

LEGAL TRANSPLANTS IN EAST ASIA AND OCEANIA

This volume provides a unique overview of methodologies that are conducive to a successful legal transplant in East Asia and Oceania. Each chapter is drafted by a scholar who holds direct professional experience on the legal transplant considered and has a distinctive insight into the pragmatic difficulties related to grafting an alien institution into a legal tradition. The range of transplants includes the implementation of contractual obligations, the regulation of commercial investments, and the protection of the environment. The majority of recent legal reforms in these geographical areas have aimed at improving national economic performance and fostering trade, and have been directly inspired by European and North American institutional experiences. There is also, however, a growing tendency to couple economic reforms, geared to attract foreign investment, with constitutional reforms that improve the protection of individual rights, the environment and the rule of law.

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Legal Transplants in East Asia and Oceania

Edited by

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University of Southern Queensland



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To the memory of Ottavio

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Abbreviations

ASEAN	Association of Southeast Asian Nations
(C)	constitution
CLOUT	UNCITRAL Texts project
CBD	Convention on Biological Diversity
CTH	Commonwealth
D _i	constitutional design for constitution
(e)	efficiency
EEZ	Territorial Sea and Exclusive Economic Zone
FLR	Fiji Law Reports
FSM	Federated States of Micronesia
GCC	Gulf Cooperation Council.
IBA	International Bar Association
IBAHRI	IBA Human Rights Initiative
ICAC	Independent Commission Against Corruption
ILAM	Independent Lawyers' Association of Myanmar
IMTFE	International Military Tribunal for the Far East
IUCN	International Union for Conservation of Nature: Guidelines for Applying Protected Area Management Categories
KIHC	Kiribati High Court
NRSC	Nauru Supreme Court
MPA	marine protected area
MRT	Migration Review Tribunal
NGO	non-governmental organization
NSW	New South Wales
NZ	New Zealand
PC	Privy Council
PECL	Principles of European Contract Law

List of Abbreviations

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POGG	peace, order, and good government
PNCA	Pitcairn Court of Appeal
PNSC	Pitcairn Supreme Court
Qld	Queensland
SICA	Solomon Islands Court of Appeal
SIHC	Solomon Islands High Court
SI	Solomon Islands
SICC	Singapore International Commercial Court
SILR	Solomon Islands Law Reports
τ 1	vertical separation of power
τ 2	horizontal overlap of powers
τ (i)	constitutional characteristics
τ Offspring	vertical overlap of powers
TongaLawRp	Tongan Law Reports
TOSC	Tonga Supreme Court
TRA	Trades Recognition Australia
TVHC	Tuvalu High Court
UNCITRAL	United Nations Commission on International Trade Law
UNHRC	United Nations Human Rights Council
UNILEX	Database of international case law and bibliography on the UN Sales Convention (CISG) and the UNIDROIT Principles
UNIDROIT	International Institute for the Unification of Private Law
UK	United Kingdom
Van LR	Vanuatu Law Reports
VUCA	Vanuatu Court of Appeal

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