



LAW AND DEVELOPMENT:

Facing Complexity in the 21st Century

EDITED BY JOHN HATCHARD & AMANDA PERRY-KESSARIS

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Law And Development Facing Complexity In The 21st Century

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Law and Development John Hatchard, Amanda Perry-Kessaris, 2012-10-02 This new book is an edited collection of papers arising from a conference on Law and Development in the twenty first century held in 2001 It is in honour of the work of Dr Peter Slinn

The Oxford Handbook of International Law and Development Ruth Buchanan, 2024-02-15 The Oxford Handbook of International Law and Development is a unique overview of the field of international law and development examining how normative beliefs and assumptions around development are instantiated in law and critically examining disciplinary frameworks competing agendas legal actors and institutions and alternative futures

Patenting of Pharmaceuticals and Development in Sub-Saharan Africa POKU ADUSEI, 2012-10-25 This book critically investigates the patent protection of medication in light of the threats posed by HIV AIDS malaria and tuberculosis epidemics to the citizens of countries in Sub Saharan Africa hereinafter SSA or Africa The book outlines the systemic problems associated with the prevailing globalized patent regime and the regime s inability to promote access to life saving medication at affordable prices in SSA It argues that for pharmaceutical patents to retain their relevance in SSA countries human development concepts must be integrated into global patent law and policy making An integrative approach implies developing additional public health and human development exceptions limitations to the exercise of patent rights with the goal of scaling up access to medication that can treat epidemics in SSA By drawing on multiple perspectives of laws institutions practices and politics the book suggests that SSA countries adopt an evidence based approach to implementing global patent standards in domestic jurisdictions This evidence based approach would include mechanisms like local need assessments and the use of empirical data to shape domestic patent law making endeavors The approach also implies revising patent rules and policies with a pro poor and pro health emphasis so that medication will be more affordable and accessible to the citizens of SSA countries It also suggests considering the opinions of individuals and pro access institutions in enacting crucial pieces of health related statutes in SSA countries The approach in this book is sensitive to the public health needs of the citizens affected by epidemics and to the imperative of building local manufacturing facilities for pharmaceutical research and development in SSA

Women, Law and Human Rights Fareda Banda, 2005-10-04 Africa with its mix of statute custom and religion is at the centre of the debate about law and its impact on gender relations This is because of the centrality of the gender question and its impact on the cultural relativism debate within human rights It is therefore important to examine critically the role of law broadly constructed in African societies The book focuses on women s experiences in the family This is because the lives of women continue to be lived out largely in the private domain where the right to privacy is used to conceal unequal treatment of women which is justified by invoking custom and tradition The book shows how law and its interpretation is used to disenfranchise women resulting in their being deprived of land and other property which they may have helped to accumulate It also considers issues of violence within the home reproductive rights and examines the issue of female genital

cutting The role of women in development is explored as is their participation in politics and the NGO sector A major theme of the book is a consideration of the linkages of constitutional and international human rights norms with local values This is done using feminist tools of analysis The book considers the provisions of the Protocol to the African Charter on Human and People s Rights on the Rights of Women which was adopted by the African Union in July 2003 **The Child's Right to**

Development Noam Peleg,2019-07-25 A comprehensive analysis and innovative holistic interpretation of the child s right to development *Decolonising International Law* Sundhya Pahuja,2011-09-29 The universal promise of contemporary

international law has long inspired countries of the Global South to use it as an important field of contestation over global inequality Taking three central examples Sundhya Pahuja argues that this promise has been subsumed within a universal claim for a particular way of life by the idea of development As the horizon of the promised transformation and concomitant equality has receded ever further international law has legitimised an ever increasing sphere of intervention in the Third World The post war wave of decolonisation ended in the creation of the developmental nation state the claim to permanent sovereignty over natural resources in the 1950s and 1960s was transformed into the protection of foreign investors and the promotion of the rule of international law in the early 1990s has brought about the rise of the rule of law as a development strategy in the present day **Institutional Competition between Common Law and Civil Law** Michèle

Schmiegelow, Henrik Schmiegelow,2014-05-27 This book addresses two countervailing challenges to theory and policy in law and economics The first is the rise of legal origins theory which denies the comparative law view of convergence between common law and civil law by the assertion of an economic superiority of common law The second is the series of economic crises in the very financial markets on which that assertion was based Both trends unsettled certainties about the rule of law and institutional economics Meeting legal origins theory in its main areas of political science sociology and economics the book extends the interdisciplinary reach to neglected aspects of comparative law legal history dynamic econometric analysis and quasi natural experiments with counterfactual evidence of different institutional regimes in divided countries These combined methodological tools make tests of the economic impact of different legal origins much more reliable This is shown for developed and newly industrialized countries as well as developing transforming and emerging countries with or without financial center advantage affected or not by financial crises The Asian financial crises and the American subprime crisis have been or could have been resolved using the resources of common law or civil law These cases and data on access to justice in Africa Asia and Latin America reveal the problem of substantive law remaining law on the books without efficient procedural rules and judicial structures The single most striking common law civil law divide is that lawyer dominated common law procedure is slower and costlier than judge managed civil law procedure Countries as diverse as the Netherlands Japan and China show functional interaction between culture and law in legal reforms Such interaction can reduce the occurrence of legal disputes as well as facilitate their resolution It can use economic crises as catalysts for legal

reforms or rely on regional integration and it should replace the discredited method of legal transplants by sustained dialogue between legal advisors and all actors involved in legal reforms

Health Technologies and International Intellectual Property Law Phoebe Li, 2013-12-17 The global transmission of infectious diseases has fuelled the need for a more developed legal framework in international public health to provide prompt and specific guidance during a large scale emergency This book develops a means for States to take advantage of the flexibilities of compulsory licensing in the Agreement on Trade Related Aspects of Intellectual Property Rights TRIPS which promotes access to medicines in a public health emergency It presents the precautionary approach PA and the structure of risk analysis as a means to build a workable reading of TRIPS and to help States embody the flexibilities of intellectual property IP The work investigates the complementary roles of the World Health Organization WHO and the World Trade Organization WTO in order to promote the harmonisation of the precautionary approach in relation to the patenting of crucial pharmaceutical products By bringing together international trade law and intellectual property law Phoebe Li demonstrates how through the use of risk analysis and the precautionary approach States can still comply with their legal obligations in international law while exercising their sovereignty right in issuing a compulsory licence of a drug patent in an uncertain public health emergency This book will be of great interest to students and academics of medical and healthcare law intellectual property law international trade law and human rights law

Public Policy in International Economic Law Diane A. Desierto, 2015 Wealth creation through trade finance and investment often comes at the price of rising inequality for vulnerable groups and individuals This book examines how states can harmonize the social protection objectives of the International Covenant on Economic Social and Cultural Rights with their international economic treaty obligations

The Politics of Land Reform in Africa Doctor Ambreena Manji, 2013-07-04 Across Africa land is being commodified private ownership is replacing communal and customary tenure Farms are turned into collateral for rural credit markets Law reform is at the heart of this revolution The Politics of Land Reform in Africa casts a critical spotlight on this profound change in African land economy The book illuminates the key role of legislators legal consultants and academics in tenure reform These players exert their influence by translating the economic and regulatory interests of the World Bank civil society groups and commercial lenders in to questions of law Drawing on political economy and actor network theory The Politics of Land Reform in Africa is an indispensable contribution to the study of agrarian change in developing countries

Comparative Law Mathias Siems, 2018-04-12 The most up to date and contextualised offering for comparative law students and scholars referencing the newest research in the field

Environmental Law in Hong Kong Anton Cooray, 2021-08-20 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides ready access to legislation and practice concerning the environment in Hong Kong A general introduction covers geographic considerations political social and cultural aspects of environmental study the sources and principles of environmental law environmental legislation and the role of public authorities The main body of the

book deals first with laws aimed directly at protecting the environment from pollution in specific areas such as air water waste soil noise and radiation Then a section on nature and conservation management covers protection of natural and cultural resources such as monuments landscapes parks and reserves wildlife agriculture forests fish subsoil and minerals Further treatment includes the application of zoning and land use planning rules on liability and administrative and judicial remedies to environmental issues There is also an analysis of the impact of international and regional legislation and treaties on environmental regulation Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for environmental lawyers handling cases affecting Hong Kong Academics and researchers as well as business investors and the various international organizations in the field will welcome this very useful guide and will appreciate its value in the study of comparative environmental law and policy

A Theory on Africanizing International Law Micha Wiebusch, 2024-07-01 About the publication Key reference work for diplomats and legal experts participating in international legal negotiations and transnational policy debates on governing the African continent Highly recommended for developing courses reading lists and other teaching materials on African International Law and African International Relations Instrumental for developing innovative and impact oriented research and policy strategies on the politics of making and implementing African International Law What is African about African international law The main aim of this book is to answer this question by developing a theory to explain how and why international law is Africanized This includes explaining how Africanization relates both to the extent of continental norm setting by the Organization of African Unity and later the African Union as the principal agent responsible for African solutions to African problems and to the degree to which this African International Organization enforces these norms through varied continental accountability mechanisms In this specific context the book considers the different modalities through which the idea of Africa shapes is shaped by and is embedded in international law making and implementation

Human Rights and the Environment Linda Hajjar Leib, 2011 The book examines the genesis and development of environmental rights or the Right to Environment in international law and discusses their philosophical theoretical and legal underpinnings in the context of sustainable development and the notion of solidarity rights

Drafting Legislation Constantin Stefanou, 2016-05-13 Drafting Legislation sets out to prove Sir William Dale s doctrine that the rules for drafting good quality legislation are the same in common and civil systems of law Legislative solutions can therefore serve the drafter the judge and the practitioner of any jurisdiction The book discusses the general issue of quality in legislation from the legislative process to the actual drafting interpretation and enforcement It also analyzes topics related to quality in legislation such as clarity precision and disambiguity plain language and gender neutral language and assesses whether Sir William s view of universality in the definition and elements of quality in legislation is right or not The volume is of critical interest to students and scholars of European law and the philosophy and theory of law

Commonwealth Law Bulletin, Volume 30 , Finnish Yearbook

of International Law, Volume 23, 2012-2013 Jarna Petman, 2016-01-28 The Finnish Yearbook of International Law aspires to honour and strengthen the Finnish tradition in international legal scholarship Open to contributions from all over the world and from all persuasions the Finnish Yearbook stands out as a forum for theoretically informed high quality publications on all aspects of public international law including the international relations law of the European Union The Finnish Yearbook publishes in depth articles and shorter notes commentaries on current developments book reviews and relevant overviews of Finland's state practice While firmly grounded in traditional legal scholarship it is open for new approaches to international law and for work of an interdisciplinary nature The Finnish Yearbook is published for the Finnish Society of International Law by Hart Publishing Volumes prior to volume 19 may be obtained from Martinus Nijhoff an imprint of Brill Publishers

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Rules, Rubrics and Riches Shailaja Fennell, 2013-02-01 Rules Rubrics and Riches highlights the limitations of existing approaches to understanding the relationship of the law to the process of development It interrogates neoclassical economic thinking that draws on the narrow rubric of self interest to understand the acquisition of riches It takes issue with both the traditional law and development movement that was unable to shake colonial overtones and the more recent law and economics school that continues to emphasise the centrality of rational man at the micro level and the superiority of linear models of economic progress at the macro level Written as an analysis of and commentary on the contribution of the law to international development using legal cases and development trajectories in China India and Malaysia the book makes the case that individuals do not operate in a vacuum but rather within the social contexts of larger human structures such as family community and nation Rules Rubrics and Riches is distinctive in the view that demanding equality for the individual is inappropriate if this occurs without looking

at the broader context of the need for equity within families communities and nations The book offers a new frame for law and development thinking that point to a new set of rules using a broader rubrics to ensure a sustainable accumulation of riches It will be of interest to students and scholars working in the fields of law and development development studies and international and comparative law *Uganda* Jörg Wiegratz, Giuliano Martiniello, Elisa Greco, 2018-11-15 For the last three decades Uganda has been one of the fastest growing economies in Africa Globally praised as an African success story and heavily backed by international financial institutions development agencies and bilateral donors the country has become an exemplar of economic and political reform for those who espouse a neoliberal model of development The neoliberal policies and the resulting restructuring of the country have been accompanied by narratives of progress prosperity and modernisation and justified in the name of development But this self celebratory narrative which is critiqued by many in Uganda masks the disruptive social impact of these reforms and silences the complex and persistent crises resulting from neoliberal transformation Bringing together a range of leading scholars on the country this collection represents a timely contribution to the debate around the New Uganda one which confronts the often sanitised and largely depoliticised accounts of the Museveni government and its proponents Harnessing a wealth of empirical materials the contributors offer a critical multi disciplinary analysis of the unprecedented political socio economic cultural and ecological transformations brought about by neoliberal capitalist restructuring since the 1980s The result is the most comprehensive collective study to date of a neoliberal market society in contemporary Africa offering crucial insights for other countries in the Global South

Law And Development Facing Complexity In The 21st Century Book Review: Unveiling the Power of Words

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