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The Form of Legislation and the Rule of Law Ronan Cormacain, 2022-12-22 What does the rule of law mean in practical terms for the way that legislation is prepared drafted and presented It is a cornerstone of the UK legal order and requires certain things from the legal system such as that the law must be intelligible predictable and accessible This book examines what those requirements mean for the form that legislation must take Using the rule of law as the starting point the author uses deductive reasoning to determine what flows from this in terms of the form of legislation Each element of the rule of law is analysed to establish principles about the form that legislation ought to take and the book examines how each principle can be given concrete effect The originality lies in the nexus between the rule of law and the form of legislation Much has been written about the nature and content of the rule of law but relatively little has been devoted to legisprudence the theory and practice of legislation This book now draws these two subjects together in a detailed and innovative way **Maritime Law**

Col. Dr. G. Thiruvassagam, Dr. D. Rajasekar, 2017-06-01 The book covers all the essential aspects of Maritime Law for the student of any Marine course Written lucidly with apt case laws the book imparts ample gen The Authors being Col Dr G Thiruvassagam Vice Chancellor of Academy of Maritime Education and Training AMET University and Dr D Rajasekar Professor at AMET Business School together make an irresistible combination to pen such a classic work worthy of admiration and many accolades in the student community Comparative Law Yearbook of International Business Volume 43 Christian Campbell, 2021-11-11 The Comparative Law Yearbook of International Business published under the auspices of the Center for International Legal Studies in this 43rd volume spans an arc of timely and challenging concerns for business law practitioners and academics alike It discusses how arbitrability of intellectual property rights disputes might improve worldwide IPR enforcement how the disregard of legal entity may be used to establish implied consent by a person or entity that is not a signatory to an arbitration agreement how an effective cross border insolvency framework under the Indian insolvency and bankruptcy code can borrow from the UNCITRAL Model Law s and other jurisdictions approaches to the tension between universality and territoriality how a promising new mediation act for Pakistan may help resolve a backlog of millions of cases in a jurisdiction with a patchwork of traditional and modern alternative dispute resolution mechanisms how the European Union seeks to balance the taxation of digital services how Brazil is addressing the taxation of offshore indirect transfers how private equity capital structures in the unique market of professional sports create opportunities as well as risks how Securities Market Regulation theory plays a role in the organization and development of active securities markets particularly in emerging markets and how non signatories can be bound by arbitration agreements in Brazil through disregard of legal entity to ascertain implied consent The authors are practitioners and academics from Brazil England France India Pakistan Singapore the United States and Uzbekistan They offer a broad and diverse perspective on some of today s pressing business law issues in a shrinking world *Forensic and Legal Medicine* Jason Payne-James, Roger

Byard,2023-12-20 A comprehensive and accessible resource covering all aspects of forensic and legal medicine The text provides a foundation for those working in both the clinical and forensic aspects of care and will also be an asset to those involved in the police or judicial systems Including clear guidelines for practical applications and further enhanced by its many illustrations and case examples this text is a valuable resource in an increasingly complex field The authoritative work is written by those who have extensive experience for a wide audience including but not limited to forensic pathologists general pathologists pediatric pathologists forensic physicians forensic scientists coroners emergency department physicians judges and legal practitioners Chapter 62 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license

Caribbean Anti-Trafficking Law and Practice Jason Haynes,2019-07-11 This monograph investigates the International European and Commonwealth Caribbean approaches to human trafficking from an Analytical Eclectic perspective It presents a compelling empirically based argument that although there is currently a panoply of measures aimed at preventing human trafficking prosecuting offenders and protecting trafficked victims in both Europe and the Commonwealth Caribbean these measures have in practice been fraught with a number of challenges whether of a normative institutional or individual nature The continued existence of these challenges strongly suggests that there exists a disconnect between anti trafficking law and practice which is not peculiar to small island developing States since they also extend to developed States including the United Kingdom Although these challenges are not insurmountable this monograph advances the argument that sustained social economic political and legal commitments are both necessary and desirable and that without such commitments only pyrrhic victories would be won in the fight to eradicate the scourge of the twenty first century Given the importance of the issue of human trafficking and its inescapable impact on victims families communities nations regions and the international community as a whole this monograph will serve as an important resource for policy makers scholars students and practitioners actively working in this increasingly dynamic area of law

Understanding Statelessness Tendayi Bloom,Katherine Tonkiss,Phillip Cole,2017-08-04 Understanding Statelessness offers a comprehensive in depth examination of statelessness The volume presents the theoretical legal and political concept of statelessness through the work of leading critical thinkers in this area They offer a critique of the existing framework through detailed and theoretically based scrutiny of challenging contexts of statelessness in the real world and suggest ways forward The volume is divided into three parts The first Defining Statelessness features chapters exploring conceptual issues in the definition of statelessness The second Living Statelessness uses case studies of statelessness contexts from States across global regions to explore the diversity of contemporary lived realities of statelessness and to interrogate standard theoretical presentations Theorising Statelessness the final part approaches the theorisation of statelessness from a variety of theoretical perspectives building upon the earlier sections All the chapters come together to suggest a rethinking of how

we approach statelessness They raise questions and seek answers with a view to contributing to the development of a theoretical approach which can support more just policy development Throughout the volume readers are encouraged to connect theoretical concepts real world accounts and challenging analyses The result is a rich and cohesive volume which acts as both a state of the art statement on statelessness research and a call to action for future work in the field It will be of great interest to graduates and scholars of political theory human rights law and international development as well as those looking for new approaches to thinking about statelessness

International Law in the Transition to Peace Carina Lamont, 2021-11-14 This book proposes a normative framework specifically designed for the complex and legally uncertain time period between armed conflicts and peace As such it contributes both to the furthering of a jus post bellum framework and to enhanced legal clarity in complex and legally uncertain environments This in turn contributes to strengthened protection engagements and thus to improved prospects of enabling sustainable peace and security in both national and international perspectives The book offers a novel but persuasive argument for a legal framework specific for transitional environments Such legal framework it is argued is warranted in order to enable legal clarity to contemporary and outstanding legal issues as well as to furthering peace efforts in complex environments The legal framework suggested proposes a dividing line between applicable legal frameworks that it is submitted enhances both legal clarity on protection engagements and the quest for sustainable peace The framework proposed is founded on a legal analysis of the protective nature and function of law It thus provides a rare but important perspective on law that is of value in the quest for sustainable peace and security The research draws uniquely on both contemporary legal debates and on peace and conflict research It does so in order to enable legal analysis that is both legally sound as well as appropriate and adequate in today's peace and security realities The book provides a valuable resource for academics researchers and policy makers in the areas of Public International Law International Humanitarian Law International Human Rights Law the law of Peace Operations and Peace and Security Studies

Migrants with Irregular Status in Europe Sarah Spencer, Anna Triandafyllidou, 2020-05-20 This open access book explores the conceptual challenges posed by the presence of migrants with irregular immigration status in Europe and the evolving policy responses at European national and municipal level It addresses the conceptual and policy issues raised post entry by this particular section of the migrant population Drawing on evidence from different parts of Europe the book takes the reader through philosophical and ethical dilemmas legal and sociological analysis to questions of public policy and governance before addressing the concrete ways in which those questions are posed in current policy agendas from the international to the local level As such this book is a valuable read to researchers practitioners and policy makers as well as to students working on irregular migration in Europe in a comparative and or country based perspective

The Changing Nature of Religious Rights under International Law Malcolm Evans, Peter Petkoff, Julian Rivers, 2015-03-19 The Declaration on the Elimination of All Forms of Intolerance and of

Discrimination Based on Religion or Belief as proclaimed by the United Nations General Assembly in 1981 is the only universal human rights instrument specifically focusing on religious intolerance and discrimination. However, recent years have seen increasing controversy surrounding this right in both political and legal contexts. The European Court of Human Rights has experienced a vast expansion in the number of cases it has had brought before it concerning religious freedom and politically the boundaries of the right have been much disputed. This book provides a systematic analysis of the different approaches to religious rights which exist in public international law. The book explores how particular institutional perspectives emerge in the context of these differing approaches. It examines and challenges these institutional perspectives. It identifies new directions for approaching religious rights through international law by examining existing legal tools and assesses their achievements and shortcomings. It studies religious organisations' support for international human rights protection as well as religious critique of international human rights and the development of an alternative religious Bills of Rights. It investigates whether expressions of members belonging to religious minorities can be considered under the minority right to culture rather than the right to religion and discusses the benefits and shortcomings of such a route. It analyses the reach and limits of the provisions in the 1981 Declaration, identifies ways in which the right is being eroded as a concept and suggests new ways in which the right can be reinforced and protected.

Reconceptualising the Rule of Law in Global Governance, Resources, Investment and Trade Photini Pazartzis, Maria Gavouneli, 2016-06-30. The relevance and importance of the rule of law to the international legal order cannot be doubted and was recently reaffirmed by the Declaration of the High level Meeting of the General Assembly on the Rule of Law at the National and International Level's solemn commitment to it on behalf of states and international organizations. In this edited collection, leading scholars and practitioners from the fields of global governance, resources, investment and trade examine how the commitment to the rule of law manifests itself in the respective fields. The book looks at cutting edge issues within each field and examines the questions arising from the interplay between them. With a clear three-part structure, it explores each area in detail and addresses contemporary challenges while trying to assure a commitment to the rule of law. The contributions also consider how the rule of law has been or should be reconceptualised. Taking a multi-disciplinary approach, the book will appeal to international lawyers from across the spectrum, including practitioners in the field of international investment and trade law.

Drugs Law and Legal Practice in Southeast Asia Tim Lindsey, Pip Nicholson, 2016-07-28. *Drugs Law and Legal Practice in Southeast Asia* investigates criminal law and practice relevant to drugs regulation in three Southeast Asian jurisdictions: Indonesia, Singapore and Vietnam. These jurisdictions represent a spectrum of approaches to drug regulation in Southeast Asia, highlighting differences in practice between civil and common law countries and between liberal and authoritarian states. This book offers the first major English language empirical investigation and comparative analysis of regulation, jurisprudence, court procedure and practices relating to drugs law enforcement in these three states.

Transnational

Environmental Law in the Anthropocene Emily Webster, Laura Mai, 2021-03-30 Anthropocene is the proposed name for the new geological epoch in which humans have overwhelming impact on planetary processes This edited volume invites reflection on the meaning and role of law in light of changing planetary realities Taking the concept of the Anthropocene as a starting point the contributions to this book address emerging legal issues from a transnational environmental law perspective How law interacts with and how law governs global environmental problems is a challenge that legal scholars have approached with vigour over the last decade More recently the concept of the Anthropocene has become a topic that researchers have also begun to grapple with by engaging with disciplines beyond legal scholarship One avenue of research that has emerged to address global environmental problems is transnational environmental law Adopting transnational law as a lens or framework through which to analyse environmental law takes a broader approach to the ways in which law may be assessed and deployed to meet planetary challenges The chapters within this book provide a timely intervention into the theoretical and practical approaches of transnational environmental law in a time of significant uncertainty and environmental and human crises The chapters in this book were originally published as a special issue of Transnational Legal Theory

Human Trafficking and Exploitation Belachew Gebrewold, Johanna Kostenzer, Andreas Th. Müller, 2017-09-22 Human trafficking is a serious human rights violation that leads to the gross exploitation of its victims who are coerced into forced labor and slavery across the globe As the current migration movement and refugee situation reaches crisis point in Europe the risk of human trafficking from the Mediterranean Sea through Italy into Central and Western Europe has become a critical emergency Focusing on human trafficking along this route into Europe this book discusses the systematic exploitation of victims and the subsequent violation of human rights within an international context providing an overview of the causes regulation and prevention of the issue Academic researchers practitioners and policy makers are brought together to provide both theoretical perspectives and practice based approaches for addressing the issue of human trafficking As well as scholarly contributions from experts in the field the book also includes experiences and strategies of policy makers and practitioners from governmental and non governmental organizations along with the real life scenarios and practice reports Human Trafficking and Exploitation should be considered essential reading for academics policy makers advocates and activists interested in preventing human trafficking and protecting human rights It will also be of interest to those with research interests within the broader themes of law politics and international relations and social and health policy

Media Law in Ireland Marie McGonagle, Sharon McLaughlin, Tarlach McGonagle, 2018-04-19 Derived from the renowned multi volume International Encyclopaedia of Laws this analysis of media law in Ireland surveys the massively altered and enlarged legal landscape traditionally encompassed in laws pertaining to freedom of expression and regulation of communications Everywhere a shift from mass media to mass self communication has put enormous pressure on traditional law models An introduction describing the main actors and salient aspects of media markets is followed by in depth analyses

of print media radio and television broadcasting the Internet commercial communications political advertising concentration in media markets and media regulation Among the topics that arise for discussion are privacy cultural policy protection of minors competition policy access to digital gateways protection of journalists sources standardization and interoperability and liability of intermediaries Relevant case law is considered throughout as are various ethical codes A clear comprehensive overview of media legislation case law and doctrine presented from the practitioner's point of view this book is a valuable time saving resource for all concerned with media and communication freedom Lawyers representing parties with interests in Ireland will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative media law

Poverty and Inequality in Middle Income Countries Einar Braathen, Julian May, Marianne Ulriksen, Gemma C. Wright, 2016-04-15 This collection offers a timely reassessment of viable ways of addressing poverty across the globe today The profile of global poverty has changed dramatically over the past decade and around three quarters of the poor now live in middle income countries making inequality a major issue This requires us to fundamentally rethink anti poverty strategies and policies as many aspects of the established framework for poverty reduction are no longer effective Featuring contributions from Latin America Africa and Asia this much needed collection answers some of the key questions arising as development policy confronts the challenges of poverty and inequality on the global national and local scale in both urban and rural contexts Providing poverty researchers and practitioners with valuable new tools to address new forms of poverty in the right way *Poverty and Inequality in Middle Income Countries* shows how a radical switch from aid to redistribution based social policies is needed to combat new forms of global poverty

African perspectives in international investment law Yen Kong Ngangjoh Hodu, Makane Moïse Mbengue, 2020-12-15 The tremendous growth in foreign direct investment FDI in Africa comes at a time when the field of international investment law and arbitration is witnessing a renewal The investment has led to big business for law firms in the area of investment arbitration and the last decade has witnessed an increased number of investment treaties proliferating investment disputes the rise of mega regional trade agreements and the negotiation of mega regional infrastructure projects Yet while the argument in support of investment treaties as instruments to attract foreign direct investment is highly contested many African countries are no doubt becoming more aware of the need to reshape the international investment architecture This volume explores trends in FDI on the African continent the benefits and challenges that FDI presents for African States and Africa's participation in the international investment law regime Featuring contributions from leading African international lawyers arbitrators jurists academics and litigation experts this landmark volume is the first of its kind to explore African perspectives in international investment law Hodu and Mbengue bring together non mainstream approaches to the debate on the nexus between foreign investment and development addressing key conceptual issues that will define contemporary international investment law for decades to come With insights and critical comments on the challenges of Africa's foreign investment climate and

international investment law this timely collection is essential reading for academics students and practitioners alike

State Responsibility, Climate Change and Human Rights under International Law Margaretha

Wewerinke-Singh, 2019-03-21 The last decade has witnessed an increasing focus on the relationship between climate change and human rights Several international human rights bodies have expressed concern about the negative implications of climate change for the enjoyment of human rights and the Paris Agreement is the first multilateral climate agreement to refer explicitly to states human rights obligations in connection with climate change Yet despite this there are still significant gaps in our understanding of the role of international human rights law in enhancing accountability for climate action or inaction As the Paris Agreement has shifted the focus of the climate change regime towards voluntary action and the humanitarian impacts of climate change are increasingly being felt around the world accountability for climate change has become an increasingly salient issue This book offers a timely and comprehensive analysis of the legal issues related to accountability for the human rights impact of climate change drawing on the state responsibility regime It explains when and where state action relating to climate change may amount to a violation of human rights and evaluates various avenues of legal redress available to victims The overall analysis offers a perceptive insight into the potential of innovative rights based climate actions to shape climate and energy policies around the world

Diplomatic Law in a New Millennium Paul

Behrens, 2017-08-04 The granting of diplomatic asylum to Julian Assange the dangers faced by diplomats in hotspots around the world WikiLeaks and the publication of thousands of embassy cable situations like these place diplomatic agents and diplomatic law at the very centre of contemporary debate on current affairs Diplomatic Law in a New Millennium brings together 20 experts to provide insight into some of the most controversial and important matters which characterise modern diplomatic law They include diplomatic asylum the treatment and rights of domestic staff of diplomatic agents the inviolability of correspondence of the diplomatic bag and of the diplomatic mission the immunity to be given to members of the diplomatic family diplomatic duties including the duty of non interference but also the rise of diplomatic actors which are not sent by States including members of the EU diplomatic service This book explores these matters in a critical yet accessible manner and is therefore an invaluable resource for practitioners scholars and students with an interest in diplomatic relations The authors of the book include some of the leading authorities on diplomatic law including a delegate to the 1961 conference which codified modern diplomatic law as well as serving and former members of the diplomatic corps

Indian National Bibliography B. S. Kesavan, 2017

Just Security in an Undergoverned World William Durch, Joris

Larik, Richard Ponzio, 2018-01-19 Just Security in an Undergoverned World examines how humankind can manage global problems to achieve both security and justice in an age of antithesis Global connectivity is increasing visibly and invisibly in trade finance culture and information helping to spur economic growth technological advance and greater understanding and freedom but global disconnects are growing as well Ubiquitous electronics rely on high value minerals scraped from the

earth by miners kept poor by corruption and war People abandon burning states for the often indifferent welcome of wealthier lands whose people in turn draw into themselves Humanity's very success underwritten in large part by lighting up gigatons of long buried carbon for 200 years now threatens humanity's future The global governance institutions established after World War II to manage global threats especially the twin scourges of war and poverty have expanded in reach and impact while paradoxically losing the political support of some of their wealthiest and most powerful members Their problems mimic those of their members in struggling to adapt to new problems and maintain trust in norms and public bodies This volume argues however that a properly mandated managed and modernized global architecture offers unparalleled potential to midwife solutions to intractable issues from violent conflict and climate change to poverty and pandemic disease that transcend borders and the capacities of individual actors It offers just security as a new framework for sharing innovating solutions and strategies for effective and essential global governance

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