

PRIVATISING DEVELOPMENT

Transnational Law,
Infrastructure and
Human Rights

Michael B. Likosky (ed.)

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Privatising Development Transnational Law Infrastructure And Human Rights

Connie Carter, Andrew Harding



Privatising Development Transnational Law Infrastructure And Human Rights:

Privatising Development Michael Likosky, 2005 This book looks at the shift since the 1980s away from state financed and towards privatised international infrastructure projects An interdisciplinary group of contributors look at the relationship between privatisation and human rights in diverse national settings and in multiple sectors of the economy These issues are explored through international organisation frameworks and internal policies legislative guides contracts and public private partnerships The roles of the World Bank MIGA export credit agencies the UN Commission on International Trade Law credit ratings agencies international banks TNCs NGOs community groups and state agencies are examined Privatising

Development Michael B. Likosky, 2005-07-01 This book looks at the shift since the 1980s away from state financed and towards privatised international infrastructure projects An interdisciplinary group of contributors look at the relationship between privatisation and human rights in diverse national settings and in multiple sectors of the economy These issues are explored through international organisation frameworks and internal policies legislative guides contracts and public private partnerships The roles of the World Bank MIGA export credit agencies the UN Commission on International Trade Law credit ratings agencies international banks TNCs NGOs community groups and state agencies are examined Law, Infrastructure

and Human Rights Michael B. Likosky, 2006-10-30 From attacks on oil infrastructure in post war reconstruction Iraq to the laying of gas pipelines in the Amazon Rainforest through indigenous community villages infrastructure projects are sites of intense human rights struggles Many state and non state actors have proposed solutions for handling human rights problems in the context of specific infrastructure projects Solutions have been admired for being lofty in principle however they have been judged wanting in practice This book analyzes how human rights are handled in varied contexts and then assesses the feasibility of a common international institutional solution under the auspices of the United Nations to the alleged problem of the inability to translate human rights into practice **International Economic Law and the Digital Divide** Rohan

Kariyawasam, 2008-01-01 In this well researched book the author explains the digital divide and its repercussions for developed and developing nations In his view the overzealous disciplining at the WTO level of instruments affecting trade notwithstanding developing countries still have important tools in their hands intellectual property protection competition policies tax regimes that can help them attract foreign direct investment a crucial ingredient in reducing the current divide Borrowing from the institutions that we have seen developed in international economic relations is highly recommended as well In short whether the divide will continue to persist or conversely whether it will gradually become a historical feature of international relations critically depends on the political will on both sides of the divide The author makes a persuasive argument to support his thesis empirically researched and with strong foundations in theory Petros C Mavroidis Columbia Law School US and University of Neuchâtel Switzerland This path breaking book focuses on the WTO e commerce and information communications technologies It sheds light on how international economic law can be used as a tool in the

application of technological processes to facilitate development in developing countries Rohan Kariyawasam begins by looking predominantly at the rise of international digital networks He offers an introduction to the networks used in the delivery of electronic products and network based transactions and the application of WTO law to the sector He then suggests how developing countries can use economic law and technology to tap digital markets in the developed world The book also argues that the advance of basic living standards in some developing countries can be achieved through technological processes but that this cannot happen without such states paying greater attention to the enforcement of economic social and cultural rights at home Picking up the property rights debate including through bilateral trade the author argues that ensuring beneficial technology transfer will require balancing foreign investor rights to protect intellectual property It will also involve restrictions imposed by competition law and WTO surveillance to check the possible misuse of market power by multinational companies The proposed mixture of measures should he argues provide incentives for Foreign Direct Investment Providing a thorough review of the application of WTO law to the telecommunications sector and the regulation of international digital networks this book will be of great interest to postgraduate students in international economic law and international development law as well as those interested in human rights law and technology It will also appeal to government regulators NGOs and technologists interested in ICTs and development

The Structural Transformation of European Private Law Leone Niglia, 2023-06-15 This book proposes a new analysis of the transformation of Europe through integration exactly 30 years after the beginning of transformation scholarship It consists of a reconstruction of the development and present condition of European integration in relation to private ordering Looking at the interface between on the one hand the EU constitutional order and on the other hand private ordering the book recounts three major structural transformations over the last six decades Delving into the private law areas most exposed to the current modernisation wave consumer law internal market lex mercatoria digitisation artificial intelligence data protection standardised contracts finance and political economy and labour the book critically explores a reconfiguration of Europe s constitutional structures relative to and that results from what to some appears to be an almost irresistible rise of private ordering through a transformed hermeneutics balancing This is a magisterial survey of European law European private law and comparative law seen through a pathbreaking comparative methodology labelled juridical comparative hermeneutics within civil law systems and across the civil common law divide which offers innovative analytical tools that afford a deep understanding of the evolution of the disciplines

Surrendering to Utopia Mark Goodale, 2009-05-01 Surrendering to Utopia is a critical and wide ranging study of anthropology s contributions to human rights Providing a unique window into the underlying political and intellectual currents that have shaped human rights in the postwar period this ambitious work opens up new opportunities for research analysis and political action At the book s core the author describes a well tempered human rights an orientation to human rights in the twenty first century that is shaped by a sense of humility an appreciation

for the disorienting fact of multiplicity and a willingness to make the mundaneness of social practice a source of ethical inspiration In examining the curious history of anthropology's engagement with human rights this book moves from more traditional anthropological topics within the broader human rights community for example relativism and the problem of culture to consider a wider range of theoretical and empirical topics Among others it examines the link between anthropology and the emergence of neoliberal human rights explores the claim that anthropology has played an important role in legitimizing these rights and gauges whether or not this is evidence of anthropology's potential to transform human rights theory and practice more generally Human Rights Discourse on Dams, Displacement and Resettlement Namita Gupta, 2023-05-10 Since the 1990s development induced displacement has emerged as a major human rights concern At the heart of this debate lie the issues of equity governance justice and power There are many examples of dam induced displacement and resettlement being mismanaged and thus leading to enormous social and environmental costs The developing impasse necessitated fresh insights into the lives of affected people and a review of assumptions questions and options in social engineering a challenge that was taken up in sociological and anthropological research This book is an endeavour to fill this gap by providing a comprehensive outlook on the human rights issues involved in development induced displacement This book is a sincere effort to provide a critical analysis of the environmental social and economic impacts of development projects It further calls for a serious deliberation on the human rights aspects of development induced displacement Contractual Certainty in International Trade Volkmar Gessner, 2008-12-19 Global business interacts efficiently despite the heterogeneity of social economic and legal cultures which according to widespread assumptions cause insecurities and uncertainties Breaches of contracts may occur more frequently and business relationships may be terminated more often in international than in domestic trade But most business people engaged in exporting or importing products or services seem to operate in a sufficiently predictable environment allowing successful ventures into the global market The apparent paradox presented by cultural institutional diversity and contractual efficiency in cross border business transactions is the focus of this volume of essays The wide range of approaches adopted by contributors to the volume include the Weberian concept of law as a tool for avoiding the risk of opportunism economic sociology which treats networks and relationships between contractual parties as paramount representatives of new institutional economics who discuss law as well as private governance institutions as most efficient responses to risk comparative economic sociologists who point to the varieties of legal cultures in the social organisation of trust and national and international institutions such as the World Bank which try to promote legal certainty in the economy The purpose of the volume is to build on this interdisciplinary exercise by adding empirical evidence to ongoing debates regarding enabling structures for international business and by critically reviewing and discussing some of the propositions in the literature which contain interesting hypotheses on the effects of the internationalization of markets on market coordination institutions and on the role of the state in the

globalising economy **Globalisation and Natural Resources Law** Elena Blanco, Jona Razzaque, 2011-01-01 This book is a very welcome addition to publications on globalisation and natural resources management. It adopts a very broad approach to this important subject; it includes the general issues such as trade and investment. It deals with very complex questions of permanent sovereignty over natural resources, the right to development, the role of indigenous peoples in resource management. This publication also provides the reader with general underlying principles and approaches to natural resources management such as sustainable use, the precautionary principle, the principle of common but differentiated responsibilities, and the ecosystem approach, regulatory approach, etc. The book is very analytical and gives a lot of food for thought for readers. Malgosia Fitzmaurice, Queen Mary University of London, UK. The book is the first of its kind to deal in depth with complex cross-cutting issues relating to globalization and natural resources. The authors demonstrate not only a broad range of knowledge but also provides deep insights into what will be needed to make the transition from economic globalization to sustainable globalization, including improved resource efficiency and sustainable development and inclusive and participatory governance. In particular, the authors consider specific approaches in such sectors as water resources, renewable energy, and biological resources. The book has carefully documented and analyzed numerous international, regional, and national legal frameworks as well as relevant theories and principles. It is a must for every law library as well as for policy makers, administrators, academics, non-governmental bodies, and civil societies. We owe a great debt to the authors for their painstaking comprehensive research. Koh Kheng Lian, National University of Singapore. Globalization as a means of aptly capturing political, social, cultural, and above all else economic phenomena has been well documented and the subject of a multitude of comment. What has perhaps been less well studied is its relationship with natural resource management. Thus this work by Merino Blanco and Razzaque is to be commended. Moreover, by focusing on globalization, an important truth is revealed. It is neither about the diminution of the role of the State nor the ascendancy of the multinational corporation but rather a more nuanced and complex interaction which we are only beginning to appreciate. This book is an important contribution to that debate. Duncan French, University of Sheffield, UK. While sustainable development requires State regulation of the exploitation of natural resources, globalisation as originally conceived pushed for free and unfettered markets, creating a fundamental tension between the two approaches. This book attempts to find a way towards their reconciliation with inspiring results. The book explores many themes, especially how globalisation may contribute to the solution of the problems it has caused by helping to empower non-state actors around the world so that the international decision-making processes become more inclusive, transparent, and oriented towards sustainable development. Ximena Fuentes, Universidad Alonso Ibanez, Chile, and ILA Co-Rapporteur on the Commission on Sustainable Development. This book examines the complex relationships between trade, human rights, and the environment within natural resources law. It discusses key theories and challenges whilst exploring the concepts and approaches available to manage crucial natural

resources in both developed and developing countries Primarily aimed at undergraduates and postgraduates it includes exercises questions and discussion topics for courses on globalisation and or natural resources law as well as an ample bibliography for those interested in further research The book will therefore serve as an invaluable reference tool for academics researchers and activists alike Concessionaires, Financiers and Communities Kinnari Bhatt,2020-03-19 The untold story of how concessionaires financiers and hidden private legal devices implement and shape Indigenous peoples rights to land Displacement Beyond Conflict Christopher McDowell,Gareth Morrell,2010-12-01 There is growing political concern about the increasing numbers of people displaced both within the borders of their countries and internationally This volume explores the interrelated drivers of contemporary global displacement with a particular focus on low level conflict climatic and environmental change and infrastructure development The authors examine the governance of global displacement assessing the protection needs and responses of national governments and the international community It further considers options for improving the humanitarian and political management of this growing problem Global Governance, Poverty and Inequality Rorden Wilkinson,Jennifer Clapp,2010-06-10 A series of crises unfolded in the latter part of the first decade of the 21st Century which combined to exacerbate already profound conditions of global economic inequality and poverty in the world s poorest countries In 2007 the unsound lending practices that caused a collapse in the US housing market ushered in a broader economic crisis that reverberated throughout the global financial system This economic shockwave had a global impact triggering not just instability in other industrialized countries but also in their developing world counterparts also highlighting deficiencies in the current structures of global governance to protect the world s poorest and most disadvantaged This book offers answers to questions raised about the role of global governance in the attenuation and amelioration of world poverty and inequality The contributors interrogate the role of systems of governance at a time of global economic crisis and continuing environmental degradation against a backdrop of acceleration in inequalities within and between communities and across the globe Evaluating how existing systems can be reformed or redesigned to be more effective at addressing issues of poverty and inequality and providing a comprehensive discussion of a wide range of global governance initiatives this work will be essential reading for students and scholars of global governance international relations and international organizations **Multinational Enterprises and the Law** Peter Muchlinski,2021 Multinational Enterprises and the Law is the only comprehensive contemporary and interdisciplinary account of the techniques used to regulate multinational enterprises MNEs at the national regional and multilateral levels In addition it considers the effects of corporate self regulation and the impact of civil society and community groups upon the development of the legal order in this area The book has been thoroughly revised and updated for this third edition making it a definitive reference work for students researchers and practitioners of international economic law business corporate and commercial law development studies and international politics Split into four parts the book first deals with the conceptual basis for MNE

regulation It explains the growth of MNEs their business and legal forms and the relationship between them and the effects of a globalized economy and society now increasingly challenged by recently revived nationalist economic policies upon the evolution of regulatory agendas in the field In addition the limits of national and regional jurisdiction over MNE activities are considered a question that arises throughout the specialized areas of regulation covered in the remainder of the book Part II covers the main areas of economic regulation including controls over and the liberalization of entry and establishment tax company and competition law and the impact of intellectual property rights on technology diffusion and transfer A specialized chapter on the regulation of multinational banks in the wake of the global financial crisis is new to this edition Part III introduces the social dimension of MNE regulation covering labour rights human rights and environmental issues Finally Part IV deals with the contribution of international investment law to MNE regulation and to the control of investment risks covering the main provisions found in international investment agreements their interpretation by international tribunals the process of investor state arbitration and how concerns over these developments are leading to reform proposals

Making a Difference? Susanna Price, Kathryn Robinson, 2015-01-01 Social assessment for projects in China is an important emerging field This collection of essays from authors whose formative work has influenced the policies that shape practice in development affected communities locates recent Chinese experience of the development of social assessment practices including in displacement and resettlement in a historical and comparative perspective Contributors social scientists employed by international development banks national government agencies and sub contracting groups examine projects from a practitioner s perspective Real life experiences are presented as case specific praxis theoretically informed insight and pragmatic lessons learned grounded in the history of this field of development practice They reflect on work where economic determinism reigns supreme yet project failure or success often hinges upon sociopolitical and cultural factors

Environmental Discourses in Public and International Law Brad Jessup, Kim Rubenstein, 2012-02-02 How do dominant views and arguments about environmental problems traverse and connect international and public law *Forced Displacement* K. Grabska, L. Mehta, 2008-11-12 Uprootedness exile and forced displacement be they due to conflict persecution or so called development are conditions which characterise the lives of millions across the globe This book analyses a range of displacement situations including development oustees refugees and internally displaced persons

Special Economic Zones in Asian Market Economies Connie Carter, Andrew Harding, 2010-09-13 Special Economic Zones SEZs have proliferated rapidly during the past decade and are set to multiply in the next embracing not only Asia and Europe but also Africa and the Americas This book is the first to examine the Asian experience of SEZs in China India Malaysia and the Philippines SEZs are usually clearly defined geographic areas in which national provincial or local governments use policy tools such as tax holidays improved infrastructure less onerous or differentiated regulations and incentives other than those generally available in the rest of the country to attract and promote private usually foreign

investment from enterprises which commit to create employment and to export their products or services and generating foreign currency for the host country SEZs have been especially successful in bringing about economic development in Asia especially in China This book examines the origins nature and status of special economic zones in Asia together with the current trends connected with them and the challenges they currently face Although the World Trade Organisation cast doubts in 1995 on the future of special economic zones as a viable policy tool in the development agenda special economic zones continue to be used and favoured as a way of encouraging foreign investment and economic development with for example India trying to emulate China reincorporating special economic zones into its development policy This book provides regional case studies of SEZs in Asian market economies to analyse the extent to which these zones serve the changing needs of Asian development

Resettlement Policy in Large Development Projects Ryo Fujikura,Mikiyasu Nakayama,2015-06-12 Hydropower generation by construction of large dams attracts considerable attention as a feasible renewable energy source to meet the power demand in Asian cities However large development projects cause involuntary resettlement Of the world s forty to eighty million resettlers many resettlers have been unable to rebuild their livelihood after relocation and have become impoverished This book uniquely explores the long term impacts of displacement and resettlement It shows that long term post project evaluation is necessary to assess the rehabilitation and livelihood reconstruction of resettlers after relocation It focuses on large dam projects in a number of Asian countries including Indonesia Japan Laos Turkey Sri Lanka and Vietnam which are often ignored in Displacement studies in favour of China or India Drawing on a wealth of empirical data over ten years it presents crucial factors for successful resettlement by analysing lessons learned The range of countries allow for a diverse and complex set of factors and outcomes to be analysed Many of the factors for successful resettlement recur despite the cases being different in implementation period and location The book presents highly original findings gathered by local researchers in the field directly talking to resettlers who were relocated more than a decade ago This original book is a unique resource for researchers and postgraduate students of development studies environment geography sociology and anthropology It also makes policy recommendations for future resettlement programs that are of great value to development policy makers planners water resources engineers and civil society protest groups

Global Implications of Development, Disasters and Climate Change Susanna Price,Jane Singer,2015-08-11 Displacements in the Asia Pacific region are escalating The region has for decades experienced more than half of the world s natural disasters and in recent years a disproportionately high share of extreme weather related disasters which displaced 19 million people in 2013 alone This volume offers an innovative and thought provoking Asia Pacific perspective on an intensifying global problem the forced displacement of people from their land homes and livelihoods due to development disasters and environmental change This book draws together theoretical and multidisciplinary perspectives with diverse case studies from around the region including China s Three Gorges Reservoir Japan s Fukushima disaster and the Pacific s Banaba resettlement Focusing on

responses to displacement in the context of power asymmetries and questions of the public interest the book highlights shared experiences of displacement seeking new approaches and solutions that have potential global application This book shows how displaced peoples respond to interlinked impacts that unravel their social fabric and productive bases whether through sporadic protest organised campaigns empowered mobility or even community based negotiation of resettlement solutions The volume will be of great interest to researchers and postgraduate students in development studies environmental and climate change studies anthropology sociology human geography international law and human rights

Global Project Finance, Human Rights and Sustainable Development Sheldon Leader, David Ong, 2011-08-18 Many infrastructure projects around the world are funded through the project finance method which combines private financing with public sector backing from multilateral finance institutions such as the World Bank This examination of the theoretical and practical implications of such funding begins with a discussion of the relationship between the financial structuring of these projects and finance policy and legal disciplines especially in the form of investment law human rights and environmental law A number of case studies are then examined to provide practical insights into the application or otherwise of human rights and sustainable development objectives within such projects While these theoretical perspectives do not conclude that the project finance method detracts from the application or implementation of human rights and sustainable development objectives they do highlight the potential for the prioritisation of investment returns at the expense of human rights and environmental protection standards

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