Bill Of Rights Handbook 5th Edition

Dieses Werk enthält Forschungsergebnisse zu Fragestellungen bezüglich der Auswirkungen von Legalitätsmaximen und der Regulierung von Machtbefugnissen in verschiedenen Rechtsbereichen aus südafrikanischer und deutscher Perspektive, die in Zusammenarbeit der Universitäten Augsburg und Johannesburg entstanden sind. Aktuelle Themen werden von Wissenschaftlern aus Deutschland eingeführt und anschließend von südafrikanischen Kollegen reflektiert. Dies führt zu einem besseren Verständnis ungeklärter Rechtsfragen beider Rechtssysteme. Mit Beiträgen von Martina Benecke, Michael Biesinger, Isabella Brosig, Jennifer Hölzlwimmer, Michael Kort, Maximilian Kübler-Wachendorff, Stefan Lorenzmeier, Thomas M.J. Möllers, Thilo Rensmann, Matthias Rossi, Wolfgang Wurmnest.

The Bill of Rights HandbookJuta

International insolvencies are a common feature worldwide in business and finance sectors and the scale and frequency of such occurrences have caught the attention of many academics and commentators. Following on from the 2008 book, International Insolvency Law: Themes and Perspectives, this book presents up-to-date accounts of themes in the field of insolvency law. It deals with reforms in and challenges to the subject in relation to its comparative and international aspect. The cutting edge contributions include chapters from common law, civil and mixed traditions and have

been conceived to increase awareness of the impact of insolvency law within domestic, regional and global contexts. Useful and thought-provoking, the chapters take an innovative approach and give new interpretations to hitherto available material. This book will be invaluable for those wishing to keep abreast of developments in jurisdictions representing all legal traditions and is a useful guide to the improvement and reform of insolvency laws and frameworks.

Proportionality in Action presents an empirical and comparative exploration of the proportionality doctrine, based on detailed accounts of the application of the framework by apex courts in six jurisdictions: Germany, Canada, South Africa, Israel, Poland and India. The analysis of each country is written and contextualized by a constitutional scholar from the relevant jurisdiction. Each country analysis draws upon a large sample of case law and employs a mixed methodological approach: an expansive coding scheme allows for quantitative analysis providing comparable and quantifiable measurements, which is enriched by qualitative analysis that engages with the substance of the decisions and captures nuance, contextualizing the data and providing it with meaning. The book concludes with a comparative chapter that synthesizes some of the most interesting findings. Focusing on deviations of the practice of proportionality from theory, the authors conclude their argument in support of an integrated approach to the application of proportionality.

This book studies the concepts of equality and dignity, and reveals their inadequacies

as grounds for same-sex marriage. It argues that the moral disagreement involved entails finding common ground for deliberation between parties who share fundamental values as fellow rights-holders.

South Africa's 1996 'Final' Constitution is widely recognised as the crowning achievement of the country's dramatic transition to democracy. This transition began with the unbanning of the liberation movements and release of Nelson Mandela from prison in February 1990. This book presents the South African Constitution in its historical and social context, providing students and teachers of constitutional law and politics an invaluable resource through which to understand the emergence, development and continuing application of the supreme law of South Africa. The chapters present a detailed analysis of the different provisions of the Constitution, providing a clear, accessible and informed view of the constitution's structure and role in the new South Africa. The main themes include: a description of the historical context and emergence of the constitution through the democratic transition; the implementation of the constitution and its role in building a new democratic society; the interaction of the constitution with the existing law and legal institutions, including the common law, indigenous law and traditional authorities; as well as a focus on the strains placed on the new constitutional order by both the historical legacies of apartheid and new problems facing South Africa. Specific chapters address the historical context, the legal, political and philosophical sources of the constitution, its

principles and structure, the bill of rights, parliament and executive as well as the constitution's provisions for cooperative government and regionalism. The final chapter discusses the challenges facing the Constitution and its aspirations in a democratic South Africa.The book is written in an accessible style, with an emphasis on clarity and concision. It includes a list of references for further reading at the end of each chapter. This volume provides a timely assessment on the progress made towards the achievement of a constitutional democracy in South Africa. The chapters collectively present an in-depth analysis of the development of the legal system and of the implications of the Constitution for the social configuration of power. To what extent has the vision of constitutionalism contained in the Constitution been realised? Primarily concerned with the impact of laws and the salience of their existence and enforcement for South Africans, the work highlights the importance of placing the constitutional regime in its historical, cultural, social, economic and political context. The book further recognises the importance of the South African constitutional provisions for transnational or globalised constitutionalism more broadly. It contains contributions from South African scholars, as well as European authors, bringing in new analytical angles and adding a specific comparative dimension. Through the prism of South Africa, the authors discuss the innovative character of constitutional and legal provisions in terms of both constitution-making and law-making processes and their contents. This book provides analysis that will be relevant to scholars, students and practitioners,

specifically those interested in International Relations, Law, Sociology of Law, and African Studies, as well as socio-political comparative studies.

This book is about judicial reasoning in human rights cases. The aim is to explore the question: how is it that notionally universal norms are reasoned by courts in such significantly different ways? What is the shape of this reasoning; which techniques are common across the transnational jurisprudence; and which are particular? The book, comprising contributions by a team of world-leading human rights scholars, moves beyond simply addressing the institutional questions concerning courts and human rights, which often dominate discussions of this kind, seeking instead a deeper examination of the similarities and divergence of reasonings by different courts when addressing comparable human rights questions. These differences, while partly influenced by institutional concerns, cannot be attributed to them alone. This book explores the diverse and rich underlying spectrum of human rights reasoning, as a distinctive and particular form of legal reasoning, evident in the case studies across the selected jurisdictions.

The Interpretation of International Law by Domestic Courts assesses the growing role of domestic courts in the interpretation of international law. It asks whether and if so to what extent domestic courts make use of the international rules of interpretation set forth in the Vienna Convention on the Law of Treaties. Given the expectation that rules of international law are to have a uniform interpretation

and application throughout the world, the practice of domestic courts is considerably more diverse. The contributions to this book analyse three key questions: first, whether international law requires a coherent interpretive approach by domestic courts. Second, whether a common or convergent methodological outlook can be found in domestic court practice. Third, whether a common interpretive approach is desirable from a normative perspective. The book identfies a considerable tension between international law's ambition for universal and uniform application and a plurality of different approaches. This tension between unity and diversity is analysed by a group of leading international lawyers from a wide range of geographical, disciplinary and methodological approaches. Drawing on domestic practice of number of jurisdictions including, among others, Colombia, France, Japan, India, Israel, Mexico, South Africa, the United Kingdom and the United States, the book puts the interpretative practice of domestic courts in a wider context. Its chapters offer doctrinal, practical as well as theoretical perspectives on a central question for international law.

Do you possess 'freedom'-the will to do as you choose-as an individual, as a participant in social affairs or as a citizen in the political realm? Well, no. Not really. At least not as most of us understand a term loaded down with

metaphysical baggage. Don't worry. You've got something better: a neurological system capable of carrying out the most complex analytical and computational tasks; membership in innumerable communities that provide you with huge stores of knowledge and wisdom; and a politico-constitutional order that ought to provide the material and the immaterial conditions that will enable you to pursue a life worth valuing. Drop the simplistic folk-psychology of unfettered freedom, whilst holding on to intentionality, and you might be inclined to adopt a set of social practices and political arrangements that enhance the chances that you and your compatriots will flourish. As many recent studies of consciousness reveal our neurological systems are complex feedback mechanisms designed to create myriad for trial and error and (if you survive) the production of new stores of knowledge. Individuals-comprised of numerous radically heterogeneous, naturally and socially determined selves-are always experimenting, attempting to divine through reflection and action, what 'works' best: even when 'best' means fully embracing who we already are. Choice architects, those persons charged with constructing the environments within which we operate daily, should (if responsible) regularly run experiments that attempt to eliminate biases, and ultimately, deliver norms that nudge us away from negative defaults toward more optimal ends. A constitutional democracy, made up of millions of radically

heterogeneous, densely populated individuals, constantly strives to determine what works best for most of its many constituents. Because South Africa's Constitution states (at an extremely high level of generality) only some of the norms that govern our lives, it remains for citizens, representatives and judges to create doctrines and institutions that serve its capaciously framed ends best. After canvassing the relevant literature in neuroscience, empirical philosophy, behavioural psychology, social capital theory, development economics, and emergent experimental governance, this work suggests that manifold experiments in living that fall within the accepted parameters of our shared constitutional norms are likely, over time, to produce more optimal ways of being that can be replicated by other members of our polity. Our reflexive stance toward best practices-a linchpin of this book's take on experimental governance-when inextricably linked to a commitment to flourishing and to the expansion of individual capabilities, should cause us to alter the content of the fundamental norms that shape our lives and bind us to one another. A political order founded upon experimental constitutionalism and flourishing promises an egalitarian pluralist reformation of South African society. The book spins out its novel thesis against the concrete backdrop of political arrangements and judicial doctrines that have emerged during the first 20 years of our truly vibrant constitutional

democracy. Its trenchant analysis of political institutions and constitutional case law shows us how far we have come, and how far we still have to go.

A Handbook on Legal Languages and the Quest for Linguistic Equality in South Africa and Beyond is an interdisciplinary publication located in the discipline of forensic linguistics/ language and law. This handbook includes varying comparative African and global case studies on the use of language(s) in courtroom discourse and higher education institutions: Kenya; Morocco; Nigeria; Australia; Belgium Canada and India. These African and global case studies form the backdrop for the critique of the monolingual English language of record policy for South African courts, the core of this handbook, discussed in relation to case law and the beleaguered legal interpretation profession. This handbook argues that linguistic transformation and decolonisation of South Africa's legal and higher education systems needs to be undertaken where legal practitioners are linguistically equipped to litigate in a bilingual/ multilingual courtroom that enables access to justice for the majority of African language speaking litigants, enforcing their constitutional language rights.

'The alleviation of poverty and the protection of the environment are both critical challenges for the vindication of basic human rights for all of humankind. This relationship is however not necessarily an easy one. While there is an

inextricable link between poverty and the degradation of the environment, a sophisticated analysis of a problem needs to deal with those cases where the need to increase economic opportunity for poor communities may appear to conflict with fragile ecosystems or the preservation of traditional practices. This collection provides the most sustained engagement with these problems. Drawing on the expertise of a range of distinguished authors, this book presents the reader with an integrated global engagement with these problems. In doing so, it represents a landmark effort towards the creation of a coherent literature to deal with one of humankind's most pressing challenges.' – Dennis Davis, Judge of the High Court, South Africa 'The complex, uneven and challenging relationships between poverty alleviation and environmental regulation are impossible to trace in a single book but this collection brings a carefully selected set of policy-relevant, context-responsive, practical legal analyses to bear in a fresh examination of the present and future challenges involved. This is a timely contribution in the search for regulatory responses that alleviate rather than exacerbate the myriad forms of adaptation apartheid now so painfully evident in the relationship between poverty, injustice and environmental degradation.' – Anna Grear, University of Waikato, New Zealand 'The subject of poverty cannot be ignored by environmentalists as the poor are the most affected by the diverse

impacts of environmental degradation and climate change such as on water, natural resources and cultural heritage sites. In addition, slum dwellings exacerbate the plight of the poor. The book is a collection of diverse topics by renowned environmental legal experts which deal with the relationship between the alleviation of poverty and the protection of the environment. Each writer addresses the challenges raised in various issues and recommends solutions which range from linking with human rights, the need for public participation, the role of environmental courts and other mechanisms.' – Koh Kheng-Lian, National University of Singapore This timely book explores the complex relationship between the alleviation of poverty and the protection of the environment. There is every reason to believe that these issues are in many ways interdependent. However this book demonstrates that there are situations where alleviation of poverty and the protection of the environment appear to be in a fraught relationship. The contributing authors illustrate that the role played by law in this relationship, whether at the international or national level, will vary depending on the situation and will be more successful at pursuing environmental justice in some cases than in others. This interdisciplinary study will appeal to academics and students in environmental law and other environmental disciplines, environmental policymakers and NGOs interested in issues of poverty,

environment and indigenous peoples.

The second volume of companion books on comparative student discipline identifies the best practices in dealing with student misconduct, on six continents, in a legally sound manner.

Societies and states are at a crossroad in how children are treated and how their rights are respected and protected. Children ?s new position and their strong rights create tensions and challenge the traditional relationships between family and the state. The United Nations Convention on the Rights of the Child was adopted unanimously by the General Assembly of the United Nations in 1989 and came into force in 1990. Article 2 places states under an obligation to accord primacy to the best interests of the child in all actions concerning children and to ensure and regulate child protection. This book offers a comparative and critical analysis of the implementation of Article 2 of the United Nations Convention on the Rights of the Child. In order to examine how Article 2 is being implemented, it is essential to have a sound understanding of the obligations it emposes. The opening chapters will explore the precise content of these obligations in terms of the legislative history of the text, its underlying philosophy, its amplification by the United Nations Committee on the Rights of the Child, and subsequent authoritative interpretations of it by courts around the world. The book will then

drill down into the conceptual and theoretical challenges posed by the very nature of the obligations and will offer in-depth exploration of the long-running 'rights v welfare' debate that has always presented something of a challenge in giving effect to children's rights. Contributors are leading academics in the children's rights field drawn from a wide range of countries and jurisdictions worldwide, including those with common law, civilian and mixed traditions. Disciplines represented in the book include law, psychology, political science, childhood studies, social work and anthropology. By drawing together the various facets of Article 2 and analysing it from a range of perspectives, the volume provides a coherent and comprehensive inter-disciplinary analysis on discrimination and the rights of the child.

The Routledge Handbook of Constitutional Law is an advanced level reference work which surveys the current state of constitutional law. Featuring new, specially commissioned papers by a range of leading scholars from around the world, it offers a comprehensive overview of the field as well as identifying promising avenues for future research. The book presents the key issues in constitutional law thematically allowing for a truly comparative approach to the subject. It also pays particular attention to constitutional design, identifying and evaluating various solutions to the challenges involved in constitutional

architecture. The book is split into four parts for ease of reference: Part One: General issues "sets issues of constitutional law firmly in context including topics such as the making of constitutions, the impact of religion and culture on constitutions, and the relationship between international law and domestic constitutions. Part Two: Structures presents different approaches in regard to institutions or state organization and structural concepts such as emergency powers and electoral systems Part Three: Rights covers the key rights often enshrined in constitutions Part Four: New Challenges - explores issues of importance such as migration and refugees, sovereignty under pressure from globalization, Supranational Organizations and their role in creating post-conflict constitutions, and new technological challenges. Providing up-to-date and authoritative articles covering all the key aspects of constitutional law, this reference work is essential reading for advanced students, scholars and practitioners in the field.

Particularly valuable for both academics and practitioners, Human Rights and the Private Sphere: A Comparative Study analyzes the interaction between constitutional rights, freedoms and private law. Focusing primarily on civil and political rights, an international team of constitutional and private law experts have contributed a collection of chapters, each based around a different

jurisdiction. They include Denmark, France, Germany, India, Ireland, Israel, Italy, New Zealand, the UK, the US, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Union. As well as exploring, chapter by chapter, the key topics and debates in each jurisdiction, a comparative analysis draws the sections together; setting-out the common features and differences in the jurisdictions under review and identifies some common trends in this important area of the law. Cross-references between the various chapters and an appendix containing relevant legislative material and translated quotations from important court decisions makes this volume a valuable tool for those studying and working in the field of international human rights law.

This landmark volume of specially commissioned, original contributions by top international scholars organizes the issues and controversies of the rich and rapidly maturing field of comparative constitutional law. Divided into sections on constitutional design and redesign, identity, structure, individual rights and state duties, courts and constitutional interpretation, this comprehensive volume covers over 100 countries as well as a range of approaches to the boundaries of constitutional law. While some chapters reference the text of legal instruments expressly labeled constitutional, others focus on the idea of entrenchment or take a more functional approach. Challenging the

current boundaries of the field, the contributors offer diverse perspectives - cultural, historical and institutional - as well as suggestions for future research. A unique and enlightening volume, Comparative Constitutional Law is an essential resource for students and scholars of the subject.

This publication is a collection of essays on human rights and democratic governance in Kenya in the period after the 2007 post-elections violence. After surviving the trauma of electoral violence, the country soon embarked on a journey towards reconstruction by engaging in, among other things, intense re-evaluation of the then existing system of laws and institutions. In the process, the daunting task has been to reverse the flawed systems that have been in existence for many decades and in their place entrench systems that would promote and respect democratic governance and human rights. This publication, therefore, documents the extent of the country's reconstruction since 2007, and makes recommendations for the way forward for the recovery of the state.

This comparative study of the law of lawmaking demonstrates the interplay between constitutional principles and political imperatives in four modern polities.

This book evaluates the protection of traditional cultural expressions in Africa using South Africa, Kenya, Nigeria and Ghana as case study examples in the light of regional and international approaches in this respect. Such protection is considered in the context of a combination of positive protection models such as the protection offered by intellectual property rights and negative protection such as tangible heritage protection

and authorisations by national competent authorities. These models are in turn assessed taking into consideration human and peoples' rights frameworks, which recognise and affirm group entitlement to, among others, traditional cultural expressions. These frameworks ensure that such traditional cultural expressions are available for further innovation and creativity.

International insolvency is a newly-established branch of the study of insolvency that owes much to the phenomenon of cross-border incorporations and the conduct of business in more than one jurisdiction. It is largely the offspring of globalization and involves looking at both law and economic rules. This book is a compendium of essays by eminent academics and practitioners in the field who trace the development of the subject, give an account of the influences of economics, legal history and private international law, and chart its relationship with finance and security issues as well as the importance of business rescue as a phenomenon. Furthermore, the essays examine how international instruments introduced in recent years function as well as how the subject itself is continually being innovated by being confronted by the challenges of other areas of law with which it becomes entangled.

L'ampleur des enjeux humains, économiques et sociaux posés par la question des solidarités entre générations a conduit l'International society of Family Law (ISFL) à choisir ce thème pour son XVe congrès mondial. Plus de 200 intervenants, venus de 50 pays, ont abordé ces questions sous l'angle juridique, mais aussi philosophique,

économique et anthropologique. Cet ouvrage présente une partie de ces communications organisées autour de deux grands thèmes : l'enfant au cœur des solidarités familiales et la prise en charge des aînés par la famille. Des phénomènes tels que l'allongement de la durée de la vie, l'urbanisation des populations, la difficulté d'entrée sur le marché du travail ou encore l'éclatement des modèles familiaux traditionnels marquent notre monde contemporain et impliquent la disparition d'anciennes solidarités et l'apparition de nouvelles solidarités redessinant les relations entre générations, posant alors le problème du sort des personnes les plus fragiles : les enfants, les malades, les handicapés et, surtout, les personnes âgées. – Quel est alors le rôle de la famille et des collectivités dans la protection de ces personnes ? – Quels rapports entre solidarités publiques et solidarités privées ? – Quels sont les droits et libertés reconnus aux personnes que l'âge, la maladie ou le handicap, placent en situation de dépendances ? Telles sont les questions au cœur de cet ouvrage. The importance of the human, economic and social issues caused by the question of generations' solidarities led the International Society of Family Law to choose this theme for its XVIth World Congress (Lyon, July 19-23rd 2011). More than 200 speakers from 50 countries studied these questions from the legal angle, but also philosophic, economic and anthropological. This work collects a part of these papers about two great issues: the child, as the center of family solidarities; and the support for elders by family. Phenomena such as increasing life expectancy, population urbanization, labor-

market entry barriers, decline of traditional family patterns, mark in depth our contemporary world and involve old solidarity disappearance and new solidarity emergence, reshaping relations between generations while bringing up the problem of the fate of the most vulnerable: children, the sick, disabled, and especially elderly people. – What then is the role of families and communities in protecting these people? – What is the relationship between public and private solidarity? – What are the rights and freedoms of people placed by age, illness or disability in a dependence situation? These are the issues addressed by the authors of this book.

Explores the law on rights of personality in Scotland compared to other jurisdictionsTaking a comparative perspective, this book explores the trends and issues affecting the law on rights of personality in jurisdictions drawn from the families of common law, civilian law, and mixed legal systems. The main focus is on the private law of personality rights, with due regard paid to the impact of constitutional legislation and other instruments protecting human rights.

Post-apartheid South Africa has yielded enlightened judicial decisions in contrast to the limited interpretation of human rights in Ireland. The value of human dignity with its central position in international law underpins both countries' Constitutions, but has left a more striking mark in South Africa. There it has impacted significantly on punishment for crimes, family life, children's rights, defamation, sexual violence investigations, substantive equality and socio-economic rights. Practical guidance can be gleaned from

South Africa to revitalise Irish jurisprudence. While its focus is on South Africa and Ireland, this book draws on the experience of many countries and regions.

This first volume of EtYIL 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 collection is anchored in an African conception of children's rights and the law, and reflects contemporary discourses taking place in the region of the children's rights sphere. The majority of contributors are African and adopt an individual approach to their topic which reflects their first-hand experience. The book focuses on child rights issues which have particular resonance on the continent and the chapters span themes which are both broad and narrow, containing subject matter which is both theoretical and illuminated by practice. The book profiles recent developments and experiences in furthering children's legal rights in the African context, and distils from these future trends the specific role that the law can play in the African children's rights environment.

This text has been updated to incorporate developments in the law up to the beginning of December 1998. There have been substantial amendments to the chapters dealing with jurisdiction and procedures in constitutional matters and application of the Bill of Rights.

This volume compares the different conceptions of the rule of law that have developed in different legal cultures. It describes the social purposes and

practical applications of the rule of law and how it might be improved in the varied circumstances.

The Handbook is a comprehensive account of over a decade of South African Bill of Rights jurisprudence. The extensive detail of the Handbook and its coverage of all aspects of Bill of Rights jurisprudence and practice have made it a standard reference work for this important area of law. The book has been thoroughly revised for the fifth edition, in particular to cover developments in the areas of application, constitutional jurisdiction and remedies and the emerging jurisprudence on the positive duties imposed by the Bill of Rights.

The emergent so-called “Fourth Industrial Revolution” is regarded by some as a panacea for bringing about development to Africans. This book dismisses this flawed reasoning. Surfacing how “investors” are actually looting and plundering Africa; how the industrial internet of things, the gig economies, digital economies and cryptocurrencies breach African political and economic sovereignty, the book pioneers what can be called anticipatory economics – which anticipate the future of economies. It is argued that the future of Africans does not necessarily require degrowth, postgrowth, postdevelopment, postcapitalism or sharing/solidarity economies: it requires attention to age-old questions about African ownership and control of their resources. Investors have to invest in ensuring that Africans

own and control their resources. Further, it is pointed out that the historical imperial structural creation of forced labour is increasingly morphing into what we call the structural creation of forced leisure which is no less lethal for Africans. Because both the structural creation of forced labour and the structural creation of forced leisure are undergirded by transnational neo-imperial plunder, theft, robbery, looting and dispossession of Africans, this book goes beyond the simplistic arguments that Euro-America developed due to the industrial revolutions.

This book will appeal to are range of constitutional and public legal scholars and practitioners, and will appeal to both audiences of human rights practice, and those following legal theory. First, the book presents a breakthrough in constitutional argument about economic and social rights, long debated in constitutional rights scholarship and public law. It provides an important collection of comparative developments, new analytical constructs, and contemporarydevelopments in rights theory. Second, the book draws on comparative constitutional law to inform and develop debates in international human rights law. This audience will learn how new approaches to interpretation, enforcement, adjudication, justiciability, and deliberation, may advanceinternational and transnational human rights advocacy, argument and

reasoning. Third, the book informs the interdisciplinary debates of food, health care, housing, education and water law.

This book undertakes a critical examination of commercial rights to sports mega-events (focusing on sponsorship), the exclusivity of such rights and the legal implications of the modern mega-event sponsorship model. It examines ambush marketing of events and the law's treatment of ambushing (specifically in the form of sui generis event legislation) in a review of 10 major jurisdictions selected on the basis of the importance of the events they are to host in the near future or have hosted recently, and the relevant domestic legislation. It critically examines the legitimacy of such commercial rights protection by means of the use of laws in the context of accepted principles of intellectual property law, competition law and human rights law. Specifically, it questions the legitimacy of the creation of statutory 'association rights' to mega-events, and considers potential future developments in respect of the law's treatment of mega-event commercialisation. Valuable for practitioners and academics (in the fields of sportslaw/sponsorship/marketing/intellectual property law); sports administrators (sports governing bodies); corporate sponsors of sports and other events; potential mega-event host governments and law-makers; civil rights organisations.

South Africa is awash with policy failures, and policy confusion. We argue firstly, that our current discord over policy details has its origin in the (celebrated) negotiated transition. We hold that the vote count of an 85% majority in the Constituent Assembly in 1996 obscured the reality that the Constitution meant different things to different negotiators. The result was that South Africa, from the very start of the democratic era, lacked a national consensus on how to go about consolidating democracy. We keep on failing to build a proper roof over our democracy because the constitutional foundations are weak.ÿ

How can freedom of religion protect the dignity of every human being and safeguard the well-being of creation? This question arises when considering the competing claims among faith traditions, states, and persons. Freedom of religion or belief is a basic human right, and yet it is sometimes used to undermine other human rights. This volume seeks to unpack and wrestle with some of these challenges. In order to do so scholars were invited from different contexts in Africa and Europe to write about freedom of religion from various angles. How should faith traditions in a minority position be protected against majority claims and what is the responsibility of the religious communities in this task? When does the state risk overstepping its boundaries in the delicate balance between freedom of religion and other human rights? How can new voices, who claim their human rights in relation to gender roles, reproductive rights, and as sexual minorities, be heard within their faith traditions? These are some of the questions that are raised by the authors. This is a book for all who are engaged in faith communities, leaders as well as people trying to be recognized. It is also important reading for all interested in international legal frameworks for freedom of religion, state advisers, and human right defenders.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this very useful analysis of Sub- National constitutional law in South Africa provides essential information on the country's sources of constitutional law, its form of government, and its administrative structure. Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application. Throughout the book, the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure. Thorough coverage by a local expert fully describes the political system, the historical background, the role of treaties, legislation, jurisprudence, and administrative regulations. The discussion of the form and structure of government outlines its legal status, the jurisdiction and workings of the central state organs, the subdivisions of the state, its decentralized authorities, and concepts of citizenship. Special issues include the legal position of aliens, foreign relations, taxing and spending powers, emergency laws, the power of the military, and the constitutional relationship between church and state. Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for both practising and academic jurists. Lawyers representing parties with interests in South Africa will welcome this guide, and academics and researchers will appreciate its value in the study of comparative constitutional law.

Divided into three thematic parts to guide the reader, this important volume documents the development and implementation of refugee policy in South Africa over a 10-year period from 1996 until 2006. In doing so, it addresses issues of detention, gender, children and health as

well as welfare policies for refugees. The contributions, all written by academics and practitioners of refugee protection, vividly illustrate the tangible shifts and concerns of a process that is not only aimed at establishing policies and legislation but also practices concerning refugees.

Criminal procedure in the common law world is being recast in the image of human rights. The cumulative impact of human rights laws, both international and domestic, presages a revolution in common law procedural traditions. Comprising 16 essays plus the editors' thematic introduction, this volume explores various aspects of the 'human rights revolution' in criminal evidence and procedure in Australia, Canada, England and Wales, Hong Kong, Malaysia, New Zealand, Northern Ireland, the Republic of Ireland, Singapore, Scotland, South Africa and the USA. The contributors provide expert evaluations of their own domestic law and practice with frequent reference to comparative experiences in other jurisdictions. Some essays focus on specific topics, such as evidence obtained by torture, the presumption of innocence, hearsay, the privilege against self-incrimination, and 'rape shield' laws. Others seek to draw more general lessons about the context of law reform, the epistemic demands of the right to a fair trial, the domestic impact of supra-national legal standards (especially the ECHR), and the scope for reimagining common law procedures through the medium of human rights. This edited collection showcases the latest theoretically informed, methodologically astute and doctrinally rigorous scholarship in criminal procedure and evidence, human rights and comparative law, and will be a major addition to the literature in all of these fields.