The Right to Development in International Law rigorously explores the right to development (RTD) from the perspectives of international law and provides a wide-ranging analysis of some of the most fundamental challenges facing global society.

A three-part investigation on the origins and evolving roles that Islamic law and international humanitarian law have played in regulating conflict and violence, War and Law in the Islamic World brings to light legal and policy complexities that plague modern-day armed conflict in the region.

We reserve the right to develop, collaborate, and participate in the development of family law in the Middle East, partially in the Middle East, North Africa, and Central Asia, has become a pressing but complicated issue. These states have Muslim majority populations, and the religion of Islam has an important role in the traditional structures of their societies. While the Muslim world is taking gradual steps towards the establishment of rule of law systems, most Muslim majority countries may not yet have effective legal systems with independent judiciaries, which would allow the state and institutions to be controlled by an effective rule of law system. One important aspect of the rule of law is freedom of expression. Given the sensitivity of Muslim societies in relation to their sacred beliefs, freedom of expression, as an international human rights issue, has raised some controversial cases. This book, drawing on both International and Islamic law, explores the rule of law, and freedom of expression and its practical application in the Muslim world.

This volume identifies and elaborates on the significance and functions of the various actors involved in the development of family law in the Middle East. Besides the importance of family law regulations for each individual, family law has become the battleground of political and social contestation. Divided into four parts, the collection presents a general overview and analysis of the development of family law in the region and provides insights into the broader context of family law reform, before offering examples of legal development realized by the parties themselves.

E-Commerce Law Around the World contains summaries of e-commerce statutes, regulations, directives and model legislation of the United Nations, the European Union, and more than 120 countries on six continents. At the end, the laws are synthesized and commonalities and differences among them are noted. This is Volume I of the E-COMMERCE LAW TRILOGY. The other volumes are also scheduled for release in 2011: Volume II, The Model Electronic Transactions Act: An E-Commerce Law for the World; and Volume III, Certification Authority Law Around the World. All of them will soon be available for purchase at Xlibris.com, Amazon.com, BarnesAndNoble.com, and other outlets.

What norms and principles guide the Afghan Taliban in their conduct of hostilities? The author focuses on the Layeha, a Code of Conduct issued by the highest Taliban authorities. Interviews with Taliban members were conducted to understand their perception of the Layeha, which is modeled as a 'one-way mirror'.

In recognising the significant role of law, especially international law, can play in supporting the objectives of global justice and sustainable development, this edited collection provides a wide-ranging analysis of some of the most fundamental challenges facing global society.
We live in a world that not only sets only standards for, but also professes its commitment to promoting and protecting ‘rights’. Since ours is an age of heightened public interest in auditing the actual realisation of such standards and commitment, the first major focus of this book is a critical account of international standards aimed at the protection of minorities. To that end, it concentrates on four key dimensions. Firstly, it addresses the debate on the identification of minorities as understood by international law. Secondly, it reviews the development of international law towards improving the protection of minorities. Thirdly, it gives an overview of international instruments and mechanisms on minorities. Finally, it analyses the rights of minorities under international standards. All these dimensions point to the fact that international minority rights lag behind the development of other branches of rights. The second major focus of this book is to relate international standards on minority protection to South Asian regimes. Concentrating on India, Pakistan, Bangladesh, Nepal, Sri Lanka, Bhutan, the Maldives, and Afghanistan, an endeavor is made to examine the state of minorities and their protection under the domestic regimes. It emerges that the normative commitments of these states are more or less compatible with international standards. Nevertheless, majority-minority syndrome persistently remains as one of the causes behind multidimensional deprivation and victimization of South Asian minorities. The present book also assesses the extent to which regional cooperation in South Asia has so far contributed to extending protection to minorities. This ends with an argument that SAARC (South Asian Association for Regional Cooperation) has the potential to play a far greater role in this regard.

This book places context at the core of the Islamic mechanism of iftā’ to better understand the process of issuing fatwās in Muslim and non-Muslim countries, thus highlighting the connection between context and contemporaneity, on one hand, and the adaptable perception of Islamic law, on the other. The practice of iftā’ is one of the most important mechanisms of Islamic law that keeps Islamic thought about ethical and legal issues in harmony with the demands, objectives, and challenges of society. This book builds upon the existing body of work relating to the practice of iftā’, but takes the discussion beyond the current debates with the intent of unveiling the interaction between Islamic legal methodologies and different environmental contexts. The book specifically addresses the three institutions (Saudi Arabia’s Dār al-Iftā’, Turkey’s Diyanet and America’s FCNA) and their Islamic legal opinions (fatwās) in a comparative framework. This demonstrates the existence of complex and diverse ideas around similar issues within contemporary Islamic legal opinions that is further complicated by the influence of international, social, political, cultural and ideological contexts. The book thus unveils a more complicated range of interactive constituents in the practice of iftā’ and its outputs, fatwās. The work will be of interest to academics and researchers working in the areas of Islamic law, Middle Eastern studies, religion and politics.

In the years since 9/11, counter-terrorism law and policy has proliferated across the world. This handbook comprehensively surveys how the law has been deployed in all aspects of counter-terrorism. It provides a comprehensive and authoritative analysis of counter-terrorism laws in domestic jurisdictions, taking a comparative approach to a range of jurisdictions, especially the UK, the US, Australia, Canada, and Europe. The contributions to the book are written by experts in the field of terrorism law and policy, allowing for discussion of a wide range of regulatory responses and strategies of governance. The book is divided into four parts, authoritative and critical analysis of counter-terrorism strategic approaches, and covers key themes such as: Policing and special powers, including surveillance Criminal offences and court processes Prevention of radicalisation and manifestations of extremism Protective/preparative security The penology of terrorism In addressing counter-terrorism laws across a broad range of topics and jurisdictions, the handbook will be of great interest and use to researchers, students and practitioners in criminal law, counter-terrorism, and security studies.

FinTech, an abbreviated term for financial technology, is a digital revolution changing the way banking and financial services are being used by both individuals and businesses. As these changes continue to take place, the financial industry is focused on technological innovation and feeding into this digital revolution to better serve consumers who are looking for easier ways to invest, transfer money, use banking services, and more. FinTech is increasing accessibility to financial services, automating those services, expanding financial options, and enabling online payments and banking. While the benefits are being continually seen and this technology is becoming more widely accepted, there are still challenges facing the technology that include security concerns. To understand FinTech and its role in society, both the benefits and challenges must be reviewed and discussed for a holistic view on the digital innovations changing the face of the financial industry. The Research Anthology on Concepts, Applications, and Challenges of FinTech covers the latest technologies in FinTech with a comprehensive view of the impact on the industry, where these technologies are implemented, how they are improving financial services, and the security applications and challenges being faced. The chapters cover the options FinTech has unlocked, such as mobile banking and virtual transactions, while also focusing on the workings of the technology itself and security applications, such as blockchain and cryptocurrency. This book is a valuable reference tool for accountants, bankers, financial planners, financial analysts, business managers, economists, computer scientists, academicians, researchers, financial professionals, and students.

Islam and International Law explores the multi-faceted relationship of Islam and international law. Current debates on Sharia, Islam and the ‘West’ often suffer from prejudice and platitudes. The book seeks to engage such self-centrism by providing a plurality of perspectives, both in terms of interdisciplinary research and geographic backgrounds.

This book examines the intersection between contemporary International Commercial Arbitration and Shari'a law in order to determine possible tensions that may arise between the two systems. It develops evidentiary and procedural rules under Shari'a, as well as examining the consequences of stipulating qualifications of arbitrators based on gender and/or religion. The author extensively analyses the prohibition against interest (riba) and uncertainty (gharar) under Shari'a and its impact on arbitration agreements, arbitral awards and public policy. The book also explores the prohibition against riba in light of international conventions, such as the United Nations Convention on Contracts for the International Sale of Goods. Case studies in the book include the Asian International Arbitration Centre, formerly the Kuala Lumpur Regional Centre for Arbitration, and the International Centre for Reconciliation and Arbitration, as well as the ‘Shari’a Standards’ developed by the Accounting and Auditing Organization for Islamic Financial Institutions. The book will be a valuable resource for academics, students and practitioners working in the areas of Islamic law and the Islamic finance industry.

In the post ‘9/11’ legal and political environment, Islam and Muslims have been associated with terrorism. Islamic civilization has increasingly been characterized as backward, insular, stagnant and unable to deal with the demands of the twenty-first century and differences and schisms between Islam and the west are being perceived as monumental and insurmountable. ‘9/11’ terrorist attacks have unfortunately provided vital ammunition to the critics of Islam and those who champion a ‘clash of civilizations’. In this original and incisive study, the author investigates the relationship between Islamic law, States practices and International terrorism. It presents a detailed analysis of the sources of Islamic law and the consequences of terrorism, the legal and international law and religious freedoms. In elucidating the sources of Islamic law and religious freedoms, the book provides a thorough commentary of the contributions made by Islamic States in the development of international law, including norms on the prohibition of terrorism. It presents a lucid debate on such key issues within classical and modern Islamic State terrorism laws across a broad range of topics and jurisdictions, the handbook will be of great interest and use to researchers, students and practitioners in criminal law, counter-terrorism, and security studies.

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the present study examines, religions have been relied upon to perpetuate discrimination and inequalities, and to victimise minorities to the point of forcible assimilation and genocide. The study provides an overview of the complexities inherent in the freedom of religion within international law and an analysis of the cultural-religious relativist debate in contemporary human rights law. As many of the chapters examine religious practices surrounding the 11 September 2001 terrorist attacks, the central and most formidable focus of this volume is upon the Muslim world, either through the emergent State practices and existing constitutional structures within Muslim majority States or through Islamic diasporic communities resident in the present study examines, religions have been relied upon to perpetuate discrimination and inequalities, and to victimise minorities to the point of forcible assimilation and genocide. The study provides an overview of the complexities inherent in the freedom of religion within international law and an analysis of the cultural-religious relativist debate in contemporary human rights law. As many of the chapters examine religious practices surrounding the 11 September 2001 terrorist attacks, the central and most formidable focus of this volume is upon the Muslim world, either through the emergent State practices and existing constitutional structures within

The importance of the rule of law is universally recognised and of fundamental value for most societies. Establishing and promoting the rule of law in the Muslim world, particularly in the Middle East, North Africa, and Central Asia, has become a pressing but complicated issue. These states have Muslim majority populations, and the religion of Islam has an important role in the traditional structures of their societies. While the Muslim world is taking gradual steps towards the establishment of rule of law systems, most Muslim majority countries may not yet have effective legal systems with independent judiciaries, which would allow the state and institutions to be controlled by an effective rule of law system. One important aspect of the rule of law is freedom of expression. Given the sensitivity of the expression of religious beliefs, freedom of expression, as an international human rights issue, has raised some controversial cases. This book, drawing on both International and Islamic Law, explores the rule of law, and freedom of expression and its practical application in the Muslim world.

This newly revised and updated second edition provides a comprehensive overview of international counter-terrorism law and practice. Brand new and revised chapters provide critical commentary on the law from leading scholars and practitioners in the field, including new topics for this edition such as foreign terrorist fighters, the nexus between organized crime and terrorism, and the prevention of violent extremism.

The Prophet Muhammad’s reported traditions have evolved significantly to affect the social, cultural, and political lives of all Muslims. Though centuries of scholarship were spent on the authentication and trustworthiness of the narrators, there has been less study focused on the contents of these narratives, known as Hadith or Sunnah, and their corroboration by the Qur’an. This book is a first step in a comprehensive attempt to contrast Hadith with the Qur’an in order to uncover some of the unjust practices by Muslims concerning women and gender issues. Using specific examples the author helps the reader appreciate and understand the magnitude of the problem. It is argued that the human rights project and the human development of Muslim women will not progress in a meaningful and sustainable manner until the Hadith is re-examined in a fresh new approach from within the Islamic framework, shifting the discourse in understanding Islam from a dogmatic religious law to a religio-moral rational worldview. The author argues that such re-examination requires the involvement of women in order to affirm their authority in exegetical and practical leadership within Muslim societies, and she encourages Muslim women to stand up for their rights to effect change in understanding the role of sunnah in their own life.

Written from an ethnographic perspective, this book investigates the socio-legal aspects of Islamic jurisprudence in Gaza-Palestine. It examines the way judges, lawyers and litigants operate with respect to the law and with each other, particularly given their different positions in the power structure within the court and within society at large. The book aims at elucidating ambivalences in the codified statutes that allow the actors to find practical solutions to the (often) legally unresolvable problems and to manipulate the law. The book demonstrates that present-day judges are not only confronted with novel questions, but, perhaps more importantly, they are confronted with contradictions between the letter of codified law and their own notions of justice. The author reminds us that these notions of justice should not be set a priori; they are socially constructed in particular time and space. Making a substantial contribution to a number of theoretical debates on family law and gender, the book will appeal to both academic and non-academic readers alike.

Where can religions find sources of legitimacy for human rights? How do, and how should, religious leaders and communities respond to human rights as defined in modern International Law? When religious precepts contradict human rights standards - for example in relation to freedom of expression or in relation to punishments - which should trump the other, and why? Can human rights and religious teachings be interpreted in a manner which brings reconciliation closer? Do the modern concept and system of human rights undermine the very vision of society that religions aim to impart? Is there a reference to God in the discussion of human rights misplaced? Do human failibilities with respect to interpretation, judicial reasoning and the understanding of human oneness and dignity provide the key to the undeniable and sometimes devastating conflicts that have arisen between, and within, religions and the human rights movements? In this volume, academics and lawyers tackle these most difficult questions head-on, with candour and creativity, and the collection is rendered unique by the further contributions of a remarkable range of other professionals, including senior religious leaders and representatives, journalists, diplomats and civil servants, both national and international. Most notably, the contributors do not shy away from the boldest question of all - summed up in the book’s title. The thoroughly edited and revised papers which make up this collection were originally prepared for a ground-breaking conference organised by the Clemens Nathan Research Centre, the University of London Institute of Commonwealth Studies and Martinus Nijhoff/Brill.

This is the first book to offer an extensive cosmopolitan, cross-cultural insight into the perennial controversy over the use of improperly obtained evidence in criminal trials. It challenges the conventional view that exclusionary rules are idiosyncratic of Anglo-American law, and highlights the 'constitutionalisation' and 'internationalisation' of criminal evidence and procedure as a cause of rapprochement (or divergence) beyond the Anglo-American and Continental law divide. Analysis focuses on confessional evidence and evidence obtained by search and seizure, telephone interceptions and other means of electronic surveillance. The laws of England and Wales, France, Greece and the United States are systematically compared and contrasted throughout this study, but, where appropriate, analysis extends to other Anglo-American and Continental legal systems. The book reviews exclusionary rules vis-a-vis the operation of judicial discretion, and explores the normative justifications that underpin them. It attempts to reinvigorate the idea of excluding evidence to protect constitutional or human rights (the rights thesis), arguing that there is significant scope for Anglo-American and Continental legal systems to place a renewed emphasis on it, particularly in relation to confessional evidence obtained in violation of custodial interrogation rights; we can locate an emerging rapprochement, and unique potential for European Court of Human Rights jurisprudence to build consensus in this respect. In marked contrast, remaining evidence with regard to evidence obtained by privacy violations means there is little momentum to adopt a reinvigorated rights thesis more widely.

The adoption of the Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly on 13 September 2007 was acclaimed as a major success for the United Nations system given the extent to which it consolidates and develops the international corpus of indigenous rights. This is the first in-depth academic analysis of this far-reaching instrument. Indigenous representatives have argued that the rights contained in the Declaration, and the processes by which it was formulated, oblige affected States to accept the validity of its provisions and its interpretation of contested concepts (such as 'culture', 'land', 'ownership' and 'self-determination'). This edited collection contains essays written by the main protagonists in the development of the Declaration; indigenous representatives; and field-leading academics. It offers a comprehensive institutional, thematic and regional analysis of the Declaration. In particular, it explores the Declaration's normative influence for international law and considers the ways in which this international instrument could catalyse institutional action and influence the development of national laws and policies on indigenous issues.

Freedom of religion is a subject, which has throughout human history been a source of profound disagreements and conflicts. In the modern era, religious-based intolerance continues to provide lacerative and tormenting concern to the possibility of congenial human relationships. As the present study examines, religions have been relied upon to perpetuate discrimination and inequalities, and to victimise minorities to the point of forcible assimilation and genocide. The study provides an overview of the complexities inherent in the freedom of religion within...
international law and an analysis of the cultural-religious relativist debate in contemporary human rights law. As many of the chapters examine, Islamic State practices have been a major source of concern. In the backdrop of the events of 11 September 2001, a considerable focus of this volume is upon the Muslim world, either through the emergent State practices and existing constitutional structures within Muslim majority States or through Islamic diasporic communities resident in Europe and North-America.

Deepening the discussion of the relationship between Islamic law and human rights, this volume gathers leading experts in both fields to examine how each system protects and limits fundamental freedoms. From gender equality to freedom of religion the book explores the main flashpoints in the debate, examining the operation of the law in context.

International human rights law is among the most dynamic and controversial topics in legal study. In this book, Javaid Rehman offers a comprehensive and practical examination of the workings of human rights protection and presents a considered legal analysis of such sensitive issues as non-discrimination, rights of minorities, rights of indigenous peoples, and the rights of women and children. He also explores areas such as enforced disappearances, torture, and terrorism - all highly topical and contentious issues that dominate much of today’s social, political and legal debate. This second edition has been thoroughly updated to explore the key developments and latest legislation in the area, and the scope of the book has been extended to include new chapters on: This clear, yet detailed, analysis provides the definitive introduction to the area for undergraduate (LLB) and postgraduate (LLM) courses in international human rights law and international relations. The book will also benefit practitioners seeking to gain a basic understanding of the procedures of international human rights law. He has extensive experience in writing about and teaching International Human Rights Law.

Ethnic minorities in Pakistan

The Asian Yearbook of Human Rights and Humanitarian Law aims to publish peer-reviewed scholarly articles and reviews as well as significant developments in human rights and humanitarian law. It examines international human rights and humanitarian law with a global reach, though its particular focus is on the Asian region. The focused theme of Volume 1 is ISIS and Implications for Human Rights and Humanitarian Law

Launched in 1991, The Asian Yearbook of International Law is a major refereed publication dedicated to international law issues as seen primarily from an Asian perspective, under the auspices of the Foundation for the Development of International Law in Asia (DILA). It is the first publication of its kind edited by a team of leading international law scholars from across Asia. The Yearbook provides a forum for the publication of articles in the field of international law, and other Asian international law topics, written by experts from the region and elsewhere. Its aim is twofold: to promote international law in Asia, and to provide an intellectual platform for the discussion and dissemination of Asian views and practices on contemporary international legal issues. Each volume of the Yearbook contains articles and shorter notes; a section on State practice; an overview of Asian states participation in multilateral treaties; succinct analysis of recent international legal developments in Asia; an agora section devoted to critical perspectives on international law issues; surveys of the activities of international organizations of special relevance to Asia; and book review, bibliography and documents sections. This volume offers Asian perspectives on topics including : treaty-making power in China; the crime of aggression, illegal fishing and the destruction of environment in armed conflicts.

Following its creation in 2004, initially as the research arm of the Consultative Council of Jewish Organisations (CCJO), and later in a more independent role, the Clemens Nathan Research Centre (CNRC) has rapidly become an important element within the Human Rights movement in the United Kingdom, and beyond. A striking feature of the CNRC’s work has been its organisation of a series of very successful multidisciplinary seminars on topics related to Human Rights, and to international relations. This book comprises many of the papers presented at these seminars, as well as two public lectures linked to CNRC/CCJO activities. The papers and lectures reflect the high quality of the materials produced for CNRC projects, and are distinguished by the broad range of experience of the contributors, who include academics, clergymen and senior officials of international organisations, as well as military officers of the highest rank and civil servants at the heart of government decision-making.

This book analyses the general interaction between international law and Islamic law in the Muslim world today. It interrogates factors that often form the root of the tension between the two legal regimes. Literalist interpretations of Islamic law and the modern international law’s disposition that does not give due consideration to differences among cultures and civilizations are some of these factors. This work examines the Saudi Arabia textualist approach to the two primary sources of law in Islam, the Qur’an and Sunnah, and argues that a liberal approach of interpretation has become sine qua non especially now that myriad issues are confronting the Muslim world generally and Saudi Arabia in particular. Similarly, globalization has generated an unprecedented multi-culturalism, legal-pluralism, and trans-border interactions in socio-economic and political relations. Therefore, Saudi Arabia, as the bastion of Islam and Islamic nations, is faced with the imperative of adopting a liberal approach to interpretation of Islamic law, with a view to accommodating a wide spectrum of other laws and cultures. The book provides a timely examination of the issue of modern Saudi Arabia, Islamic legal order vis-à-vis the contemporary concept of international law and international relations in specific areas such as international human rights law and trans-national economic matters. As such it will be of interest to academics and researchers working in Islamic law, international and comparative law, human rights law, and law and religion.

The Asian Yearbook of Human Rights and Humanitarian Law aims to publish peer-reviewed scholarly articles and reviews as well as significant developments in human rights and humanitarian law. It examines international human rights and humanitarian law with a global reach, though its particular focus is on the Asian region. The focused theme of Volume 4 is India and Human Rights.

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A practical manual in how to meet the needs of Muslim clients, the book explains basic concepts of Islamic Family Law and how the English legal system can be used to satisfy the diverse needs of Muslim clients

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This volume on Judaism and Islam in The Library of Essays on Sexuality and Religion series overviews perceptions of human sexuality through two major monotheistic faiths, namely Judaism and Islam. Part 1 presents previously published articles on Judaism and sexuality from a historical perspective, in particular, through the writings of the Tanakh and traditional Judaic attitudes. Part 2 focuses more cogently on contemporary themes including both the contestation and defence of conventional Jewish standpoints on sexuality via orthodox and liberal renderings of the faith. Part 3 includes articles examining Islamic views of sexuality from a historical perspective. Here there is a special focus on the faith’s construction of sexual categories, as well as the relationship between sexuality, gender and patriarchy. Part 4 takes a cross-cultural and global perspective of the subject with a particular emphasis on the connection between sexuality and moral regulation, besides scrutinising varying and contrasting cultural attitudes in Islamic communities today.

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