

# The Co Existence Of Customary Law And General Law In Uganda An Appraisal Critique And Suggestions For The Future

**Does state behavior contrary to a rule of customary international law undermine the existence of that rule?** *Customary International Law and Treaties* **Realizing Utopia** *How International Law Works* **Custom, Power and the Power of Rules** **Customary International Humanitarian Law** *Customary Law Today* **Global Justice, Human Rights and the Modernization of International Law** *The Customary International Law of Human Rights* *The Nature of African Customary Law* **The Formation and Identification of Rules of Customary International Law in International Investment Law** **The Theory, Practice and Interpretation of Customary International Law** **Customary International Law The Sources of International Law** **The Future of Tradition** **Judicial Practice, Customary International Criminal Law and Nullum Crimen Sine Lege** **The Discourse on Customary International Law** *The International Court of Justice* **The Impact of Human Rights Law on General International Law** *The Persistent Objector Rule in International Law* *The Concealed Influence of Custom* **Repetition and International Law** **Customary International Law in Times of Fundamental Change** **Sources of International Law** **Racial Subordination in Latin America** *The Formation and Identification of Rules of Customary International Law in International Investment Law* **Russian Traditional Culture** *The Philosophy of Customary Law* *The Role of Customary Law in Sustainable Development* *Judicial Practice, Customary International Criminal Law and Nullum Crimen Sine Lege* **A Treatise on Customary Law in the Punjab** **The European Union and Customary International Law** **Legal Pluralism in Ethiopia** *Fundamentals of Public International Law* **Sources of International Law** *Ideas and Procedures in African Customary Law* *Studies in International Space Law* *International Law and the Revolutionary State* **Practice and Methods of International Law** **The Nigerian Customary Law**

Thank you for downloading **The Co Existence Of Customary Law And General Law In Uganda An Appraisal Critique And Suggestions For The Future**. Maybe you have knowledge that, people have look hundreds times for their chosen books like this **The Co Existence Of Customary Law And General Law In Uganda An Appraisal Critique And Suggestions For The Future**, but end up in malicious downloads. Rather than enjoying a good book with a cup of tea in the afternoon, instead they are facing with some malicious bugs inside their desktop computer.

The **The Co Existence Of Customary Law And General Law In Uganda An Appraisal Critique And Suggestions For The Future** is available in our digital library an online access to it is set as public so you can get it instantly. Our digital library spans in multiple locations, allowing you to get the most less latency time to download any of our books like this one. Merely said, the **The Co Existence Of Customary Law And General Law In Uganda An Appraisal Critique And Suggestions For The Future** is universally compatible with any devices to read

**Custom, Power and the Power of Rules** Jun 30 2022 This book explains the most foundational aspect of international law in international relations terms.

*Ideas and Procedures in African Customary Law* Oct 30 2019 The 18 papers in this volume, originally published in 1969 in English and French, with summaries in the other language, define and analyze in their wider social contexts the fundamental ideas and procedures to be found in African traditional systems of law. They assess the needs and problems of adaptation to changing conditions. The comprehensive introduction by Allott, Epstein and Gluckman provides a framework of analysis. It deals with the search for a common terminology in which to analyse and compare the different systems of customary law proceedings and evidence, codification and recording, reason and the occult, the conception of legal personality, succession and inheritance, land rights, marriage and affiliation, injuries, liability and responsibility.

**Sources of International Law** Dec 01 2019 A collection of essays on the various aspects of the legal sources of international law, including theories of the origin of international law, explanation of its binding force, normative hierarchies and the relation of international law and politics.

**Realizing Utopia** Sep 02 2022 Realizing Utopia is a collection of essays by a group of innovative international jurists. Its contributors reflect on some of the major legal problems facing the international

community and analyse the inconsistencies or inadequacies of current law. They highlight the elements - even if minor, hidden, or emerging - that are likely to lead to future changes or improvements. Finally, they suggest how these elements can be developed, enhanced, and brought to fruition in the next two or three decades, with a view to achieving an improved architecture of world society or, at a minimum, to reshaping some major aspects of international dealings. Contributions to the book thus try to discern the potential, in the present legal construct of world society, that might one day be brought to light in a better world. As the impact of international law on national legal orders continues to increase, this volume takes stock of how far international law has come and how it should continue to develop. The work features an impressive list of contributors, including many of the leading authorities on international law and several judges of the International Court of Justice.

*The Formation and Identification of Rules of Customary International Law in International Investment Law* Sep 09 2020 Patrick Dumberry provides a comprehensive analysis of the rules of customary international law in the field of international investment law.

**Russian Traditional Culture** Aug 09 2020 This is an annotated collection of recent studies of Russian folk religion, village organization and family life, including the rituals associated with childbirth, and paying special attention to women's roles and to the specificity of Siberia in Russian culture.

*The International Court of Justice* May 18 2021 "In recent years States

have made more and more extensive use of the International Court of Justice for the judicial settlement of disputes. Despite being declared by the Court's Statute to have no binding force for States other than the parties to the case, its decisions have come to constitute a body of jurisprudence that is frequently invoked in other disputes, in international negotiation, and in academic writing. This jurisprudence, covering a wide range of aspects of international law, is the subject of considerable ongoing academic examination; it needs however to be seen against the background, and in the light, of the Court's structure, jurisdiction and operation, and the principles applied in these domains. The purpose of this book is thus to provide an accessible and comprehensive study of this aspect of the Court, and in particular of its procedure, written by a scholar who has had unique opportunities of close observation of the Court in action. This distillation of direct experience and expertise makes it essential reading for all those who study, teach or practise international law." --book flap.

**Legal Pluralism in Ethiopia** Feb 01 2020 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.

*The Nature of African Customary Law* Jan 26 2022

**Does state behavior contrary to a rule of customary**

**international law undermine the existence of that rule?** Nov 04 2022 Essay from the year 2020 in the subject Law - European and International Law, Intellectual Properties, , language: English, abstract: The purpose of this essay is to assess the impact of the behaviour of a State, which contrary to a rule of customary international law, on the existence of rule of customary international law, in terms of whether it undermines the existence of that rule or strengthens it. To be able to do this, it is expedient that the following issues are addressed: What is Customary International Law? What are rules of customary international law? Contrary state behavior.

Customary International Law is one of the major sources of International law and is described in Article 38(1)(b) of the Statute of the International Court of Justice, 1946, as "general practice accepted as law." According to the Legal Information Institute of the Cornell Law School, "Customary international law refers to international obligations arising from established international practices, as opposed to obligations arising from formal written conventions and treaties. Customary international law results from a general and consistent practice of states that they follow from a sense of legal obligation." It was also defined by Judge Read in *Fisheries (UK v Norway)* (1951), as the generalization of the practice of States.

**Global Justice, Human Rights and the Modernization of**

**International Law** Mar 28 2022 This book is based on the observation that international law is undergoing a process of change and modernization, driven by many factors, among which the affirmation and consolidation of the role of the individual and of the theory of human rights stand out. In the contemporary world, international law has demonstrated an ability to evolve rapidly. But it is still unclear whether its modernization process is also producing structural changes, which affect the subjects, the sources and even the very purpose of this law. Is it truly possible to speak of a paradigmatic and ideological change in the international legal system, one that also involves a transition from a state-centred international order to a human-centred one, and from inter-state justice to global justice? The book addresses three fundamental aspects of the modernization process of international law: the possible widening of the concept of international community and of the classic assumptions of statehood; the possible diversification of the sources of general international law; and the ability of international law to adapt to new challenges and to achieve the main goals for humanity set by the United Nations. The overall objective of the book is to provide the tools for a deeper understanding of the transition phase of contemporary international law, by examining the major problems that characterize this phase. The book will also stimulate critical reflection on the future prospects of international law.

*Judicial Practice, Customary International Criminal Law and Nullum Crimen Sine Lege* May 06 2020 This study analyzes the methods used

by international criminal tribunals when determining customary international criminal law and to consider the compatibility of these approaches with the *nullum crimen sine lege* principle. In this context, the following research questions are of particular importance: Is there one approach common to all international criminal tribunals, or can different approaches be detected in their jurisprudence when determining customary international law? Do international criminal tribunals regard both traditional elements of customary international law – State practice and *opinio iuris* – as necessary elements for the establishment of customary international law? Do international criminal tribunals argue along the lines of the International Court of Justice (ICJ), requiring a high frequency and consistency of State practice that is both “extensive and virtually uniform”? In addition, the book analyzes the evidence used by international criminal tribunals in order to establish the constituent elements of customary international. It then poses the question: Do international criminal tribunals distinguish, as defined by Schwarzenberger, between the “law-creating processes” of public international law on the one hand, and the “law-determining agencies” as a subsidiary means of determining rule of law on the other? Assuming that they exist, how can different methodological approaches to determine customary international law be assessed in light of the *nullum crimen sine lege* principle? Does the principle require judges to apply the traditional method to establish customary international law as being based on extensive, uniform and enduring State practice accompanied by *opinio iuris*? Can the principle balance the desire for justice and the specificities of law creation of the international legal order with fairness for the accused? How can the law be accessible and criminal punishment foreseeable, when the underlying legal basis for criminal convictions, namely customary international criminal law, is unwritten in nature?

**The Nigerian Customary Law** Jun 26 2019

*The Role of Customary Law in Sustainable Development* Jun 06 2020

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.

*Customary International Law and Treaties* Oct 03 2022 States often regard themselves bound by treaty rules which have developed under customary international law, even though many of the treaties themselves have not been ratified. The Law of the Sea Convention, for instance, has generated new customary rules which modified the 1958 Geneva Conventions. These & many other issues are dealt with clearly & systematically in this informative handbook on the relations

between written & unwritten international law. The conclusions of the first edition of *Customary International Law & Treaties* were largely confirmed by the International Court of Justice in the Nicaragua Case. This fully revised second edition, while basing itself on the original version, brings the subject up to date.

**Customary International Humanitarian Law** May 30 2022

*Customary International Humanitarian Law, Volume I: Rules* is a comprehensive analysis of the customary rules of international humanitarian law applicable in international and non-international armed conflicts. In the absence of ratifications of important treaties in this area, this is clearly a publication of major importance, carried out at the express request of the international community. In so doing, this study identifies the common core of international humanitarian law binding on all parties to all armed conflicts. Comment Don:RWI.

**A Treatise on Customary Law in the Punjab** Apr 04 2020

*International Law and the Revolutionary State* Aug 28 2019

*The Concealed Influence of Custom* Feb 12 2021 Jay L. Garfield defends two exegetical theses regarding Hume's *Treatise on Human Nature*. The first is that Book II is the theoretical foundation of the *Treatise*. Second, Garfield argues that we cannot understand Hume's project without an appreciation of his own understanding of custom, and in particular, without an appreciation of the grounding of his thought about custom in the legal theory and debates of his time. Custom is the source of Hume's thoughts about normativity, not only in ethics and in political theory, but also in epistemological, linguistics, and scientific practice- and is the source of his insight that our psychological and social natures are so inextricably linked. The centrality of custom and the link between the psychological and the social are closely connected, which is why Garfield begins with Book II. There are four interpretative perspectives at work in this volume: one is a naturalistic skeptical interpretation of Hume's *Treatise*; a second is the foregrounding of Book II of the *Treatise* as foundational for Books I and III. A third is the consideration of the *Treatise* in relation to Hume's philosophical antecedents (particularly Sextus, Bayle, Hutcheson, Shaftesbury, and Mandeville), as well as eighteenth century debates about the status of customary law, with one eye on its sequellae in the work of Kant, the later Wittgenstein, and in contemporary cognitive science. The fourth is the Buddhist tradition in which many of the ideas Hume develops are anticipated and articulated in somewhat different ways. Garfield presents Hume as a naturalist, a skeptic and as, above all, a communitarian. In offering this interpretation, he provides an understanding of the text as a whole in the context of the literature to which it responded, and in the context of the literature it inspired.

*Fundamentals of Public International Law* Jan 02 2020 *Fundamentals of Public International Law*, by Giovanni Distefano, provides an overview of public international law's main principles and fundamental institutions.

*Customary Law Today* Apr 28 2022 This book addresses current practices in customary law. It includes contributions by scholars from various legal systems (the USA, France, Israel, Canada etc.), who

examine the current impacts of customary law on various aspects of private law, constitutional law, business law, international law and criminal law. In addition, the book expands the traditional concept of the rule of law, and argues that lawyers should not narrowly focus on statutory law, but should instead pay more attention to the impact of practices on "real legal life." It states that the observation of practices calls for a stronger focus on usage, customs and traditions in our legal systems – the idea being not to replace statutory law, but to complement it with customary observations.

**Practice and Methods of International Law** Jul 28 2019

**The Discourse on Customary International Law** Jun 18 2021 "The book guides the reader through an analysis of eight distinct performances at work in the discourse on customary international law. One of its key claims is that customary international law is not the surviving trace of an ancient law-making mechanism that used to be found in traditional societies. Indeed, as is shown throughout, customary international law is anything but ancient, and there is hardly any doctrine of international law that contains so many of the features of modern thinking. It is also argued that, contrary to mainstream opinion, customary international law is in fact shaped by texts, and originates from a textual environment"--Page 4 de la couverture.

**Racial Subordination in Latin America** Oct 11 2020 There are approximately 150 million people of African descent in Latin America yet Afro-descendants have been consistently marginalized as undesirable elements of the society. Latin America has nevertheless long prided itself on its absence of U.S.-style state-mandated Jim Crow racial segregation laws. This book disrupts the traditional narrative of Latin America's legally benign racial past by comprehensively examining the existence of customary laws of racial regulation and the historic complicity of Latin American states in erecting and sustaining racial hierarchies. Tanya Katerí Hernández is the first author to consider the salience of the customary law of race regulation for the contemporary development of racial equality laws across the region. Therefore, the book has a particular relevance for the contemporary U.S. racial context in which Jim Crow laws have long been abolished and a "post-racial" rhetoric undermines the commitment to racial equality laws and policies amidst a backdrop of continued inequality.

**The Future of Tradition** Aug 21 2021 This study of the manner in which indigenous peoples can function in modern states offers a survey of tribal life, focusing on political issues such as the meaning of sovereignty, legal issues dealing with the role of custom and social issues concerned with sustaining communal life. Recent judicial decisions are analysed as a reflection of the far-reaching changes that have taken place, in a process that has seen the former disregard of basic rights of indigenous people being replaced by an awareness of the injustices perpetrated in the past and a willingness to seek to redress them. The comparison between approaches of different English-speaking countries provides an account of interwoven developments.

**Judicial Practice, Customary International Criminal Law and Nullum Crimen Sine Lege** Jul 20 2021 This study analyzes the methods used by international criminal tribunals when determining customary international criminal law and to consider the compatibility of these approaches with the nullum crimen sine lege principle. In this context, the following research questions are of particular importance: Is there one approach common to all international criminal tribunals, or can different approaches be detected in their jurisprudence when determining customary international law? Do international criminal tribunals regard both traditional elements of customary international law – State practice and *opinio iuris* – as necessary elements for the establishment of customary international law? Do international criminal tribunals argue along the lines of the International Court of Justice (ICJ), requiring a high frequency and consistency of State practice that is both "extensive and virtually uniform"? In addition, the book analyzes the evidence used by international criminal tribunals in order to establish the constituent elements of customary international law. It then poses the question: Do international criminal tribunals distinguish, as defined by Schwarzenberger, between the "law-creating processes" of public international law on the one hand, and the "law-determining agencies" as a subsidiary means of determining rule of law on the other? Assuming that they exist, how can different methodological approaches to determine customary international law be assessed in light of the nullum crimen sine lege principle? Does the principle require judges to apply the traditional method to establish customary international law as being based on extensive, uniform and enduring State practice accompanied by *opinio iuris*? Can the principle balance the desire for justice and the specificities of law creation of the international legal order with fairness for the accused? How can the law be accessible and criminal punishment foreseeable, when the underlying legal basis for criminal convictions, namely customary international criminal law, is unwritten in nature?

**Studies in International Space Law** Sep 29 2019 This work examines the whole of the regime of international law and space law including the role of the United Nations, the legal status of outer space, astronauts and out of space objects, the military use of outer space, the commercial uses of outer space and in particular the emerging law relating to satellites and telecommunications.

**The Impact of Human Rights Law on General International Law**

Apr 16 2021 There is a growing discrepancy between the output of human rights courts which protect the individual and traditional international institutions which protect the interests of states. This volume provides the first systematic analysis of the impact of international human rights courts on more traditional international institutions.

**Customary International Law in Times of Fundamental Change**

Dec 13 2020 This is the first book to explore the concept of 'Grotian Moments'. Named for Hugo Grotius, whose masterpiece *De jure belli ac pacis* helped marshal in the modern system of international law, Grotian Moments are transformative developments that generate the unique conditions for accelerated formation of customary international

law. In periods of fundamental change, whether by technological advances, the commission of new forms of crimes against humanity, or the development of new means of warfare or terrorism, customary international law may form much more rapidly and with less state practice than is normally the case to keep up with the pace of developments. The book examines the historic underpinnings of the Grotian Moment concept, provides a theoretical framework for testing its existence and application, and analyzes six case studies of potential Grotian Moments: Nuremberg, the continental shelf, space law, the Yugoslavia Tribunal's Tadic decision, the 1999 NATO intervention in Serbia and the 9/11 terrorist attacks.

**Repetition and International Law** Jan 14 2021 Acts of repetition abound in international law. Security Council Resolutions typically start by recalling, recollecting, recognising or reaffirming previous resolutions. Expert committees present restatements of international law. Students and staff extensively rehearse fictitious cases in presentations for moot court competitions. Customary law exists by virtue of repeated behaviour and restatements about the existence of rules. When sources of international law are deployed, historically contingent events are turned into manifestations of pre-given and repeatable categories. This book studies the workings of repetition across six discourses and practices in international law. It links acts of repetition to similar practices in religion, theatre, film and commerce. Building on the dialectics of repetition as set out by Søren Kierkegaard, it examines how repetition in international law is used to connect concrete practices to something that is bound to remain absent, unspeakable or unimaginable.

**The Philosophy of Customary Law** Jul 08 2020 This book attempts to bring greater theoretical clarity to the often murky topic of custom by showing that custom must be analysed into two more logically basic concepts: convention and habit. Customs are conventional habits and habitual conventions. Once we have a clearer understanding of custom we can better grasp the many roles that custom plays in a legal system.

**How International Law Works** Aug 01 2022 How International Law Works presents a theory of international law, how it operates, and why it works. Though appeals to international law have grown ever more central to international disputes and international relations, there is no well-developed, comprehensive theory of how international law shapes policy outcomes. Filling a conspicuous gap in the literature on international law, Andrew T. Guzman builds a coherent theory from the ground up and applies it to the foundations of the international legal system. Using tools from across the social sciences Guzman deploys a rational choice methodology to explain how a legal system can succeed in the absence of coercive enforcement. He demonstrates how even rational and selfish states are motivated by concerns about reciprocal non-compliance, retaliation, and reputation to comply with their international legal commitments. Contradicting the conventional view of the subject among international legal scholars, Guzman argues that the primary sources of international commitment--formal treaties, customary international law, soft law, and even international norms--

must be understood as various points on a spectrum of commitment rather than wholly distinct legal structures. Taking a rigorous and theoretically sound look at international law, *How International Law Works* provides an in-depth, thoroughgoing guide to the complexities of international law, offers guidance to those managing relations among nations, and helps us to understand when we can look to international law to resolve problems, and when we must accept that we live in an anarchic world in which some issues can be resolved only through politics.

**The Theory, Practice and Interpretation of Customary**

**International Law** Nov 23 2021 Provides an in-depth study of the theory, history, practice, and interpretation of customary international law.

**Customary International Law** Oct 23 2021 This book sets out to articulate a comprehensive theory of customary international law that can effectively resolve the conceptual and practical enigmas surrounding it. It takes a multidisciplinary approach and draws insights from international law, legal theory, political science, and game theory. It is anchored in a sophisticated ethical framework and explores the interrelationships between customary international law and ethics.

**The European Union and Customary International Law** Mar 04 2020 The book gathers a group of scholars interested in both public international law and EU law to cover different facets of the relationship between the European Union and customary international

law. Considering the distinct perspectives taken by international law and EU law, while also looking into the space in between the two, individual chapters tackle complex questions such as whether and on what bases the European Union is bound by customary international law as a matter of international law and EU law; how the European Union contributes to the development of international custom; and how different stakeholders – the Court of Justice of the European Union, the EU's political organs and EU citizens – rely upon customary rules. The book thus offers a systematic account of the relevance of customary international law for the external relations and internal functioning of what is no doubt the most remarkable regional international organization of our time.

**The Sources of International Law** Sep 21 2021 Because of its unique nature, the sources of international law are not always easy to identify and interpret. This book provides an ideal introduction to these sources for anyone needing to better understand where international law comes from. As well as looking at treaties and custom, the book will look at more modern and controversial sources. *The Customary International Law of Human Rights* Feb 24 2022 This book provides a comprehensive account of the emergence of the customary law of human rights. It examines a range of human rights norms, and provides a useful guide to identifying those which can be described as customary.

**Sources of International Law** Nov 11 2020 A collection of essays on the various aspects of the legal sources of international law, including

theories of the origin of international law, explanation of its binding force, normative hierarchies and the relation of international law and politics.

**The Formation and Identification of Rules of Customary**

**International Law in International Investment Law** Dec 25 2021

Rules of customary international law provide basic legal protections to foreign investors doing business abroad. These rules remain of fundamental importance today despite the growing number of investment treaties containing substantive investment protection. In this book, Patrick Dumberry provides a comprehensive analysis of the phenomenon of custom in the field of international investment law. He analyses two fundamental questions: how customary rules are created in this field and how they can be identified. The book examines the types of manifestation of State practice which should be considered as relevant evidence for the formation of customary rules, and to what extent they are different from those existing under general international law. The book also analyses the concept of States' *opinio juris* in investment arbitration. Offering guidance to actors called upon to apply customary rules in concrete cases, this book will be of significant importance to those involved in investment arbitration. *The Persistent Objector Rule in International Law* Mar 16 2021 Focusing on how states have utilized the persistent objector rule in practice, this volume details how the rule emerged and operates, how it should be conceptualised, and what its implications are for the binding nature of customary international law.