Particularly in the aftermath of the 9/11 terrorist attack, the threat of terrorism, however, defined, has been invoked as a common 'justification' in the pursuit of remodelling policies, laws, and institutions, both at the international and in the domestic politico-legal showground. The broader central theme that this book explores is the normative vibe under which the present-day counterterrorism discourse is construed and sculpted in the legislative and institutional structures of an authoritarian state where the political power and government institutions are functioning under a single-party-monopolised system. Presenting the Ethiopian legislative and institutional frameworks as a case study, the book critically reflects on the extent that the international legal and/or institutional counterterrorism response is sensitised in a manner lessening the risk of conflating authoritarian regime's unbearable reactions to citizens' legitimate demands and resistances against its repression vis-à-vis that of its response to the common threat of international terrorism. In particular, the book ponders whether or not the range of the substantive and procedural aspects of the Ethiopian antiterrorism legislative and institutional frameworks are wrought to fit into the main objectives and standards that emanate from the pertinent international laws relating to terrorism and the international human rights law as well as the domestic constitutional law maxims.

Eight case-studies undertaken in Australia, entitled "Minding Culture: Case-Studies on Intellectual Property and Traditional Cultural Expressions" were selected, prepared, researched and written by Ms. Terri Janke, an Australian lawyer. The studies have been incorporated together in WIPO/GRTKF/STUDY/2.

Socio-cultural and historical contextualizations precede legal profiles for nine regions and 38 Islamic countries around the world. [back cover].

Legal Analysis ON the silent features (the major aspect) of the Ethiopian law of sales in context of CISG, UNIDROIT principle, and PECL. In cases where CISG is applied by the Ethiopian courts, UNIDROIT Principles can be used in order to supplement the CISG. Moreover, just as CISG can be applied when it is chosen by the contracting parties in Ethiopia, UNIDROIT Principles can also be applied. The other possibility for the application of CISG and UNIDROIT Principles is as an expression of lex mercatoria by arbitral tribunals in Ethiopia. Pursuant to Article 1713 of the Ethiopian civil code, which provides that contracting parties are bound not only by the express provisions of their agreement but also by such incidental effects as may be attached to it considering trade usage, custom and good faith, CISG and UNIDROIT PECL can be referred to. Determining what practices are considered trade custom and usage may beg, for a very strong reason, giving attention to such documents. The CISG and UNIDROIT Principles may be applied as a draft for contracts. This involves incorporating part or all of the provisions into their contract. Obviously, here the court applies the provisions as it applies the terms of the contract. “This is not exactly a choice of law clause unless the parties chose the law of a Contracting State, having the state’s implementation of the CISG in mind. Instead it is to be viewed as a drafting technique which uses the provisions of the CISG as a kind of model contract”.

Generally, an international contract occurs when a contract involving parties which have business place in different countries are involved or different national in deferent
place or the same national in different place. In such case the parties might apply a law of their choice provided that their choice is sustainable at law. In the absence of such choice certain international documents like CISG and the supplementing document of UNIDROIT, PECL can be applied upon the fulfillment of certain conditions as per the general provision of these instrument itself. The conditions relate to when rules of conflict of law orders the application of these documents, when there is lex mercatoria or trade usage; and when the parties agree on the application of CISG.

Brauchler examines the Indonesian decentralisation process and the revival of tradition and cultural self-determination in the Moluccas. Tuori studies restatements and codifications of customary laws in Africa. Harboe Knudsen considers European Union regulation of the marketing of dairy products in Lithuania. Douglas and Hersi examine the attitudes of Muslims to the smoking of khat. Simarmata studies the contrast between Indonesian state law and local officials’ practice regarding natural resources use in East Kalimantan.

This is the first English-language overview of the history of Ethiopian law. It describes the main features of its unique development on the basis of indigenous customary law and Roman-Byzantine legal traditions. The study also pays attention to the codification of laws and modernization of the judicial system undertaken in the reign of Emperor Haile Sellassie (1930-1974), and to matters of procedural and court justice. Throughout, topics and areas for further research are identified.

Thinking About Clinical Legal Education provides a range of philosophical and theoretical frameworks that can serve to enrich the teaching and practice of Clinical Legal Education (CLE). CLE has become an increasingly common feature of the curriculum in law schools across the globe. However, there has been relatively little attention paid to the theoretical and philosophical dimensions of this approach. This edited collection seeks to address this gap by bringing together contributions from the clinical community, to analyse their CLE practice using the framework of a clearly articulated philosophical or theoretical approach. Contributions include insights from a range of jurisdictions including: Brazil, Canada, Croatia, Ethiopia, Israel, Spain, UK and the US. This book will be of interest to CLE academics and clinic supervisors, practitioners, and students.

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This book focuses on decision-making by non-state justice institutions at the interface of traditional, religious, and state laws. The authors discuss the implications of non-state justice for the rule of law, presenting case studies on traditional councils and courts in Pakistan, South Sudan, Ethiopia, Bolivia and South Africa.

Law has been a primary locus and vehicle of contact across human history-as a system of ideas embodied in people and enacted on bodies; and also as a material, textual, and sensory "thing." This volume analyzes a variety of legal encounters ranging from South Asia to South and Central America, Africa, the Middle East, and Europe. The seven essays also explore various material expressions of law that reveal the complexity and intensity of cross-cultural contact in this pivotal era.
In Eritrea, state, traditional, and religious laws equally prevail, but any of these legal systems may be put into play depending upon the individual or individuals involved in a legal dispute. Because of conflicting laws, it has been difficult for Eritreans to come to a consensus on what constitutes their legal system. In Blood, Land, and Sex, Lyda Favali and Roy Pateman examine the roles of the state, ethnic groups, religious groups, and the international community in several key areas of Eritrean law -- blood feud or murder, land tenure, gender relations (marriage, prostitution, rape), and female genital surgery. Favali and Pateman explore the intersections of the various laws and discuss how change can be brought to communities where legal ambiguity prevails, often to the grave harm of women and other powerless individuals. This significant book focuses on how Eritrea and other newly emerging democracies might build pluralist legal systems that will be acceptable to an ethnically and religiously diverse population.

This first volume of EYIL focuses on issues concerning the developing world in general and (the Horn of) Africa – and Ethiopia – specifically. It argues that rebalancing the international law narrative to reflect Africa's legitimate interests is an urgent priority, and can only succeed through the fair representation of African countries in the creation and interpretation of international law. The book begins by reflecting on the ICJ's West African Cases and provides a unique perspective on decolonisation as a source of jus cogens and obligations erga omnes. This is followed by a comprehensive analysis of the reception of international law in the Ethiopian legal system, and of the potential implications of Ethiopia joining the WTO. The book then delves into such topical issues as the relationship between competition for natural resources and international investment law, the UN Global Goals and the fledgling international climate change regime, with particular emphasis on the Paris Climate Agreement and their implications for developing countries. Further issues include the Declaration of Principles on the Grand Ethiopian Renaissance Dam signed by Ethiopia, Sudan and Egypt in light of Nile colonial treaties and contemporary international watercourses law, as well as selected legal implications of the armed conflict in South Sudan.

Gathering high-quality scholarship from diverse researchers, and examining a constellation of critical international law issues affecting developing countries, especially African countries, the book offers a unique resource.

This is an analytical account of the role and development of law in societies undergoing transition from one political order to another. It focuses on the legal transitions that Eritrea experienced, tracing the path of legal development, from the advent of European colonialism through the struggle for independence and sovereign nationhood. Recognising the need for law reform in Eritrea, the book examines the practical and inevitable question of how to reform existing laws, canvassing both substantive and procedural issues.

The global recognition of the unjust discrimination and violence that women, particularly women in developing countries, have been subjected has led to the adoption of numerous international legal instruments that underscored the importance of the human rights of women. This country report identifies Ethiopian laws that do not conform to internationally accepted standards. It also examines legal and regulatory reform as a critical tool for promoting gender-sensitive human development in Africa, highlights problems related to law enforcement mechanisms, and proposes alternative solutions.

A significant introduction to the study of comparative law and a notable scholarly work, "Major Legal Systems in the World Today" analyzes the general characteristics which lie behind the development of the four principal legal systems of the world: the Civil law, the Common law, the Socialist law (primarily Soviet), and those based on religious or philosophical principles (Muslim, Hindu, Chinese, Japanese, and African). Providing unique insights into the spirit of each "legal family," the book presents a total view of the historical foundation and the sources and structure of the law in each system.

Company law is a complex and fascinating area of law. The attributes of separate legal personality and limited liability of a company makes it a preferable medium to engage in business, for it provides protection to the individual share holders from the reach of outsiders. Nonetheless, the protection is not meant to justify the use of the company's separate legal personality and limited liability for illegitimate and unlawful purposes, in which case the protective veil will be pierced and individual members will be held liable. Even though the principle of piercing the corporate veil got its origin in the common law legal system, the author examines the legal as well as the judicial recognition of the principle in the Ethiopian legal system. His book thus explores the possible grounds by which the veil of the company may be pierced under the
Ethiopian company law, and the role of the Ethiopia courts in applying the principle.

Has it been your dream to become a paralegal or lawyer? Perhaps you have a desire to obtain a degree or further your education in one of the many law or law-related fields. Yet due to your schedule or circumstances, you simply cannot attend a residential school full time. Well this guide is your answer. It contains over 400 schools offering Distance Learning in such programs. Also included in this Guide are sections covering Designations, Paralegal Exams, Admission to Law School, Studying Law, Qualifying for the Bar, Bar Associations, Law Societies, and much more. The Schools are located through-out the World and their programs can be completed with little or no residency.

The judicial and legal sector of Ethiopia presents a variety of significant challenges. The legal system as it exists today combines elements of both civil and common law1 with traditional practices, resulting in multiple layers intermingling and superimposing distinct types of modern, traditional, and religious laws and processes. This report provides an overview of Ethiopia’s current legal system focusing on four key issues: judiciary, access to justice, commercial justice, and sequencing of reform efforts. Other issues are commented upon briefly to provide context and elucidate interconnections between issues. The report focuses mainly on the formal legal system as established by the 1995 Constitution.

The major peacekeeping and stability operations of the last ten years have mostly taken place in countries that have pervasive customary justice systems, which pose significant challenges and opportunities for efforts to reestablish the rule of law. These systems are the primary, if not sole, means of dispute resolution for the majority of the population, but post-conflict practitioners and policymakers often focus primarily on constructing formal justice institutions in the Western image, as opposed to engaging existing traditional mechanisms. This book offers insight into how the rule of law community might make the leap beyond rhetorical recognition of customary justice toward a practical approach that incorporates the realities of its role in justice strategies."Customary Justice and the Rule of Law in War-Torn Societies" presents seven in-depth case studies that take a broad interdisciplinary approach to the study of the justice system. Moving beyond the narrow lens of legal analysis, the cases Mozambique, Guatemala, East Timor, Afghanistan, Liberia, Iraq, Sudan examine the larger historical, political, and social factors that shape the character and role of customary justice systems and their place in the overall justice sector. Written by resident experts, the case studies provide advice to rule of law practitioners on how to engage with customary law and suggest concrete ways policymakers can bridge the divide between formal and customary systems in both the short and long terms. Instead of focusing exclusively on ideal legal forms of regulation and integration, this study suggests a holistic and flexible palette of reform options that offers realistic improvements in light of social realities and capacity limitations. The volume highlights how customary justice systems contribute to, or detract from, stability in the immediate post-conflict period and offers an analytical framework for assessing customary justice systems that can be applied in any country."

This book provides compelling evidence from 42 Sub-Saharan African countries that gender gaps in legal capacity and property rights need to be addressed in terms of substance, enforcement, awareness, and access if economic opportunities for women in Sub-Saharan Africa are to continue to expand.

This is a book about legal pluralism, federalism, and human rights. It contends that legal pluralism is an important federalist policy in a deeply divided society, particularly Ethiopia. In so doing, it tells the story of the suppression of the diverse customary and religious laws in the country’s recent past as part of the larger history of ethnic homogenization and state centralization. Since 1957, customary and religious laws had been alienated from the state legal system by virtue of the great influx of Western transplants providing the setting for competition between legal universalism and legal pluralism. In 1995, legal pluralism triumphs over legal universalism, as the 1995 FDRE Constitution recognizes the validity of customary and religious laws in personal and family matters. This book analyzes the salient elements of legal pluralism in Ethiopia, argues for redrawing the frontiers of formal legal pluralism in such a manner as to include criminal matters, and points out the challenges. The book throws light on this new development, and should be useful to academic lawyers and non-lawyers or anyone else who is interested in Ethiopian legal and political development.
Some legal rules are not laid down by a legislator but grow instead from informal social practices. In contract law, for example, the customs of merchants are used by courts to interpret the provisions of business contracts; in tort law, customs of best practice are used by courts to define professional responsibility. Nowhere are customary rules of law more prominent than in international law. The customs defining the obligations of each State to other States and, to some extent, to its own citizens, are often treated as legally binding. However, unlike natural law and positive law, customary law has received very little scholarly analysis. To remedy this neglect, a distinguished group of philosophers, historians and lawyers has been assembled to assess the nature and significance of customary law. The book offers fresh insights on this neglected and misunderstood form of law.

The impetus for change in African legal reform is coming primarily from African women themselves, as they respond to their personal and practical experiences with the law. Top-down imposition of norms has not worked; if legal reform is to lead to sustainable equity for women, the voices of these women must be heard. Given that previous efforts to ensure greater equity in personal laws have not been fully successful in eastern African countries, any new legal initiatives must not repeat the mistakes of the past. Law must not again remain merely on the books as a legitimizing tool that reinforces or supports gender discrimination, but must actively protect and guard the interests of both men and women. This paper attempts to draw out some possible lessons from past experience to inform new efforts at legal reform in these countries. It examines the laws related to allocation of economic resources within households in the broader historical, social, and cultural context in some of these countries, and examines the effectiveness of these laws in challenging gender relationships.

After your casebook, a Casenote Legal Brief is your most important reference source for the entire semester. The series is trusted for its expert summary of the principal cases in your casebook. Its proven reliability makes Casenote Legal Briefs the most popular case brief series available. With more than 100 titles keyed to the current editions of major casebooks, you know you can find the help you need. The brief for each case saves you time and helps you retain important issues. Each brief has a succinct statement of the rule of law/black letter law, description of the facts, and important points of the holding and decision. Quicknotes are short definitions of the legal terms used at the end of each brief. Use the Glossary in the end of your text to define common Latin legal terms. Such an overview, combined with case analysis, helps
broaden your understanding and supports you in classroom discussion. Each title is keyed to the current edition of a specific casebook; it's your trusted guide to the text throughout the semester. The brief for each principal case in the casebook saves you time and helps you retain important issues. Each brief has a succinct statement of the rule of law/black letter law, description of the facts, important points of the holding and decision, and concurrences and dissents included in the casebook excerpt. This overview is combined with a short analysis: all to help you broaden your understanding and support you in classroom discussion. Quicknotes at end of each brief give you short definitions of the legal terms used. A handy Glossary of common Latin words and phrases is included in every Casenote. Detailed instruction on how to brief a case is provided for you. A free Quick Course Outline accompanies all Casenote Legal Briefs in these course areas: Civil Procedure, Constitutional Law, Contracts, Criminal Law, Criminal Procedure, Evidence, Property, and Torts.

Informal forms of justice such as mediation have been greeted enthusiastically as progress from the punishment model of justice -- and criticised as broadening rather than narrowing the reach of the criminal justice system. Here the contributors assess the evidence and re-appraise the theory of informalism.

This book presents a timely review of the relations between the formal and customary justice systems in Ethiopia, and offers recommendations for legal reform. The book provides cases studies from all the Region of Ethiopia based on field research on the working of customary dispute resolution (CDR) institutions, their mandates, compositions, procedures and processes. The cases studies also document considerable unofficial linkages with the state judicial system, and consider the advantages as

Being a home to more than 80 ethnic groups, Ethiopia has to balance normative diversity with efforts to implement state law across its territory. This volume explores the co-existence of state, customary, and religious legal forums from the perspective of legal practitioners and local justice seekers. It shows how the various stakeholders’ use of negotiation, and their strategic application of law can lead to unwanted confusion, but also to sustainable conflict resolution, innovative new procedures and hybrid norms. The book thus generates important knowledge on the conditions necessary for stimulating a cooperative co-existence of different legal systems.

From a war-torn and famine-plagued country at the beginning of the 1990s, Ethiopia is today emerging as one of the fastest-growing economies in Africa. Growth in Ethiopia has surpassed that of every other sub-Saharan country over the past decade and is forecast by the International Monetary Fund to exceed 8 percent over the next two years. The government has set its eyes on transforming the country into a middle-income country by 2025, and into a leading manufacturing hub in Africa. The Oxford Handbook of the Ethiopian Economy studies this country’s unique model of development, where the state plays a central role, and where a successful industrialization drive has challenged the long-held erroneous assumption that industrial policy will never work in poor African countries. While much of the volume is focused on post-1991 economic development policy and strategy, the analysis is set against the background of the long history of Ethiopia, and more specifically on the Imperial period that ended in 1974, the socialist development experiment of the Derg regime between 1974 and 1991, and the policies and strategies of the current EPRDF government that assumed power in 1991. Including a range of contributions from both academic and professional standpoints, this volume is a key reference work on the economy of Ethiopia.

This book offers a series of new studies on the dynamics of political and legal culture as well as of conflict management in contemporary Africa, taking inspiration from and honoring the scholarly contributions and impact of Prof. Gerti Hesseling (1946-2009) in African Studies.

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