

International Law *from* Hart Publishing

Property Rights and Natural Resources

by *Richard Barnes*

The use of private property rights to regulate common pool natural resources is a controversial topic, which must address two critical issues: the allocation of wealth in society and proper conservation and management of limited resources. Given the privatisation of many natural resources within the confines of States, the most significant common pool natural resources are those located in international areas, such as the high seas and the atmosphere. This book explores the extension of private property rights and market mechanisms to the regulation of resources in these areas. The author assesses the impact of international law on the use of property rights showing how, because many natural resources straddle international boundaries, jurisdictional and international law issues must be taken into account if they are to be regulated.

Apr 09 426pp Hbk 9781841135892 £50 / €68

Indigenous Peoples and the Law

Comparative and Critical Perspectives

Edited by *Benjamin J Richardson, Shin Imai and Kent McNeil*

Indigenous Peoples and the Law provides an historical, comparative and contextual analysis of various legal and policy issues affecting Indigenous peoples. It focuses on the common law jurisdictions of Australia, Canada, New Zealand and the United States, as well as relevant international law developments. It features 13 contributors including many Indigenous scholars, drawn from around the world. The book provides a pithy overview of the subject-matter, enabling readers to appreciate the seminal issues, precedents and international legal trends of most concern to Indigenous peoples.

Mar 09 434pp Pbk 9781841137957 £26 / €35

Electronic Consumer Contracts in the Conflict of Laws

by *Sophia Tang*

The application of private international law to electronic consumer contracts raises new, complex, and controversial questions. It is new because consumer protection was not a private international law concern until very recently and e-commerce only became an important commercial activity within the last ten years. This book aims to provide an answer to the urgent requirement for legal certainty, security and justice in e-consumer contracts. It is primarily concerned with existing approaches to jurisdiction and choice of law issues in e-consumer contracts in the European Community and England, but some typical approaches in other jurisdictions are also examined. Based on the analysis and the comparative study of the existing law, the book seeks to provide a proposal as to what the law should be in order to provide certainty to both parties, to provide reasonable protection to consumers, and to promote the development of e-commerce.

Jun 09 270pp Hbk 9781841138473 £50 / €75

The Criminal Responsibility of Senior Political and Military Leaders as Principals to International Crimes

by *Héctor Olásolo*

As shown by the recent trials of Slobodan Milosevic, Charles Taylor and Saddam Hussein, the large-scale and systematic commission of international crimes is usually planned and set in motion by senior political and military leaders. This book deals with the highly topical issue of the mechanisms now existing for bringing political and military leaders to justice for alleged war crimes and humanitarian crimes.

May 09 360pp Hbk 9781841136950 £50 / €75

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An important forum from
The Journal of Asian Studies

State, Sovereignty, and the People:

A Comparison of the "Rule of Law" in China and India

By *Jonathan K. Ocko* and *David Gilmartin*

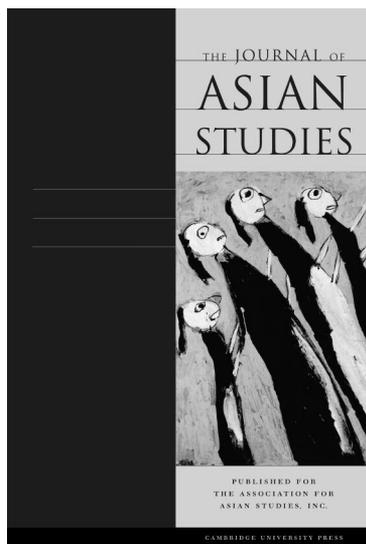
This groundbreaking article uses a focus on the rule of law to raise comparative questions about the construction of sovereignty and rights in China and India, within the larger global processes that shaped the 19th and 20th centuries. These questions include:

- How did the rule of law help to define the principles on which the Indian and Chinese states rested?
- How did this concept define these states' relationships to the societies they ruled?
- How can the rule of law help us to understand the ways that these states legitimized their authority?
- What are the political implications of China's and India's differences (and similarities) in the role of the law in their societies in the 19th century, and how can these help us to understand their different patterns of historical evolution in the 20th century?

This fascinating research is followed by five commentaries by leading legal historians, then a rejoinder by the article's authors. The commentaries are:

- Sovereignty, Rule of Law, and Ideologies of the Nation,
by Vivienne Shue
- Justice or Legitimacy: A Response to Ocko and Gilmartin,
by Paul W. Kahn
- Rule of Law in China and India: A Historical-Cultural Approach,
by Randall Peerenboom
- Not Just a Concept: Institutions and the "Rule of Law",
by Lauren Benton
- The Limits of Legal Sovereignty: China and India in Recent History,
by Prasenjit Duara

The lead article in this forum is available for all to read at <http://journals.cambridge.org/jas>



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