

1. Record Nr.	UNINA9910454098503321
Autore	McWhinney Edward
Titolo	Self-determination of peoples and plural-ethnic states in contemporary international law [[electronic resource]] : failed states, nation-building and the alternative, federal option / / Edward McWhinney
Pubbl/distr/stampa	Leiden ; ; Boston, : Martinus Nijhoff Publishers, 2007
ISBN	1-281-92183-1 9786611921835 90-474-2347-X
Descrizione fisica	1 online resource (148 p.)
Collana	Nijhoff eBook titles 2007
Disciplina	341.26
Soggetti	Self-determination, National State succession Nationalities, Principle of Ethnic relations - Political aspects Federal government Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	The national and international faces of federalism -- Self-determination of peoples as United Nations principle : historical roots and contemporary international law/municipal (constitutional) law antinomies -- Emergence of states in classical international law -- The United Nations Charter and admission of states, and also their exclusion -- The United Nations Charter principle of territorial integrity of states : the Uti Possidetis Doctrine as element in state succession -- Federalism and constitutional pluralism as self-determination options for plural-ethnic States : the different faces of federalism in comparative constitutional law --Law and politics and the dialectical unfolding of the self-determination principle -- Excursus - failed states : the trial-and-error of contemporary exercises in constitution-making and nation-building.
Sommario/riassunto	In analysing the contemporary International Law principles as to Self-determination of Peoples, Dr. Edward McWhinney gives a special

attention to the crisis today of multinational states put together, usually hurriedly and without proper regard for foreseeable later problems in establishing a plural-constitutional order system, by the military victors in World War I in the imposed Peace treaties of 1919. The key to successful exercise of a claimed right to self-determination is Recognition by other, existing states in the World Community and today also admission to the United Nations. In examining the classical rules on Recognition of States and the recent developed practice as to U.N. Membership, the author signals the continuing antinomy of Law and Power and how high political concerns for their own conceived national interests influence or control decisions on application of the legal ground rules in concrete cases by heads of government and their foreign ministries. The author notes at the same time the attempt to consolidate and codify existing rules on a political 'regional' basis, most evident perhaps with the European Union today. In addressing the claimed new legal category of 'failed state' with the concomitant asserted legal right of other states to intervene, if necessary unilaterally or outside the United Nations, to impose their own 'corrective' measures, he suggests that the postulated 'failure' in such cases may frequently stem less from problems inherent in the state concerned than from past hegemonial actions by outside states in pursuit of their own geopolitical interests in the region. 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.
