

NAMIBIA

Constitutional and International Law Issues



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Namibia Constitutional And International Law Issues

Hussin A.Rothana



Namibia Constitutional And International Law Issues:

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

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 Solomonic 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 "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 *Understanding Namibia* Henning Melber,2015-01-04 Since independence in 1990 Namibia has witnessed only one generation with no memory of colonialism the born frees who voted in the 2009 elections The anti colonial liberation movement SWAPO dominates the political scene effectively making Namibia a de facto one party state dominated by the first struggle generation While those in power declare their support for a free fair and just society the limits to liberation are such that emancipation from foreign rule has only been partially achieved Despite its natural resources Namibia is among the world s most unequal societies and indicators of wellbeing have not markedly improved for many among the former colonized majority despite a constitution enshrining human rights social equality and individual liberty This book analyses the transformation of Namibian society since Independence Melber explores the achievements and failures and contrasts the narrative of a post colonial patriotic history with the socio economic and political realities of the nation building project He also investigates whether notwithstanding the relative stability prevailing to date the negotiation of controlled change during Namibia s decolonization could have achieved more than simply a change of those in control 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 **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 **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 **Understanding International Institutions and the Legislative Process** Paul Szasz,2021-11-08 In the realm of the law of international organizations and treaty law few commentators have made a more significant contribution than Paul C Szasz In his years of distinguished service at the U N and in his subsequent career as a prominent consultant to international institutions he has mastered a highly specialized body of knowledge that allows him to study the inner and outer workings of the international legislative administrative and judicial processes with unique and compelling authority His incisive essays always deeply informed with first hand experience have gone directly to the heart of the most vital international legal issues of our time This volume gathers twenty one essays that will be of inestimable value to the entire community of public international lawyers With penetrating insight Szasz exposes the institutional underpinnings affecting such international law matters as law making in international organizations the

obligation to arbitrate monitoring treaty compliance UN system complexification sanctions the advisory competence of the World Court the legal liability of diplomats peacekeeping intervention and the role of NGOs Specific facts and events such as the U S action in the 1988 PLO mission controversy developments in the safeguards regime of the International Atomic Energy Agency the Kosovo Conflict the Dayton Accords and the Namibian peace process provide a firm topical basis for the author s analysis of policy practice and theory in this little understood but crucially important area of international governance Published under the Transnational Publishers imprint

Constitutional Comparison François Venter, 2021-07-26 In our globalized era it has become impossible to deal effectively with constitutional law and related subjects such as fundamental rights administrative law and political science without knowledge of foreign systems A wealth of literature is available on practically all constitutional systems and the intricacies of their application This however presents the constitutionalist with a formidable problem Which foreign systems should I explore in order to make relevant comparisons and how should I go about it This book addresses the core problems of comparability and appropriate comparative methodology in the realm of contemporary constitutionalism The outcome is however not mere theorizing Most of the text is devoted to an incisive application of the chosen comparative method to four geographically historically and culturally divergent but thoroughly comparable constitutional systems In the course of the comparative exercise contemporary constitutional dogma and constitutional mechanics are analyzed and explained in many instances in their historical contexts making the book itself a useful source of comparative and historical information

Sub National Constitutional Law in South Africa Rassie Malherbe, Dirk Brand, 2017-02-24 Derived from the renowned multi volume International Encyclopaedia of Laws this very useful analysis of Sub National constitutional law in South Africa provides essential information on the country s sources of constitutional law its form of government and its administrative structure Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application Throughout the book the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure Thorough coverage by a local expert fully describes the political system the historical background the role of treaties legislation jurisprudence and administrative regulations The discussion of the form and structure of government outlines its legal status the jurisdiction and workings of the central state organs the subdivisions of the state its decentralized authorities and concepts of citizenship Special issues include the legal position of aliens foreign relations taxing and spending powers emergency laws the power of the military and the constitutional relationship between church and state Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for both practising and academic jurists Lawyers representing parties with interests in South Africa will welcome this guide and academics and researchers will appreciate its

value in the study of comparative constitutional law **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

The Journal of Legal Pluralism and Unofficial Law 64/2011 , *The Comparative and International Law Journal of Southern Africa* , 1997 *Research Handbook on Modern Legal Realism* Shauhin Talesh, Elizabeth Mertz, Heinz Klug, 2021-03-26 This insightful Research Handbook provides a definitive overview of the New Legal Realism NLR movement reaching beyond historical and national boundaries to form new conversations Drawing on deep roots within the law and society tradition it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law It explores an impressive range of contemporary issues including immigration policing globalization legal education and access to justice concluding with an examination of how different social science disciplines intersect with NLR **Colonial Aspects of Finnish-Namibian Relations, 1870-1990** Leila Koivunen, Raita Merivirta, 2024-06-27 This edited collection re-examines the long history of Finnish-Namibian relations through the lens of colonialism without colonies as well as anti-colonialism The book argues that although Finland never acquired colonies Namibia was once treated in the areas of culture and knowledge formation in a manner now recognised as colonial Namibian people's ways of being in the world was transformed when the Finnish Missionary Society started its work in Owambo in 1870 and introduced Christianity and European modes of education medicine material culture and social practices In time cultural colonialism faded and during the Namibian struggle for independence from South African rule in 1966-1990 Finns took an actively anti-colonial approach The book was written as a collaborative effort of Namibian Finnish and South African scholars International Law and Domestic Human Rights Litigation in Africa Magnus Killander, 2010 African civil law countries are traditionally described as monist and common law countries as dualist This book illustrates that the monism

dualism dichotomy is too simplistic in particular in the field of human rights Academics and practitioners from across the continent illustrate how domestic courts in Africa have engaged with international human rights law to interpret or fill gaps in national bills of rights The authors also consider the challenges encountered in increasing the use of international human rights law by African domestic courts Back cover [The Right to Property in Commonwealth Constitutions](#) Tom Allen,2000-03-09 Practical theoretical and historical approach to constitutional rights to property in Commonwealth countries *International Law and the Protection of Namibia's Territorial Integrity* S. Akweenda,2023-07-24 International law is not static it develops constantly Namibia is classic case illustrating the changing law of nations International Law and the Protection of Namibia s Territorial Integrity Boundaries and Territorial Claims demonstrates this with an analysis of the legal and factual elements present in the creation boundaries and territorial claims of Namibia and the determinations of the League of Nations and the political organs of the United Nations which developed and clarified the rules of international law Namibia s unique international status and diplomatic history requires the consideration of a large number of different topics within public international law Some of these issues are very complex and technical as they involve major questions of international law and politics Through the use of primary sources case law state practice and the opinions of eminent jurists the author addresses these challenging and revealing issues Anyone interested in public international law international relations political science history or geography will appreciate the way that this work covers the interesting and informative changes in this revealing nation *The Engagement of Domestic Courts with International Law* André Nollkaemper,Yuval Shany,Antonios Tzanakopoulos,Eleni Methymaki,2024 The Engagement of Domestic Courts with International Law advances and develops a new paradigm for describing assessing and understanding the role of domestic courts in the international legal order

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Table of Contents Namibia Constitutional And International Law Issues

1. Understanding the eBook Namibia Constitutional And International Law Issues
 - The Rise of Digital Reading Namibia Constitutional And International Law Issues
 - Advantages of eBooks Over Traditional Books
2. Identifying Namibia Constitutional And International Law Issues
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Namibia Constitutional And International Law Issues
 - User-Friendly Interface
4. Exploring eBook Recommendations from Namibia Constitutional And International Law Issues
 - Personalized Recommendations
 - Namibia Constitutional And International Law Issues User Reviews and Ratings
 - Namibia Constitutional And International Law Issues and Bestseller Lists
5. Accessing Namibia Constitutional And International Law Issues Free and Paid eBooks

- Namibia Constitutional And International Law Issues Public Domain eBooks
- Namibia Constitutional And International Law Issues eBook Subscription Services
- Namibia Constitutional And International Law Issues Budget-Friendly Options
- 6. Navigating Namibia Constitutional And International Law Issues eBook Formats
 - ePub, PDF, MOBI, and More
 - Namibia Constitutional And International Law Issues Compatibility with Devices
 - Namibia Constitutional And International Law Issues Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Namibia Constitutional And International Law Issues
 - Highlighting and Note-Taking Namibia Constitutional And International Law Issues
 - Interactive Elements Namibia Constitutional And International Law Issues
- 8. Staying Engaged with Namibia Constitutional And International Law Issues
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Namibia Constitutional And International Law Issues
- 9. Balancing eBooks and Physical Books Namibia Constitutional And International Law Issues
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Namibia Constitutional And International Law Issues
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Namibia Constitutional And International Law Issues
 - Setting Reading Goals Namibia Constitutional And International Law Issues
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Namibia Constitutional And International Law Issues
 - Fact-Checking eBook Content of Namibia Constitutional And International Law Issues
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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