



# The Role of Customary Law in Sustainable Development

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# Role Of Customary Law In Sustainable Development

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## **Role Of Customary Law In Sustainable Development:**

*The Role of Customary Law in Sustainable Development* Peter Orebech, Fred Bosselman, Jes Bjarup, David Callies, Martin Chanock, Hanne Petersen, 2005 For many nations a key challenge is how to achieve sustainable development without a return to centralized planning Using case studies from Greenland Hawaii and northern Norway this 2006 book examines whether bottom up systems such as customary law can play a critical role in achieving viable systems for managing natural resources Customary law consists of underlying social norms that may become the acknowledged law of the land The key to determining whether a custom constitutes customary law is whether the public acts as if the observance of the custom is legally obligated While the use of customary law does not always produce sustainability the study of customary methods of resource management can produce valuable insights into methods of managing resources in a sustainable way

Indigenous Peoples, Customary Law and Human Rights - Why Living Law Matters Brendan Tobin, 2014-08-27 This highly original work demonstrates the fundamental role of customary law for the realization of Indigenous peoples human rights and for sound national and international legal governance The book reviews the legal status of customary law and its relationship with positive and natural law from the time of Plato up to the present It examines its growing recognition in constitutional and international law and its dependence on and at times strained relationship with human rights law The author analyzes the role of customary law in tribal national and international governance of Indigenous peoples lands resources and cultural heritage He explores the challenges and opportunities for its recognition by courts and alternative dispute resolution mechanisms including issues of proof of law and conflicts between customary practices and human rights He throws light on the richness inherent in legal diversity and key principles of customary law and their influence in legal practice and on emerging notions of intercultural equity and justice He concludes that Indigenous peoples rights to their customary legal regimes and states obligations to respect and recognize customary law in order to secure their human rights are principles of international customary law and as such binding on all states At a time when the self determination land resources and cultural heritage of Indigenous peoples are increasingly under threat this accessible book presents the key issues for both legal and non legal scholars practitioners students of human rights and environmental justice and Indigenous peoples themselves

**Marine Environmental Governance** Erika Techera, 2013-03 *Marine Environmental Governance From International Law to Local Practice* considers the relationship between international environmental law and community based management of marine areas Focusing on small island states in which indigenous populations have to a large extent continued to maintain traditional lifestyles this book takes up the question of how indigenous customary law and state based legislation can be reconciled in the implementation of international environmental law Including a range of case studies as well as detailed comparative analysis it pursues an interdisciplinary approach to legal pluralism in practice that will be of considerable interest to environmental lawyers legal anthropologists conservation biologists and those working in the area of

community based conservation      Research Handbook on International Environmental Law Fitzmaurice, Malgosia, Brus, Marcel, Merkouris, Panos, Rydberg, Agnes, 2021-11-12 This thoroughly updated and revised second edition of this foundational Handbook combines practical and theoretical analyses to cover a wide array of cutting edge issues in international environmental law IEL It provides a comprehensive view of the complexity of IEL both as a field in its own right and as part of the wider system of international law      *Comparative Perspectives on Communal Lands and Individual Ownership* Lee Godden, Maureen Tehan, 2010-02-26 A collection of critical debates analyses and evaluations of changing models of property as the vehicle governing access to land and resources      Traditional Knowledge, Traditional Cultural Expressions, and Intellectual Property Law in the Asia-Pacific Region Christoph Antons, 2009-01-01 Among the many contentious matters thrown up by the relentless march of economic globalization those forms of knowledge variously known as indigenous or traditional remain seriously threatened despite numerous transnational initiatives and highly publicized debate It is not proving easy to bring these holistic worldviews into accordance with the technical terms and classifications of intellectual property law The contributions in this volume contrast efforts to find solutions and workable models at the international and regional level with experiences on the ground Legal policies related to indigenous knowledge in settler societies such as Australia and New Zealand are compared with those in densely populated neighbouring countries in Asia where traditional knowledge is often regarded as national heritage While many of the chapters are written by lawyers using an interdisciplinary approach other chapters introduce the reader to perspectives from disciplines such as legal sociology and anthropology on controversial issues such as the understandings of art culture tradition customary law and the opportunities for traditional cultural knowledge and traditional cultural expressions in an Internet environment Experienced observers of the international debate and regional experts discuss international model laws as well as legislation at regional and national level and the role of customary law Topics covered include the following and much more the concept of farmers rights biodiscovery and bioprospecting traditional knowledge as a commodity encounters between different legalities geographical indications registration requirements sanctions remedies and dispute resolution mechanisms the ongoing fragmentation and loss of traditional knowledge and systems of data collection      **Sustainable Development, International Law, and a Turn to African Legal Cosmologies** Godwin Eli Kwadzo Dzah, 2024-02-02 This original book analyses and reimagines the concept of sustainable development in international law from a non Western legal perspective Built upon the intersection of law politics and history in the context of Africa its peoples and their experiences customary law and other legal cosmologies this ground breaking study applies a critical legal analysis to Africa s interaction with conceptualising and operationalising sustainable development It proposes a turn to non Western legal normativity as the foundational principle for reimagining sustainable development in international law It highlights eco legal philosophies and principles in remaking sustainable development where ecological integrity assumes a central focus in the reimagined

conceptualisation and operationalisation of sustainable development While this pioneering book highlights Africa as its analytical pivot its arguments and proposals are useful beyond Africa Connecting global discourses on nature the environment rights and development Godwin Eli Kwadzo Dzah illuminates our current thinking on sustainable development in international law *Natural Resources and the Green Economy*, 2012-09-28 Considering that natural resources or green capital are the drivers of globalisation this book focuses on the link between investment trade and natural resource management in the context of the growing economic inequalities between states It argues that there is a need to pay attention to the environmental and social conflicts arising out of economic globalisation and the response of regulatory and institutional mechanisms to the challenges of rapid resource depletion This book will provide the readers a better understanding of the overlapping legal regimes disagreement and diversities of legal processes and the benefits and risks associated with sustainable management of the natural resource sector *The Oxford Handbook of Global Legal Pluralism* Paul Schiff Berman, 2020 Abstract Global legal pluralism has become one of the leading analytical frameworks for understanding and conceptualizing law in the twenty first century *Legal Pluralism and Indian Democracy* Melvil Pereira, Bitopi Dutta, Binita Kakati, 2017-07-28 This book offers a multifaceted look at Northeast India and the customs and traditions that underpin its legal framework The book charts the transition of traditions from colonial rule to present day through constitutionalism and the consolidation of autonomous identities as well as outlines contemporary debates in an increasingly modernising region explores the theoretical context of legal pluralism and its implications compares the personal legal systems with that of the mainland and discusses customary law s continuing popularity both pragmatic and ideological and common law brings together case studies from across the eight states and focuses on the way individual systems and procedures manifest among various tribes and communities in the voices of tribal and non tribal scholars and highlights the resilience and relevance of alternative systems of redressal including conflict resolution and women s rights Part of the prestigious Transition in Northeastern India series this book presents an interesting blend of theory and practice key case studies and examples to study legal pluralism in multicultural contexts It will be of great interest to students of law and social sciences anthropology political science peace and conflict studies besides administrators judicial officers and lawyers in Northeast India legal scholars and students of tribal law and members of customary law courts of various tribal communities in Northeast India **Global Perspectives on Long Term Community Resource Management** Ludomir R. Lozny, Thomas H. McGovern, 2019-06-21 Communal level resource management successes and failures comprise complex interactions that involve local regional and increasingly global scale political economic and environmental changes shown to have recurring patterns and trajectories The human past provides examples of long term millennial and century scale successes followed by undesired transitions collapse and rapid failure of collaborative management cooperation on the decadal scale Management of scarce resources and common properties presents a critical challenge for planners attempting

to avoid the tragedy of the commons in this century Here anthropologists human ecologists archaeologists and environmental scientists discuss strategies for social well being in the context of diminishing resources and increasing competition The contributors in this volume revisit tragedy of the commons also referred to as drama or comedy of the commons and examine new data and theories to mitigate pressures and devise models for sustainable communal welfare and development They present twelve archaeological historic and ethnographic cases of user managed resources to demonstrate that very basic community level participatory governance can be a successful strategy to manage short term risk and benefits The book connects past present future by presenting geographically and chronologically spaced out examples of communal level governance strategies and overviews of the current cutting edge research The lesson we learn from studying past responses to various ecological stresses is that we must not wait for a disaster to happen to react but must react to mitigate conditions for emerging disasters

**The Unity of Public Law** David Dyzenhaus, 2004-03-17 This book tackles the important topic of the relationship between three parts of the public law regime in a common law jurisdiction the common law of judicial review or the unwritten constitution the written constitution and public international law Thematic coherence is ensured by the fact that the papers were presented at a conference in early 2003 and then extensively revised and by a general focus on a path breaking decision of Canada's Supreme Court Baker The book thus contains a highly productive exchange between an international group of scholars on such themes as the rule of law judicial deference the separation of powers the role of human rights in common law reasoning on immigration and security matters and the nature of legal authority

International Legal Materials, 1998 *Environmental Law in the South Pacific* Elizabeth Harding, Mere Pulea, 1996 The legislation of five countries on environmental and natural management is examined and analyzed in terms of its effectiveness in addressing the major environmental issues existing in each country Practical recommendations are made building on the findings of the review carried out by SPREP with the technical assistance of IUCN and support from the ADB Routledge

Handbook of Biodiversity and the Law Charles R. McManis, Burton Ong, 2017-11-27 This volume provides a reference textbook and comprehensive compilation of multifaceted perspectives on the legal issues arising from the conservation and exploitation of non human biological resources Contributors include leading academics policy makers and practitioners reviewing a range of socio legal issues concerning the relationships between humankind and the natural world The Routledge Handbook of Biodiversity and the Law includes chapters on fundamental and cutting edge issues including discussion of major legal instruments such as the Convention on Biological Diversity and the Nagoya Protocol The book is divided into six distinct parts based around the major objectives which have emerged from legal frameworks concerned with protecting biodiversity Following introductory chapters Part II examines issues relating to conservation and sustainable use of biodiversity with Part III focusing on access and benefit sharing Part IV discusses legal issues associated with the protection of traditional knowledge cultural heritage and indigenous human rights Parts V and VI focus on a selection of

intellectual property issues connected to the commercial exploitation of biological resources and analyse ethical issues including viewpoints from economic ethnobotanical pharmaceutical and other scientific industry perspectives *Climate Change and the Voiceless* Randall S. Abate, 2019-10-24 Identifies the common vulnerabilities of the voiceless and demonstrates how the law can evolve to protect their interests more effectively The Future of African Customary Law Jeanmarie Fenrich, Paolo Galizzi, Tracy E. Higgins, 2011-07-18 Customary laws and traditional institutions in Africa constitute comprehensive legal systems that regulate the entire spectrum of activities from birth to death Once the sole source of law customary rules now exist in the context of pluralist legal systems with competing bodies of domestic constitutional law statutory law common law and international human rights treaties This book promotes discussion and understanding of customary law and explores its continued relevance in sub Saharan Africa The volume considers the characteristics of customary law and efforts to ascertain and codify customary law and how this body of law differs in content form and status from legislation and common law It also addresses a number of substantive areas of customary law including the role and power of traditional authorities customary criminal law customary land tenure property rights and intestate succession and the relationship between customary law human rights and gender equality **Culture in the Domains of Law** René Provost, 2017-02-02 What does it mean for courts and other legal institutions to be culturally sensitive What are the institutional implications and consequences of such an aspiration To what extent is legal discourse capable of accommodating multiple cultural narratives without losing its claim to normative specificity And how are we to understand meetings of law and culture in the context of formal and informal legal processes when demands are made to accommodate cultural difference The encounter of law and culture is a polycentric relation but these questions draw our attention to law and legal institutions as one site of encounter warranting further investigation to map out the place of culture in the domains of law by relying on the insights of law anthropology politics and philosophy Culture in the Domains of Law seeks to examine and answer these questions resulting in a richer outlook on both law and culture Environmental Law and Governance in the Pacific Margaretha Wewerinke-Singh, Evan Hamman, 2020-08-26 This volume examines environmental law and governance in the Pacific focusing on the emerging challenges this region faces The Pacific is home to some of the world's most astonishing biological and cultural diversity At the same time Pacific Island nations are economically and technically under resourced in the face of tremendous environmental challenges Destructive weather events ocean acidification mining logging overfishing and pollution increasingly degrade ecosystems and affect fishing farming and other cultural practices of Pacific Islanders Accordingly there is an urgent need to understand and analyse the role of law and governance in responding to these pressures in the Pacific Drawing on academic and practitioner expertise from the Pacific region as well as Europe and the United States this unique collection navigates the major environmental law and governance challenges of the present and future of the Pacific Environmental Law and Governance in the Pacific discusses 21 Pacific Island countries

and territories including Cook Islands Fiji Papua New Guinea Solomon Islands Vanuatu and Samoa and a broad range of themes such as deep sea mining wetlands and mangroves heritage endangered species human rights and access to justice are addressed thus providing a comprehensive and state of the art overview of environmental law and governance within specific jurisdictions as well as across the Pacific region as a whole This volume will be essential reading for students and scholars interested in environmental law and governance in the Pacific region as well as policy makers practitioners and NGOs involved in the development and implementation of environmental law and policy

**The Human Right to a Healthy Environment** John H. Knox, Ramin Pejan, 2018-06-28 This book considers and clarifies many different facets of the international human right to a healthy environment



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