

School of Law Research Newsletter No. 5, Term 2 2012-2013

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. This will be my last newsletter before I depart for exciting new challenges at the University of East London and the Centre on Human Rights in Conflict, which I return to co-direct. I hope that you have all found it useful and that the newsletter will be carried forward.

New Colleagues

Faculty



Yoriko Otomo

Yoriko was previously a Lecturer in Law at Keele University. She is a graduate of the University of Melbourne, where she also undertook a PhD. She has also previously taught at Birkbeck College, University of London, the International Centre for Legal Studies (registered centre with the University of London International Programmes) and Melbourne Law School, University of Melbourne. Most recently she has also worked at the Grantham Research Institute on Climate Change and the Environment, London School of Economics, for the Danish Institute for Human Rights, and for the United Nations University's Institute of Advanced Studies.

Yoriko will be returning from maternity leave in March 2013. Her main areas of research interest are animal law, environmental law, international law and legal theory. Current projects include the preparation of her doctoral thesis, 'Unconditional Life: The Time and Technics of International Law' for publication as a monograph, and research for another monograph, 'Empire and Environmental Law', for publication in 2014. She has recently convened an online workshop, 'Law's Animal', an international workshop, 'The Phenomenology of Global Order: Inquiries into the Materiality of International Law' at SOAS, and an international workshop at Keele University, 'Global Order in Context'. She was also co-convenor of an interdisciplinary workshop and theatre piece, 'Her Proper Name: A Revisionist History of International Law' at Birkbeck College, University of London. In 2013 Yoriko will be convening a conference, 'Dogs, Pigs and Children: Changing Laws in 19th Century Colonial Britain' at SOAS.

Yoriko is a member of the Food Studies Centre and the Centre for the Study of Colonialism, Empire and International Law at SOAS. She is on the editorial board of the Australian Feminist Law Journal.

Research Associate



Dr. Heba Shahein

Heba is a Visiting Professor at the Global Law Program, São Paulo Law School of Fundação Getulio Vargas in Brazil. She is a Visiting Tutor of European Union Competition Law at King's College London, the Dickson Poon School of Law. Heba is a Visiting Research Fellow at the British Institute of International and Comparative Law (BIICL). She has previously practiced law in three jurisdictions: Egypt, London and the Netherlands. Heba received her PhD from London School of Economics (LSE) in European Comparative Law- Competition Law-; and her LLM in European Union Law-Trade Law- from University of Amsterdam.

Her main areas of research are European Union Law, Comparative Law, Middle East, Developing countries and Law-and-Development and Rule of law. In a nutshell her main research interest stems from a central question: in a world of increasing economic integration (regional and free trade agreements), how should developing countries' legal systems respond to the challenges of global firms, powerful states and cultural identity? First her research builds on the intersections between the transplantation of laws (Economic Laws) from one jurisdiction (EU Law) to another (developing countries) and the design, implementation and enforcement of these laws. Her work attempts to fill the gap between the assumption that the law does not change from external forces and the fact that the law does not possess an autonomous existence but it is the mirror of some set of forces. The second fold of her research is the rule of law; it focuses on the role of rule of law – particularly introducing economic laws such as competition laws- in developing and transnational economies. Extensive theories abound on what it must and must not: there is a distinguished supporter such as Joseph Raz who believes totally in an ideal conceptions of rule of law; whereas on the other end of the spectrum, there are critics of the principle stemming from the contradiction between the pursuit of rule of law and the enforcement of economic laws in developing countries.

PhD student



Micha Wiebusch joined us as a new PhD researcher.

His research considers 'the norms and practices of the African Union on promoting Constitutionalism: International Legal Intervention in Peace, Security and Democratic State Building.' Micha holds a M.A. in Political Science from the University of Geneva, a Master of Laws (LL.M), specialisation in International and European Law from the University of Antwerp and the University of Cape Town, a Diploma of International and Comparative Law from Cornell Law School and Université-Paris I Panthéon-Sorbonne and a Bachelor of Laws (LL.B) from the University of Antwerp. Prior to joining

SOAS, Micha worked as a research assistant at the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and as a judicial law clerk at the Belgian Competition Council. Micha's primary research interests include regional integration in Africa; comparative constitutional law and politics, constitutional design for divided societies; peace and conflict studies; governance and accountability; public international law; law of international organizations; human rights.

New Publications



Ernest Caldwell

Co-editor with Terry Nardin, Symposium: Methodological Approaches to Asian Constitutionalism, *Chicago-Kent Law Review*, vol. 88, no. 1 (2012), pp. 1-284.

Co-author with Terry Nardin, 'Methodological Approaches to Asian Constitutionalism,' *Chicago-Kent Law Review*, vol. 88, no. 1 (2012), pp. 3-10.

'Horizontal Rights and Chinese Constitutionalism: Judicialization through Labor Disputes,' *Chicago-Kent Law Review*, vol. 88, no. 1 (2012), pp. 63-91.



Philippe Cullet

'Water Use and Rights – India', in Sam Geall, Jingjing Liu & Sony Pellissery, eds., *The Berkshire Encyclopedia of Sustainability, Vol. 7: China, India, and East and Southeast Asia: Assessing Sustainability* (Great Barrington, MA: Berkshire Publishing, 2012), p. 393-5.

'Governing the Environment without CoPs – The Case of Water', *International Community Law Review* vol. 15 (2013), pp. 123-35.

'Right to Water in India – Plugging Conceptual and Practical Gaps', *International Journal of Human Rights* vol. 17, no. 1 (2013), pp. 56-78.

'The Groundwater Model Bill – Rethinking Regulation for the Primary Source of Water', *Economic & Political Weekly* vol. 47, no. 45 (2012), pp. 40-47.



David McIlroy

'When is a Regime not a Legal System? Alexy on Moral Correctness and Social Efficacy', *Ratio Juris* vol. 26 (2013), pp. 65-84

'Locke and Rawls on Religious Toleration and Public Reason', *Oxford Journal of Law and Religion* vol. 2 (2013), pp.1-24

'Does law need a moral basis?' in N.Spencer, ed., *Religion and Law* (Theos, 2012), pp.153-161

'Is secular law possible?' *Law & Justice* vol. 169, (2012) pp.19-35.



Werner Menski

'Law as a kite: Managing legal pluralism in the context of Islamic finance,' in Valentino Cattelan, ed., *Islamic finance* (Cheltenham: Edward Elgar, 2013), pp. 15-31.

'Author and subject index to IANL Vol 26 (2012),' with Maria Jones, *Immigration, Asylum and Nationality Law*, Vol. 27 No.1 (February 2013), pp. 58-92.

Interpreting divorce laws in Islam co-editor with Rubya Mehdi and Jørgen S. Nielsen (Copenhagen: DJØF Publishing, 2012), 317 pp.

Yoriko Otomo



Y. Otomo with E. Mussawir, eds., *Law and the Question of the Animal: A Critical Jurisprudence* (Routledge, 2013).



Amanda Perry-Kessaris

Co-editor with D. Ashiagbor and P. Kotiswaran, *International Journal of Law in Context* (2013 Special Issue on Continuing towards an Economic Sociology of Law).

Co-editor with T. Xu, *Northern Ireland Legal Quarterly* issue 2 (2013 Special Issue on Legal Appropriation: Taking of and by law).

Co-editor with D. Ashiagbor and P. Kotiswaran, *Towards an Economic Sociology of Law* (London: Wiley-Blackwell, 2013).

'Can economic sociology save law and development?' *Current Legal Problems* vol. 66, no. 1 (2013).

'Anemos-ity, apatheia, enthousiasmos: An economic sociology of law and wind farm development in Cyprus,' *Journal of Law and Society* vol. 40, no.1 (2013 Special Issue).



Chandra Lekha Sriram

'Making rights real? Minority and gender provisions and power-sharing arrangements,' *International Journal of Human Rights* vol. 17, no. 2 (2013), pp. 275-288.

'International vs. domestic norms and actors' and "Zone of Impunity," in Nadya Nedelsky and Lavinia Stan, eds., *Encyclopedia of Transitional Justice* (Cambridge: Cambridge University Press, 2013).

'Transitional justice and peacebuilding in comparative perspective: Lessons for the Middle East,' in Hasan Al-Momani, Ruba Zinati, and Amani Da'na, eds., *Advancing*

justice and reconciliation for long term peacebuilding in the Middle East (Amman: Regional Centre on Conflict Prevention, 2012).

Lynn Welchman

'Musawah, CEDAW, and Muslim Family Laws in the 21st Century,' in Anver Emon, Mark Ellis and Benjamin Glahn, eds., *Islamic Law and International Human Rights Law. Searching for Common Ground?* (Oxford: OUP, 2012) pp.309-319.

Grants and Projects

Ernest Caldwell

Was invited to Co-chair a conference titled, 'Max Weber and China: Culture, Law and Capitalism'. The conference is sponsored by the Max Weber Study Group of the British Sociological Association, China in Comparative Perspective Network (LSE), the *Journal of Max Weber Studies*, and the Centre for Chinese Studies (SOAS). It will be held at SOAS on 5-6 September 2013. <http://www.soas.ac.uk/max-weber-and-china/>

Philippe Cullet

Was awarded a British Council grant for a research on *Climate Change and Groundwater Management: An Indian Law and Society Comparative Study*. This is a three-year collaborative project in the context of the UK-India Education and Research Initiative undertaken with the National Law University, Delhi.

Werner Menski

Completed a funding application under the EU COMENIUS Lifelong Learning Programme on Ethnic Diversity & Culture Awareness for Teacher Educators (EDICATE) together with a team from six countries.

Chandra Lekha Sriram

Was awarded co-directorship, with Amy Ross, of a dissertation proposal development workshop by the Social Science Research Council for a field of our devise, "[Critical Approaches to Human Rights](#)".

Researcher on project led by Iavor Rangelov of LSE's Security in Transition Project on civil society engagement with international criminal tribunals in the Balkans, Uganda, and Kenya.

Invited Visiting Guest Professor, Columbia Law School, March-April 2013.

Research-related Events

Ernest Caldwell

12 April 2013, delivering a paper at the IVF Annual Conference *Legal Theory and Legal History: A Neglected Dialogue?*, on the contemporary relevance of early Chinese theories of socio-legal change.

16 March 2013, invited to a one-day workshop titled, 'Recovering Law in Asia' (Cambridge), to present on Chinese constitutional development during the 1980s and 1990s.

14 February 2013, invited to give a talk at the Institute for Chinese Studies and Contemporary Chinese Studies Programme Seminar Series (Oxford), on constitutional litigation in Chinese courts and the doctrine of indirect effect.

13 January 2013, invited to give a talk at the Southeast and East Asia History Seminar (SOAS), on early Chinese legal theory and excavated legal manuscripts.

Amanda Perry-Kessaris

14 March 2013 'Can economic sociology save law and development?' Current Legal Problems lecture, UCL.

6 March 2013 with Patrick McAuslan 'Disciplinary Perspectives on International Development: Law' London International Development Centre.

6 February 2013, with Eddie Bruce-Jones 'Legal Theory: Why bother' SOAS-Birkbeck special edition of Law Research Seminar Series, SOAS, February.

19 September 2012, 'An economic sociology of law and wind farm development in Cyprus' workshop on Towards an Economic Sociology of Law, SOAS.

Chandra Lekha Sriram

26 February 2013, *Global Policy*, 'Justice in transition: Rule of law, peacebuilding, victims and excombatants,' column and video interview at <http://www.globalpolicyjournal.com/blog/26/02/2013/justice-in-transition-rule-law-peacebuilding-victims-and-ex-combatants>

4 April 2013, American Society of International Law, Annual Conference, Washington, DC, invited panelist on panel 'Transitional Justice Branches Out'.

6 April 2013, International Studies Association, Annual Conference, San Francisco, paper on 'Instrumentalizing the International Criminal Court in Kenya'.

6 March 2013, SOAS School of Law, seminar series, with Iavor Rangelov (LSE), Author meets Reader presentation on 'International accountability and local social mobilization: Lessons from the ICC engagement with Kenya'.

5 March 2013, University of Greenwich School of Law, guest speaker on roundtable on 'Transitional justice and peacebuilding on the ground'.

13 February 2013, University of York, guest speaker on 'Surviving field research'.

28 January 2013, University College London, School of Public Policy, guest speaker on 'Access, Ethics and Risk: Difficult or Dangerous Research'.

11 December 2012, London School of Economics, Conference on Sierra Leone's Post-Conflict Transition, invited presenter on victims and excombatants.

26-27 November 2012, Dialogue Advisory Group, Human Rights Watch, and International Crisis Group, Amsterdam Dialogue, invited expert for workshop on mediating peace and pursuing justice.



Carol Tan

11-13 December 2012, Presented a paper on 'Sovereignty, Jurisdiction and Government: A Multi-spatial Analysis of the British in Northern China' at a workshop on Spaces of law: territories, boundaries, corridors and beyond organised by the CSSSC, Kolkata.



Anicée Van Engeland

24-25 January 2013, 'Neo-ijtihad as a Peace-maker: Interpretations of the Verse of the Sword', Islam and Conflict Transformation, Humanitarian and Conflict Response Institute & Islamic Relief Worldwide, The University of Manchester.



Lynn Welchman

She delivered her inaugural lecture on 31 January, under the title 'Human Rights and the Middle East: A Thousand and One Stories, Starting with Palestine'. The Brunei Gallery Lecture Theatre was filled to capacity and many School of Law colleagues and students attended. The lecture drew on Lynn's current research into the early years of the Palestinian human rights movement in the occupied West Bank and Gaza, and her ongoing work with human rights defenders elsewhere in the Arab region. She was introduced by Professor Ziba Mir-Hosseini, a School of Law Research Associate, and the vote of thanks was given by Professor Abdullahi an-Na'im of Emory School of Law, who concluded the event with important observations on the relationship between activism and academia. The event can be viewed on SOAS YouTube.

Research Centres

Centre for Ethnic Minority Studies (CEMS)

9 January 2013, Book launch of *Interpreting divorce laws in Islam*, co-edited by Rubya Mehdi, Werner Menski and Jørgen S. Nielsen.

19-20 April 2013, CEMS has arranged a two-day symposium 'Network of Transnational Doctoral Research, 2013 Programme on Multiculturalism and Law', together with the Department of Comparative Law at the School of Law from Luzern, Switzerland.

Law, Environment and Development Centre (LEDC)

Sixth Annual Public Evening Seminar Series:

20 March 2013, Ms Chee Yoke Ling (Third World Network), 'Challenges for Multilateral Environmental Negotiations: A Southern Sustainable Development Perspective'.

13 March 2013, Mr Joshua Roberts (ClientEarth), 'The REDD+ Safeguards: A Rights-Based Approach to Improving Forest Governance'.

6 March 2013, Ms Audrey Gaughran (Amnesty International), 'The Toxic Truth About a Company Called Trafigura, a Ship Called the Probo Koala, and the Dumping of Toxic Waste in Côte d'Ivoire'.

27 February 2013, Ms Teresa Anderson (The Gaia Foundation), 'Seeds of Freedom and Food Sovereignty'.

25 October 2012, Dr Gary Cox, 'The Australian Emissions Trading Scheme: An Implementation Story'.

Further information is available at: <http://www.soas.ac.uk/ledc/events>.

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-Kessarlis](#)

The **School of Law Postgraduate Research Student and Research Associate Seminar Series** is an informal forum in which post-graduate 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-Kessarlis and Diamond Ashiagbor Website: <http://www.soas.ac.uk/law/events/readinggroups/esol/>.

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/>.

Calls for Collaboration

South Asia Research is an international, multidisciplinary forum which covers the history, politics, law, economics, sociology, visual culture, languages and literature of the countries in South Asia. It is published by SAGE in New Delhi. Supported by a large Editorial Committee and an International Advisory Board, **Werner Menski** has been the editor since 2004. The Journal is published thrice a year, in February, July and November, and will probably move to four issues per year in 2014. ISSN 0262-7280. Currently Volume 33.1 (February 2013) is in print. Read the Journal online at <http://sar.sagepub.com>.

Cause for Celebration

Abdulbari Altamni passed his viva, subject to minor corrections, on 25 January 2013. The title of his thesis is: "Reservations to International Human Rights Treaties, with Special Reference to Muslim States' Practice of Reservations to the ICEDAW: An Analytical Study of Saudi Arabia, Egypt, Pakistan and the United Arab Emirates".

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: Lynn Welchman
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

Chifundo Kachale passed his viva, subject to minor corrections, on 17 January 2013. The title of his thesis is: "Judicial (in)Activism in Malawi?: A Critical Analysis of the Impact of Constitutional Jurisprudence on Constitutionalism and the Rule of Law".



Mansour Talebpour was awarded his PhD on 31 January 2013 for his thesis on "Impunity and the International Criminal Court".