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The Right to Self-determination Under International Law-Milena Sterio 2013 This book proposes a novel theory of self-determination; the Rule of the Great Powers. This book argues that traditional legal norms on self-determination have failed to explain and account for recent results of secessionist self-determination struggles. While secessionist groups like the East Timorese, the Kosovar Albanians and the South Sudanese have been successful in their quests for independent statehood, other similarly situated groups have been relegated to an at times violent existence within their mother states. Thus, Chechens still live without significant autonomy within Russia, and the South Ossetians and the Abkhaz have seen their conflicts frozen because of the peculiar geo-political equilibrium of power within the Caucasus region. The Rule of the Great Powers, which asserts that only those self-determination seeking entities which enjoy the support of the majority of the most powerful states (the Great Powers) will ultimately have their rights to self-determination fulfilled. The Great Powers, potent military, economic and political powerhouses such as the United States, China, Russia, Japan, the United Kingdom, France, Germany, and Italy, often dictate self-determination outcomes through their influence in global affairs. Issues of self-determination in the modern world can no longer be effectively resolved through the application of traditional legal rules; rather, resort must be had to novel theories, such as the Rule of the Great Powers. This book will be of particular interest to academics and students of law, political science and international relations.

A History of the Self-Determination of Peoples-Jörg Fisch 2015-10-31 This book examines the conceptual and political history of the right of self-determination of peoples.

Sovereignty in the Exercise of the Right to Self-Determination-Jane A. Hofbauer 2016-09-13 In Sovereignty in the Exercise of the Right to Self-Determination Jane Hofbauer explores to what extent (indigenous) peoples can be designated as sovereign entities through the exercise of different tiers of self-determination. The Right to Self-determination-Aureliu Cristescu 1981

The Theory of Self-Determination-Fernando R. Tesón 2016-04-07 In this book, leading scholars re-examine the principle of national self-determination from diverse theoretical perspectives.

Self-Determination, International Law and Post-Conflict Reconstruction-Manuela Melandri 2018-09-03 The right to self-determination has played a crucial role in the process of assisting oppressed people to put an end to colonial domination. Outside of the decolonization context, however, its relevance and application has constantly been challenged and debated. This book examines the role played by self-determination in international law with regard to post-conflict state building. It discusses the question of whether self-determination protects local populations from the intervention of international state-builders in domestic affairs. With a focus on the right as it applies to the people of an independent state, it explores how self-determination concerns that arise in the post-conflict period play out in relation to the reconstruction process. The book analyses the situation in Somalia as a means of drawing out the impact and significance of the legal principle of self-determination in the process of rebuilding post-conflict institutions. In so doing, it seeks to highlight how the relevance of self-determination is often overlooked in this context.

Self-Determination and Secession in International Law-Christian Walter 2014-06-05 Peoples and minorities in many parts of the world assert a right to self-determination, autonomy, and even secession from a state, which naturally conflicts with that state's sovereignty and territorial integrity. The right of a people to self-determination and secession has existed as a concept within international law since the American Declaration of Independence in 1776, but the exact definition of these concepts, and the conditions required for their application, remain unclear. The Advisory Opinion of the International Court of Justice concerning the Declaration of Independency of Kosovo (2010), which held that the Kosovo declaration of independence was not in violation of international law, has only led to further questions. This book takes four conflicts in the post-Soviet Commonwealth of Independent States (CIS) as a starting point for examining the current state of the law of self-determination and secession. Four entities, Transnistria (Moldova), South Ossetia, Abkhazia (both Georgia), and Nagorno-Karabakh (Azerbaijan), claim to be entitled not only to self-determination but also to secession from their mother state. For this entitlement they rely on historic affiliations, and on charges of discrimination and massive human rights violations committed by their mother state. This book sets out its analysis of these critical issue in three parts, providing a detailed understanding of the principles of international law on which they rely: The first part sets out the contours and meaning of self-determination and secession, including an overall assessment of secession within the Commonwealth of Independent States. The second section provides case studies investigating the events in Transnistria, South Ossetia, Abkhazia, and Nagorno-Karabach in greater detail. The third and final section extends the scope of the examination, providing a comparative analysis of similar conflicts involving questions of self-determination and secession in Kosovo, Western Sahara, and Eritrea.

The Right to Self-determination in the South Caucasus-Bahruz Balayev 2013 The Right to Self-Determination in the South Caucasus: Nagorno Karabakh in Context, by Bahruz Balayev, is a unique tool for scholars, researchers and public on understanding South Caucasus regional conflicts from the New Heaven School perspective. Balayev explores important subjects in the South Caucasus region, including Soviet self-determination psychology and laws, ideas of consociational democracy, and the right to self-determination in general.

Modern law and self-determination-Christian Tomuschat 1993-09-02 "Modern Law of Self-Determination" examines the significance of the right to self-determination in the new world order. For decades, self-determination was seen as a right of colonial peoples. Now the decolonization process has come to an end, its scope and meaning need to be re-examined. Increasingly, the ethnic groups within established nation States claim some separate political status. In extreme cases of persecution of an ethnic group by a ruling majority, secession may provide the only viable remedy to resolve the conflict. However, international law cannot promote a general Balkanization' of the globe. The legitimate interests of all ethnic groups should be accommodated within the framework of existing States. Self-determination, which today is predominantly understood as implying a right to independent statehood, may have to be re-interpreted as conferring no more than a right to autonomy or federal statehood. Such a conception is in line with a modern tendency that highlights the necessary internal dimension of self-determination. "Modern Law of Self-Determination" is based on papers delivered at a conference in Bonn in August 1992 which have been updated and reviewed by the authors in light of the discussions following their presentation.

Self-Determination-Donald Clark 2016-07-27 This is a significant contribution to the worldwide discussion of political self-determination as a source of socio-cultural and political hope, conflict and confusion. Inspired by Martin Ennals, long the quietly visionary Director-General of Amnesty International, the book consists of cases and penetratingly definitive analyses, culminating in trenchant recommendations for action by world bodies. With self-determination intensely at issue so widely, from the former Yugoslavia to Kashmir to Quebec, this distinguished book by a global group of experts is particularly timely.

Self-Determination of Peoples-Antonio Cassese 1995-07-06 Which of the peoples currently claiming the right to self-determination have that right under international law? At what point does this political ideal turn into an international legal standard? This first comprehensive legal account asks how far self-determination is reshaping international relations and assesses the extent of its impact on traditional international institutions. The book scrutinizes State practice through national digests and United Nations proceedings and reappraises the concept against the whole body of international law, thus making an important contribution to an understanding of the interplay of law and politics.

The Right of Self-determination of the Palestinian People- 1979

The Right to Self-determination-Aureliu Cristescu 1983

The Evolution of the Right of Self-determination-A. Rigo Sureda 1973-08-23

The Patient Self-Determination Act-Lawrence P. Ulrich 2001-07-18 The Patient Self-Determination Act of 1990 required medical facilities to provide patients with written notification of their right to refuse or consent to medical treatment. Using this Act as an important vehicle for improving the health care

decisionmaking process, Lawrence P. Ulrich explains the social, legal, and ethical background to the Act by focusing on well-known cases such as those of Karen Quinlan and Nancy Cruzan, and he explores ways in which physicians and other caregivers can help patients face the complex issues in contemporary health care practices. According to Ulrich, health care facilities often address the letter of the law in a merely perfunctory way, even though the Act integrates all the major ethical issues in health care today. Ulrich argues that well-designed conversations between clinicians and patients or their surrogates will not only assist in preserving patient dignity — which is at the heart of the Act—but will also help institutions to manage the liability issues that the Act may have introduced. He particularly emphasizes developing effective advance directives. Ulrich examines related issues, such as the negative effect of managed care on patient self-determination, and concludes with a seldom-discussed issue: the importance of being a responsible patient. Showing how the Patient Self-Determination Act can be a linchpin of more meaningful and effective communication between patient and caregiver, this book provides concrete guidance to health care professionals, medical ethicists, and patient-rights advocates.

Decolonization, Self-Determination, and the Rise of Global Human Rights Politics-Roland Burke 2020-06-30 Leading scholars demonstrate how colonial subjects, national liberation movements, and empires mobilized human rights language to contest self-determination during decolonization.

National Identities and the Right to Self-Determination of Peoples-Hilly Moodrick-Even Khen 2016-06-06 In National Identities and the Right to Self-Determination of Peoples, Hilly Moodrick-Even Khen revisits the legal right to self-determination of peoples and suggests an integrative model for securing the cohesion of the various nationalities within multinational states.

Justice, Legitimacy, and Self-Determination-Allen Buchanan 2003-08-21 This book articulates a systematic vision of an international legal system grounded in the commitment to justice for all persons. It provides a probing exploration of the moral issues involved in disputes about secession, ethno-national conflict, 'the right of self-determination of peoples,' human rights, and the legitimacy of the international legal system itself. Buchanan advances vigorous criticisms of the central dogmas of international relations and international law, arguing that the international legal system should make justice, not simply peace, among states a primary goal, and rejecting the view that it is permissible for a state to conduct its foreign policies exclusively according to what is in the 'the national interest'. He also shows that the only alternatives are not rigid adherence to existing international law or lawless chaos in which the world's one superpower pursues its own interests without constraints. This book not only criticizes the existing international legal order, but also offers morally defensible and practicable principles for reforming it. Justice, Legitimacy, and Self-Determination will find a broad readership in political science, international law, and political philosophy. Oxford Political Theory presents the best new work in political theory. It is intended to be broad in scope, including original contributions to political philosophy and also work in applied political theory. The series contains works of outstanding quality with no restrictions as to approach or subject matter. Series Editors: Will Kymlicka, David Miller, and Alan Ryan

Worldmaking After Empire-Adom Getachew 2020-04-28 Decolonization revolutionized the international order during the twentieth century. Yet standard histories that present the end of colonialism as an inevitable transition from a world of empires to one of nations—a world in which self-determination was synonymous with nation-building—obscure just how radical this change was. Drawing on the political thought of anticolonial intellectuals and statesmen such as Nnamdi Azikiwe, W.E.B Du Bois, George Padmore, Kwame Nkrumah, Eric Williams, Michael Manley, and Julius Nyerere, this important new account of decolonization reveals the full extent of their unprecedented ambition to remake not only nations but the world. Adom Getachew shows that African, African American, and Caribbean anticolonial nationalists were not solely or even primarily nation-builders. Responding to the experience of racialized sovereign inequality, dramatized by interwar Ethiopia and Liberia, Black Atlantic thinkers and politicians challenged international racial hierarchy and articulated alternative visions of worldmaking. Seeking to create an egalitarian postimperial world, they attempted to transcend legal, political, and economic hierarchies by securing a right to self-determination within the newly founded United Nations, constituting regional federations in Africa and the Caribbean, and creating the New International Economic Order. Using archival sources from Barbados, Trinidad, Ghana, Switzerland, and the United Kingdom, Worldmaking after Empire recasts the history of decolonization, reconsiders the failure of anticolonial nationalism, and offers a new perspective on debates about today's international order.

Diversity and Self-Determination in International Law-Karen Knop 2002-04-18 The emergence of new states and independence movements after the Cold War has intensified the long-standing disagreement among international lawyers over the right of self-determination, especially the right of secession. Knop shifts the discussion from the articulation of the right to its interpretation. She argues that the practice of interpretation involves and illuminates a problem of diversity raised by the exclusion of many of the groups that self-determination most affects. Distinguishing different types of exclusion and the relationships between them reveals the deep structures, biases and stakes in the decisions and scholarship on self-determination. Knop's analysis also reveals that the leading cases have grappled with these embedded inequalities. Challenges by colonies, ethnic nations, indigenous peoples, women and others to the gender and cultural biases of international law emerge as integral to the interpretation of self-determination historically, as do attempts by judges and other institutional interpreters to meet these challenges.

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.

Escaping the Self-Determination Trap-Marc Weller 2009-01-29 There is new movement in the discussion about self-determination and statehood. The contested declaration of independence by Kosovo and Russia's recognition of the purported independence of Abkhazia and South Ossetia have caused significant controversy. These developments may well put an end to the attempt by governments to keep in place the highly restricted doctrine of self-determination that has previously only been made available in the colonial context. This monograph argues that classical self-determination, narrowly conceived in the colonial context, cannot contribute to the resolution of the presently ongoing self-determination conflicts around the world. However, this study finds that over the past few years a new practice of addressing self-determination conflicts has emerged. This practice significantly extends our understanding of the legal right to self-determination and of the means that can be brought to bear in terminating secessionist conflicts.

Self-Determination, Dignity and End-of-Life Care-Stefania Negri 2012-02-03 By providing an interdisciplinary reading of advance directives regulation in international, European and domestic law, this book offers new insights into the most controversial legal issues surrounding the debate over dignity and autonomy at the end of life.

Permanent Sovereignty over Natural Resources-Marc Bungenberg 2015-04-15 Fifty years after the adoption of the Declaration on Permanent Sovereignty over Natural Resources by the General Assembly of the United Nations in December 1962, this volume assesses the evolution of the principle of permanent sovereignty over natural resources into a principle of customary international law as well as related developments. International environmental and human rights law leave unresolved questions regarding the limitations of this principle, e.g. extraterritorial and international influences such as the applicable criminal and tort law, as well as the extraterritorial and international promotion of good governance, including transparency obligations.

International Law and Self-Determination-Joshua Castellino 2000-09-14 TABLE OF UN DOCUMENTS.

Self-determination-Terry Lee Anderson 2006 This book compares and contrasts historical and contemporary Canadian and U.S. Native American policy. The contributors include economists, political scientists, and lawyers, who, despite analyzing a number of different groups in several eras, consistently take a political economy approach to the issues. Using this framework, the authors examine the evolution of property rights, from wildlife in pre-Columbian times and the potential for using property rights to resolve contemporary fish and wildlife issues, to the importance of customs and culture to resource use decisions; the competition from states for Native American casino revenues; and the impact of sovereignty on economic development. In each case, the chapters present new data and new ways of thinking about old evidence. In addition to providing a framework for analysis and new data, this book suggests how Native American and First Nation policy might be reformed toward the end of sustainable economic development, cultural integrity, and self-determination. For these reasons, the book should be of interest to scholars, policy analysts, and students of Native American law, economics, and resource use, as well as those interested in the history of Native Americans and Canada's First Nations.

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.

Statehood and the Law of Self-Determination-D. Rai*c 2002-09-25 Although most international lawyers assumed that the distribution of the land surface of the earth between States was more or less final after the end of decolonization, recent practice has disproved this assumption. Eritrea separated from Ethiopia and new States were created out of the former Soviet Union, the former Yugoslavia and the former Czechoslovakia. There is no reason to believe that these events form the end of the creation of new States. Numerous communities within existing States claim a right to full separate statehood on the basis of their entitlement to an alleged right to self-determination. However, in most cases, the international community rejected such claims to statehood, even if the territorial entity satisfied the traditional criteria for statehood. On the other hand, in other cases, including some of those mentioned above, the international community acknowledged the statehood of entities which clearly failed to meet these criteria. In the light of the above-mentioned developments, this book examines the modern law of statehood, and in particular the role of the law of self-determination in the process of the formation of States in international law. The study shows that the law of statehood has changed considerably since the establishment of the United Nations. It is argued that the law of self-determination is particularly relevant for explaining the international community's position regarding the general recognition, or the general denial, of statehood of different territorial entities under contemporary international law.

Self-Determination and Secession in Africa-Redie Bereketeab 2014-08-07 This book provides a unique comparative study of the major secessionist and self-determination movements in post-colonial Africa, examining theory, international law, charters of the United Nations, and the Organisation of African Unity (OAU)/African Union's (AU) stance on the issue. The book explores whether self-determination and secessionism lead to peace, stability, development and democratisation in conflict-ridden societies, particularly looking at the outcomes in Eritrea and South Sudan. The book covers all the major attempts at self-determination and secession on the continent, extensively analysing the geo-political, economic, security and ideological factors that determine the outcome of the quest for self-determination and secession. It reveals the lack of inherent clarity in international law, social science theories, OAU/AU Charter, UN Charters and international conventions concerning the topic. This is a major contribution to the field and highly relevant for researchers and postgraduate students in African Studies, Development Studies, African Politics and History, and Anthropology.

Rethinking Ethnic Identity and the Right to Self-determination of Peoples Under International Law-Pius Lekwuwa Okoronkwo 2001

Minorities, Peoples And Self-determination-Nazila Ghanea-Hercock 2005 This volume presents new thinking on minority and indigenous rights in international law. 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.

Self-Determination and Humanitarian Secession in International Law of a Globalized World-Juan Francisco Escudero Espinosa 2018-03-24 This book addresses questions in connection with the international legal regime on demands for secession, which have arisen in various States. More specifically, it examines the unilateral declarations of independence by Kosovo in 2008, and by Crimea and its subsequent annexation by the Russian Federation in 2014. The work investigates the two cases so as to shed light on the international legal regime affecting entities that are smaller than a sovereign State. It analyzes the relevant principles of international law, the intention being to determine their scope and review them in light of the most recent practice and developments in international law. In turn, the book examines and explains the events of relevance for international law that occurred in the changing situations in Kosovo and Crimea. On the basis of these legal considerations, it explores how the international community can respond when faced with situations that may violate international law, together with the effectiveness of various measures. It also discusses whether certain situations might be legitimate as a concept could now be emerging that secession may be justified in specific circumstances, such as serious and widespread violations of basic human rights.

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.

The United Nations-Jakob R. Avgustin 2020-02-16 The purpose of this edited collection is to appraise the role of the UN in relation to the principle of self-determination. This book takes a practical approach to discussing what role the UN plays in cases of self-determination and also ventures beyond this area's discussions of the inherent conflict between self-determination and sovereignty.

Secession-Marcelo G Kohen 2006-03-21 A comprehensive study of secession from an international law perspective.

Self-Determination of Peoples and Plural-ethnic States in Contemporary International Law-Edward McWhinney 2007-09-30 In analysing the contemporary International Law principles as to Self-determination of Peoples, Dr. Edward McWhinney gives a special attention to the crisis of multinational states. A special concluding chapter draws on the empirical record of the historical, often trial-and-error experience of the Succession states to the Versailles treaties settlements and to the assorted acts of Decolonisation of the former European Imperial, Colonial powers.

The Atlantic Charter-Douglas Brinkley 1994-05-10 In August 1941 Churchill and Roosevelt met in a secluded bay off the coast of Newfoundland. It was the first of their wartime meetings and in many respects the most significant. The Atlantic Charter, its result, proclaimed the two leaders' vision of a new world order, a set of principles that would govern international relations with the coming of peace. This remarkable collection of essays is the result of an international conference of American, British, and Canadian scholars held at Memorial University of Newfoundland that marked the 50th anniversary of the historic meeting. The essays discuss both the Charter's formulation and its long-term significance, and provide fascinating perspectives on the Second World War and its aftermath.

Morality and Legality of Secession-Pau Bossacoma Busquets 2019-11-19 This book explores secession from three normative disciplines: political philosophy, international law and constitutional law. The author first develops a moral theory of secession based on a hypothetical multinational contract. Under this contract theory, injustices do not determine the existence of a right to secede, but the requirements to exercise it. The book's second part then argues that international law is more inclined to accept and advance a remedial right approach to secession. Therefore, justice as multinational fairness is to be fully institutionalized under the constitutional law of liberal democracies. The final part proposes constitutionalizing a qualified right to secede with the aim of fostering recognition and accommodation of national pluralism as well as cooperation and compromise between majority and minority nations.

Statehood and Self-Determination-Duncan French 2013-02-21 Provides detailed analysis of fundamental issues of statehood and recognition, self-determination, and the rights of indigenous peoples.

National Self-Determination and Justice in Multinational States-Anna Moltchanova 2009-08-28 Substate nationalism, especially in the past fifteen years, has noticeably affected the political and territorial stability of many countries, both democratic and democratizing. Norms exist to limit the behavior of collective agents in relation to individuals; the set of universally accepted human rights provides a basic framework. There is a lacuna in international law, however, in the regulation of the behavior of groups toward other groups, with the exception of relations among states. The book offers a normative approach to moderate minority nationalism that treats minorities and majorities in multinational states justly and argues for the differentiation of group rights based on how group agents are constituted. It argues that group agency requires a shared set of beliefs concerning membership and the social ontology it offers ensures that group rights can be aligned with individual rights. It formulates a set of principles that, if adopted, would aid conflict resolution in multinational states. The book pays special attention to national self-determination in transitional societies. The book is intended for everyone in political philosophy and political science interested in global justice and international law and legal practitioners interested in normative issues and group rights

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