

Philippine History With Politics Governance And Constitution

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in quantity and importance private standards are rapidly taking over the role of public norms in the international and national regulation of product safety this book provides a comprehensive overview of the rise role and status of these private product safety standards in the legal regulation of integrating markets in international and regional trade law as in european and american constitutional and administrative law tort law and antitrust law the book analyses the ways in which legal systems can and do recognise private norms as law this sociological question of law s recognition of private governance is indissolubly connected with a normative question of democratic theory can law recognize legal validity and democratic legitimacy outside the constitution without constitutional political institutions and beyond the nation state or can law constitute private transnational governance the book offers the first systematic treatment of european american and international standards law in the english language and makes a significant contribution to the study of the processes of globalization and privatization in social and legal theory for the thesis on which this book was based harm schepel was awarded the first eui alumni prize for the best interdisciplinary and or comparative thesis on european issues written at the eui in recent years

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constitutions and the commons looks at a critical but little examined issue of the degree to which the federal constitution of a nation contributes toward or limits the ability of the national government to manage its domestic natural resources furthermore it considers how far the constitution

facilitates the binding of constituent states provinces or subnational units to honor the conditions of international environmental treaties while the main focus is on the us there is also detailed coverage of other nations such as australia brazil india and russia after introducing the role of constitutions in establishing the legal framework for environmental management in federal systems the author presents a continuum of constitutionally driven natural resource management scenarios from local to national and then to global governance these sections describe how subnational governance in federal systems may take on the characteristics of a commons with all the attendant tragedies in the absence of sufficient national constitutional authority in turn sufficient national constitutional authority over natural resources also allows these nations to more effectively engage in efforts to manage the global commons as these nations would be unconstrained by subnational units of government during international negotiations it is thus shown that national governments in federal systems are at the center of a constitutional nested governance commons with lower levels of government potentially acting as rational herders on the national commons and national governments potentially acting as rational herders on the global commons national governments in federal systems are therefore crucial to establishing sustainable management of resources across scales the book concludes by discussing how federal systems without sufficient national constitutional authority over resources may be strengthened by adopting the approach of federal constitutions that facilitate more robust national level inputs into natural resources management facilitating national minimum standards as a form of fail safe federalism that subnational governments may supplement with discretion to preserve important values of federalism

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with quiet eloquence lane sunderland argues that we must reclaim the fundamental principles of the constitution if we are to restore democratic government to its proper role in american life for far too long he contends the popular will has been held in check by an overly powerful supreme court using non constitutional principles to make policy and promote its own political agendas his work shows why this has diminished american democracy and what we can do to revive it sunderland presents a strong thoughtful challenge to the constitutional theories promoted by ronald dworkin archibald cox richard epstein michael perry john hart ely robert bork philip kurland laurence tribe mark tushnet and catharine mackinnon

an enormously diverse group united by an apparent belief in judicial supremacy their theories he demonstrates undermine the democratic foundations of the constitution and the power of the majority to resolve for itself important questions of justice central to this enterprise is sunderland s reconsideration of the federalist as the first most reliable and most profound commentary on the constitution the federalist he states is crucial because it explains the underlying theory of the constitution as a whole a theory that gives meaning to its particular provisions in addition sunderland reexamines the declaration of independence and the work of hobbes locke and montesquieu in order to better define the nature and limits of their influence on the framers his reading of these works in conjunction with the federalist shows just how far afield contemporary commentators have strayed sunderland deliberately echoes and amplifies madison s wisdom in federalist no 10 that the object of the constitution is to secure the public good and private rights and at the same time to preserve the spirit and form of popular government to attain that object he persuasively argues requires that the judiciary acknowledge and enforce the constitutional limitations upon its own powers in an era loudly proclaiming the return of popular government majority rule and the will of the people that argument is especially relevant and appealing

this book describes the nature of these changes and identifies the accountability gaps which have inevitably opened up in the absence of a written constitution or a considered administrative procedure act

foreword
frederick d barton
preface
derick w brinkerhoff 1 governance challenges in fragile states
re establishing security rebuilding effectiveness and reconstituting legitimacy
derick w brinkerhoff part 1 governance and post conflict perspectives on core issues
2 does nation building work reviewing the record
arthur a goldsmith 3 constitutional design identity and legitimacy in post conflict reconstruction
aliza belman
inbal and hanna lerner 4 election systems and political parties in post conflict and fragile states
eric bjornland glenn cowan and william gallery 5 democratic governance and the security sector in conflict affected countries
nicole ball part 2 actors in governance reconstruction old new and evolving roles
6 from bullets to ballots the u s army role in stability and reconstruction operations tammy s schultz and susan merrill
7 the private sector and governance in post conflict societies virginia haufner
8 rebuilding and reforming civil services in post conflict societies
harry blair 9 contributions of digital diasporas to governance reconstruction in fragile states potential and promise
jennifer m brinkerhoff part 3 reforming and rebuilding governance focus on the local
10 decentralization local governance and conflict mitigation in latin america gary bland
11 subnationalism and post conflict governance lessons from africa joshua b forrest
12 subnational administration and state building lessons from afghanistan
sarah lister and andrew wilder
about the contributors
index

the central role that good effective and capable governance plays in the economic and social development of a country is now widely recognised using the commonwealth countries of eastern and southern africa this book analyses some of the key constitutional issues in the process of developing strengthening and consolidating the capacity of states to ensure the good governance of their peoples utilising comparative material

the book seeks to draw lessons both positive and negative about the problems of constitutionalism in the region and in doing so critically addresses the legal issues involved in seeking to make constitutions work in practice

this collection studies the rise of neutral bodies as a challenge to the constitutional paradigm of the nation state administrative entities such as commissions agencies councils authorities or independent agencies as they are sometimes known are relatively autonomous from majoritarian democratic control and by their institutional design fall outside the classical triad of powers or branches of government they may even fall outside the confines of the nation state itself as with the eu commission the book is divided into theoretical historical and empirical parts part i approaches the phenomenon through the rigorous normative conceptual lens of constitutionalism and constitutional law questioning the implications of political neutrality on inherited normative categories both at national and supranational level part ii comprises case studies reflecting the full spectrum of theoretical frameworks and concerns developed and explored by the theory oriented chapters in the first part the work explores a wide range of issues including the balance between autonomy legitimacy and accountability the taxonomy of agencies the role and limits of expertise as a paramount justification for independence agentification as a result of internationalisation and agentification as a reflex and consequence of transnational polity building within the eu

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