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Autore	MICHAUD, Joseph François
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2. Record Nr.	UNINA9910616374603321
Autore	Fernandez de Casadevante Romani Carlos
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Nota di contenuto	The absence of any basis for secession in the right of self-determination of peoples and in the serious violations of human rights -- Secession through constitutional reform? A comparative study -- The right to self-determination: an interpretation from Spain -- Debate on International Law as a foundation for independence: Catalonia -- The formation of the State in the international legal order. Proceedings for secessionist entities -- The role of recognition in access to statehood and the obligation not to recognize a secessionist entity as a state -- Secession and succession in respect of boundary treaties and boundary regimes with regard to Spain and the neighbouring States -- Borderlands of Spain in Andorra, Olivença, Ceuta, Melilla and Gibraltar -- There is no right to succession in the membership of International Organizations as a result of secession -- Succession of States in Respect of Treaties on Human Rights -- Secession, international responsibility and human rights -- The notion of exception in the Spanish Constitution of 1978: Theory and practice.

Sommario/riassunto

The book deals with the secession/separation of territorial entities and the legal consequences that derive from it both for the parent state and for the seceded/separated entity or the entity that intends to secede/separate. This subject is approached from the triple perspective of international law, comparative law, and Spanish law. International law, because it is this legal system which contains the general legal framework within which this issue must be dealt with. Thus, for example, the legal basis of the right to self-determination, the constituent elements of the state, the recognition of states and governments, succession in the matter of treaties, succession in membership of International Organisations, etc. Moreover, international law is also the reference invoked by secessionist/independentist political projects within states in an attempt to provide a legal basis for the legality of their claim. Comparative law, in order to find out not only how most state constitutions deal with secession or independence of their territories, but also the jurisprudence handed down by national courts on the matter (USA, Canada, Italy, France, Spain, among others). And finally, Spanish Law, because the perspective chosen to address the object of study is from the perspective of Spain.
