LAW AND PRACTICE OF THE UNITED NATIONS

DOCUMENTS AND COMMENTARY

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Selfdetermination In Law And Practice The New Doctrine In The United Nations

Judith Gail Gardam

Selfdetermination In Law And Practice The New Doctrine In The United Nations:

The Law and Practice of the United Nations Benedetto Conforti, 2023-09-14 This book aims to provide a comprehensive legal analysis of problems concerning membership the structure of the United Nations organs their functions and their acts taking into consideration the text of the Charter its historical origins and particularly the practice of the organs One of the aims of the book is to trace precisely the story of the United Nations from its birth through an analysis of the practice Moreover since the Charter has never undergone any substantive modifications one cannot exclude that what may appear to be old and obsolete today could become of current interest in the future This volume is the up to date English version of the fifth edition of an Italian textbook on the United Nations which was first published in 1971 An extensive bibliography conveniently precedes every section in each of the chapters which is of substantial value to anyone studying the The Sovereignty Dispute Over the Falkland (Malvinas) Islands Lowell S. Gustafson, 1988-04-07 The United Nations complex question of the sovereignty of the Falkland Islands remains far from resolved even after the military and political events that took place from April to June 1982 The first scholarly work of its kind this broad and dispassionate study of the causes of the South Atlantic war between Britain and Argentina addresses the larger issues raised by the Falkland crisis and untangles a web of events and attitudes that stretch back over the past century The book begins with a close evaluation of the two pivotal arguments Argentina's stance that international law supports their historical right to the islands and Britain's position that the length of their occupation of the Falklands together with the principles of self determination legalized their de facto control Gustafson then discusses how potential off shore oil reserves diplomacy domestic politics and the use of force entered into the sovereignty dispute analyzes the effects of war on international relations and considers possible future approaches to handling the dispute The OIC, the UN, and Counter-Terrorism Law-Making Katja Samuel, 2014-07-18 The increasingly transnational nature of terrorist activities compels the international community to strengthen the legal framework in which counter terrorism activities should occur at every level including that of intergovernmental organizations This unique timely and carefully researched monograph examines one such important yet generally under researched and poorly understood intergovernmental organization the Organization of Islamic Cooperation OIC formerly the Organization of the Islamic Conference In particular it analyses in depth its institutional counter terrorism law making practice and the relationship between resultant OIC law and comparable UN norms in furtherance of UN Global Counter Terrorism Stategy goals Furthermore it explores two common mis assumptions regarding the OIC namely whether its internal institutional weaknesses mean that its law making practice is inconsequential at the intergovernmental level and whether its self declared Islamic objectives and nature are irrelevant to its institutional practice or are instead reflected within OIC law Where significant normative tensions are discerned between OIC law and UN law the monograph explores not only whether these may be explicable at least in part by the OIC s Islamic nature and objectives but also whether their corresponding

institutional legal orders are conflicting or cooperative in nature and the resultant implications of these findings for international counter terrorism law and policy making This monograph is expected to appeal especially to national and intergovernmental counter terrorism practitioners and policy makers as well as to scholars concerned with the interaction between international and Islamic law norms From the Foreword by Professor Ben Saul The University of Sydney Dr Samuels book must be commended as an original and insightful contribution to international legal scholarship on the OIC Islamic law international law and counter terrorism It fills significant gaps in legal knowledge about the vast investment of international and regional effort that has gone into the global counter terrorism enterprise over many decades and which accelerated markedly after 9 11 The scope of the book is ambitious its subject matter is complex and its sources are many and diverse Dr Samuel has deployed an appropriate theoretical and empirical methodology harnessed an intricate knowledge of the field and brought a balanced judgement to bear to bring these issues to life Self-Determination in Law and Practice Michla Pomerance, 2024-09-16 A Legal Geography of Yugoslavia's Disintegration Ana S. Trbovich, 2008-02-05 A Legal Geography of Yugoslavia s Disintegration explains the violent break up of the former Yugoslavia in early 1990s in the context of two legal principles sovereignty and the self determination of peoples The author recounts Yugoslavia s history with a focus on the country's internal administrative divisions and aspirations of different ethnic groups in order to effectively explain the genesis of the international community spolitical decision to recognize the right of secession for the largest administrative units of Yugoslavia Trobovich a Serbian author writing from the perspective of a disengaged scholar tackles her subject matter with clarity and detail and offers an intriguing analysis of Kosovo's future status international recognition of secession implications of Yugoslavia's disintegration for other conflicts invoking right to self determination and international intervention in ethnic conflicts Palestinian Refugees in International Law Francesca Albanese, Lex Takkenberg, 2020 The Palestinian conflict has produced one of the most tragic refugee crises since World War II with the number of refugees caused by the violence associated with the creation of the State of Israel numbering around 11 million in 2011 The much lauded first edition in 1998 of The Status of Palestinian Refugees in International Law was the first book to comprehensively analyse the legal aspects of the Palestinian refugee crisis yet the last two decades have seen multiple developments New waves of conflict and displacement have affected Palestinian refugees in the Middle East and there has been Israeli encroachment on Palestinian territory Hamas has grown and a schism has formed within the first Palestinian government The so called Arab Spring has impacted the life fate and legal status of thousands of Palestinian refugees In international legal jurisprudence change has been similarly rapid In 2004 the International Court of Justice delivered a crucial advisory opinion on the Separation Wall authoritatively elucidating the international legal framework applicable to the Israeli occupation Numerous international human rights bodies and UN fact finding missions have added their analysis to the mix The possibility of the State of Palestine joining the International Criminal Court has spurred discussion relating to the applicability of international criminal law to Palestinian refugees Clear compelling and authoritative Lex Takkenberg and Francesca Albanese discuss the status quo both on the ground and in the courts and pose future scenarios to come

Territory, State and Nationalism Adel Soheil,2018-10-18 The Sykes Picot Agreement map signed in May 1918 by the Imperial powers of Great Britain and France constituted the blueprint for redrawing the map of the Middle East after the dismemberment of the Ottoman Empire in 1918 by the victorious Allies thus dividing the Arab territories as well as Kurdistan into its current form In this book the author makes an ambitious attempt to provide a comprehensive new insight into the Kurdish national movement and its struggle against the mandatory power the British and the Iraqi government for achievement of national self determination from 1918 to 1932 The book explores both Kurdish and Arab nationalism within the context of power relations in international politics at the time on the one hand and in relation to domestic political development in Iraq on the other Thereby salient issues are explored inter alia the reasons for the British failure to create a modern national state in Iraq the reluctance of the Anglo Iraqi authorities to accommodate Kurdish rights and their policy to incorporate Kurdistan into the nascent Iraqi state the U S interests and implication in the region and the impact of the principle of self determination advocated by President Wilson on Kurdish and Arab nationalism Revised with a new chapter

<u>Indigenous Peoples and Ethnic Minorities of Pakistan</u> Shaheen Sardar Ali, Javaid Rehman, 2013-02-01 Examines the issues facing indigenous peoples and ethnic minorities including their role in the nation's constitutional and legal developments and makes a number of recommendations which would satisfy their demands without compromising the sovereignty of the state

Peoples and International Law James Summers, 2014-04-09 Peoples and International Law is a detailed survey of the law of self determination with a focus on the concept of nations and peoples It engages with different aspects of this law with particular emphasis on the drafting and implementation of international instruments The second edition includes new coverage of the Declaration on the Rights of Indigenous Peoples and the African and Arab charters It considers recent practice by the Human Rights Committee Committee on Economic Social and Cultural Rights and African Commission on Human and Peoples Rights dealing with the emerging political economic and environmental aspects of the right The book looks at the interaction of international law nationalism and liberalism in theories of nationhood and self determination as well as the historical development of the right and the decisions of international bodies Lastly it examines practice in this area including new developments in remedial independence and international territorial administration Also available in hardback **International Territorial Administration** Ralph Wilde, 2010-09-30 This is the first comprehensive treatment of the reasons why international organizations have engaged in territorial administration. The book describes the role of international territorial administration and analyses the various purposes associated with this activity revealing the Intellectual Property Law and Human Rights Paul objectives which territorial administration seeks to achieve Torremans, 2020-06-08 Intellectual Property Law and Human Rights Fourth Edition Edited by Paul L C Torremans Once

regarded as a niche topic the nexus of intellectual property and human rights now lies in the eye of the storm that is today s global economy In this expanded new edition of the pre eminent work in this crucial area of legal theory and practice with nine completely new chapters well known authorities in both intellectual property law and human rights law present an in depth analysis and discussion of essential and emerging issues in the convergence of intellectual property law and human rights law The fourth edition is fully updated to address current matters as diverse as artificial intelligence climate change and biotechnological materials all centred on the relations between intellectual property and freedom of expression and the fundamental right to privacy in an intellectual property environment. The contributors address such topics as the following and more the status of copyright as a fundamental right fair use transformative use and the US First Amendment intellectual property in the jurisprudence of the European Court of Human Rights freedom to receive and impart information under the EU Charter of Fundamental Rights how to mitigate the risks article 17 of Directive 2019 970 poses to freedom of expression fair dealing defences algorithmic copyright enforcement and free speech developing a right to privacy for corporations expanding the role of morality and public policy in European patent law and ethical and religious concerns over patenting biotechnological inventions As human rights issues continue to arise in an intellectual property context practitioners academics and policymakers in both fields will continue to recognize and use this well established cornerstone work in the debate as a springboard to the future development of the ever more prominent interface of intellectual property and human **Recognizing States** Mikulas Fabry, 2010-02-25 This book examines recognition of new states the practice rights historically employed to regulate membership in international society. The last twenty years have witnessed new or lingering demands for statehood in different areas of the world The claims of some like those of Bosnia and Herzegovina Eritrea Croatia Georgia and East Timor have achieved general recognition those of others like Kosovo Tamil Eelam South Ossetia Abkhazia and Somaliland have not However even as most of these claims gave rise to major conflicts and international controversies the criteria for acknowledgment of new states have elicited little systematic scholarship Drawing upon writings of English School theorists this study charts the practice from the late eighteenth century until the present Its central argument is that for the past two hundred years state recognition has been tied to the idea of self determination of peoples Two versions of the idea have underpinned the practice throughout most of this period self determination as a negative and a positive right The negative idea dominant from 1815 to 1950 took state recognition to be acknowledgment of an achievement of de facto statehood by a people desiring independence Self determination was expressed through and externally gauged by self attainment The positive idea prevalent since the 1950s took state recognition to be acknowledgment of an entitlement to independence in international law The development of self determination as a positive international right however has not led to a disappearance of claims of statehood that stand outside of its confines Groups that are deeply dissatisfied with the countries in which they presently find themselves continue to make demands for independence even though they may have

no positive entitlement to it The book concludes by expressing doubt that contemporary international society can find a sustainable basis for recognizing new states other than the original standard of de facto statehood **International Practices** Emanuel Adler, Vincent Pouliot, 2011-08-25 It is in and through practices deeds that embody shared intersubjective knowledge that social life is organized that subjectivities are constituted and that history unfolds One can think of dozens of different practices from balancing to banking or networking which constitute the social fabric of world politics This book brings together leading scholars in fields from international law and humanitarianism to nuclear deterrence and the UN to provide effective new tools to understand a range of pressing issues of the era of globalization As an entry point to the study of world politics the concept of practice accommodates a variety of perspectives in a coherent yet flexible fashion and opens the door to much needed interdisciplinary research in international relations International Practices crystallizes the authors past research on international practices into a common effort to turn the study of practice into a novel research program in international relations Jerusalem in America's Foreign Policy, 1947-1997 Shlomo Slonim, 2025-03-03 A comprehensive and innovative examination of US policy on the Jerusalem issue over the past half century this study analyzes the complex political and legal factors both domestic and international which have shaped executive decisions The book provides a unique entry into the variations in policy from administration to administration and the increasingly assertive role of Congress Based on insights garnered from the past the author offers useful suggestions for a reality bound future approach to a problem which is central to resolution of the protracted Arab Israeli dispute and thus to security throughout the Middle East The Legal Status of Territories Subject to Administration by International Organisations Bernhard Knoll, 2008-06-12 The international community's practice of administering territories in post conflict environments has raised important legal questions Using Kosovo as a case study Bernhard Knoll analyses the identity of the administrating UN organ the ways in which the territories under consideration have acquired partial subjectivity in international law and the nature of legal obligations in the fiduciary exercise of transitional administration developed within the League of Nations Mandate and the UN Trusteeship systems Knoll discusses Kosovo s internal political and constitutional order and notes the absence of some of the characteristics normally found in liberal democracies before proposing that the UN consolidates accountability quidelines related to the protection of human rights and the development of democratic standards should it engage in the transitional administration of territory Kashmir's Right to Secede Matthew J. Webb, 2012-02-13 A separatist conflict has been ongoing in India administered Kashmir since 1989 Focusing on this region this book critiques the existing normative theories of secession and offers a comprehensive examination of the right of sub groups to secede The book looks at the different accounts of the moral right to secede and assesses both the theories themselves as well as the claims of those who want to separate Kashmir from India Included within this analysis are the three main types of normative theory that ground the right of groups to secede in principles of national self determination consensual governance and rectificatory justice

Previous studies have discussed the causes behind the uprising in Kashmir against Indian authority and examined some of the legal and geo political implications of the conflict for India and the wider region This book provides a new way of looking at the Kashmir dispute by asking what these theories tell us about Kashmir and in turn what the example of Kashmir allows us to learn about these theories It is of interest to students and scholars of South Asian Politics and International Relations

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 Democratic Governance and Non-State Actors A. Gardner. 2011-02-14 This book investigates whether international standards of good governance are applied to sub state actors as well as to states By examining the international response to self determination claims this project demonstrates that the international community does indeed hold sub state groups accountable to such standards Non-Combatant Immunity as a Norm of International Humanitarian Law Judith Gail Gardam, 2023-11-27 Despite the advances made by the international community to outlaw the resort to force by the United Nations Charter armed conflicts both international and non international are a fact of every day life The civilian casualties from such conflicts have assumed catastrophic proportions Little attention however has been paid by scholars to the treatment of noncombatants in armed conflict and the place in international law of the principle fundamental to the law of armed conflict noncombatant immunity This work aims to remedy this omission The author analyses in detail the content of the customary and conventional rules that give effect to this principle in both international and non international armed conflict The importance of such a study is highlighted by the recent Gulf conflict

where so many of the States were not bound by the most recent treaty rules protecting noncombatants **Encyclopedia of the World's Minorities** Carl Skutsch,2013-11-07 This study of minorities involves the difficult issues of rights justice equality dignity identity autonomy political liberties and cultural freedoms The A Z Encyclopedia presents the facts arguments and areas of contention in over 560 entries in a clear objective manner For a full list of entries contributors and more visit the Encyclopedia of the World's Minorities website

Selfdetermination In Law And Practice The New Doctrine In The United Nations 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 capability to stir emotions, provoke thought, and instigate transformation is actually remarkable. This extraordinary book, aptly titled "Selfdetermination In Law And Practice The New Doctrine In The United Nations," compiled by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound impact on our existence. Throughout this critique, we will delve into the book is central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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Selfdetermination In Law And Practice The New Doctrine In The United Nations Introduction

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