

Anja Seibert-Fohr (ed.)

Judicial Independence in Transition



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Judicial Independence In Transition Judicial Independence In Transition

Rachel Ellett



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Judicial Independence in Transition Anja Seibert-Fohr, 2012-04-25 Strengthening the rule of law has become a key factor for the transition to democracy and the protection of human rights Though its significance has materialized in international standard setting the question of implementation is largely unexplored This book describes judicial independence as a central aspect of the rule of law in different stages of transition to democracy The collection of state specific studies explores the legal situation of judiciaries in twenty states from North America over Western Central and South Eastern Europe to post Soviet states and engages in a comparative legal analysis Through a detailed account of the current situation it takes stock considers advances in and shortcomings of judicial reform and offers advice for future strategies The book shows that the implementation of judicial independence requires continuous efforts not only in countries in transition but also in established democracies which are confronted with ever new challenges

Judicial Independence in Transitional Democracies

Nauman Reayat, Rhona K. M. Smith, Moohyung Cho, 2024-12-31 This book presents interdisciplinary and comparative analyses of judicial independence in transitional democracies across Asia Latin America Eastern Europe the Middle East and Africa Although judicial empowerment and independence in transitional democracies have gained both academic and real world prominence in recent decades an ongoing debate persists regarding the nature scope and determinants of judicial independence in transitional settings Some transitional democracies successfully develop democracy and the rule of law with the sustained growth of judicial independence whereas others grapple with substantial challenges and move more towards authoritarianism This book examines factors that drive de jure and de facto judicial independence in transitional democracies and evaluates their relationship In doing so it identifies challenges and opportunities associated with developing judicial independence in transitional democracies At the intersection of political science and law the work will be a valuable resource for academics researchers and policymakers in constitutional law constitutional politics and human rights law

Judicial Independence in Transition Jonathan C. Bond, University College, London. School of Public Policy, 2006 *Postcolonial*

Transitional Justice Khanyisela Moyo, 2019-05-31 Transitional justice processes are now considered to be crucial steps in facilitating the move from conflict or repression to a secure democratic future This book contributes to a deeper understanding of transitional justice by examining the complexities of transition in postcolonial societies It focuses particularly on Zimbabwe but draws on relevant comparative material from other postcolonial polities Examples include but are not limited to African countries such as South Africa Rwanda and Mozambique European societies such as Northern Ireland as well as other nations such as Guatemala are also considered While amplifying the breadth of the subject of transitional justice the book addresses the claim that transitional justice mechanisms in postcolonial countries are necessary if the rule of law and the credibility of the country's legal institutions are to be restored Drawing on postcolonial legal theory and especially on analyses of the relationship between international law and imperialism the book challenges the assumption

that a domestic rule of law deficit may be remedied with recourse to international law Taking up the paradigmatic perception that international law is neutral and has fixed rules it demonstrates how complex issues which arise during postcolonial transitions require a more critical adoption of transitional justice mechanisms *The Unfinished Transition to Democracy in Latin America* Juan Carlos Calleros-Alarcón, 2008-11-20 This book examines the political evolution of the judiciary a usually overlooked political actor and its capacity to contribute to the process of democratic consolidation in Latin America during the 1990s Calleros analyzes twelve countries in order to assess the independence impartiality political strength and efficiency of the judicial branch The picture that emerges with the one exception of Costa Rica is the persistence of weak judicial systems unable in practice to check other branches of government including the executive and the military while not quite effective in fully protecting human rights or in implementing due process of law guarantees Aggravating issues such as corruption heavy case backlogs overcrowding of prisons circumvention of laws and personal vulnerability of judges make the judiciary the least evolved of the three branches of government in the Latin American transitions to democracy Perils of Judicial Self-Government in Transitional Societies David Kosař, 2016-04 This book investigates the mechanisms of judicial control to determine an efficient methodology for independence and accountability Using over 800 case studies from the Czech and Slovak disciplinary courts the author creates a theoretical framework that can be applied to future case studies and decrease the frequency of accountability perversions Transitional Justice in Comparative Perspective Samar El-Masri, Tammy Lambert, Joanna R. Quinn, 2020-01-17 What if we could change the conditions in post conflict post authoritarian countries to make transitional justice work better This book argues that if the context in countries in need of transitional justice can be ameliorated before processes of transitional justice are established they are more likely to meet with success As the contributors reveal this can be done in different ways At the attitudinal level changing the broader social ethos can improve the chances that societies will be more receptive to transitional justice At the institutional level the capacity of mechanisms and institutions can be strengthened to offer more support to transitional justice processes Drawing on lessons learned in Colombia Democratic Republic of the Congo The Gambia Lebanon Palestine and Uganda the book explores ways to better the conditions in post conflict post authoritarian countries to improve the success of transitional justice Justice Reform and Development Linn A. Hammergren, 2014-04-29 This book explores the objectives pursued in donor programs the methods used to advance them and the underlying assumptions and strategies It emphasizes the unexpected and sometimes unpleasant consequences of ignoring not only political and societal constraints but also advances in our technical approaches to performance improvement the one area where the First World has a comparative advantage The geographic scope of the work is broad incorporating examples from Eastern and Central Europe Latin America Africa and the Asia Pacific region as well as from several First World nations Justice Reform and Development examines First World assistance to justice or rule of law reforms in developing and transitional societies arguing that its purported failure is vastly

exaggerated largely because of unrealistic expectations as to what could be accomplished Change nonetheless is needed if the programs are to continue and would be best based on targeting specific performance problems incorporation of donor countries experience with their own reforms and greater attention to relevant research While contributing to an on going debate among practitioners and academics involved in justice programs this book will also be accessible to readers with little exposure to the topics especially advanced undergraduate and graduate students in law political science and areas studies

Pathways to Judicial Power in Transitional States Rachel Ellett, 2013-08-21 This book examines the complex relationship that exists between the construction of judicial power and the institutional characteristics of the courts and their regime setting It examines the intriguing connection between the construction of judicial power on the one hand and the institutional characteristics of the courts and regime setting on the other The book asks whether courts are rendered powerful by virtue of their institutional characteristics or by a supportive perhaps acquiescent regime setting By analyzing the historical pathways of courts in Uganda Tanzania and Malawi this book argues that the emergence of judicial power since the colonial period though fraught with many challenges presents a unique opportunity for consolidating democracy The book examines in detail the significant political decisions of the upper level courts in Uganda Tanzania and Malawi from the colonial period to the present day analyzing them in relation to changes in the political environment over time Analysis of these decisions is also supplemented by in depth interviews with judges lawyers and other important stakeholders in the judicial processes This book demonstrates that even in the most challenging regime environments effective institutions and determined individuals can push back against interference and issue politically powerful independent decisions but the way in which judiciaries respond to this regime pressure varies enormously across countries and regions

Transition To Democracy In Latin America Irwin P Stotzky, 2019-06-04 The transition to democracy in Latin America encompasses adjustments in norms and institutions regarding the strictures of the rule of law This book addresses the critical role of the judiciary in the transition The contributors examine the significance of the independence of the judiciary which ensures institutional integrity and freedom from p

Neoliberalism and the Law in Post Communist Transition Ioannis Glinavos, 2010-03-10 This work examines ideas about the role of law and legal reform in the creation of market economies focusing on the process of post communist transition in Russia Processes of transition in Russia were guided by a set of very specific neoliberal ideas about the nature of markets and capitalism about the role of law and the primacy of the economic over the legal and political These ideas however have come under fire as a result of the Russian experience of transition and the serious problems encountered by reforms This led to a revision of the original neoliberal ideas not least concerning the role of law and its relationship to the economic and the political The result has been the emergence of a much more complex body of ideas about the role law plays in economic transformation This book aims to close a gap in the literature on post communist transition by offering a theoretical interpretation of Russia s experience which makes transition reform models comparable to development reform

models Focusing on the role of law and the relationship of economic priorities to law reform this work offers a critical evaluation of currently dominant theories of economic and legal reform put to use in varied transition and development scenarios In looking at the ideas which directed and animated reform in Russia an enquiry is thus made into the wider relationship between democracy regulation and the market in contemporary capitalism Neoliberalism and the Law in Post Communist Transition will equip scholars and students of development studies law political economy and international economics with a critical guide to transition focused on the often neglected legal aspect of the reforms *Economic Management And Transition Towards A Market Economy: An Asian Perspective* Anthony Theng Heng Chin,Hock Guan Ng,1996-10-04 Much attention has been focused in recent years on the transformation of the economies of Eastern and Central Europe and the former Soviet Union However a growing demand for policy advice technical assistance and expertise is also coming from Asian reforming countries such as China Mongolia Vietnam Laos and Cambodia In addition business communities abroad are increasingly interested in exploring investment and marketing opportunities in these reforming countries Such developments are too important to overlook or ignore The transformation of socialist economies towards market based systems entails an unusually wide range of problems Studies of related topics are complicated by the speed of the changes and the lack of clear historical precedents Although the structural features of Asian reforming economies are in important ways different from those of the Eastern European economies all socialist economies share similar fundamental conditions on the eve of economic reform which raise a similar set of reform issues This volume brings together a rich collection of expertise and information in an attempt to shed some light on the transitional process in Asia The contributions are by no means exhaustive However they provide the reader and analyst with an excellent starting point to the problems and prospects which are specific to Asian transforming economies *Managing Transition* Sabina Henneberg,2020-12-17 Demonstrates the importance of the first interim governments in shaping the trajectory of political transition in Tunisia and Libya after the 2011 uprisings *Democratization and the Judiciary* Roberto Gargarella,Siri Gloppen,Elin Skaar,2004-03 This title examines the political role of courts in new democracies in Latin America and Africa focusing on their ability to hold political power holders accountable when they act outside their constitutionally defined powers The book also issues a warning there are problems inherent in the current global move towards strong constitutional government where increasingly strong powers are placed in the hands of judges who themselves are not made accountable **Constitutions in Authoritarian Regimes** Tom Ginsburg,Alberto Simpser,2014 This volume explores the form and function of constitutions in countries without the fully articulated institutions of limited government [The Conceptual Foundations of Transitional Justice](#) Colleen Murphy,2017-04-19 Many countries have attempted to transition to democracy following conflict or repression but the basic meaning of transitional justice remains hotly contested In this book Colleen Murphy analyses transitional justice showing how it is distinguished from retributive corrective and distributive justice and outlines the ethical

standards which societies attempting to democratize should follow She argues that transitional justice involves the just pursuit of societal transformation Such transformation requires political reconciliation which in turn has a complex set of institutional and interpersonal requirements including the rule of law She shows how societal transformation is also influenced by the moral claims of victims and the demands of perpetrators and how justice processes can fail to be just by failing to foster this transformation or by not treating victims and perpetrators fairly Her book will be accessible and enlightening for philosophers political and social scientists policy analysts and legal and human rights scholars and activists

Political Transition and Inclusive Development in Malawi Dan Banik, Blessings Chinsinga, 2016-06-10 Malawi is among the few countries in sub Saharan Africa that has witnessed significant improvements in relation to meeting the Millennium Development Goal MDG targets It exhibits some of the main challenges facing African democracies while they attempt to consolidate the benefits of democratisation Political Transition and Inclusive Development in Malawi critically analyses opportunities and constraints related to the impact of democracy on development in one of the world's poorest countries The book explores how and to what extent processes related to democratic and economic governance can be strengthened in order to make political and administrative authorities more responsive to development needs It also considers characteristics of successful implementation of public policy and the effective and timely delivery of basic services in local contexts increased citizen participation and dialogue with local government authorities factors that enable civil society organisations to hold political and administrative officials to account and better utilisation of academic research for improved evidence based policy formulation and implementation This volume will be of great interest to scholars in development studies African studies politics law and anthropology as well as policymakers and those interested in democracy governance human rights and the implementation of anti poverty programmes development administration and decentralisation

Asian Courts in Context Jiunn-rong Yeh, Junrong Ye, Wen-Chen Chang, 2015 Analyzes courts in fourteen selected Asian jurisdictions to provide the most up to date and comprehensive interdisciplinary book available

Memory and Transitional Justice in Argentina and Uruguay Francesca Lessa, 2013-04-11 This interdisciplinary study explores the interaction between memory and transitional justice in post dictatorship Argentina and Uruguay and develops a theoretical framework for bringing these two fields of study together through the concept of critical junctures

Democratic Consolidation and Constitutional Endurance in Asia and Africa Tom Gerald Daly, Dinesha Samararatne, 2024-02-15 A well articulated response to the growing scholarly conversation on democratic backsliding and resilience this essay collection considers recent democratising events in Ethiopia The Gambia Malaysia Maldives Myanmar Sri Lanka and Thailand

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web nondenominational invocations use the nondenominational prayers that follow for a club meeting or program these prayers are nondenominational because exchange is comprised of members from a wide range of faiths a nondenominational prayer is one that gives no referral to beliefs of specific religions

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