

Tackling the Unconstitutional Overthrow of Democracies

Emerging Trends in the Commonwealth

by Professor John Hatchard & Dr. Tunde I. Ogowewo



Commonwealth Secretariat

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Tackling the Unconstitutional Overthrow of Democracies John Hatchard, Tunde I. Ogowewo, Commonwealth Secretariat, 2003 There is a history of case law within the Commonwealth where there have been legal challenges to unconstitutional overthrow of Governments The courts as well as the Commonwealth refused to recognise the legality of such changes This publication is a compilation of relevant cases

Development and Democracy Commonwealth Secretariat, 2003 A report to Commonwealth Heads of Government on the activities and achievements of the Commonwealth Secretariat from July 2001 to June 2003 The Foreword by Commonwealth Secretary General Don McKinnon presents a personal view of the progress of the Commonwealth over that period The report is presented to Commonwealth Heads of Government before their biennial summit

Judicial Responsibility and Coups d'État Kriangsak Kittichaisaree, 2023-02-10 This book examines the responsibility of judges of domestic courts following unconstitutional usurpation of power of government coups d'état It explores judges liability for failing to discharge their judicial duty independently and impartially and the criminality of usurpers and their accomplices and collaborators for their violation of fundamental rights and freedoms or commission of crimes of international concern Written by a highly regarded non Western author the book is coherent and meticulously researched covering an approach to coups in an insightful and fascinating fashion It includes a sophisticated and thorough analysis of the relevant comparative jurisprudence of domestic and international courts with concrete examples of the best practices among decisions of domestic courts in countries that have experienced coups d'état With an increasing global interest in the phenomenon of coups democratic backsliding and the place and role of the judiciary as the only hope to rein in acts of unconstitutional usurpation of power the book will be essential reading for members of the legal profession those cherishing democracy as well as students and researchers in constitutional law law and political science public international law international human rights law international criminal law regime changes transitional justice and international organizations

Colonial and Post-colonial Constitutionalism in the Commonwealth Hakeem O. Yusuf, 2013-12-17 The peace order and good government POGG clause is found in the constitutions of almost all Commonwealth countries Since its introduction the clause has played a significant role in colonial and post colonial constitutionalism in Commonwealth jurisdictions This book is the first full length analysis of the various dimensions of the peace order and good government clause It argues that the origins of the POGG clause mark it out as an anachronistic feature of British constitutionalism when seen against a modern setting of human rights liberty and democratisation The book traces the history politics and applications of the clause through the colonial period in Commonwealth territories to date It provides critical evaluation of the POGG clause in a cross continental enquiry examining statutory political and constitutional deployment in Australia Canada India Nigeria South Africa and the United Kingdom The evaluation demonstrates that the POGG clause has relevance in a number of significant aspects of legal and socio political ordering

across the Commonwealth featuring prominently in the federalism question emergency powers and the review of administrative powers It maintains that while the clause is not entirely devoid of positive value the POGG clause has been used not only to further the objects of colonialism but also authoritarianism and apartheid This book calls for a rethink of the prevailing subjective approach to the interpretation of the clause The book will be of interest to students and academics of public law human rights law and comparative politics *Dictators and Democracy in African Development* A. Carl LeVan, 2015 This book argues that the structure of the policy making process in Nigeria explains variations in government performance better than other commonly cited factors Comparative Constitutionalism and Good Governance in the Commonwealth John Hatchard, Muna Ndulo, Peter Slinn, 2004-07-08 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 *Power-Sharing* Allison McCulloch, John McGarry, 2017-04-21 Power sharing is an important political strategy for managing protracted conflicts and it can also facilitate the democratic accommodation of difference Despite these benefits it has been much criticised with claims that it is unable to produce peace and stability is ineffective and inefficient and obstructs other peacebuilding values including gender equality This edited collection aims to enhance our understanding of the utility of power sharing in deeply divided places by subjecting power sharing theory and practice to empirical and normative analysis and critique Its overarching questions are Do power sharing arrangements enhance stability peace and cooperation in divided societies Do they do so in ways that promote effective governance Do they do so in ways that promote justice fairness and democracy Utilising a broad range of global empirical case studies it provides a space for dialogue between leading and emerging scholars on the normative questions surrounding power sharing Distinctively it asks proponents of power sharing to think critically about its weaknesses This text will be of interest to students scholars and practitioners of power sharing ethnic politics democracy and democratization peacebuilding comparative constitutional design and more broadly Comparative Politics International Relations and Constitutional and Comparative Law **New Courts in Asia** Andrew Harding, Penelope Nicholson, 2010-01-21 This book examines the numerous new courts created throughout Asia during the last 20 years covering important jurisdictions including human rights intellectual property disputes bankruptcy petitions commercial contracts public law adjudication personal law labour and industrial disputes It evaluates their performances and considers the broader economic social and political implications *Global Minority Rights* Joshua Castellino, 2017-05-15 This important volume brings together a range of material in different areas of law and the social sciences that address questions

concerning the rights of minorities The discipline is arguably one of the oldest branches of public international law and owes its heritage to those who struggled to create standards to protect the numerically inferior and non dominant communities from the excesses of the majority While reflecting this rich heritage the works contained in this volume show the extent to which policy constructs especially in law have begun to pay heed to the need to include minorities in different domestic settings across the globe To provide readers with a structured approach to understanding global minority rights law the editor divides the issues into six main headings namely Historical Development Conceptual Development Contemporary Challenges Fundamental Norms of Minority Protection Specific Rights of Minorities Human Rights and Minority Rights

The African Conundrum Mawere, Munyaradzi, Mubaya, Tapuwa R., 2017-05-22 The African conundrum is rooted out of the historical philosophical and cultural bastardisation imbalances and inequalities which many post colonial African governments have always sought to address though with varying degrees of success since the 1960s Lamentably this African conundrum is rarely examined in a systematic manner that takes into account the geopolitical milieu of the continent past and present This volume seeks to interrogate and examine the extent of the impact of the geopolitical seesaw which seems poised to tip in favour of the Global North The book grapples with the question on how Africa can wake up from its cavernous intellectual slumber to break away from both material and psychological dependency and achieve a transformative political and socio economic self reinvention and self assertion While the African conundrum is largely a result of historic oppression and a resilient colonial legacy this book urges Africans to rethink their condition in a manner that makes Africa responsible and accountable for its own destiny The book argues that it is through this rethinking that Africa can successfully transcend the logic of post imperial dependency

Waitangi & Indigenous Rights F. M. Brookfield, 2013-12-01 This landmark study examines issues surrounding New Zealand's Treaty of Waitangi focusing on recent Fiji revolutions and indigenous customary rights to the seabed and foreshore In this revised edition the author approaches these complex and controversial matters with a careful thorough and principled approach while dealing with the broad constitutional issues and responding to comments made by other scholars This study will serve as an essential tool for those working in the area and for those engaged in this contemporary debate

Report of the Commonwealth Secretary-General Commonwealth Secretariat, 2003

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Saskatchewan Law Review, 2006 **Current Law Index**, 2007 **The British National Bibliography** Arthur James Wells, 2003 Coup Brij V. Lal, Michael Pretes, 2008-12-01 May 19 2000 Fiji's democratically elected multiracial

government is hijacked by a group of armed gunmen led by George Speight and held hostage for fifty days Suva the capital is torched and looted as Speight's supporters gather on the lawns of the parliamentary complex dancing cooking food celebrating the purported abrogation of the constitution that brought the People's Coalition government to power The country is plunged into darkness yet again enduring the pain of three coups in a period of just thirteen years The process of healing and reconciliation symbolised by the enactment of a new Constitution unanimously approved by Parliament and blessed by the powerful Great Council of Chiefs lies discarded as winds of ethnic chauvinism sweep through the countryside damaging the fragile fabric of multiculturalism that was carefully constructed by so many over many years The economy is on the brink of collapse investor confidence has vanished and the best and the brightest are seeking succour on other shores Fiji falls victim yet again to the prejudice and greed of a section of its people This book gathers together a handful of memoirs of those tragic events in Fiji They were written while the gun was still smoking personal anguished reactions of people from all walks of life concerned about a country they all love but deeply distressed by the developments there They are first reactions They will in time become essential building blocks for a larger interpretive framework of academic analysis about origins processes and impacts Straight from the heart these memoirs will be remembered as the people of Fiji and their friends elsewhere contemplate the wreckage and ruin brought about by that act of madness in the month of May 2000

Commonwealth Ministers Reference Book 2003 Cheryl Dorall, 2004-05 The Commonwealth Ministers Reference Book is an indispensable source of information on key aspects of policy issues for all Commonwealth Ministers from trade to transport It includes articles case studies partnership initiatives interviews and reports that inform and educate ministers regarding opportunity and potential in the Commonwealth Furthermore CMRB includes contact information for all of the Commonwealth Ministries with over 1 000 Minister and relevant Ministry contact details listed This is an essential publication for ministries government officials and libraries A more recent version of this title is available **The Commonwealth at the Summit: Volume 4** Commonwealth Secretariat, 2016-11-24 The Commonwealth at the Summit Volume 4 brings together the full text of declarations statements and communiqués issued by Commonwealth Heads of Government between 2007 and 2015 Together these demonstrate the continuing evolution of a shared global vision of the Commonwealth and its consolidation as a values based organisation including the watershed decision to adopt the Commonwealth Charter at Perth in 2011 This volume continues a series reaching as far back as 1944 and brings up to date an impressive and inspiring record of solidarity in international cooperation building on the unique diversity of the Commonwealth *Commonwealth Yearbook* Nexus Strategic Publishers, 2015-09-15 The Commonwealth Yearbook is the flagship annual publication of the Commonwealth Secretariat with this special anniversary edition celebrating the Secretariat's 50th year Published annually the Yearbook is the essential reference guide to the countries organisations activities and values of the modern Commonwealth This special 2015 anniversary edition has been fully updated to include Strategic

directions of the association as it prepares for the Commonwealth Heads of Government Meeting and Commonwealth People's Forum 2015 in Malta Programmes and partnerships adding global value in the areas of politics democracy and rights rule of law gender equality youth empowerment governance and natural resources health and education economics and trade and resilience in small and vulnerable states Moments of Commonwealth history recorded by historians and Secretariat insiders of the time A guide to the essential Commonwealth communiques and declarations including those from the 2013 Heads of Government meeting in Sri Lanka and Commonwealth Charter Comprehensive profiles of 53 member countries including overseas territories An extensive statistics and reference section and the official directory of Commonwealth professional cultural and civil society development agencies

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