

State Failure, Sovereignty and Effectiveness

Gerard Kreijen

Martinus Nijhoff Publishers

State Failure Sovereignty And Effectiveness

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State Failure, Sovereignty And Effectiveness Gérard Kreijen, 2004 This comprehensive study of State failure upholds that the collapse of States in sub Saharan Africa is a self inflicted problem caused by the abandonment of the principle of effectiveness during decolonization On the one hand the abandonment of effectiveness may have facilitated the recognition of the new African States but on the other it did lead to the creation of States that were essentially powerless some of which became utter failures Written in a style both provocative and unorthodox and using convincing arguments this study casts doubt on some of the most sacred principles of the modern doctrine of international law It establishes that the declaratory theory of recognition cannot satisfactorily explain the continuing existence of failed States It also demonstrates that the principled assertion of the right to self determination as the basis for independence in Africa has turned the notion of sovereignty into a formal legal figment without substance This book is a plea for more realism in international law Pensive pessimists in the tradition of Hobbes will probably love it Idealists in the tradition of Grotius may hate it but they will find it very difficult to reject its conclusions *The Fragility of the 'Failed State' Paradigm* Neyire Akpinarli, 2010 The absence of effective government one of the most important issues in current international law became prominent with the failed state concept at the beginning of the 1990s Public international law however lacked sufficient legal means to deal with the phenomenon Neither attempts at state reconstruction in countries such as Afghanistan and Somalia on the legal basis of Chapter VII of the UN Charter nor economic liberalisation have addressed fundamental social and economic problems This work investigates the weaknesses of the failed state paradigm as a long term solution for international peace and security arguing that the solution to the absence of effective government can be found only in an economic and social approach and a true universalisation of international law

Becoming International Jens Bartelson, 2023-10-26 When and how did the modern world become an international one Jens Bartelson a leading scholar of the history of international thought provides new answers to this question by analyzing how relations between polities have been conceptualized across different historical contexts from the sixteenth century to the present day A global intellectual history of the international system this book challenges the widespread assumption that this system emerged as a result of a transition from empires to states instead proposing that the international realm is but a continuation of imperial relations by other means Showing how the international system spread through the creative appropriation of European concepts of nation and state by non Europeans Bartelson argues that this system has taken on a life of its own to the point of becoming an empire in its own right

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 **Order and Disorder in the International System** Sai Felicia Krishna-Hensel, 2016-05-13 This volume examines the complex international system of the twenty first century from a variety of perspectives Proceeding from critical theoretical perspectives and incorporating case studies the chapters focus on broad trends as well as micro realities of a Post Westphalian international system The process of transformation and change of the international system has been an ongoing cumulative process Many forces including conflict technological innovation and communication have contributed to the creation of a transnational world with political economic and social implications for all societies Transnationalism functions both as an integrative factor and one which exposes the existing and the newly emerging divisions between societies and cultures and between nations and states The chapters in this volume demonstrate that re thinking fundamental assumptions as well as theoretical and methodological premises is central to understanding the dynamics of interdependence

Disappearing Island States in International Law Jenny Grote Stoutenburg, 2015-07-28 Several low lying atoll island states are at risk of losing their entire territory due to climate change induced sea level rise In *Disappearing Island States in International Law* Jenny Grote Stoutenburg examines the most relevant and pressing international legal questions facing threatened island states at which point would a sovereign state disappear Who could make that determination Which legal status would its citizens have What would happen to the state s maritime entitlements and its international rights and obligations Does international law protect the international legal personality of states that lose their effective statehood for reasons beyond their control In answering these questions the book goes to the root of a fundamental problem of international law the nature of statehood *The Law and Practice of the United Nations* Benedetto Conforti, Carlo Focarelli, 2016-07-18 *The Law and Practice of the United Nations* examines the law of the United Nations through an analysis of the Organization s practice from its inception until the present in particular to the transformations the UN has undergone since the end of the Cold War Special consideration is given to Chapter VII of the UN Charter and its interpretation the United Nations membership and organs competences along with the peaceful settlement of disputes and coercive action for the maintenance of international peace and security In addition this important new edition explores such areas as general and smart sanctions peacekeeping authorizations of the Security Council territorial administrations self determination human rights financing of the Organization acts adoptable by the UN organs and a review of their legality Offering a fully revised and updated analysis of the main legal issues surrounding the United Nations practice *The Law and Practice of the United Nations* will be of interest to all those involved with legal issues surrounding the United Nations the analysis of said issues

and their impacts on international practice The Role of Institutions Bárbara Teixeira Vilarinhos, Letícia Raymundo Tavares, Márcio Nascimento Costa Carvalho, 2013-07-26 We live in a world of inequalities Every day people are born to intensely degrading realities that curb their opportunities of success and perpetrate a vicious cycle of poverty The Role of Institutions Devising Mechanisms for an Inclusive World explores how the institutional framework contributes to the maintenance or reduction of such inequalities analyzing the impacts both positive and negative of existing institutions in specific scenarios Each of the eight articles approaches a pressing theme of the international agenda including rule of law fiscal responsibility health conditions in refugees camps disaster risk management labor standards gender based structural violence nuclear weapons control and state failure analyzing the role institutions play on the definition of the fate of countries and their citizens **Admission to the United Nations** Thomas D. Grant, 2009-04-07 The United Nations began as an alliance during World War II Eventually however the UN came to approximate a universal organization i e open to and aspiring to include all States This presents a legal question for Article 4 of the Charter contains substantive criteria to limit admission of States to the UN and no formal amendment has touched that part of the Charter This book gives an up to date account of admission to the UN from the 1950s logjam through on going controversies like Kosovo and Taiwan With reference to Charter law the book considers how Article 4 came to accommodate universality and what the future of a universal organization in a world of politically diverse States might be **International Development Organizations and Fragile States** Marie von Engelhardt, 2017-12-14 This book addresses a conundrum for the international development community The law of development cooperation poses major constraints on delivering aid where it is needed most The existence of a state with an effective government is a basic condition for the transfer of aid making development cooperation with fragile nations particularly challenging The author explores how international organizations like the World Bank have responded by adopting formal and informal rules to engage specifically with countries with weak or no governments Von Engelhardt provides a critical analysis of the discourse on fragile states and how it has shaped the policy decision making of international organizations By demonstrating how perceptions of fragility can have significant consequences both in practice and in law the work challenges conventional research that dismisses state fragility as a phenomenon beyond law It also argues that the legal parameters for effective global policy play a crucial role and offers a fresh approach to a topic that is central to international security and development

Enjoying the Track of Term: An Psychological Symphony within **State Failure Sovereignty And Effectiveneb**

In a global eaten by displays and the ceaseless chatter of instant communication, the melodic beauty and psychological symphony developed by the written term frequently fade into the backdrop, eclipsed by the constant sound and disruptions that permeate our lives. Nevertheless, set within the pages of **State Failure Sovereignty And Effectiveneb** an enchanting fictional prize brimming with fresh thoughts, lies an immersive symphony waiting to be embraced. Constructed by a wonderful musician of language, that fascinating masterpiece conducts visitors on a mental journey, skillfully unraveling the concealed melodies and profound affect resonating within each carefully crafted phrase. Within the depths of this emotional analysis, we will examine the book is main harmonies, analyze their enthralling publishing type, and surrender ourselves to the profound resonance that echoes in the depths of readers souls.

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