond Taras, Rajat Ganguly, 2015-08-07. *Understanding Ethnic Conflict* provides all the key concepts needed to understand conflict among ethnic groups. Including approaches from both comparative politics and international relations, this text offers a model of ethnic conflict's internationalization by showing how domestic and international actors influence a country's ethnic and sectarian divisions. Illustrating this model in five original case studies, the unique combination of theory and application in *Understanding Ethnic Conflict* facilitates more critical analysis of contemporary ethnic conflicts and the world's response to them.

The Palgrave Handbook of International Political Theory Howard Williams, David Boucher, Peter Sutch, David Reidy, Alexandros Koutsoukis, 2023-11-02. This handbook provides an exploration of the field of International Political Theory (IPT) which in its broadest terms examines the ways in which ideas about justice, sovereignty and legitimacy shape international politics. It is a comprehensive resource for those interested in understanding the philosophical, political and legal issues that arise from interactions between states, peoples and global actors. The two volumes of the handbook cover a

wide range of topics from the foundations of international political thought to the latest debates in the field. They are designed to give readers a comprehensive overview of the key concepts and arguments within international political theory and provide an introduction to the main debates in the field. Volume 1 takes us from the ancient world to the formation of the modern state system as we lay the groundwork for a critical understanding of changes in and challenges to core ideas such as sovereignty, international law, and territorial integrity. The contributions to this volume explore the European domination of the discipline, providing insights into how it came to conceive the world in its own image. They also focus on non-Western perspectives and reactions to European hegemony.

Secession The Legitimacy Of Self Determination Book Review: Unveiling the Magic of Language

In an electronic digital era where connections and knowledge reign supreme, the enchanting power of language has are more apparent than ever. Its power to stir emotions, provoke thought, and instigate transformation is really remarkable. This extraordinary book, aptly titled "**Secession The Legitimacy Of Self Determination**," written by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we shall delve into the book is central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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