

## **Governing Refugees Justice Order And Legal Pluralism Law Development And Globalization**

European public discourse often frames (forced) migration solely as a security issue and ignores the implications of societal diversity for health, quality-of-life and well-being, in both Africa and Europe. The present volume offers an interdisciplinary and international look at the relationship between refugees, diversity, and health, including health care policies, socio-political framework conditions, environmental factors, the situation in refugee camps, quality-of-life approaches and economical perspectives.

In a world beset by extreme and unconscionable health disparities humankind desperately needs a new vision to ensure central health capabilities for all. Yawning gaps in health law, dangerous contagions that can circle our globalized planet in hours, and a bewildering confusion of health systems are all profound challenges requiring urgent address. Global Health Justice and Governance lays out the critical problems facing the world today and offers a new theory of justice and governance as a way to resolve these seemingly intractable issues. A fundamental responsibility of government is to ensure human flourishing. The central role that health plays in this flourishing places a unique claim on our public institutions and resources, as central health capabilities are pressed to reduce premature death and prevent avoidable morbidities. In a world of staggering inequalities, imperilling epidemics, and inadequacies of current models a new architecture of central health systems is desperately needed. Global Health Justice and Governance lays out a vision for achieving this important

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change.

This timely Handbook brings together leading international scholars from a range of disciplinary backgrounds and geopolitical perspectives to interrogate the intersections between migration and global justice. It explores how cross-border mobility and migration have been affected by rapid economic, cultural and technological globalisation, addressing the pressing questions of global justice that arise as governments respond to unprecedented levels of global migration.

Criminal justice has traditionally been associated with the nation state, its legitimacy and its authority. The growing internationalisation of crime control raises crucial and complex questions about the future shape of justice and urban governance as these are experienced at local, national and international realms. The emergence of new international justice institutions such as the International Criminal Court, the greater movement of people and goods across national borders and the transfer of criminal justice policies between different jurisdictions all present novel challenges to criminal justice systems as well as our understandings of criminal justice. This volume of essays explores the implications and impact of criminal justice developments in an increasingly globalised world. It offers cutting-edge conceptual contributions from leading international commentators organised around the themes of international criminal justice institutions and practices; comparative penal policies; and international and comparative urban governance and crime control.

This anthology explores the political nature of making order through policing activities in densely populated spaces across Africa, Asia and Latin America. Based on ethnographic research, the chapters analyze this complex with respect to marginalized young men in Haiti,

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community policing members and national politicians in Swaziland as well as other individual and collective actors engaged in policing and politics in Indonesia, Swaziland, Ghana, South Africa, Mexico, Bolivia, Haiti and Sierra Leone. What these contexts have in common is a plurality of order-making practices. Not one institution monopolizes the means of violence or a de facto sovereign position to do so. A number of interests are played out simultaneously, entailing re-negotiations over the very definition of what 'order' is. How and by whom a particular order is enforced is contested, at times violently so, and is therefore inherently political. In the existing literature on weak states, legal pluralism and policing in the Global South it is seldom made explicit that making order is a route to power and positions of political decision-making. It is this gap in the literature that this anthology fills, as it analyses the politics at stake in processes of order-making.

This book focuses on human rights in the context of "globalisation" together with the principle of "respect for human rights and human dignity".

Provides a new framework for reconceptualizing the historical and contemporary relationship between cultural diversity, political authority, and international order.

This book offers an in-depth case study on the leading international refugee agency, the United Nations High Commissioner for Refugees (UNHCR), and its approach to environmentally displaced persons. The author examines the UNHCR on the basis of expert interviews and content analysis in order to highlight why and how the organization is addressing the issue. The analysis draws on organizational as well as security theory, offering readers a better understanding of the connection between the two. The book appeals to scholars in the fields of migration and organizational studies, as well as policymakers and professionals working in

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international organizations.

This book addresses a growing area of concern for scholars and development practitioners: discriminatory gender norms in legally plural settings. Focusing specifically on indigenous women, this book analyses how they, often in alliance with supporters and allies, have sought to improve their access to justice. Development practitioners working in the field of access to justice have tended to conceive indigenous legal systems as either inherently incompatible with women's rights or, alternatively, they have emphasised customary law's advantageous features, such as its greater accessibility, familiarity and effectiveness. Against this background – and based on a comparison of six thus far underexplored initiatives of legal and institutional change in Ecuador, Peru, and Bolivia – Anna Barrera Vivero provides a more nuanced, ethnographic, understanding of how women navigate through context-specific constellations of interlegality in their search for justice. In so doing, moreover, her account of ongoing political debates and local struggles for gender justice grounds the elaboration of a comprehensive conceptual framework for understanding the legally plural dynamics involved in the contestation of discriminatory gender norms.

How should international law approach the critical issue of movement of peoples in the 21st century? This book presents a radical reappraisal of this controversial problem. Challenging present-day ideas of restrictions on freedom of movement and the international structure that controls entry to states, it argues for a new blueprint for international migration policy that eliminates waste, aids both developing and developed societies and brings attendant benefits to voluntary migrants and involuntary refugees alike. In a world of increasing disorder, it is suggested that current policy only adds to international instability and threatens the interests of

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a functional global community.

In recognising the significant role 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.

"This Handbook critically traces the birth and development of Refugee and Forced Migration Studies, and vividly illustrates the vibrant and engaging debates that characterize this rapidly expanding field of research and practice. The contributions highlight the key challenges faced by academics and practitioners working with and for forcibly displaced populations around the world, as well as identifying new directions for research in the field. Since emerging as a distinct field of study in the early 1980s, Refugee and Forced Migration Studies has grown from being of concern of a relatively small number of scholars and policy analysts to become a global field with thousands of students worldwide studying displacement, either from traditional disciplinary perspectives or as a core component of newer interdisciplinary programmes across the Humanities and Social and Political Sciences". --Publisher.

Like medicine, law is replete with axioms of prevention. 'Prevention is better than cure' has a long pedigree in both fields. 17th century jurist Sir Edward Coke observed that 'preventing justice excelleth punishing justice'. A century later, Sir William Blackstone similarly stated that 'preventive justice is ...preferable in all respects to punishing justice'. This book evaluates the feasibility and legitimacy of state attempts to regulate prevention. Though prevention may be desirable as a matter of policy, questions are inevitably raised as to its limits and legitimacy, specifically, how society reconciles the desirability of averting risks of future harm with respect for the rule of law, procedural fairness and human rights. While these are not new questions for

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legal scholars, they have been brought into sharper relief in policy and academic circles in the wake of the September 11 terrorist attacks. Over the past 15 years, a body of legal scholarship has tracked the intensified preventive focus of anti-terrorism law and policy, observing how this focus has impacted negatively upon traditional legal frameworks. However, preventive law and policy in other contexts, such as environmental protection, mental health, immigration and corruption has not received sustained focus. This book extends that body of scholarship, through use of case studies from these diverse regulatory settings, in order to examine and critique the principles, policies and paradoxes of preventive justice. "Whereas earlier scholars looked upon preventive justice as a source and means of regulation, the powerfully argued contributions to this volume provide forceful reasons to consider whether we would do better talk about regulating preventive justice." Professor Lucia Zedner, Oxford University

Myanmar is going through a period of profound - and contested - transition. The country has experienced widespread if sometimes uneven reforms, including the start of a peace process between the government and Myanmar Army, and some two dozen ethnic armed organizations, which had long been fighting for greater autonomy from the militarized and Burman-dominated state. This book brings together chapters by Burmese and foreign experts, and contributions from community and political leaders, who discuss the meaning of citizenship in Myanmar/Burma. The book explores citizenship in relation to three broad categories: issues of identity and conflict; debates around concepts and practices of citizenship; and inter- and intra-community issues, including Buddhist-Muslim relations. This is the first volume to address these issues, understanding and resolving which will be central to Myanmar's continued transition away from violence and authoritarianism.

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Focusing on the Karen people in Burma, Thailand and the United Kingdom, this book analyses how global, regional and local developments affect patterns of learning. It combines historical and ethnographic research to explore the mutual shaping of intergenerational relations and children's practical and formal learning within a context of migration and socio-political change. In this endeavour, Pia Jolliffe discusses traditional patterns of socio-cultural learning within Karen communities as well as the role of Christian missionaries in introducing schooling to the Karen in Burma and in Thailand. This is followed by an analysis of children's migration for education in northern Thailand where state schools often encourage students' aspirations towards upward social mobility at the same time as schools reproduce social inequality between the rural Karen and urban Thai society. The author draws attention to international humanitarian agencies who deliver education to refugees and migrants at the Thai-Burma border, as well as the role of UK government schools in the process of resettling Karen refugees. In this way, the book analyses the connections between learning, migration and intergenerational relations in households, schools and other institutions at the local, regional and global level.

A comprehensive assessment of the economic, social and cultural impacts of migration within South Asia This book addresses the concept of migration with the aim of building theory as well as drawing from existing theories to understand South Asian realities. It highlights the less-explored cultural dimensions of migration—music, literature, cinema and art—thereby extending migration research into the realms of security discourse. The author explores how ideas migrate along with people, and the extent to which the process of transformation and adaptation of these ideas is necessitated by social interactions in the adopted society. Since

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South Asia is culturally diverse, most migrants need to adapt themselves to unfamiliar social milieus, and this juxtaposition finds expression in rich and diverse cultural forms. The book will be indispensable to researchers and scholars of migration studies, South Asia studies, social anthropology and international relations.

This unique Research Handbook maps the historical, theoretical, and methodological concepts in sociology of law, exploring the rich and complex nature of this area of research. It argues that sociology of law flourishes due to its strong capacity for interdisciplinary engagement and links to other scientific concepts, methodologies and research fields.

Governing Refugees Justice, Order and Legal Pluralism Routledge

Several problems plague contemporary thinking about governance. From the multiple definitions that are often vague and confusing, to the assumption that governance strategies, networks and markets represent attempts by weakening states to maintain control. Rethinking Governance questions this view and seeks to clarify how we understand governance. Arguing that it is best understood as 'the strategies used by governments to help govern', the authors counter the view that governments have been decentred. They show that far from receding, states are in fact enhancing their capacity to govern by developing closer ties with non-government sectors. Identifying five 'modes' of government (governance through hierarchy, persuasion, markets and contracts, community engagement, and network associations), Stephen Bell and

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Andrew Hindmoor use practical examples to explore the strengths and limitations of each. In so doing, they demonstrate how modern states are using a mixture of governance modes to address specific policy problems. This book demonstrates why the argument that states are being 'hollowed out' is overblown.

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

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undergraduate and graduate students in law, political science and areas studies. International criminal justice is in transition. This book explores the growing internationalisation of criminal justice as a phenomenon of global governance. It provides students with a critical understanding of the international institutions for regulating transnational crime, the development of alternative justice processes across the globe, and international and supra-national co-operation criminal justice policies and practices. Key topics covered include: The historical development of International Criminal Justice institutions and traditions International Restorative Justice Victim communities and collaborative justice The relationship between crime and war International Human Rights The 'War on Terror' The globalisation of crime and control Developments in global governance, communitarian justice and accountability This text will familiarize students with the literature and debates surrounding international criminal justice and enable them to critically appreciate their theoretical and policy context. In doing so, it encourages students to assess the strengths and weaknesses of different approaches to the study of global justice and the analysis of comparative policy convergence and research. It will also help students to reflect on, and communicate in an informed and critical way theoretical accounts and empirical studies within the field of international criminal justice. This book will be essential reading for upper level undergraduates taking courses in criminal law, international relations and governance and postgraduates engaged in international criminal justice, international

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law, regulation and governance and human rights.

This new edition of the leading textbook on international refugee law has been substantially updated and now features extensive coverage of forced migration. In its accessible and influential style, it defines refugee status and asylum, and sets out the protections afforded to refugees and forced migrations.

This book explores the norms, practices, and main actors in the EU Migration System of Governance (EUMSG). Bringing a fresh perspective to the analysis of asylum and migration in Europe, the volume unpacks the European Union's approach to migration and points to the principles and actions of EU member states. Moreover, it explores the EUMSG's performance through the lenses of three alternative yet coexistent understandings of justice (non-domination, impartiality, and mutual recognition), thereby overcoming a unilateral ethical viewpoint and moving away from the 'open-closed borders' debate.

This study examines social interactions in long-term refugee camps on the Thai-Burmese border. Based on seventeen months of participant observation, the author's analysis illuminates the social order in refugee camps beyond state and humanitarian governance.

This thesis examines the administration of justice within the Karen refugee community on the Thai-Burma border. Often supposed to be absent jurisdictional oversight, in reality refugee camps operat~ at an intersection of multiple forms of regulation, including the law ofthe host

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state, international frameworks of human rights and refugee law, structures of legal informalism, cultural practices, attitudinal norms and religious traditions. There are nine refugee camps along the Thai-Burma border. Camp populations are subjected to extensive restrictions imposed by the Royal Thai Government, and the denial of freedom of movement and income generation has left refugees dependent on humanitarian assistance agencies for food and other basic resources. However, day to day camp management is largely handled by a refugee-led camp administration which, among other functions, has responsibility for justice delivery. The impressive level of internal autonomy within the Thai- Burma border camps has attracted international recognition but no comprehensive analysis. This thesis details the work of the camp governance system, its historical origins and its relationships with other normative orders. Key themes are the camp as community, the production of order beyond the state, and justice as a contested site. A struggle for normative control is identified between the three primary sets of actors engaged in camp governance - the Thai authorities, international humanitarian organisations and the refugee leadership. The struggle to define justice is particularly pronounced between international agencies and the camp leadership and has had real practical impact in transforming social norms within the Karen refugee community. This thesis highlights the agentic capacity of refugees but also highlights similarities between the refugee camp and other conflict-affected communities: a local population asserting agency, confronted by competing discourses of statehood and sovereignty from national governments and transnational relief agencies.

Focusing on the case study of Timor Leste, this book presents the New Subsistence State as a conceptual tool for understanding governance challenges in countries characterised by

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subsistence economic and social relations. It examines the ways in which Timor Leste conforms to the typology of the New Subsistence State, taking into consideration geographic, historical and socio-political aspects. The book defines a New Subsistence State as an overwhelmingly subsistence economy corresponding to little or no historical experience of the generation and administration of large surpluses, with minimal labour specialisation, and the predominance, especially in rural areas, of traditional authority relations. It looks at how these features restrict the capacity of the new state to operate effectively in accordance with the modern state model. The book presents a case for prioritising sustainable approaches to public administration in New Subsistence State contexts. It goes on to examine the historical role of village justice systems, and demonstrates how a community justice and mediation program building on existing capacities could prove an economical means of promoting human rights values and reducing the burden on the national courts. The book presents an interesting contribution to studies on Southeast Asian Politics and Governance.

This book examines migration as a key element of the European Union's (EU's) foreign policy and thus a critical domain for understanding and evaluating EU external action. It documents, explains, and assesses the implementation of EU migration policies, especially after the crisis of 2015, providing a much-needed overall evaluation and comparison in different geographic contexts. Applying a composite approach to global political justice, it affords a normative assessment of EU's action and shows the tensions between the justice claims of the many actors involved in the EU migration system of governance. This book will be of key interest to scholars, students and policymakers in European Union external/foreign policy, migration and refugee studies, global justice, ethics and more broadly to European studies/politics, and

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international relations.

How are refugee crises solved? This has become an urgent question as global displacement rates continue to climb, and refugee situations now persist for years if not decades. The resolution of displacement and the conflicts that force refugees from their homes is often explained as a top-down process led and controlled by governments and international organizations. This book takes a different approach. Through contributions from scholars working in politics, anthropology, law, sociology and philosophy, and a wide range of case studies, it explores the diverse ways in which refugees themselves interpret, create and pursue solutions to their plight. It investigates the empirical and normative significance of refugees' engagement as agents in these processes, and their implications for research, policy and practice. This book speaks both to academic debates and to the broader community of peacebuilding, humanitarian and human rights scholars concerned with the nature and dynamics of agency in contentious political contexts, and identifies insights that can inform policy and practice.

Governments spend huge amounts of money buying goods and services from the private sector. How far should their spending power be affected by social policy? Arguments against the practice are often made by economists - on the grounds of inefficiency - and lawyers - on the grounds of free competition and international economic law. *Buying Social Justice* analyses how governments in developed and developing countries use their contracting power in order to advance social equality and reduce discrimination, and argues that this approach is an entirely legitimate, and efficient means of achieving social justice. The book looks at the different experiences of a range of countries, including the UK, the USA and South Africa. It

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also examines the impact of international and regional regulation of the international economy, and questions the extent to which the issue of procurement policy should be regulated at the national, European or international levels. The role of EC and WTO law in mediating the tensions between the economic function of procurement and the social uses of procurement is discussed, and the outcomes of controversies concerning the legitimacy of the integration of social values into procurement are analysed. *Buying Social Justice* argues that European and international legal regulation of procurement has become an important means of accentuating the positive and eliminating the negative in both the social and economic uses of procurement. Refugees have rarely been studied by economists. Despite some pioneering research on the economic lives of refugees, there remains a lack of theory and empirical data through which to understand, and build upon, refugees' own engagement with markets. Yet, understanding these economic systems may hold the key to rethinking our entire approach to refugee assistance. If we can improve our knowledge of the resource allocation systems that shape refugees' lives and opportunities, then we may be able to understand the mechanisms through which these market-based systems can be made to work better and turn humanitarian challenges into sustainable opportunities. This book adopts an inter-disciplinary approach, based on original qualitative and quantitative data on the economic life of refugees, in order to begin to build theory on the economic lives of refugees. It focuses on the case of Uganda because it represents a relatively positive case. Unlike other governments in the region, it has taken the positive step to allow refugees the right to work and a significant degree of freedom of movement through its so-called 'Self-Reliance Strategy'. This allows a unique opportunity to explore what is possible when refugees have basic economic freedoms. The book shows that

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refugees have complex and varied economic lives, often being highly entrepreneurial and connected to the global economy. The implications are simple but profound: far from being an inevitable burden, refugees have the capacity to help themselves and contribute to their host societies - if we let them

Refugee camps are imbued in the public imagination with assumptions of anarchy, danger and refugee passivity. *Governing Refugees: Justice, Order and Legal Pluralism* challenges such assumptions, arguing that refugee camps should be recognized as spaces where social capital can not only survive, but thrive. This book examines camp management and the administration of justice in refugee camps on the Thailand-Burma border. Emphasising the work of refugees themselves in coping with and adapting to encampment, it considers themes of agency, sovereignty and legal pluralism in an analysis of local governance and the production of order beyond the state. *Governing Refugees* will appeal to anyone with relevant interests in law, anthropology and criminology, as well as those working in the area of refugee studies. Climate change and other environmental problems are increasingly leading to the displacement of populations from their homelands, whether through drought, flooding, famine or other causes. Worse, there is currently no protection in international law for people made refugees by such means. Following on from her previous explorations of environmental justice as it relates to future generations and indigenous peoples, Laura Westra now turns her attention to the plight of ecological refugees. In Part I, Westra provides an overview of what defines an ecological refugee and their present legal status. Part II goes into greater depth as to who the vulnerable are and what protection they have in international law. Part III looks to the future, advocating a comprehensive approach to the problem. With extensive examples

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and analysis, this is a compelling treatment that will be indispensable for legal professionals, government and business leaders, academics and students of the role of law in the protection of the rights of refugees.

Displacement is one of the most pressing issues facing humanity, and it will become more so in the coming years as climate change and the impact of the coronavirus increase the extent of forced migration. The author confronts this head on with a set of realistic policy recommendations.

It is not often acknowledged that the great majority of African refugee movement happens within Africa rather than from Africa to the West. This book examines the specific characteristics and challenges of the refugee situation in Sub-Saharan Africa, offering a new and critical vision on the situation of asylum-seekers and refugees in the African continent. Cristiano d'Orsi considers the international, regional and domestic legal and institutional frameworks linked to refugee protection in Sub-Saharan Africa, and explores the contributions African refugee protection has brought to the cause on a global scale. Key issues covered in the book include the theory and the practice of non-refoulement, an analysis of the phenomenon of mass-influx, the concept of burden-sharing, and the role of freedom fighters. The book goes on to examine the expulsions of refugees and the historical role played by UNHCR in Sub-Saharan Africa. As a

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work which follows the persecution and legal challenges of those in search of a safe haven, this book will be of great interest and use to researchers and students of immigration and asylum law, international law, human rights, and African studies.

This revised and expanded second edition of The United Nations High Commissioner for Refugees (UNHCR) continues to offer a concise and comprehensive introduction to both the world of refugees and the organizations that protect and assist them. This updated edition also includes: up to date coverage of the UNHCR's most recent history and policy developments evaluation of new thinking on issues such as working in UN integrated operations and within the UN peacebuilding commission assessment of the UNHCR's record of working for IDP's (internally displaced persons) discussion of the politics of protection and its implications for the work of the UNHCR outline of the new challenges for the agency including environmental refugees, victims of natural disasters and survival migrants. Written by experts in the field, this is one of the very few books to trace the relationship between state interests, global politics, and the work of the UNHCR. This book will appeal to students, scholars, practitioners, and readers with an interest in international relations.

This book argues that political Islam (represented by its moderate and militant

