

## **Peoples, Self-determination and Secession**

Peoples defined (+ contiguous diasporas and non contiguous diasporas)

Some clarification and theoretical implications

Internal Self-determination : representation, self-government or special status

External self-determination: primary and remedial right only theories

# Minorities Peoples And Selfdetermination

**Daniel Moeckli,Sangeeta  
Shah,Sandesh Sivakumaran,David  
Harris**

## **Minorities Peoples And Selfdetermination:**

**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

Minority Self-Government in Europe and the Middle East Olgun Akbulut, Elçin Aktoprak, 2019-07-08 This volume Minority Self Government in Europe and the Middle East From Theory to Practice is novel from several perspectives It combines theory with facts on the ground going beyond legal perspectives without neglecting existing laws and their implementation Theoretical discussions transcend examining existing autonomy models in certain regions It offers new models in the field discussing such critical themes as environmentalism Traditional concepts such as self determination and well known successful autonomy examples including the land Islands Basque and Catalan models are examined from different perspectives Some chapters in this volume focus on certain regions including

Turkey Syria and Iraq which have only recently received scholarly attention Chapters complement one another in terms of their theoretical inputs and outputs from the field *Handbook of Indigenous Peoples' Rights* Corinne Lennox,Damien Short,2016-02-05 This handbook will be a comprehensive interdisciplinary overview of indigenous peoples rights Chapters by experts in the field will examine legal philosophical sociological and political issues addressing a wide range of themes at the heart of debates on the rights of indigenous peoples The book will address not only the major questions such as who are indigenous peoples What is distinctive about their rights How are their rights constructed and protected What is the relationship between national indigenous rights regimes and international norms but also themes such as culture identity genocide globalization and development rights institutionalization and the environment *The Proposed Nordic Saami Convention* Nigel Bankes,Timo Koivurova,2013-01-31 In 2005 an expert group representing the governments of Norway Sweden and Finland and the Saami parliaments of these countries agreed upon a draft text of a Nordic Saami Convention Key parts of the text deal with the recognition of Saami land and resource rights More recently the three governments have embarked on negotiations to move from this draft text to a final convention that may be adopted and ratified by all three countries Negotiations commenced in the Spring of 2011 and should be completed within five years This collection of essays explores the national and international dimensions of indigenous property rights and the draft Convention which recognises the Saami as one people divided by international boundaries Part one of the book seeks to provide a global and theoretical context for these developments in the Nordic countries with a series of essays dealing with the moral and legal reasons for recognising indigenous property interests and different conceptualisations of the relationship between indigenous peoples and settler societies including recognition reconciliation and pluralism Part two of the book examines some international legal issues associated with the Convention including the background to the Convention Part three turns to examine aspects of the recognition of Saami property interests in each of the three Nordic states while Part four provides some comparative experiences examining the recognition of indigenous property rights in a number of jurisdictions including Canada Australia and a number of South American states An additional essay considers gender issues in relation to indigenous property rights

**Taking Ethno-Cultural Diversity Seriously in Constitutional Design** Solomon A. Dersso,2012 Using a legal and multidisciplinary approach towards empirical and prescriptive analysis of contemporary minority rights standards this book defends and elaborates a robust minority rights framework for articulating a constitutional design responsive to the claims of ethno cultural groups in Africa *The Battle for International Law* Jochen von Bernstorff,Philipp Dann,2019 This edited collection represents the first comprehensive analysis of international legal debates between 1955 and 1975 related to the formal decolonization process which brought a new perspective on topics such as self determination wars of national liberation and multinational corporations *International Human Rights Law* Daniel Moeckli,Sangeeta Shah,Sandesh Sivakumaran,David Harris,2014 *International Human Rights Law* offers a thought provoking consideration of the subject

from its philosophical foundations to contemporary challenges with contributions from leading experts Critical and detailed it covers all elements of a traditional international human rights course and is suitable for use as a stand alone textbook

General Interests of Host States in International Investment Law Giorgio Sacerdoti, Pia Acconci, Mara Valenti, Anna De Luca, 2014-05-29 Analyses bilateral treaties and regional agreements on foreign investments focussing particularly on measures taken in the context of economic crises

**Aboriginal Child Welfare, Self-Government and the Rights of Indigenous Children** Sonia Harris-Short, 2016-03-16 This volume addresses the contentious and topical issue of aboriginal self government over child welfare Using case studies from Australia and Canada it discusses aboriginal child welfare in historical and comparative perspectives and critically examines recent legal reforms and changes in the design management and delivery of child welfare services aimed at securing the decolonization of aboriginal children and families Within this context the author identifies the limitations of reconciling the conflicting demands of self determination and sovereignty and suggests that international law can provide more nuanced and culturally sensitive solutions Referring to the UN Declaration on the Rights of Indigenous Peoples and the UN Convention on the Rights of the Child it is argued that the effective decolonization of aboriginal child welfare requires a journey well beyond the single issue of child welfare to the heart of the debate over self government self determination and sovereignty in both national and international law

**Political Violence** Panu-Matti Pöykkö, Pamela Slotte Russo, Viljami Salo, 2024-11-18 This volume brings together scholars from intellectual history social sciences philosophy and theology to evaluate central questions concerning political violence and aggression This multidisciplinary collection of essays critically investigates forms and modes of justification of political violence from historical and contemporary perspectives especially within the context of the development of the idea of Europe and modern European identity What is meant by political violence and aggression When and under which conditions is it justified Who has the right to exercise it and against whom Answers differ depending on various factors such as pre established ends available resources and possibilities of action historical and socio economic context the ideological political and religious theological background of the actors The volume pays special attention to a how the above questions have been addressed and answered political philosophical and theological thought and b what kind of ideological currents and historical events lay at the background of such considerations

Nordic Approaches to Climate-Related Human Mobility Miriam Cullen, Matthew Scott, 2024-06-20 Academic discussion of climate related human mobility has understandably focused on the places where people are especially vulnerable to climate related harm the Global South Yet the unique biophysical legal and socio political characteristics of the Nordic region as well as its roles as both home and host to climate related mobilities justify its independent attention Filling this lacuna this collection is the first to address climate related human mobility in the Nordic region It is a timely and much needed collection which brings together leading and emerging voices from both academia and practice in a single volume spanning policy and geographical breadth Its chapters cover both regional

approaches to the global phenomenon of climate mobility such as the traditional role of the Nordic states as norm entrepreneurs and their representation in multilateral fora and on the ground climate impacts unique to this region and their localised responses Case studies include judicial decision making as it relates to climate related migration insights into the local communication of climate risk changes to Nordic development and climate policy as well as climate related mobilities of Nordic Indigenous Peoples This volume will be of great interest to students and scholars of disaster and climate studies as well as climate related mobility migration and displacement The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license *Devising an Adequate System of Minority Protection* Kristin Henrard, 2000-07-19 2 Article 16 ECHR

**The International Convention on the Elimination of All Forms of Racial Discrimination** Patrick Thornberry, 2016-07-14 The Convention on the Elimination of All Forms of Racial Discrimination is the centrepiece of international efforts to address racial discrimination defined in broad terms to include discrimination based on skin colour descent ethnic and national origin Victims of discrimination within the scope of the Convention include minorities indigenous peoples non citizens and caste or descent groups Virtually all national societies are diverse in terms of ethnicity or race and none is free from discrimination making it one of the great issues of our time Against the background of international human rights standards and mechanisms to counter racial and ethnic discrimination this book provides the first comprehensive legal analysis of the provisions of the Convention on an article by article basis The book addresses the place of the Convention within the broader framework of United Nations action against discrimination The different chapters analyse and discuss broad topics of race ethnicity and international law the genesis and drafting of the Convention the aims and objectives of the Convention in light of its preamble and principles of non discrimination and equality In particular the book includes a critical appraisal of the contribution of the Convention to the eradication of racial discrimination It also reflects on whether there is scope for modification of the substance or procedures of the Convention in light of challenges arising from enhanced transnational population movements the intersection between discrimination on the ground of race and discrimination against religious communities and the intersection of racial and gender based discrimination International Law and Self-Determination Joshua Castellino, 2021-07-26 The principle of self determination has at heart the achievement of true representation and democracy based on the idea that the consent of the governed alone can give government legitimacy The principle was primarily responsible for the decolonisation process that shaped our current international community Self determination has been used in equal rhetorical brilliance by a number of leaders some meritorious with a genuine concern for human emancipation others dubious with ascendancy to power at the heart of their project In any case self determination has come to mean different things in different contexts Being a vital principle especially in the post colonial state it is one factor that represents a threat to world order while at the same time holding out the promise of longer term peace and

security based on values of democracy equity and justice This book looks at the intricacies of the norm in its current ambiguous manifestation and seeks to deconstruct it with regard to three particularly inter related discourses that of minority rights statehood and sovereignty and the doctrine of uti possidetis which shaped the modern post colonial state These norms are then analysed further within two case studies One concerning the creation of Bangladesh where self determination was achieved The second examines the situation in the Western Sahara where self determination whatever its manifestation is yet to be expressed In the course of these case studies we seek to highlight the problematic nature of national identity and the self in settings far removed from post Westphalian Europe

Cultural Rights as Collective Rights Andrzej Jakubowski, 2016-07-11 Collective cultural rights are commonly perceived as the most neglected or least developed category of human rights Cultural Rights as Collective Rights An International Law Perspective endeavours to challenge this view and offers a comprehensive critical analysis of recent developments in distinct areas of international law and jurisprudence from every region of the world in relation to the scope legal content and enforceability of such rights Leading international scholars explore the conceptualisation and operationalisation of collective cultural rights as human rights encompassing community rights and discuss the ways in which such rights may collide with other mostly individual human rights As such Cultural Rights as Collective Rights An International Law Perspective offers a cross cutting and original overview on how the protection recognition and enforcement of collective cultural rights affect the development changes and formation of general international law norms

*The Routledge Companion to Music and Human Rights* Julian Fifer, Angela Impey, Peter G. Kirchsclaeger, Manfred Nowak, George Ulrich, 2022-05-30 The Routledge Companion to Music and Human Rights is a collection of case studies spanning a wide range of concerns about music and human rights in response to intensifying challenges to the well being of individuals peoples and the planet It brings forward the expertise of academic researchers lawyers human rights practitioners and performing musicians who offer critical reflection on how their work might identify inform or advance mutual interests in their respective fields The book is comprised of 28 chapters interspersed with 23 voices portraits that focus on individuals intimate experiences with music in the defence or advancement of human rights and explores the following four themes 1 Fundamentals on music and human rights 2 Music in pursuit of human rights 3 Music as a means of violating human rights 4 Human rights and music intrinsic resonances

**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      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      Indigenous Peoples, Natural Resources and Permanent Sovereignty Andrea Mensi, 2022-12-19 Indigenous Peoples Natural Resources and Permanent Sovereignty explores the possibility to conceive a permanent sovereignty over natural resources vested in indigenous peoples rather than in States The author examines the conceptualisation and content under customary international law of indigenous rights with respect to natural resources including the impact of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007 The book provides a deep and updated analysis on international customs international and regional conventions and the jurisprudence of regional courts concerning indigenous rights to natural resources including the most recent developments in domestic jurisprudence and legislation



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