

NAMIBIA

Constitutional and International Law Issues



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Namibia Constitutional And International Law Issues

Ben Chigara



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International Law in Namibia Zongwe, Dunia Prince, 2019-04-22 This book provides readers with the knowledge necessary to fully understand how international law carved the history and life of Namibia It observes that Namibia has benefited from and contributed to international law in a way that shaped that country's political and socio economic development and to an extent that few other countries experienced For many a year since Namibia achieved Independence on 21 March 1990 and established the Faculty of Law at the University of Namibia in 1992 students and lecturers have relied on materials from South Africa despite the fact that Namibian law has since then grown apart from its South African heritage It is high time for lecturers and students in Namibia to teach and learn with a textbook that analyses international law from the distinct standpoint of Namibia and that views the nation's legal interactions with other states through its own prism And this textbook aims to do just that Through its 19 chapters this book informs readers about international law its sources international treaties Namibian statehood dispute resolution the use of force human rights Namibia's economic relations with the outside world including the Southern African Customs Union and the law of the sea Namibian courts have in their own way followed the rules of international law scrupulously but as this book shows international law nonetheless remains the source of Namibian law that lawyers apply the least Accordingly this book underlines the significance the practical utility and the relevance of international law in the unique Namibian context The International Survey of Family Law Andrew Bainham, 1998-02-05 The International Survey of Family Law published on behalf of the International Society of Family Law is the successor to the Annual Survey of Family Law It provides information analysis and comment on recent developments in Family Law across the world on a country by country basis The Survey is published annually and its subtitle reflects the calendar year surveyed Where a country has been regularly surveyed each year the developments discussed correspond to the year in question If certain countries have not been surveyed for some years the contributions will usually attempt to cover the intervening period This applies for example in the present volume to the contributions relating to China and Turkey If countries are being covered for the first time then more background information will be provided about the state of family law in the country in question The Survey also contains an article dealing with the more significant developments in international law affecting the family **"Beggars on our own land ..." Tsumib v Government of the Republic of Namibia and its Implications for Ancestral Land Claims in Namibia** Willem Odendaal, 2024-04-15 In 1954 the Hai om people were evicted from Etosha by the South African controlled South West African Administration In 2015 the Hai om filed the case of Tsumib v Government of the Republic of Namibia in the High Court of Namibia Beggars on our own land unravels the historical and contemporary socio legal complexities that led to the Tsumib case At the core of the case lies the legal question how can the Hai om people approach the Namibian Courts in order to claim compensation for the loss of their ancestral lands Odendaal goes into detail how the Tsumib case materialised under the post independence Namibian

constitutional discourse He assesses the Namibian land reform programme and its oversight in dealing with historical land dispossessions He inspects Hai om identity and how it was used to strengthen their case He concludes with an examination of Namibia s outdated and restrictive legal framework which ultimately denied the Hai om people their constitutional right to be heard in the Namibian Court While the future of ancestral land claims in Namibia depends on the political will of the Namibian government Odendaal argues that the Namibian courts have a duty to comply with the rights giving nature of the Namibian Constitution that lays the foundation for the Hai om people s ancestral claims

Southern African Development Community Land Issues Ben Chigara,2013-03-01 This book constitutes volume one of a two volume examination of development community land issues in Southern Africa In this volume Ben Chigara undertakes a holistic inter disciplinary evaluation of the legitimacy of colonial and emergent post colonial rule property rights in affected States of the Southern African Development Community SADC It particularly focuses on intensifying litigation in national courts the SADC Tribunal and more recently the Washington based International Centre for the Settlement of Investment Disputes ICSID regarding counter claims to title to property The book examines cultural economic and political drivers at the core of SADC land issues focusing on their significance and potential to contribute to the discovery of a new sustainable land relations policy that guarantees social justice in the distribution of all the advantages and disadvantages relating to the allocation and use of land Chigara shows that persistent systematic administrative failures by pre colonial colonial and post colonial authorities have made for a very complex challenge that requires Solomonian tools that neither the Courts alone nor human rights centric morality alone could resolutely attend The book recommends a sophisticated systematic new approach to SADC land issues which is developed in volume two Re conceiving Property Rights in the New Millennium This book will be of great interest to students and researchers of Property and Conveyancing Law Human Rights Law and Land Law

Comparative Law and Anthropology James A.R. Nafziger,2017-12-29 The topical chapters in this cutting edge collection at the intersection of comparative law and anthropology explore the mutually enriching insights and outlooks of the two fields Comparative Law and Anthropology adopts a foundational approach to social and cultural issues and their resolution rather than relying on unified paradigms of research or unified objects of study Taken together the contributions extend long developing trends from legal anthropology to an anthropology of law and from externally imposed to internally generated interpretations of norms and processes of legal significance within particular cultures The book s expansive conceptualization of comparative law encompasses not only its traditional geographical orientation but also historical and jurisprudential dimensions It is also noteworthy in blending the expertise of long established acclaimed scholars with new voices from a range of disciplines and backgrounds

Understanding Namibia Henning Melber,2015-01-04 he book offers a frank account of an African state that shook off colonial rule but has yet to see the fruits of independence distributed evenly among its people Drawing on inside knowledge of SWAPO the anti colonial liberation movement the author provides a valuable case study of nation

building in the modern era **The Gambia in transition: Towards a new constitutional order** Satang Nabaneh, Adem Abebe, Gaye Sowe, 2022-09-01 The Gambia opened a new chapter in her history after 22 years of authoritarian rule under former dictator Yahya Jammeh heralding the promise of a New Gambia The country is at a critical juncture in its transition from Jammeh's autocratic rule to a fully fledged democracy The ambitious transitional processes include the Truth Reparations and Reconciliation Commission to create an official record of past abuses and crimes the Constitutional Review Commission to draft a new Constitution and the permanent National Human Rights Commission to build a human rights culture The Gambia in transition Towards a new constitutional order is a diverse collection of timely rigorous and insightful essays on human rights constitutional reform rule of law and democratic governance It serves as an important reference for academics policymakers researchers civil society organisations human rights defenders learners and the public at large

The Global Expansion of Judicial Power C Neal Tate, Torbjorn Vallinder, 1997-06-01 Essays examining the trend of expanding judicial powers in government around the world In Russia as the confrontation over the constitutional distribution of authority raged Boris Yeltsin's economic program regularly wended its way in and out of the Constitutional Court until Yeltsin finally suspended that court in the aftermath of his clash with the hardline parliament In Europe French and German legislators and executives now routinely alter desired policies in response to or in anticipation of the pronouncements of constitutional courts In Latin America and Africa courts are or will be important participants in ongoing efforts to establish constitutional rules and policies protect new or fragile democracies from the threats of military intervention ethnic conflict and revolution This global expansion of judicial power or judicialization of politics is accompanied by an increasing domination of negotiating or decision making arenas by quasi judicial procedures For better or for worse the judicialization of politics has become one of the most significant trends of the end of the millennium In this book political scientists legal scholars and judges around the world trace the intellectual origins of this trend describe its occurrence or lack of occurrence in specific nations analyze the circumstances and conditions that promote or retard judicialization and evaluate the phenomenon from a variety of intellectual and ideological perspectives **Yusuf African Yearbook, 1995**

Yusuf, 1996-06-01 The African Yearbook of International Law provides an intellectual forum for the systematic analysis and scientific dissection of issues of international law as they apply to Africa as well as Africa's contribution to the progressive development of international law It contributes to the promotion acceptance of and respect for the principles of international law as well as to the encouragement of the teaching study dissemination and wider appreciations of international law in Africa A clear articulation of Africa's views on the various aspects of international law based on the present realities of the continent as well as on Africa's civilization culture philosophy and history will undoubtedly contribute to a better understanding among nations The African Yearbook of International Law plays an important role in examining the tensions underlying the State in Africa and by shedding more light on the causes of the fragility of African State institutions so as to

facilitate the identification of appropriate remedies The tension and interrelationships among issues such as territorial integrity self determination ethnic diversity and nation building are constantly addressed Development human rights and democratization in Africa are also the subject of continuous attention and examination The Special Theme of this volume is Human Rights and Development in Africa **New Challenges to the Separation of Powers** Antonia Baraggia,Cristina Fasone, Luca P. Vanoni, 2020-11-27 This insightful book guides readers through the transformation of and theoretical challenges posed by the separation of powers in national contexts Building on the notion that the traditional tripartite structure of the separation of powers has undergone a significant process of fragmentation and expansion this book identifies and illustrates the most pressing and intriguing aspects of the separation of powers in contemporary constitutional systems

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