



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 *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 biodiversity 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 **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

Sustainable Development, International Law, and a Turn to African Legal Cosmologies Godwin Eli Kwadzo Dzah, 2024-04-30 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 UN Convention on the Law of the Non-Navigational Uses of International Watercourses* Laurence Boisson de Chazournes, Makane Moïse Mbengue, Mara Tignino, Komlan Sangbana, Jason Rudall, 2018-12-13 The United Nations Convention on the Law of the Non Navigational Uses of International Watercourses plays a crucial role in protecting and managing international watercourses and other sources of fresh water Boisson de Chazournes Mbengue Tignino and Sangbana head a team of experts in this Commentary examining the travaux pr paratoires leading to the Convention and the practice that has developed since the adoption of the Convention in 1997 Tackling the rationale and objectives of the provisions they offer crucial insights to the Convention s impact on the development of a universal regime for shared water resources Examining cross cutting topics such as the core water principles the prevention and settlement of water disputes the relationship between the Convention and other legal instruments as well as the role of the ICJ and other judicial means to solve water disputes this book is crucial to all those who seek a deep understanding of water law **The Oxford Handbook of the Sources of International Law** Jean d'Aspremont, Samantha Besson, Sévrine Knuchel, 2017-10-19 The question of the sources of international law inevitably raises some well known scholarly controversies where do the rules of international law come from And more precisely through which processes are they made how are they ascertained and where does the international legal order begin and end This is the static question of the pedigree of international legal rules and the boundaries of the international legal order Second what are the processes through which these rules are made This is the dynamic question of the making of these rules and of the exercise of public authority in international law The Oxford Handbook of the Sources of International Law is the very first comprehensive work of its kind devoted to the question of the sources of international law It provides an accessible and systematic overview of the key issues and debates around the sources of international law It also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions This Handbook features original essays by leading international law scholars and theorists from

a range of traditions nationalities and perspectives reflecting the richness and diversity of scholarship in this area

Community, Farmers' and Breeders' Rights in Southern Africa Cecil Machena, Gracian Banda, 2002 **Principles of International Environmental Law** Philippe Sands, Jacqueline Peel, Adriana Fabra, Ruth MacKenzie, 2012-05-03 Philippe Sands text on international environmental law provides a clear authoritative introduction to the subject This edition has been updated to include relevant new topics including the Kyoto Protocol genetically modified organisms and oil pollution

Shari'ah and Common Law Adnan Trakic, 2022-10-24 Harmonisation of law a term that refers to the bringing together of two different legal traditions has developed a negative connotation when considered in the context of Shari'ah and common law Harmonisation began to be looked at as an attempt by one legal system to impose its values on the other A major reason for that is the lack of understanding of the scope to which these two legal traditions converge One of the principal findings of this book is that Shari'ah and common law have many more commonalities than differences As a result the need for harmonisation between the two might have been exaggerated The similarities do not need to be harmonised Rather they need to be acknowledged and appreciated If the differences between Shari'ah and common law which undoubtedly exist as evidenced in this book are viewed with an appreciation of the commonalities the ambition to reconcile the differences would be more conducive to the harmonisation process This book is intended to help readers better understand Shari'ah and common law and aid harmonisation efforts when the need arises *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

The Oxford Handbook of Global Legal Pluralism Paul Schiff Berman, 2020-06-01

Over the past two decades Global Legal Pluralism has become one of the leading analytical frameworks for understanding and conceptualizing law in the 21st century Wherever one looks there is conflict among multiple legal regimes Some of these regimes are state based some are built and maintained by non state actors some fall within the purview of local authorities and jurisdictional entities and some involve international courts tribunals and arbitral bodies and regulatory organizations Global Legal Pluralism has provided first and foremost a set of useful analytical tools for describing this conflict among legal and quasi legal systems At the same time some pluralists have also ventured in a more normative direction suggesting that legal systems might sometimes purposely create legal procedures institutions and practices that encourage interaction among multiple communities These scholars argue that pluralist approaches can help foster more shared participation in the practices of law more dialogue across difference and more respect for diversity without requiring assimilation and uniformity Despite the veritable explosion of scholarly work on legal pluralism conflicts of law soft law global constitutionalism the relationships among relative authorities transnational migration and the fragmentation and reinforcement of territorial boundaries no single work has sought to bring together these various scholarly strands place them into dialogue with each other or connect them with the foundational legal pluralism research produced by historians anthropologists and political theorists Paul Schiff Berman one of the world's leading theorists of Global Legal Pluralism has gathered over 40 diverse authors from multiple countries and multiple scholarly disciplines to touch on nearly every area of legal pluralism research offering defenses critiques and applications of legal pluralism to 21st century legal analysis Berman also provides introductions to every part of the book helping to frame the various approaches and perspectives The result is the first comprehensive review of Global Legal Pluralism scholarship ever produced This book will be a must have for scholars and students seeking to understand the insights of legal pluralism to contemporary debates about law At the same time this volume will help energize and engage the field of Global Legal Pluralism and push this scholarly trajectory forward into another two decades of innovation

Judges and the Rule of Law Thomas Greiber, 2006 Judges play a critical role in the development enforcement and compliance with environmental law To showcase the role of the judiciary in upholding the rule of law IUCN organized a Judiciary Day at its 2004 World Conservation Congress in Bangkok This publication contains papers

and speeches covering some of the cutting edge themes that were discussed It is hoped that these proceedings will enable a wide community of readers to better understand the crucial role of the judiciary in achieving the goals of sustainable development and nature conservation

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

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

International Law Antonio Cassese, 2005 Professor Cassese is a leading figure in the field and this new edition takes full advantage of his extensive experience to provide a more personal approach to the subject than is typically found in the standard textbook acting as good intellectual exercise for the stronger student This new edition of Cassese s International Law provides a

stimulating and authoritative account for all students of international law It has been fully revised and updated to include all recent developments in the subject and contains a new chapter on terrorism as well as extensive revision of the section on state responsibility Providing a comprehensive commentary on international law as a whole it compares the traditional legal position with the developing and evolving law in a way that is sensitive to political and economic considerations as well as including detailed yet accessible examinations of state responsibility and international criminal law Features Fully revised and updated to include all recent developments in international law contains a new chapter on Terrorism and extensive revision of the section on State Responsibility Written by a world leading practitioner and highly respected academic in the field of international law providing a more personal approach to the study of international law good intellectual exercise for stronger students A comprehensive commentary on international law as a whole comparing the traditional legal position with the developing and evolving law in a way that is sensitive to political and economic considerations Includes detailed yet accessible examinations of state responsibility and international criminal law Updated companion web site containing a wealth of material traditionally found in cases and materials books includes all key documents cases materials principal agreements and treaties needed by students as well as useful web links to related web sites

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