



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

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

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 *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 Legal Pluralism and Development Brian Z. Tamanaha, Caroline Sage, Michael J. V. Woolcock, 2012-05-28 Previous efforts at legal development have focused almost exclusively on state legal systems many of which have shown little improvement over time Recently organizations engaged in legal development activities have begun to pay greater attention to the implications of local informal indigenous religious and village courts or tribunals which often are more efficacious than state legal institutions especially in rural communities Legal pluralism is the term applied to these situations because these institutions exist alongside official state legal systems usually in a complex or uncertain relationship Although academics especially legal anthropologists and sociologists have discussed legal pluralism for decades their work has not been consulted in the

development context Similarly academics have failed to benefit from the insights of development practitioners This book brings together in a single volume contributions from academics and practitioners to explore the implications of legal pluralism for legal development All of the practitioners have extensive experience in development projects the academics come from a variety of backgrounds and most have written extensively on legal pluralism and on development 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 Sustainable Development, International Law, and a Turn to African Legal Cosmologies Godwin Eli Kwadzo Dzah,2024-05-23 A pioneering study that challenges the legal orthodoxy of sustainable development in international law from a non Western perspective *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 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 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

The Complementarity Between the Nagoya Protocol and Human Rights Xiaou Zheng, 2023-08-15 This book studies the questions of how and to what extent the Nagoya Protocol on Access and Benefit Sharing ABS can be interpreted and implemented in light of international human rights law with a sharpened focus on Indigenous Peoples and local communities The complementarity thesis is built upon the understanding that ABS and human rights should not and cannot be isolated from one another in order to achieve their respective objectives A mutually supportive approach to these two bodies of international law is articulated throughout the chapters covering a wide range of international treaties and soft instruments as well as the practices of the United Nations international treaty bodies courts other international organizations and sometimes NGOs Legal researchers legislators and policymakers human rights practitioners and indeed anyone interested in the development of a more coherent and integrated system of international ABS framework will find this book helpful with its succinct coverage of current ABS and human rights laws and practices their pragmatic implications and possible ways of integration forward

Proceedings of the International Conference on Cultural Policy and Sustainable Development (ICPSD 2024) Abdul Kadir Jaelani, Irwansyah Irwansyah, Fokke Fernhout, Adolfo Antonio Paolini, Mohd Rizal Palil, Hilaire Tegnau, Okid Parama Astirin, Sutarno Sutarno, Patricia Covarrubia, Bobur Sobirov, Robbi Rahim, 2024-12-23 This is an open access book Cultural policy plays a crucial role in shaping societies influencing cultural expressions and advancing sustainable development Laws and regulations related to culture both at the national and international levels play a key role in regulating and protecting cultural heritage and supporting a healthy cultural ecosystem The First International Conference on Cultural Policy and Sustainable Development ICPSD aims to explore the impact of cultural policies in democratic and nondemocratic regimes This conference will serve as a platform for scholars policymakers and practitioners to exchange ideas share experiences and discuss strategies to promote cultural diversity creativity and sustainability in different political contexts Internationally various agreements such as the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions underscore the importance of cultural policies in supporting sustainable development and promoting cultural diversity UNESCO Convention 2005 n d At the national level laws such as the Cultural Law in Indonesia establish a framework for the protection and development of culture as well as provide a legal basis for inclusive and sustainable cultural policy making Law Number 5 of 2017 concerning the Advancement of Culture n d In democratic regimes cultural policies are often developed through participatory processes reflecting the values and aspirations of diverse communities These policies aim to support cultural expression protect

cultural heritage and promote cultural rights thereby contributing to social cohesion and inclusive development. However, challenges such as funding limitations, cultural commodification, and the impact of digital technology require ongoing dialogue and innovation in policy approaches. On the other hand, cultural policies in nondemocratic regimes are often used as tools for political control, censorship, and the promotion of state ideology. Nevertheless, cultural practitioners and activists in these contexts demonstrate resilience and creativity in navigating restrictive environments, often using digital technology to amplify their voices and preserve cultural identity. In various countries, existing legislation greatly influences the implementation of cultural policies and sustainable development. In Indonesia, for example, Law Number 5 of 2017 concerning Culture serves as the main foundation for the development of sustainable cultural policies. This law promotes the protection, preservation, development, utilization, and fostering of culture as an integral part of national development. Law Number 5 of 2017 concerning the Advancement of Culture and Cultural Policy and Sustainable Development are interrelated concepts and are the main focus of this conference, where appropriate cultural policies can strengthen sustainable development, reinforce cultural identity, and improve the quality of life for communities. In the context of the conference theme, Cultural Policies in Democratic and Nondemocratic Regimes, it is important to consider the differences in cultural policy approaches between these two types of regimes. This forum aims to facilitate communication among Law Faculty Academics worldwide with the agenda of the 1st International Conference on Cultural Policy and Sustainable Development (ICPSD): Cultural Policies in Democratic and Nondemocratic Regimes.

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. It 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. 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, it 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.

The New Legal Realism: Volume 2 Heinz Klug, Sally Engle Merry, 2016-05-03. This is the second of two volumes announcing the emergence of the new legal realism. At a time when the legal academy is turning to social science for new

approaches these volumes chart a new course for interdisciplinary research by synthesizing law on the ground empirical research and theory Volume 2 explores the integration of global perspectives and information into our understanding of law Increasingly local experiences of law are informed by broader interactions of national international and global law Lawyers judges and other legal actors often have to respond to these broader contexts while those pursuing justice in various global contexts must wrestle with the specific problems of translation that emerge when different concepts of law and local circumstances interact Using empirical research the authors in this path breaking volume shed light on current developments in law at a global level

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

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Table of Contents Role Of Customary Law In Sustainable Development

1. Understanding the eBook Role Of Customary Law In Sustainable Development
 - The Rise of Digital Reading Role Of Customary Law In Sustainable Development
 - Advantages of eBooks Over Traditional Books
2. Identifying Role Of Customary Law In Sustainable Development
 - 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 Role Of Customary Law In Sustainable Development
 - User-Friendly Interface
4. Exploring eBook Recommendations from Role Of Customary Law In Sustainable Development
 - Personalized Recommendations
 - Role Of Customary Law In Sustainable Development User Reviews and Ratings
 - Role Of Customary Law In Sustainable Development and Bestseller Lists
5. Accessing Role Of Customary Law In Sustainable Development Free and Paid eBooks
 - Role Of Customary Law In Sustainable Development Public Domain eBooks

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