

**CSICL**

CAMBRIDGE STUDIES IN INTERNATIONAL AND COMPARATIVE LAW

# **Fragmentation and the International Relations of Micro-States**

Self-determination and Statehood



**JORRI C. DUURSMA**

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

**James Ker-Lindsay**



## **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 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

*The Palgrave Handbook of International Political Theory* Howard Williams,David Boucher,Peter Sutch,David Reidy,Alexandros Koutsoukis,2023-11-02 This handbook provides an exploration of the field of International Political Theory IPT which in its broadest terms examines the ways in which ideas about justice sovereignty and legitimacy shape international politics It is a comprehensive resource for those interested in understanding the philosophical political and legal issues that arise from interactions between states peoples and global actors The two volumes of the handbook cover a wide range of topics from the foundations of international political thought to the latest debates in the field They are designed to give readers a comprehensive overview of the key concepts and arguments within international political theory and provide an introduction to the main debates in the field Volume 1 takes us from the ancient world to the formation of the modern state system as we lay the groundwork for a critical understanding of changes in and challenges to core ideas such as sovereignty international law and territorial integrity The contributions to this volume explore the European domination of the discipline providing insights into how it came to conceive the world in its own image They also focus on non Western perspectives and reactions to European hegemony

**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     Sovereignty in the Exercise of the Right to Self-Determination Jane A. Hofbauer, 2016-09-12 Sovereignty in the Exercise of the Right to Self Determination detangles the relationship between a number of principles of international law and the exercise of sovereign power Jane Hofbauer's assessment is conducted through an analysis of the different tiers of self determination ranging from the right to exercise external self determination the right to exercise forms of autonomy as a form of de facto independence and the right to a type of spatial independence exemplified through the principles of permanent sovereignty over natural resources PSNR and free prior and informed consent FPIC The book not only highlights the intentional uncertainties within each of these principles but identifies the non discretionary limits to their normative evolution It thereby explores to what extent indigenous peoples can be designated as sovereign entities     **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     **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      The Creation of States in International Law James R. Crawford, 2007-03-15 Statehood in the early 21st century remains as much a central problem as it was in 1979 when the first edition of The Creation of States in International Law was published As Rhodesia Namibia the South African Homelands and Taiwan then were subjects of acute concern today governments international organizations and other institutions are seized of such matters as the membership of Cyprus in the European Union application of the Geneva Conventions to Afghanistan a final settlement for Kosovo and still relations between China and Taiwan All of these and many other disputed situations are inseparable from the nature of statehood and its application in practice The remarkable increase in the number of States in the 20th century did not abate in the twenty five years following publication of James Crawford s landmark study which was awarded the American Society of International Law Prize for Creative Scholarship in 1981 The independence of many small territories comprising the residue of the European colonial empires alone accounts for a major increase in States since 1979 while the disintegration of Yugoslavia and the USSR in the early 1990s further augmented the ranks With these developments the practice of States and international organizations has developed by substantial measure in respect of self determination secession succession recognition de colonization and several other fields Addressing such questions as the unification of Germany the status of Israel and Palestine and the continuing pressure from non State groups to attain statehood even in cases like Chechnya or Tibet against the presumptive rights of existing States James Crawford discusses the relation between statehood and recognition the criteria for statehood especially in view of evolving standards of democracy and human rights and the application of such criteria in international organizations and between states Also discussed are the mechanisms by which states have been created including devolution and secession international disposition by major powers or international organizations and the institutions established for Mandated Trust and Non Self Governing Territories Combining a general argument as to the normative significance of statehood with analysis of numerous specific cases this fully revised and expanded second edition gives a comprehensive account of the developments which have led to the birth of so many new states

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 preparatoires 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 How do states prevent the recognition of territories that have unilaterally declared independence At a time when the issue of secession is becoming increasingly significant on the world stage this is the first book to consider this crucial question Analysing the efforts of the governments of Serbia Georgia and Cyprus to prevent the international

recognition of Kosovo South Ossetia Abkhazia and northern Cyprus the work draws on in depth interviews with a number of leading policy makers to explain how each of the countries has designed developed and implemented its counter secession strategies After explaining how the principle of the territorial integrity of states has tended to take precedence over the right of self determination it examines the range of ways countries facing a separatist threat can prevent recognition by other states and considers the increasingly important role played by international and regional organisations especially the United Nations in the recognition process Additionally it shows how forms of legitimisation or acknowledgement are also central elements of any counter recognition process and why steps to prevent secessionist entities from participating in major sporting and cultural bodies are given so much attention Finally it questions the effects of these counter recognition efforts on attempts to solve these territorial conflicts Drawing on history politics and international law this book is the first and only comprehensive account of this increasingly important field of foreign policy 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 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 *De Facto States* Tozun Bahcheli,Barry Bartmann,Henry Srebrnik,2004-09-09 In this new century the relentless appeal of national self determination has moved beyond decolonisation A large group of de facto states would be sovereignties now seek international recognition In some cases these nations in waiting have already established the exclusivity of their writ on the ground and wait only for the outside world to come to terms with the realities of their existence In others there are powerful external players who could undermine their claims on one hand or ensure their success on the other The cases described in this book are to be found throughout the world Abkhazia and Chechnya in the Caucasus Kosovo Montenegro Republika Srpska and Transnistria in eastern Europe Palestine and the Turkish Republic of Northern Cyprus in the Middle East Somaliland in Africa and Bougainville in the Pacific Are these isolated voices or a harbinger of things to come Their demands for separate statehood have breached the orthodoxies of territorial integrity and eroded the taboos of secession Other large states such as Indonesia Nigeria and the Sudan also teeter on the brink of



disintegration      **Hierarchies in World Politics** Ayşe Zarakol, 2017-09-07 This book showcases the best new international relations research on hierarchy and moves the discipline forward in this new direction

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