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Between Diversity and Disorder: A Review of Jorri C. Duursma, Fragmentation and the International Relations of Micro-States: Self-Determination and Statehood

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Fragmentation And The International Relations Of Micro States Self Determination And Statehood

Victor Gaetan

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Fragmentation And The International Relations Of Micro States Self Determination And Statehood:

Fragmentation and the International Relations of Micro-states Jorri Duursma, 1996-10-31 At a time when nearly all armed conflicts are related to self determination and frequently to claims for secession this meticulous study examines the legal issues at stake in the light of the existence of European micro States Liechtenstein San Marino Monaco Andorra and the Vatican City Jorri Duursma makes a thorough analysis of the true origins meaning and faults of the modern right of self determination asking fundamental questions What constitutes a people with a right to self determination How small a people has this right Who are allowed to secede What is a state according to international law Jorri Duursma's book provides an up to date and informed account of these important issues which also draws on recent experiences in Eastern Europe and Yugoslavia It is the first book to provide a thorough international legal account of the European micro states and develops a novel approach to the problems of fragmentation

Small States in International Relations Christine Ingebritsen, Iver Neumann, Sieglinde Gstöhl, 2012-09-01 Smaller nations have a special place in the international system with a striking capacity to defy the expectations of most observers and many prominent theories of international relations This volume of classic essays highlights the ability of small states to counter power with superior commitment to rely on tightly knit domestic institutions with a shared ideology of social partnership and to set agendas as norm entrepreneurs The volume is organized around themes such as how and why small states defy expectations of realist approaches to the study of power the agenda setting capacity of smaller powers in international society and in regional governance structures such as the European Union and how small states and representatives from these societies play the role of norm entrepreneurs in world politics from the promotion of sustainable solutions to innovative humanitarian programs and policies

Religious Actors and International Law Ioana Cismas, 2014-07-17 This book assesses whether a new category of religious actors has been constructed within international law Religious actors through their interpretations of the religion s they are associated with uphold and promote or indeed may transform potentially oppressive structures or discriminatory patterns This study moves beyond the concern that religious texts and practices may be incompatible with international law to provide an innovative analysis of how religious actors themselves are accountable under international law for the interpretations they choose to put forward The book defines religious actors as comprising religious states international organizations and non state entities that assume the role of interpreting religion and so claim a special legitimacy anchored in tradition or charisma Cutting across the state non state divide this definition allows the full remit of religious bodies to be investigated It analyses the crucial question of whether religious actors do in fact operate under different international legal norms to non religious states international organizations or companies To that end the Holy See Vatican the Organization of Islamic Cooperation and churches and religious organizations under the European Convention on Human Rights regime are examined in detail as case studies The study ultimately establishes that religious actors cannot be seen to form an autonomous legal category

under international law they do not enjoy special or exclusive rights nor incur lesser obligations when compared to their respective non religious peers Going forward it concludes that a process of two sided legitimation may be at stake religious actors will need to provide evidence for the legality of their religious interpretations to strengthen their legitimacy and international law itself may benefit from religious actors fostering its legitimacy in different cultural contexts

The Recognition of States Thomas D. Grant,1999-12-30 Thomas D Grant examines the Great Debate over state recognition tracing its eclipse and identifying trends in contemporary international law that may explain the lingering persistence of the terms of that debate Although writers have generally accepted the declaratory view as more accurate than its old rival the judicial sources often cited to support the declaratory view do not on scrutiny do so as decisively as commonly assumed Contemporary doctrinal preference requires explanation Declaratory doctrine in its apparent diminution of the role state discretion plays in recognition is in harmony Grant asserts with contemporary aspirations for international law It may seem to many writers he believes that international governance functions better in a conceptual framework that reduces the power of states to legislate what entities are states Grant proceeds from this analysis of the contemporary status of the old debate to ask what questions now take center stage In place of doctrine Grant argues process is the chief issue concerning recognition today Whether to recognize unilaterally or in a collective framework whether to acknowledge legal rules or to let recognition be controlled by political calculus as Grant points out such questions concern how states recognize not the theoretical nature of recognition This is an important analysis for scholars and researchers of international law and relations and contemporary European politics

The Self-determination of Peoples Wolfgang F. Danspeckgruber,2002 Focusing especially on the era since the Cold War political scientists other scholars and government officials examine both empirically and conceptually the causes and impacts of people striving for self determination and autonomy They consider the legal political administrative ethnic cultural economic and strategic dimensions and try to consider examples from all major regions Annotation c Book News Inc Portland OR booknews com

Russian Discourses on International Law P. Sean Morris,2018-09-03 A number of recent events in the last decade have renewed interest in Russian discourses on international law This book evaluates and presents a contemporary analysis of Russian discourses on international law from various perspectives including sociological theoretical political and philosophical The aim is to identify how Russia interacts with international law the reasons behind such interactions and how such interactions compare with the general practice of international law It also examines whether legal culture and other phenomena can justify Russia s interaction in international law Russian Discourses on International Law explains Russia s interpretation of international law through the lens of both leading western scholars and contemporary western based Russian scholars It will be of value to international law scholars looking for a better understanding of Russia s behavior in international legal relations law and society foreign policy and domestic application of international law Further those in fields such as sociology politics philosophy or general graduate

students lawyers think tanks government departments and specialized Russian studies programs will find the book helpful

The Break-up of Yugoslavia and International Law Peter Radan, 2004-01-14 The demise of the former Yugoslavia was brought about by various secessionist movements seeking international recognition of statehood This book provides a critical analysis from an international law perspective of the break up of Yugoslavia Although international recognition was granted to the former Yugoslav republics of Slovenia Croatia Bosnia Hercegovina and Macedonia the claims of secessionist movements that sought a revision of existing internal federal borders were rejected The basis upon which the post secession international borders were accepted in international law involved novel applications of international law principles of self determination of peoples and *uti possidetis* This book traces the developments of these principles and the historical development of Yugoslavia's internal borders

Threatened Island Nations Michael B. Gerrard, Gregory E. Wannier, 2013-01-21 Rising seas are endangering the habitability and very existence of several small island nations mostly in the Pacific and Indian oceans This is the first book to focus on the myriad legal issues posed by this tragic situation if a nation is under water is it still a state Does it still have a seat at the United Nations What becomes of its exclusive economic zone the basis for its fishing rights What obligations do other nations have to take in the displaced populations and what are these peoples rights and legal status once they arrive Should there be a new international agreement on climate displaced populations Do these nations and their citizens have any legal recourse for compensation Are there any courts that will hear their claims and based on what theories Leading legal scholars from around the world address these novel questions and propose answers

Resolving Claims to Self-Determination Andrew Coleman, 2014-01-03 Since the end of World War Two and the formation of the UN the nature of warfare has undergone changes with many wars being intra state wars or wars of secession Whilst wars of secession do not involve the same number or type of combatants as in the last two World Wars their potential for destruction and their danger for the international community cannot be underestimated There are currently many peoples seeking independence from what they perceive as foreign and alien rulers including the Chechens West Papuans Achenese Tibetans and the Kurds The break up of Yugoslavia and the former USSR together with recent conflicts in South Ossetia reveal that the potential for future wars of secession remains high This book explores the relationship between recognition statehood and self determination and shows how self determination continues to be relevant beyond European decolonisation The book considers how and why unresolved questions of self determination have the potential to become violent The book goes on to investigate whether the International Court of Justice as the primary judicial organ of the United Nations could successfully resolve questions of self determination through the application of legal analysis and principles of international law By evaluating the strengths weaknesses and effectiveness of the Court's advisory jurisdiction Andrew Coleman asks whether the ICJ is a suitable forum for these questions and asks what changes would be necessary to provide an effective means for the peaceful birth of States

Power Politics and State Formation in the Twentieth Century Bridget

Coggins,2014-04-24 From Kurdistan to Somaliland Xinjiang to South Yemen all secessionist movements hope to secure newly independent states of their own Most will not prevail The existing scholarly wisdom provides one explanation for success based on authority and control within the nascent states With the aid of an expansive new dataset and detailed case studies this book provides an alternative account It argues that the strongest members of the international community have a decisive influence over whether today s secessionists become countries tomorrow and that most often their support is conditioned on parochial political considerations

Small States and EU Governance Jean Micallef Grimaud,2017-09-06

This book examines a crucial question about small states and their governments influence in the European Union EU decision making processes Are EU small member state governments influential in EU decision making processes In other words do they exercise influence in these processes And if so how and at which stage do they do this This book seeks to answer the above questions by focusing on Malta the smallest state in the EU and whether it exercises influence in uploading its preferences in two distinct stages of EU legislative decision making processes decision shaping formation and decision taking adoption The cases selected and analyzed showcase the Maltese government s behaviour in legislative negotiations in differing EU policy spheres that are extremely relevant to it These are the adoption of EU directives on pyrotechnic articles falling under the EU competition and consumer health and safety policy spheres and on the extension of EU long term residence to beneficiaries of international protection falling under EU immigration policy As analyzed in the latter chapters of the book Malta s government has achieved varying degrees of success in its exercise of influence in these EU decision making processes

Concepts for International Law Jean d'Aspremont,Sahib Singh, Concepts shape how we understand and participate in international legal affairs They are an important site for order struggle and change This comprehensive and authoritative volume introduces a large number of concepts that have shaped at various points in history international legal practice and thought intimates at how the many projects of international law have grappled with and influenced the world through certain concepts and introduces new concepts into the discipline

State Continuity and Nationality: The Baltic States and Russia Ineta Ziemele,2025-09-01 Political changes in Central and Eastern Europe in the 1990s led to important territorial changes and confronted decision makers and international lawyers with complex questions relevant to State continuity and succession The case of the Baltic States was particularly difficult since they re emerged after half a century of Soviet occupation In addition to questions on the status of new States important issues arose with regard to the fate of nationals of the former federations generating frantic international efforts in developing and consolidating available rules and principles on nationality in situations of territorial change In this context the Baltic case stood apart It raised questions of non recognition of consequences of their illegal occupation in international law but that was not the way the issues were dealt with The book documents and examines the story of the Soviet occupation of the Baltic States in 1940 and their claim to State continuity fifty years later It brings in the issue of the obligations of Russia in this context The book asks

the question what nationality solutions had to be adopted in the region and shows the scrutiny they received from international institutions This second edition of the book revisits decisions that were taken in the 1990s and asks whether they have withstood the test of time The case of the Baltic States is an example of the strength of international law rules when applied with courage and of the risks when too many compromises with rules and principles are accepted Although the book is specific in its coverage it is of general importance because it draws conclusions concerning developments in law and practice which are relevant for a better understanding and regulation of statehood and nationality in international law

The 1970 UNESCO and 1995 UNIDROIT Conventions on Stolen or Illegally Transferred Cultural Property

,2024-02-06 The illicit traffic in cultural objects is a grave concern to the general public and international community The resulting cultural damage fuels debates on how best to regulate the trade in cultural objects and inform legal responses at all levels for the protection of movable cultural heritage Treaties concerning the treatment of cultural objects during peacetime and war represent some of the earliest multilateral initiatives on cultural heritage in the modern era They also remain some of the most deeply contested representing shifting fault lines within the international community Authored by leading scholars and practitioners from around the world this Commentary is the first to cover the two leading multilateral treaties on movable cultural heritage in one volume the Convention on the Means of Prohibiting and Preventing the Illicit Import Export and Transfer of Ownership of Cultural Property adopted by UNESCO in 1970 and the Convention on Stolen or Illegally Exported Cultural Objects adopted by UNIDROIT in 1995 This Commentary is designed to be the authoritative text for academics lawyers policymakers and diplomats on the protection and regulation of cultural objects Encompassing both public and private international law rules on the trade in cultural objects it provides a detailed historical and thematic overview Drawing on the travaux préparatoires and intergovernmental and state practice over the last half century the Commentary provides an article by article analysis of the interpretation and application of these treaties The texts 1970 UNESCO and 1995 UNIDROIT Conventions are examined in the working context of other culture conventions including the World Heritage Convention and the Intangible Heritage Convention as well as related fields of international law such as international humanitarian law international criminal law human rights law and international economic law The volume also offers a critical examination of current trends and future directions which are informing the field **The State of Law in**

the South Caucasus C. Waters,2005-10-26 This book evaluates the strength of the rule of law in the South Caucasus a volatile and strategically important region of the former Soviet Union Contributors all of whom who have lived and worked in Armenia Azerbaijan or Georgia tackle this question from the perspectives of both law and politics A wide range of specific issues are addressed including corruption in the justice system forced migration telecommunications and environmental protection **Constitutionalising Secession** David Haljan,2014-11-01 Constitutionalising Secession proceeds from the question What if anything does the law have to say about a secession crisis But rather than approaching secession through

the optic of political or nationalist institutional accommodation this book focuses on the underpinnings to a constitutional order as a law making community underpinnings laid bare by secession pressures Relying on the corrosive effects of secession it explores the deep structure of a constitutional order and the motive forces creating and sustaining that order A core idea is that the normativity of law is best understood through a constitutional optic as an integrative associative force Constitutionalising Secession critically analyses conceptions of constitutional order implicit in the leading models of secession and takes as a leading case study the judicial and legislative response to secession in Canada The book therefore develops a concept of constitutionalism and law making associative constitutionalism to describe their deep structure as a continuing integrative process of association This model of a dynamic process of value formation can address both the association and the disassociation of constitutional systems

The Foreign Policy of Counter Secession James Ker-Lindsay, 2012-10-25 At a time when the question of separatism is becoming increasingly significant in international politics *The Foreign Policy of Counter Secession* is the first and only comprehensive account of the ways in which states fight acts of secession on the world stage

God's Diplomats Victor Gaetan, 2021-07-15 Using inside sources and extensive field reporting about the secretive high stakes world of international diplomacy Vatican reporter Victor Gaetan takes readers to the Holy See to explicate Pope Francis's diplomacy show why it works and to offer readers a startling contrast to the dangerous inadequacies of recent U S international decisions

International Law Malcolm N. Shaw, 2017-09-14 *International Law* is the definitive and authoritative text on the subject offering Shaw's unbeatable combination of clarity of expression and academic rigour and ensuring both understanding and critical analysis in an engaging and authoritative style Encompassing the leading principles practice and cases and retaining and developing the detailed references which encourage and assist the reader in further study this new edition motivates and challenges students and professionals while remaining accessible and engaging Fully updated to reflect recent case law and treaty developments this edition contains an expanded treatment of the relationship between international and domestic law the principles of international humanitarian law and international criminal law alongside additional material on international economic law

International Law in the 21st Century Christopher C. Joyner, 2005 In the freshest new international law text in 20 years Christopher C Joyner offers a critical assessment of international legal rules in the early 21st century as they are applied by governments to the real world Looking at concepts and principles processes and critical problems Joyner steers clear of an old time case method approach preferring to treat issues thematically He shows the challenges of international law in terms of peace security human rights the environment and economic justice Particular features of the book include engaging vignettes clearly defined key terms and special coverage of emerging topics including common spaces international criminal law rules norms and regimes and trade relations and commercial exchange Through it all Joyner maintains an intent focus on the role of the individual in the evolving international legal order

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Table of Contents Fragmentation And The International Relations Of Micro States Self Determination And Statehood

1. Understanding the eBook **Fragmentation And The International Relations Of Micro States Self Determination And Statehood**
 - The Rise of Digital Reading **Fragmentation And The International Relations Of Micro States Self Determination And Statehood**
 - Advantages of eBooks Over Traditional Books
2. Identifying **Fragmentation And The International Relations Of Micro States Self Determination And Statehood**
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms

- Features to Look for in an Fragmentation And The International Relations Of Micro States Self Determination And Statehood
- User-Friendly Interface
- 4. Exploring eBook Recommendations from Fragmentation And The International Relations Of Micro States Self Determination And Statehood
 - Personalized Recommendations
 - Fragmentation And The International Relations Of Micro States Self Determination And Statehood User Reviews and Ratings
 - Fragmentation And The International Relations Of Micro States Self Determination And Statehood and Bestseller Lists
- 5. Accessing Fragmentation And The International Relations Of Micro States Self Determination And Statehood Free and Paid eBooks
 - Fragmentation And The International Relations Of Micro States Self Determination And Statehood Public Domain eBooks
 - Fragmentation And The International Relations Of Micro States Self Determination And Statehood eBook Subscription Services
 - Fragmentation And The International Relations Of Micro States Self Determination And Statehood Budget-Friendly Options
- 6. Navigating Fragmentation And The International Relations Of Micro States Self Determination And Statehood eBook Formats
 - ePub, PDF, MOBI, and More
 - Fragmentation And The International Relations Of Micro States Self Determination And Statehood Compatibility with Devices
 - Fragmentation And The International Relations Of Micro States Self Determination And Statehood Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Fragmentation And The International Relations Of Micro States Self Determination And Statehood
 - Highlighting and Note-Taking Fragmentation And The International Relations Of Micro States Self Determination And Statehood

- Interactive Elements Fragmentation And The International Relations Of Micro States Self Determination And Statehood
- 8. Staying Engaged with Fragmentation And The International Relations Of Micro States Self Determination And Statehood
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Fragmentation And The International Relations Of Micro States Self Determination And Statehood
- 9. Balancing eBooks and Physical Books Fragmentation And The International Relations Of Micro States Self Determination And Statehood
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Fragmentation And The International Relations Of Micro States Self Determination And Statehood
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Fragmentation And The International Relations Of Micro States Self Determination And Statehood
 - Setting Reading Goals Fragmentation And The International Relations Of Micro States Self Determination And Statehood
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Fragmentation And The International Relations Of Micro States Self Determination And Statehood
 - Fact-Checking eBook Content of Fragmentation And The International Relations Of Micro States Self Determination And Statehood
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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