

School of Law Research Newsletter No. 4, Term 1 2012-2013

Welcome

From the head of school, Paul Kohler



As your incoming Head of Department I am delighted to introduce this marvellous newsletter detailing the richness and diversity of the School of Law's research activities. Despite the many pressures of modern academe, the excellence and variety of your output is testament to your professionalism, commitment and expertise and I am humbled by, and honoured to be associated with, your success. I would also like to thank Chandra for the tremendous amount of work she has put into the compiling of this publication and trust it is not invidious to give special mention to, and congratulate her on, the £0.5m grant she has recently secured from the ESRC; although I know she will be the first to point to the manifest brilliance of everyone else in a newsletter that really captures the essence of our community of scholars.

From the compiler, Chandra Lekha Sriram

Welcome to the School of Law's research newsletter. The newsletter is designed to share ongoing work and updates from and about research activities in the School. As ever, I am delighted to have the opportunity to bring together a publication that demonstrates the incredible range and impact of the work of our colleagues, including permanent staff, PhD students, and visiting research associates. A further call will be issued for the next issue, to be produced in term 2.

New Colleagues



Sarah Keenan

Sarah joined SOAS as a Lecturer in Law in August 2012. Prior to SOAS, she was a Lecturer in Law at Oxford Brookes University and a Teaching Assistant at the University of Kent, where she completed her PhD in close affiliation with the AHRC Centre for Law, Gender and Sexuality. She has previously worked as a Judge's Clerk and solicitor in Brisbane, Australia, and research officer for women and development in Beijing, China. Her research interests centre around property, legal geography, critical race, feminist and queer theory. Among other projects she is currently working on turning her PhD thesis 'Subversive Property: Law and the Production of Spaces of Belonging' into a book manuscript.



Anicée Van Engeland joined SOAS in August 2012. She holds a LL.M. (Harvard Law School), two M.A. (Iranian Studies from the Université de Paris III Sorbonne and International

Relations from Université Paris II Assas) and a Ph.D. (Institut d'Etudes Politiques de Paris). Prior to joining SOAS, Anicée worked at the University of Exeter, the University of Bedfordshire, McGill University, James Madison University and at the European University Institute. Before becoming an academic, she was a human rights worker and an aid worker for a few years. She frequently acts as a consultant for international organizations, NGOs and think-tanks.

Anicée's research focuses on the interaction between Islamic law and human rights/humanitarian law. Her main research interests are international law, human rights, humanitarian law, Islamic law, refugee issues, terrorism and torture.

New Publications



Fareda Banda

'Article 10 on education,' and 'Article 14 on rural women,' in M. Freeman, C. Chinkin, and B. Rudolph, eds., *The Convention on the Elimination of all Forms of Discrimination: A Commentary* (OUP, 2012) pp. 253-278 and pp. 357-385.

'This One is from the Ladies: Thank You Martin Chanock, Honorary African Feminist' *Law in Context* vol. 28, no. 2 (2010) (For Martin Chanock - Essays on Law and Society) (September 2012).



Matthew Craven

'On Foucault and Wolff or from Law to Political Economy,' *Leiden Journal of International Law* vol. 25 (2012), pp. 627-645.

'The Invention of a Tradition: Westlake, The Berlin Conference and the Historicisation of International Law,' in Luigi Nuzzo and Milos Vec, eds., *Constructing International Law: The Birth of a Discipline* (Frankfurt: Max Planck Institute, 2012) pp. 363-402.

'Colonialism and Domination,' in Bardo Fassbender and Ann Peters, eds., *Oxford Handbook on the History of International Law* (Oxford, Oxford University Press, 2012), pp. 862-889.



Philippe Cullet

'Is Water Policy the New Water Law? – Rethinking the Place of Law in Water Sector Reforms,' *IDS Bulletin* vol. 43, no. 2 (2012), pp. 69-78.

with Suhas Paranjape, Himanshu Thakkar and MS Vani, *Water Conflicts in India – Towards a New Legal and Institutional*

Framework (Pune: Forum for Policy Dialogue on Water Conflicts in India, Discussion Paper, 2012), 118 p.



Kari Lipschutz (PhD Student) 'Book review: The Scramble for African Oil: Oppression, Corruption and War for Control of Africa's Natural Resources,' *Journal of Natural Resource Policy Research* vol. 4, issue 3 (October 2012).



Werner Menski
'Jürgen Habermas: Post-conflict reconstruction, non-hegemonic modernity, discourse about spaces and the role of religion,' in Pradip Basu, ed., *Modern social thinkers* (Kolkata: Setu Prakashani, 2012), pp. 180-198.

'The uniform civil code debate in Indian law: New developments and changing agenda,' in Malcolm McLaren, ed., *The many faces of India: Law and politics of the subcontinent*, (New Delhi: Samskriti, 2012), pp. 136-82.

'Islamic law in British courts: Do we not know or do we not want to know?' *Journal of Minority Studies*, [Center for Minority Studies, Kansai University, Osaka,] vol. 6 (2012), pp. 27-49 [in Japanese] [ISSN 1883-7735].



Lutz Oette
'Implementing the prohibition of torture: the contribution and limits of national legislation and practice,' *The International Journal of Human Rights*, vol. 16, no. 5 (June 2012), pp. 717-736.

'The African Union High Level Panel on Darfur: A Precedent for Regional Solutions to the Challenges facing International Criminal Justice?' in V. Nhemiele, ed., *Africa and the Future of International Criminal Justice* (Eleven International Publishing, 2012), pp. 353-374.



Emilia Onyema
with Oluwaseye O. Ayinla, 'Online Negotiation and Mediation,' in E. Azinge and C. Ani, eds., *Principles of Negotiation and Mediation* (NIALS Publication, 2012), pp. 96-140.



Amanda Perry-Kessarar
ed., *Socio-Legal Approaches to International Economic Law: Text, context, subtext* (Routledge, in press).

'What does it mean to take a socio-legal approach to international economic law?' in A. Perry-Kessarar, ed. *Socio-Legal Approaches to International Economic Law: Text, context, subtext* (Routledge, in press).



Jonathan Bashi Rudahindwa, MPhil student
'From Port-Louis to Panama and Washington DC: Two Regional Approaches to International Commercial Arbitration' *European Journal of Law Reform*, issue 1 (2012), pp.44-64.



Chandra Lekha Sriram
Transitional justice and peacebuilding on the ground: Victims and excombatants co-editor with Jemima García-Godos, Johanna Herman, and Olga Martin-Ortega (London: Routledge, 2012).

'Beyond justice versus peace: Transitional justice and peacebuilding strategies,' with Olga Martin-Ortega and Johanna Herman, in Karin Aggestam and Annika Björkdahl, eds., *The Study of Just and Durable Peace* (London: Routledge, 2012).

'Closing impunity gaps: Regional transitional justice processes?' with Amy Ross, *Transitional Justice Review* vol. 1, issue 1 (2012), pp. 3-30 at <http://129.100.242.151/xampp/ojs/index.php/TJR>.

'The Special Tribunal for Lebanon: Promoting Justice or Prolonging Conflict?' *Accord 24* (2012) at http://www.c-r.org/sites/c-r.org/files/Accord24_SpecialTribunalforLebanon.pdf.

'Transitional justice and peacebuilding on the ground: Victims and excombatants,' policy paper with Jemima García-Godos (2012).

Aida Tamer-Chammas (PhD final year)
"Restoration of Damaged Land in Post-Conflict Societies: the Case of Lebanon", in *Assessing and Restoring Natural Resources in Post-Conflict Peacebuilding*, Ed. David Jensen and Steve Lonergan, (To be published 1st January 2013 by Routledge)



Carol Tan
"Sans liaison ferroviaire: Wei-hai Wei et le Chinese Labour Corps," in Li Ma (ed), *Des Travailleurs Chinois dans la Grande Guerre* (Paris: CNRS Editions), 91-110.

"Colonial Cleansing: laws for a summer resort in China," (2012) *International Review of Law* 7.



Preet Kaur Virdi (PhD student) 'Barriers to Canadian justice: immigrant Sikh women and Izzat', *South Asian Diaspora* vol. 4, issue 2 (2012) at <http://www.tandfonline.com/toc/rsad20/current>.

Lynn Welchman

'Gulf Women and the Codification of Muslim Family Law,' pp.367-406 in Amira El Azhary Sonbol, ed., *Gulf Women* (Qatar: Bloomsbury Qatar Foundation Publishing) 2012.

Grants and Projects

Fareda Banda

Has been invited to sit on the Policy Committee of Human Rights Watch. She has been on Human Rights Watch Africa's advisory committee since 2010.

She was invited onto the advisory board of Women's Link Worldwide.

She was invited to stay on the international advisory board of the *African Journal for Human Rights* for another five years.

She was again invited to participate in teaching women's rights on the University of Oxford's masters human rights programme this summer.

Werner Menski and **Sham Qayyum** (PhD student), through CEMS, completed the second round of the Postgraduate Diploma Course in Law and Community Leadership in July 2012, and 34 students received their Diplomas in a special celebratory event as well as taking part in the SOAS graduation ceremonies in July.

Werner continues to advise the FP7 Project RELIGARE of the European Commission and is currently preparing a new bid for a follow-up project focusing on diversity management in educational settings.

Emilia Onyema

Emilia Onyema awarded a SoL departmental research grant of £900 to conduct a scoping research on the functionality and challenges of the Lagos Multidoor Court House scheme towards enhancing access to justice in Lagos state, Nigeria.

Chandra Lekha Sriram

Was awarded an Economic and Social Research Council Grant for research on *The impact of transitional justice measures on democratic institution-building* of £546,148. This is a collaborative project with Dr. Anja Mihr of the University of Utrecht, who is funded by NWO, under the Open Research Area scheme.

Was awarded SOAS SoL internal research grant, top-up funds of £400 (supplementing existing SSHRC funding) for research in the Hague as part of her research project on accountability for post-election violence in Kenya.

Carol Tan

Was awarded MYR 50,000 (about £10,000) by the Ministry of Education, Malaysia in a competitive funding round as co-investigator for a project on Land reform and social change.

Was awarded an additional £291 from the faculty to add to previous sum awarded for the purposes of holding the CEAL workshop (see Centres below).

Has been invited to join an AHRC funded research network on 'Subjects of law: rightful selves and the legal process in imperial Britain and the British empire,' which has scheduled three workshops.

Together with Xu Ting (LSE) has been invited to be guest editors of a special issue of the *Journal of Comparative Law* on Chinese Property Law arising from the CEAL workshop (see Centres below).

Awarded £900 to support her project on early western interference with traditional land laws in Penang in the late 18th and early 19th centuries.

Research-related Events

Fareda Banda

13-15 June 2012, was invited by the UN Special Representative on Violence against Children to participate at an experts consultation on harmful practice Conference in Addis Ababa. Presented a paper on legal pluralism and children's rights.

25 October 2011, was invited to meet with and address the UN Working Group on laws and practices that discriminate against women focusing on methodology.

17 October 2011, UN Social Forum celebrating the 25th anniversary of the UN Development Declaration. Geneva. Presented a paper 'What have you done for me lately? Women and the Right to Development,' which will be published in an OHCHR/UNDP marking the 25th Anniversary of the Declaration.

8-11 September 2011, Legal Pluralism Conference, University of Cape Town. Plenary panel presenter (with Werner Menski). Paper on Legal Pluralism and Human Rights.

Matthew Craven

4th April 2012, delivered the Sir Kenneth Bailey Memorial Lecture, Melbourne Law School, 'Re-reading the Berlin Conference: International Law and the Logic of Extraction,' at <http://www.law.unimelb.edu.au/index.cfm?objectid=C01C6790-8761-11E1-B1F40050568D0140&flushcache=1&showdraft=1>

Lutz Oette

18-19 June 2012, Sajid Iqbal Foundation, Srinagar, International Conference on Kashmir, Lecture on 'The promise and perils of transitional justice'.

Amanda Perry-Kessaris

16 March 2012, 'Socio-legal approaches to international economic law: Text, context, subtext,' ILA Regional Seminar Series, University of Nottingham.

13 March 2012, with Chandra Lekha Sriram, 'Researching dangerous and unfamiliar topics and locations,' SLSA conference on Doing Socio-Legal Research at the Nuffield Foundation.

22 February 2012 with Costas Douzinas, 'Approaching Law: Critically, socio-legally,' SOAS Law Research Seminar Series.

13 January 2012, 'Patrick McAuslan's Law and Development: Portrait of a pracademic,' at a conference on Patrick McAuslan's Odessey, Birkbeck.

Chandra Lekha Sriram

8-11 July 2012, International Political Science Association, Annual Conference, Madrid, presenter in panel on "post-transitional justice" and discussant on two panels.

21-25 May 2012, Kenyon Institute/British Council, Palestine, invited speaking tour for four lectures on peacebuilding and accountability.

13 March 2012 with Amanda Perry-Kessaris, 'Researching dangerous and unfamiliar topics and locations,' SLSA conference on Doing Socio-Legal Research at the Nuffield Foundation.

Aida Tamer-Chammas (PhD final year)

25 April 2012, 'Identifying Lessons for Natural Resource management in Post-Conflict Peacebuilding,' The Earth Institute, Columbia University, New York, presentation of a chapter to be published. The Conference was the culmination of a research project led by UNEP, the Environmental Law Institute, McGill University and the University of Tokyo.

Carol Tan

26 July 2012, Invited to participate in a one day workshop on Everyday Political Economy in Southeast Asia at Warwick University, a workshop co-sponsored by PAIS (Politics and International Studies), Warwick University and GAI (Griffith Asia Institute, Griffith University). Her paper looked at how foreign domestic helpers become litigants in Hong Kong. 1

June 2012, Invited to present a paper, 'The Shadow of Colonialism: British-inspired courts in Asia,' at the 2012 International Conference on News Perspectives in East Asian Studies, programme for Courts in East Asia and Legal Transplant, organised by the Institute of Advanced Studies in Humanities and Social Sciences, National Taiwan University, Taipei. She also presented a paper on a similar topic at a research seminar at GISEAS (Graduate Institute of Southeast Asian Studies, National Chi-Nan University, Taiwan, a few days later.



5-7 July 2012, Presented (with Nik Haslinda bte Nik Hussain, Universiti Sains Malaysia) a paper on Francis Light's early intervention in the traditional land system of Penang Island at the Legal Histories of the British Empire, sponsored by the National University of Singapore; University of Victoria Centre for Asia Pacific Initiatives. Mohammad Shahabuddin (former

PhD student), Yu Xiuling (current PhD), Martin Lau and Mara Malagodi also presented papers. Carol has agreed to remain on the organising committee for the second LHBE conference which is planned for 2014 in South Africa.

18 May 2012, Presented a paper on 'Colonial Public Health Laws and the Making of a European Summer Resort in North China' in an afternoon panel entitled Imperial Encounters: colonialism and the law from the eighteenth to the twentieth century at the London Legal History Seminar, IALS.

Research Centres

Centre of East Asian Law (CEAL)



11-12 May 2012, CEAL's 2012 workshop on Law, Governance and Development: The Transformation of Property Rights in Land and Property Law in China saw 15 scholars present papers, with around 20 other participants, including SOAS LLM and MA students in attendance. **Emilio Ramos** and **Zhang Lei** (both current PhD students) presented papers as did Jing Bian (DEFIMS). **Zhu Sanzhu** rounded off the workshop with some reflections on the progress of reforms and on the state of scholarship on Chinese property law and land rights. Carol Tan's term as Chair of CEAL has come to an end and Zhu Sanzhu is now Chair.

Human Rights Law Centre (HRLC)

21 May 2011, Dan Plesch delivered a seminar discussing "'Opening a Vault of Precedents": The History and Future Relevance of the 17 Nation UN War Crimes Commission of 1943-1948 for ICL and Human Rights Practice,' for the Centre for Human Rights Law and the Centre for International Studies and Diplomacy.

Research Seminars

The **School of Law Research Seminar Series** is an informal forum in which we share, engage with, and build upon our research, whether in progress, press or print. Sessions tend to last for one hour, and to take one of three forms:

- Panel, in which two or three speakers discuss a common theme
- Intellectual History, in which a speaker of international prominence reflects on their journey through law
- Author Meets Reader, in which we discuss our written work
- Impact, in which we explore the ways in which our research has influenced hearts and minds beyond academia

All are most welcome to attend, whether, faculty, students, or non-academics; whether specialists in law or any other discipline. For more information please visit the [website](#). Organisers: [Diamond Ashiagbor](#) and [Amanda Perry-Kessaris](#)

The **School of Law Postgraduate Research Student and Research Associate Seminar Series** is an informal forum in

which post-upgrade postgraduate students and research associates present a portion of their work in progress, and as appropriate, can deliver practice job talks. In general, sessions follow the faculty research seminar in the same room. All faculty members are strongly encouraged to attend. Organiser: [Chandra Lekha Sriram](#).

Reading Groups

Economic Sociology of Law Reading Group

This is an informal gathering of faculty and students from across disciplines and institutions who are interested in the idea of an economic sociology of law—that is, the use of sociological approaches (empirical, normative, analytical) to investigate relationships between law and economy.

Organisers: Amanda Perry-Kessaris and Diamond Ashiagbor
Website: <http://www.soas.ac.uk/law/events/readinggroups/esol/>.

Law Development and the Arts Reading Group

This is an informal gathering of faculty and students from across disciplines and institutions who are interested in exploring the relationships between 'the arts' and 'law and development' - that is, attempts the use of law as a means to 'improve' human life and welfare. Themes to be explored include the potential of the arts to supplement and/or critique 'law and development' thinking and practice; to destabilise and/or be co-opted by dominant professional discourses in law and development. The group is part of the Law Development and the Arts Network.

Organiser: Amanda Perry-Kessaris

Website: <http://www.soas.ac.uk/law/events/readinggroups/ldar/>

Post-atrocity Justice Reading Group

This is an informal reading group of faculty and students across disciplines and institutions interested in debates in post-atrocity justice, both empirical and conceptual. We will consider ongoing debates about various modes of accountability, the interaction between accountability and peacemaking, and challenges in specific countries.

Organiser: [Chandra Lekha Sriram](#).

Website: <http://www.soas.ac.uk/law/events/pajreadinggroup/>.

Inquiries and Calls for Collaboration

Journals

An editorial team including **Matt Craven**, **Catriona Drew**, Andrew Lang (LSE), Susan Marks (LSE) and Stephen Humphreys (LSE) have just established the *London Review of International Law* the first edition of which will be published (by Oxford University Press) in October 2012.

The Journal of African Law is published by CUP on behalf of SOAS. The editorial board includes **Fareda Banda** currently the managing editor and **Emilia Onyema** of the SOAS Law School. The journal is published twice a year, in April and October. The contents of the April 2012 copy can be found

here:

<http://journals.cambridge.org/action/displayIssue?jid=JAL&tab=currentissue>. Articles that are accepted for publication are edited and put on line prior to publication in hard copy.

These are listed as "first view":

<http://journals.cambridge.org/action/displayIssue?jid=JAL&tab=firstview>.

Legal Treasures Tours

In this series we explore the legal treasure--manuscripts, photographs, maps, audio-visual material, rare books, ephemera, works of art with a legal dimension--hidden or showcased in world leading collections. The tours are constructed and lead by archivists, curators and librarians. They are opportunities to see and touch unique materials, to place them in the historical and social contexts that render them 'legal' phenomena, and in so doing to consider their moral subtext.

Our first port of call was the [SOAS Archives and Special Collections](#) with Susannah Rayner. There we viewed, among other things, material from the Restatement of African Law Project at SOAS, papers documenting the mid 1800s property transactions of entrepreneur Henry Alexander Ince in the British Settlement in Shanghai, campaign posters from War on Want and the heated correspondence they generated between George Galloway and the Charities Commission and letters and images relating to the role of missionary John Smith in the 1823 Demerara Uprising in Jamaica.

Our second port of call was the [India Office Records](#) at the British Library with Antonia Moon. There we viewed, among other things, the diaries of a C18th magistrate in Surat, the enchanting strategies employed by Thief Detector Sheikh Khyrulla of Madras, an opinion of the solicitors of the East India Company as to whether the estate of a wildly disorganised employee might be pursued for compensation, proceedings of the Sedition Committee, and certificates of freedom issued to those walking away from slavery in Aden. Future ports of call will include the [Middle East Department of the British Museum](#) and the [Wellcome Collection](#).

Organiser: Amanda Perry-Kessaris.

Website: <http://www.soas.ac.uk/law/events/legal-treasure-tours/>.

News from the Research Committee

Research development groups

The School of Law's five research development groups are standing groups, currently convened by Amanda, Carol, Chandra, Peter, and Fareda, which seek to facilitate the development of our research. Currently 25 members of staff are participating in the groups, which began meeting in term 1, 2011. Following on needs identified in these meetings, Chandra developed and convened a Research Development Workshop in May 2012. Those wishing to join a group should contact Chandra.

The School of Law at the School of Oriental and African Studies conducts a rigorous programme of teaching and research in comparative and international law. The excellence of its work was recognised:

- in the Guardian University Guide (May 2001), which placed SOAS as the top Law Department for undergraduate studies in the UK; and
- in 2009, 85% of its RAE submissions were rated either as 'world leading', 'internationally excellent' or 'internationally recognised.'
- The School has an unrivalled concentration of specialists in the laws of Asian and African countries, with additional areas of expertise in the areas of comparative law, human rights, transnational commercial law, environmental law, international law and socio-legal method. The School attracts students from all over the world who wish to pursue advanced study in these fields, whether for a one-year taught Masters degree, research or an MPhil or PhD, or for special courses and non-degree research.

Head of School: Paul Kohler

Deputy Head of School: Martin Lau

Head of Research Committee: Diamond Ashiagbor

UG Convenor: Alex Fischer

Deputy: Gina Heathcote

First Year Tutor: Catriona Drew

Intermediate Years Tutor: Gunnar Beck

Final Year Tutor: Vida Allen

Overseas UG Tutor: San Zhu

Research Tutor: Philippe Cullet

PG Convenor: Amanda Perry-Kessaris

Deputy (LLM): Sarah Keenan

Deputy (MA): Ernest Caldwell

UG Admissions Tutor: Catriona Drew

Deputy (Overseas): Anicee Van Engeland

Deputy (Access): Gail Price

Chair, UG sub-board of Examiners: Ian Edge

Deputy: Yoriko Otomo

UG Exam Scrutiny Officer: Nick Foster

Chair, PG sub-board of Examiners: Peter Muchlinski

Deputy: Scott Newton

Undergraduate Careers Officer: Jonathan Ercanbrack