

School of Law Research Newsletter No. 6, January to December 2013

New Publications

Dr Samia Bano

‘In the Name of God?’ in (eds) Munro, V and M Davies, *The Ashgate Research Companion to Feminist Legal Theory* Ashgate (November 2013) pp. 157-177

Dr. Gunnar Beck

The Legal Reasoning of the Court of Justice of the EU, (Oxford: Hart Publishing) 2013, 486 pages.

‘The Legal Reasoning of the Court of Justice and the euro crisis – the flexibility of the Court’s Cumulative Approach and the Pringle Case’, *Maastricht Journal of European and Comparative Law* 20(4) (2013), pp. 645-658

‘The Limits of Legal Reasoning and the European Court of Justice, by Gerard Conway. (Cambridge: Cambridge University Press, 2012)’, *Common Market Law Review*, 2013 (3), pp. 896–898

‘The Limits of Legal Reasoning and the European Court of Justice, by GERARD CONWAY’ (Review Article), *International & Comparative Law Quarterly*, vol. 62, April 2013 pp. 2–7.

Professor Philippe Cullet

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

‘Right to Water in India – Plugging Conceptual and Practical Gaps’, 17/1 *International Journal of Human Rights* (2013), p. 56-78.

‘Proposed Union Water Laws: Need to Rethink the Premises’, 1/1 *The Asian Journal – Journal of Transport and Infrastructure* (2013), p. 55-63.

Professor Werner Menski

‘‘Baby pigeons’ and the best interests of adopted children from India’. In *Immigration, Asylum*

and Nationality Law, 27(3) (2013), pp. 235-52 [with Lavanya Regunathan Fischer].

‘Governance and governability in South Asian family laws and in diaspora’. In: Holden, Livia (ed.) *Legal Pluralism and Governance in South Asia and in the Diasporas* (Special Issue). *Journal of Legal Pluralism and Unofficial Law*, 45(1) (March 2013), pp. 42-57.

Dr Emilia Onyema

‘International Arbitration in the West African States’, in Lise Bosman (gen. ed.) *Arbitration in Africa: a Practitioner's Guide*, Wolters Kluwer, 2013, pp 99-141

Dr. Lutz Oette

Co-author with Ilias Bantekas: *International Human Rights Law and Practice* (Cambridge: CUP), 2013

Dr Carol Tan

(with Ting Xu) ‘The Transformation of Property Rights in Law and Property Law in China’, special guest edited part, *Journal of Comparative Law* 7:2, pp 138-206

‘On Law and Orientalism’, *Journal of Comparative Law*, 7:2, 5-17

‘A Passion Ingrained’ in the Chinese: Orientalist Tropes and the Prohibition of Gambling’, *Journal of Comparative Law*, 7:2, 60-77

special guest edited part: ‘*Law and Orientalism*’, *Journal of Comparative Law* 7:2, pp 1-137

Jean-Philippe Dequen (PhD student)

‘Constructing the Refugee Figure in France: Ethnomethodology of a Decisional Process’, *Int J Refugee Law* (2013) 25 (3): 449-469.

Grants, Prizes, Honours

Dr. Gunnar Beck

On 28 January 2013 Dr. Beck delivered the CESifo annual law lecture at the Ifo Institut in Munich, entitled ‘*Recht als Fortführung der*

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Politik mit anderen Mitteln - the unlawful euro rescue with particular reference to the ESM and the ECB's bond buying programme.

In February 2013 Dr. Beck was appointed to the academic advisory and author's panel of the ECRE (European Council for Refugee and Exiles), European Legal Network on Asylum (ELENA), Dutch Council of Refugees funded research project entitled 'Promoting the EU Charter of Fundamental Rights within the legal networks active in the field of asylum and migration in Europe (FRAME).' Dr Beck's involvement as an academic advisor and author is ongoing.

In October 2013 Dr. Beck's monograph *The Legal Reasoning of the Court of Justice of the EU* was shortlisted for the bi-annual CES Prize for the best book on European Studies awarded by the Council For European Studies at Columbia University.

Professor Philippe Cullet

British Council UK-India and Education Research Initiative (UKIERI): Thematic Partnerships, Climate Change and Groundwater Management: An Indian Law and Society Comparative Study (2013-2015)

International Development Research Centre (IDRC): Research Support Projects – Conflicts Around Water Use in Rainfed Agriculture – Addressing the Cross-Sectoral Dimensions (Rajasamand, Rajasthan) (2013).

Dr Carol Tan

was awarded a short-term BMBF-Freiburg University Fellowship – October 2013.

Professor Lynn Welchman

Professor Lynn Welchman is a named investigator in a grant won by Dr Ruba Salih (Principal Investigator, SOAS Centre for Gender Studies) as part of a multi-partner project including partners in Europe and the Middle East/North Africa to be funded by the European Commission under the title 'Freedom, Dignity

and Justice: the dynamics of youth exclusion and opportunities for youth inclusion in the South and East Mediterranean' (short title POWER2YOUTH), commencing spring 2014.

Research-related Activities (including Knowledge Transfer and Academic Leadership)

Dr Samia Bano

Symposium presentation and panel discussant: Investigating British Muslim Family Law: Law, Orientalism and Citizenship at Oecumene (Citizenship After Orientalism Project) 4th Symposium, 7-8th November 2014, The Open University, London Campus, Camden Town.

Dr Gunnar Beck

In October 2013 Dr. Beck was appointed as an expert witness to the House of Commons All Party Parliamentary Group on European Reform. On 16 October 2013 Dr. Beck delivered a paper entitled 'How to involve national parliaments in EU law making – beware of what you desire!' as part of the Parliamentary Inquiry into the role of national parliaments in the EU law-making process.

On 8th August 2013 Dr Beck delivered a paper entitled '*The Rule of Law as a Fair-weather Phenomenon - the German Constitutional Court's Approach to the Euro Crisis*' at the Joseph Hotung Programme on Peacebuilding-funded Joint SOAS/Doughty Street Chambers Conference 'Though The Heavens May Fall, Let Justice Be Done? – Protecting Democracy, Fundamental Rights and Freedoms'.

In the autumn of 2013 Dr. Beck delivered seminar research papers entitled 'The illegality of the European Stability Mechanism and European Central Bank's OMT programme under EU and German Constitutional Law' and 'The Legal Reasoning of the Court of Justice of the EU' at law school staff research seminars of the University of Limerick, Ireland (3rd

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September) and City University Law School (20 November).

Dr. Beck further published several research-based international press articles and commentaries on judicial reasoning, EU law politics and the euro crisis. Recent relevant articles include the following:

‘Merkel will win - because my fellow Germans dare not speak of national self-interest’, *The Spectator* (21 September 2013); ‘Über den Ausverkauf der deutschen Interessen – Merkels Eurorettungspolitik’, *Handelsblatt* (20 September 2013); ‘Die Eurorettung - Eine rechtsstaatliche Tragödie’, *Handelsblatt* (13 June 2013); ‘Das Ende unserer Verfassungsordnung’ (Interview with Moritz Schwarz), *Junge Freiheit* (21 Juni 2013); ‘Richter in höchster Entscheidungsnot’, *Handelsblatt* (10 June 2013); ‘Die Eurozone ist wie Wilder Westen für die EZB’, *Handelsblatt* (15 April 2013), Germany is not profiting from the eurozone’, *The Guardian* (7 January 2013).

Dr. Beck also served as an occasional review editor for Oxford University Press and the Common Market Law Review.

Dr Kate Grady

During 2013 Dr. Grady consulted to the Law Commission on reforming certain aspects of the criminal law. She was further appointed to the Policy Advisory Group of the United Nations Association of the UK (UNA-UK).

Dr M F Makeen

In 2013 Dr. Makeen delivered several research papers which include:
 May 20-21, Moscow, National State University-Higher School of Economics. Conference: Copyright Law in the Digital Era, paper presented ‘Copyright + New Technology = Access Right?’

June 20, London, Centre of European Law, King’s College. Conference: Creativity, Innovation and Competition, paper presented

‘New Technologies and the EU Communication to the Public Right

Dr. Lutz Oette

In 2013 Dr. Oette delivered the following research papers:

27 June 2013

RCT and Restart Centre, Beirut, Key note presentation on
 ‘The right to rehabilitation for torture’

8 August 2013

SOAS Hotung Project and Doughty Street Chambers: Though The Heavens May Fall, Let Justice Be Done?,
 Panellist, speaking on ‘Judicial responses to torture in the counter-terrorism context’

23 September 2013,

Open Society Initiative for Southern Africa, SOAS, Centre for African Studies, Gaborone, Botswana, Course lecture on ‘The Use of Legal Instruments and Policies as Tools to Combat Marginalisation, Social Exclusion and Inequalities’

24 October 2013,

University of San Francisco, Public Lecture,
 ‘The International Prohibition of Torture: Law, practice and agendas for change’

13 November 2013,

University of Leeds, Centre for African Studies, LUCAS seminar
 ‘Human rights in Sudan: Transition, separation and challenges ahead’

Dr Emilia Onyema

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Presented a paper titled 'Comprehensive ADR Acts as the future: a case study of the Ghana

ADR Act 2010' at the 2nd annual conference of the African Society of International Law in Dakar on 25 October 2013.

Dr Yoriko Otomo

Convened an international conference on the theme 'Dogs, Pigs and Children: Changing Laws in Colonial Britain' on the 12th and 13th September 2013 under the aegis of the Centre for Colonialism, Empire and International Law.

Dr Carol Tan

Delivered the following research papers:

November, 2013 'From Employee to Litigant: Everyday Agency, Resistance and Community Resources', Shantou University Law School

November, 2013 'When Indonesian domestic workers sue: turning points and triggers in the journey from employment to the law', SEARC, City University of Hong Kong

October, 2013 'When Filipina and Indonesian Domestic Workers Sue their Employers', University of Freiburg, BMBF Project Southeast Asia

September, 2013 'Rabid Dogs and Curdled Milk', Workshop on Dogs, Pigs and Children: Changing Laws in Colonial Britain, Centre for the Study of Colonialism, Empire and International Law, SOAS

Professor Lynn Welchman

- Panel Commentator at the Shari`a Project Workshop held at the Institute of Arab and Islamic Studies, University of Exeter, 18-19 April 2013, by the UK-Netherlands Islamic Legal Studies Network.
- Panellist at the meeting on 'Developing Practice-led Research to meet Contemporary Challenges' convened by the SoL's Centre for Human Rights Law (director Lutz Oette) with the Human Rights Consortium at the School of Advanced Study on 3 June.

- Presented on the panels 'Human Rights and Social Change' and 'Collaborative Research', in the latter discussing the work

of the SoL's International Human Rights Clinic.

- Keynote speaker (along with Ziba Mir-Hosseini and Prakash Shah) at a conference entitled 'Islamic family law in modern Europe and the Muslim world: normative, legal and empirical approaches beyond the women's rights issue' held at the University of Nijmegen (Netherlands: Centre for Migration Law and School of Law) 19-21 June.
- Speaker at the meeting on 'Muslim women's challenges in the Middle East and Beyond' convened at the University of Oslo by the Norwegian Human Rights Centre, 25-26 October. Presented on 'Qiwama and Wilaya as legal postulates in Muslim family laws'.
- Speaker at Oxford University's Centre for Social and Legal Studies' seminar series, 'Male Authority in Muslim Family Laws: Middle Eastern Arguments', 25 November

Dr Sanzhu Zhu

- Member of steering and advisory committee, 3rd East Asian Law & Society Conference, 22-23 March, 2013, Shanghai
- Member of the Advisory Board of law firm Linklaters' Law & Business School, 2013.

In addition Dr Zhu has acted as a manuscript reviewer for OUP.

David McIlroy (Visiting Senior Lecturer)

Delivered the following research papers:

28-29 September 2013, KLICE, Cambridge, Co-organiser of conference on 'Commercial Law and Commercial Ethics', and presented paper on 'Laws as Incentives to Good Business Practices' and facilitated session on 'Case Studies of Madoff, Stanford, Northern Rock, and LIBOR manipulation'

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20 September 2013, Manchester and 23

September 2013, 'Contentious Banking Law: Update', MBL Seminars.

15 October 2013, Birmingham and 22 October 2013, 'Interest Rate Swap Mis-selling: Update', MBL Seminars.

17 October 2013, The Round Church, Cambridge, 'Human Rights: Problem or Solution?'

24 October 2013, Marcus Sinclair, London, 'Money Laundering seminar'

Ms. Janan Al-Asady (PhD student)

Speaker at a conference on "Natural Resources Grabbing: Erosion or Legitimate Exercise of State Sovereignty?" University of Cagliari, October 2013.

Participant at invitation-only conference "Managing oil for all", National Oil Company of Liberia, LSE, 17 June 2013

Participant at an invitation-only workshop on the political economy of energy security, Centre for the Politics of Energy Security, SOAS, 14 June 2013

Interviewee on Islam Channel, The World This Week, "Can Iraq survive as a unified country?" 23 May 2013

"Iraq, the potential country", Open Democracy, 10 May 2013

<http://www.opendemocracy.net/janan-al-asady/iraq-potential-country>

Speaker at an invitation-only conference on the future of Iraq in Istanbul in February 2013 organised by the Hollings Centre.

Ms. Elizabeth Stubbins Bates (2nd year PhD student)

Delivered the following research papers:

5 September 2013, 'Training Troops in International Humanitarian Law: New Thoughts on Compliance Theory', Society of Legal Scholars (SLS) Annual Meeting, University of Edinburgh, International Law Subject Section.

17 August 2013, 'Is Dissemination Sufficient to Promote Compliance with International

Humanitarian Law?' Opinio Juris Emerging Voices Symposium.

Mimi Ajibadé (PhD student)

25 April 2013, 'Legislating for Economic Growth: The Internal Management Structure of

Listed Companies in China', SOAS CEAL Seminar Series.

13 February 2013, 'Legislating for a Harmonious Society by 2020: Developments in Chinese Corporate Law for Protection of Shareholders', SOAS CEAL Seminar Series.

16 January 2013, 'Legislating for a Modern Enterprise System: Exploring the Development of the Internal Management Structure of Companies under Chinese Company Law' SOAS CEAL Seminar Series.

10 August, 2013, co-organised and raised funds for 'SOAS Centre for East Asian law and the Commercial Law Society of China Roundtable Discussion on International and Comparative Perspectives on Company and Commercial Law', SOAS,

Research Centre Activities

Centre for Ethnic Minority Studies (CEMS)

1-18 July 2013, Professor Werner Menski and Sham Qayyum delivered the first SOAS Summer School course on Law, Multiculturalism and Intercultural Human Rights.

1-4 August 2013, Professor Menski acted as an instructor on the International Course on Legal Pluralism, offered by the Commission on Legal Pluralism in Manchester.

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15-16 November 2013, three CEMS members took part in the second intensive two-day Doctoral Symposium on 'Multiculturalism and Law', co-organised by CEMS with the Department of Comparative Law at the

University of Luzern in Switzerland, with participants from SOAS, Luzerne, Leiden, Amsterdam, Napoli, Mumbai, Canada and the United States.

Law, Environment and Development Centre (LEDC)

2-3 May 2013, **Workshop on International and Comparative Perspectives of the Right to Sanitation**. Speakers, presentations and background papers available at: <http://www.soas.ac.uk/ledc/events/sanitation-workshop-2013>.

2013-2014 - **Seventh Public Evening Seminar Series**, October-December events:

24 October 2013, Dr Suerie Moon (Harvard University), 'Ensuring Innovation and Equitable Access to Medicines: Challenges and Possibilities for a New Global Framework for R&D'.

4 December 2013, Litigating for... Bhopal: Screening Bhopali and Discussion with Tim Edwards (International Campaign for Justice in Bhopal)

Centre for Human Rights Law

3 June 2013 (with Human Rights Consortium) 'Human Rights Forum: Developing Practice-led Research to Meet Contemporary Challenges'

1 August 2013 (with REDRESS): 'The struggle for human rights in South Asia: Perspectives from India, Nepal and Sri Lanka' - A panel

discussion with: Bijo Francis, Executive Director of the Asian Legal Resources Centre (ALRC)'

Hari Tripathi, Executive Director of Advocacy Forum Nepal, Basil Fernando, Director for Policy and Programme Development (ALRC) and Ingrid Massage, Human Rights Consultant

2 August 2013 (with REDRESS): Seminar on 'Global Perspectives on Justice for Torture: Experiences, Challenges and Strategies'

21 November 2013 (Centre for Human Rights Law jointly with CCRJ): Professor Mashood Baderin delivered a paper entitled 'The UN Human Rights Mandate in the Sudan: The Challenge of a Country under Pressure and the Experience of the UN Independent Expert for the Sudan'

SOAS Centre for Human Rights Law and Human Rights Consortium

3 June 2013

'Human Rights Forum: Developing Practice-led Research to Meet Contemporary Challenges'

CEAL

Mimi Ajibadé organised the 2013/14 CEAL Early Researchers Seminar Series:

<http://www.soas.ac.uk/ceal/events/>

SOAS Research Seminars

Commercial Law

In addition to the established School of Law staff research seminar, Dr. Onyema and Mr Nick Foster started a new workshop for colleagues and students to share ideas on commercial law. Two workshops are envisaged for each academic year. The workshop for term 1 was held on Friday 6 December 2013 in the Khalili Lecture Theatre.

20 January 2014