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The Independence of Judges in China and Germany,

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China's history boasts a rich treasure of legal tradition. The country's reunification after a period of disintegration into several kingdoms, when the victorious state of Qin finally overwhelmed its six rival powers in 221 BCE to establish one central authority, owed much to Qin's 'Legalist' governance – a reliance on stern rules and their sturdy enforcement in order to harness the country's strength.

Unified imperial rule kept resiliently reasserting itself, even after repeated fissiparous conflict often in the wake of nomad 'barbarian' invasion, and lasted until 1911. Imperial China, notably during the Tang dynasty (618-907 CE), produced a sizable body of codified law, legal commentaries and court decisions and, through these codifications in particular, significantly shaped traditional law in neighbouring Annam, Korea and Japan. The county magistrate, lowest-level representative of the emperor's authority, was executive officer, tax collector and investigator-cum-judge rolled into one. The magistrate's rôle as adjudicator personified to the populace justice, both institutional and substantive. Upright judges legendary for their guts and gumption enriched a whole genre of popular literature, brought in part to a Western readership through the Judge Dee stories distilled from the historical record by the polymath Dutch diplomat-sinologist Robert Hans van Gulik (1910-67).

Law in imperial China was first and foremost a tool to ensure uniform administration throughout a vast realm under difficult logistical conditions. Imperial law of the land was not a compact, as the Magna Carta, but the normative expression of the monarch's majesty who was constrained by the rules from his own hand to the extent that the expediencies of power would dissuade him from visibly disavowing the precepts that these norms represented. In a radically changed world, of globalised commerce and real-time communication, the modern People's Republic of China, pursuing a course of "reform and opening" in a "socialist market economy", has come to wrestle with the challenge of combining the unipolar dispensation of a one-party state with the protection of rights of individual actors whose autonomous participation in the marketplace requires reliable protection by laws against the whims of other actors as much as against those of government.

An independent judiciary is the fulcrum of such protection and the independence of judges thus very aptly forms the subject of the doctoral dissertation under review. Its enquiry presents in much detail the rules in China and Germany governing the organisation of courts, the training, recruitment, promotion and removal of judges and the conduct of judicial business. The systematic juxtaposition of these two judicial systems does highlight interesting contrasts in formal respects (eg, on recruitment and pay) as well as substantive ones (eg, less emphasis in China than through Germany's Art 101 of the Basic Law on preventing abusive assignment of cases by "removal from the jurisdiction of [the] lawful judge"), although focussing on the jurisprudential significance of judges' independence should perhaps have permitted a more

concise description of the judicial apparatus in both countries. As regards China, the guiding influence on the judiciary of the Communist Party (CPC) and the as yet quite limited power of the courts to examine the constitutionality of ordinary legislation are pointed to in the dissertation (p 23ff) as difficult terrain in the pursuit of judicial independence and the 'rule of law' (fazhi). China has of late been remarkably prolific in well-drafted legislation in numerous fields, and the foundations for 'ruling the country by law' (yi fa zhi guo) have thereby gained in solidity. The quest for achieving the supremacy of law, as fazhi, continues. The ongoing debate in China on the future of the CPC Committees on Political and Legislative Affairs (PLC) and their involvement – as a CPC structure parallel to the organs of public security, procuracy and judiciary (gong jian fa) – in the decision of individual cases before the courts reflects the need for an unfissured administration of justice. Recent separation in some provinces of China of the offices, formerly jointly held, of Director of the Public Security Bureau and CPC secretary of the PLC is a step towards disengaging the PLCs from day-to-day work of government agencies. The shoals to be negotiated in future reforms are mapped in the dissertation (p 315): "In China today, no forces except the ruling Party which has the position of leadership can help the judiciary to escape the various kinds of illegal or improper intervention, because 'the Party not only leads the people in making laws but also in executing laws'."

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Markus Krajewski/Fikremarkos Merso Birhanu (eds.)

Accessing to the WTO from a Least-Developed Country Perspective: The Case of Ethiopia

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Äthiopien gehört zum Kreis der am wenigsten entwickelten Länder (Least Developed Country, LDC). Es führt seit 2003 Beitrittsverhandlungen mit der Welthandelsorganisation (WTO). Das stellt dieses Land, welches darüber hinaus zu den Entwicklungsländern ohne Meereszugang zählt (Landlocked Developing Country, LLDC), vor zahlreiche Herausforderungen, die mit dem Beitritt zur WTO im Allgemeinen und für LDCs im Besonderen verbunden sind. Dazu zählen neben dem Ungleichgewicht von Verhandlungsmacht und entsprechender Erfahrung vor allem die Überprüfung eigener nationaler Gesetze und der inländischen Politik. Des Weiteren muss ein effektiver Verwaltungsapparat herangebildet werden mit dem Ziel, die für den Beitritt geforderte Vereinbarkeit mit WTO-Recht umzusetzen.

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