Despite the usual quiet of the summer term researchers of all ranks at the SOAS School of Law have been quite productive. First and foremost, two new groundbreaking books have been published. NIMER SULTANY’S Law and Revolution: Legitimacy and Constitutionalism After the Arab Spring was published by Oxford University Press. The second is PHILIPPE CULLET and SUJITH KOONAN’S edited volume entitled Water Law in India: An Introduction to Legal Instruments, which was also published by Oxford University Press. In addition to these books SOAS School of Law researchers have produced a number of new publications which are listed on page

Some notable grants have been obtained. EMILIA ONYEMA was awarded £5000 from the law firm, Broderick Bozimo & Company, based in Abuja, Nigeria. The grant will fund a survey on the use of arbitration in Africa.

CAROL TAN was awarded £5000 from a private donor to continue work on the Rule of Law in Thailand Project at the Centre of East Asian Law.

KANIKA SHARMA was awarded a grant of £2200 from SLS for a conference on the Age of Consent in the British Empire, which will be held at SOAS on 15 June 2018. The conference is being co-organised with Laura Lammasniemi from the University of Warwick.

KATE GRADY, MATT CRAVEN and RUSSELL BUCHAN (University of Sheffield), were awarded £15,000 from the Society of Legal Scholars as part of their prestigious Annual Seminar series. The 2018 Seminar, entitled ‘The Legal Legacies of the Iraq War’, will be held at SOAS in March. Taking place 15 years to the month since the 2003 invasion, this two-day conference will examine the legal legacies of the conflict domestically and internationally and across multiple legal fields. The aim is to explore the legal matter that this event has left with us – the manner in which law has been made, and remade; the use of law as both a justification for and a site of
resistance against the conflict; and the war as a catalyst for legal change. The event will be held under the auspices of the Centre for the Study of Colonialism, Empire and International Law.

The Qatar Financial Centre Authority has awarded JONATHAN ERCANBRACK £10,000 annually for a period of five years to support the activities of the SOAS – QFC Islamic Finance Workshop and Public Lecture, which will take place on 21 and 22 February 2018. Formerly known as the Harvard-LSE Islamic Finance Workshop, SOAS will host leading stakeholders in Islamic banking and finance, namely: sharia scholars, industry leaders, leading economists, academics, regulators and lawyers. The workshop gathers elite stakeholders together once every year to discuss an important theme in the industry, which is decided by majority vote.

In November Visiting Professor AYEL GROSS was awarded the Gorni Prize for his outstanding contribution to public law. Specifically, Professor Gross's contribution to international law and constitutional law including his work for the protection of human rights was noted. Professor Gross was also awarded the Fernand Braudel Senior Fellowship at the European University Institute in Florence, where he is in residence from October to December 2017.

Furthermore, Professor LYNN WELCHMANN was appointed a member of the international Advisory Board to the Open Society Foundations’ Arab Regional Office.

The School of Law also has reason to celebrate the arrival of new permanent members of staff including SARAH ELBIARY, LOLWA ALFADHEL and GRACE MOU. Their short biographies follow on pages 4-5 respectively.

Finally, a big congratulations to KANIKA SHARMA, who has been made a permanent lecturer in law.
Law and Revolution

Legitimacy and Constitutionalism
After the Arab Spring

NIMER SULTANY
New Books

NIMER SULTANY, Law and Revolution: Legitimacy and Constitutionalism After the Arab Spring (Oxford University Press 2017).

Oxford Constitutional Theory has just published Nimer Sultany’s book on the role of law in the Arab Spring. The publisher’s description of the 400 page-long book presents it as follows: “What is the effect of revolutions on legal systems? What role do constitutions play in legitimating regimes? How do constitutions and revolutions converge or clash? Taking the Arab Spring as its case study, this book explores the role of law and constitutions during societal upheavals, and critically evaluates the different trajectories they could follow in a revolutionary setting. The book urges a rethinking of major categories in political, legal, and constitutional theory in light of the Arab Spring. The book is a novel and comprehensive examination of the constitutional order that preceded and followed the Arab Spring in Egypt, Tunisia, Libya, Morocco, Jordan, Algeria, Oman, and Bahrain. It also provides the first thorough discussion of the trials of former regime officials in Egypt and Tunisia. Drawing on a wide range of primary sources, including an in-depth analysis of recent court rulings in several Arab countries, the book illustrates the contradictory roles of law and constitutions. The book also contrasts the Arab Spring with other revolutionary situations and demonstrates how the Arab Spring provides a laboratory for examining scholarly ideas about revolutions, legitimacy, legality, continuity, popular sovereignty, and constituent power.”

In his advanced praise, Professor Duncan Kennedy (Harvard Law School) wrote: “This is a magisterial telling of the tale of legal political ideas in the tragedy of the countries of the Arab Spring. Sultany makes us see country by country that popular sovereignty, constitutionalism, constituent power, the rule of law, judicial independence, and many more, were abstractions that couldn’t deliver what they promised in the way of guidance, normative judgment, or even clear meaning. For all its sadness, this is a brilliant account, full of lessons for a next time sure to come.”

Professor Lynn Welchman (SOAS) added: “This study foregrounds Arab Spring experiences to reconsider theories on legitimacy, revolution, legality, and constitutionalism in an examination of the role of law and constitutions. It is a pleasure to read an account that offers so much empirically-grounded theoretical insight from experiences in Arab states by way of correction to, or development of, existing mainstream scholarship in these areas.”
First published in 2011, Water Law in India is the only book to offer a comprehensive survey of the legal instruments concerning water in India. It presents a variety of national and state-level instruments that make up the complex and diverse field of water law and policy. This book fills a critical gap in the study of water law, providing a rich reference point for the entire gamut of legal mechanisms available in India. This edition has been extensively revised to include new chapters on international legal instruments; new instruments on water regulation, including the draft National Water Framework Bill, 2016, and the Model Groundwater (Sustainable Management) Act, 2016; and new water-related instruments in such varied fields as criminal law, land acquisition law, and rural employment legislation. Chapters on drinking water supply, environmental dimensions of water conservation, water infrastructure for irrigation and flood control, groundwater regulation, and institutions catering to water have been thoroughly updated for a more complete coverage of water law. to Legal Instruments (2nd Edition, Oxford University Press, 2017).
New Staff, Fellows

DR. LOLWA ALFADHEL is a Senior Teaching Fellow at SOAS, University of London. She studied at the University of Westminster and Queen Mary, University of London. She is currently teaching Law of Tort, Contract Law (Term 2), and acts as a Personal Advisor to students. Lolwa's passion is working with students and aims to plan student activities, excursions, and to increase student confidence in themselves and their abilities to succeed.

Lolwa's primary research interests is the development and enforcement of intellectual property protection in the Arabian Gulf States. She completed her doctoral dissertation that comparatively examined the issue of counterfeit goods in transit across the Gulf Cooperation Council States and the European Union, which she is preparing for publication.

The majority of Lolwa's research and publication to date has focused on the relevant trademark laws in the Gulf Cooperation Council States (GCC) as an effective enforcement mechanism to deal with the rise of counterfeiting activities in the region. The GCC States have been listed among the countries with significant problems in terms of intellectual property protection and enforcement. Thus, Lolwa's work seeks to shed light on the importance and effectiveness of border measures, judicial processes, including civil and criminal proceedings across all of the six GCC Member States.

Outside of academia, Lolwa's other passion is yoga and she's been an iyengar yoga practitioner for nearly 8 years. She is currently on the teacher training programme to teach Yoga one day soon.

SARAH ELBIARY completed her PhD in Law at SOAS in February 2012, broadly focusing on Islamic legal pragmatism in Sunni and Shii legal discourses on war and rebellion. A few months later she was awarded an ESRC postdoctoral fellowship at the University of Exeter where she worked on a project on Islamic Legal Reformulations. Whilst in Exeter, Sarah was also lecturing on comparative Islamic jurisprudence at The Institute of Ismaili Studies. She returned to SOAS, upon completion of her appointment in Exeter, to lecture and tutor on Islamic Law, LASMENA, HRIL, and LSAA. Currently, Sarah is leading the IL UG tutorials and PG seminar in addition to chairing the UG Deputy Exam Board. Research-wise, she is working on converting her PhD thesis into a monograph for publication and awaits the publication of one book chapter and for articles on: Legitimation of violence in Twelver Shii legal discourses; Structures of juristic authority in Shii and Hanbali Jurisprudence; Natural Law and the Islamic “Rule of Recognition”; The Islamic jurist between “Law-finding” and “lawmaking”; and Revisiting Minor Marriages in Islamic Family Law: the case of Aisha’s age.

DR GRACE (YU) MOU has joined SOAS as a lecturer in Criminal Law. She obtained her PhD in Law from University of Warwick, in 2015. She has previously taught at the University of Warwick and was a lecturer at the University of Hull since 2016. Her research interests lie primarily in comparative criminal justice and socio-legal studies. Her research examines the judicial reform in China, which has been largely under-researched, from a cultural and political perspective. Her study critically analyses China’s struggling process to adopt the rule of law and evaluates the reform of its institutions by using qualitative empirical methods. In so doing, it seeks to provide a rich description of the criminal process in action, and stimulate debate of the difficult legal issues concerning one of the world’s leading powers and the way in which it deals with matters relating to criminal justice and human rights. She is currently working on her first monograph (The Construction of Guilt in China), which bridges her doctoral research and the on-going criminal justice reform in China, and systematically analyses the functional deficiency of the Chinese criminal justice institutions in preventing innocent individuals from being wrongly accused and convicted. This project follows the investigative dossier in the criminal process - how it is constructed, scrutinised and used to dispose of
cases and convict defendants in lieu of witnesses' oral testimony - as its focal point, and examines the legal culture shaped by managerial mechanisms of institutions and the extent to which changes to the formal legal structure have influenced legal practice. Her monograph is due to be published with Hart in 2018. Her other recent work includes 'Overseeing Criminal Justice: The Supervisory Role of the Public Prosecution Service in China' (2017) 44:4 Journal of Law and Society, which discusses the controversial function of the public prosecution service in supervising other legal institutions in the criminal justice system in China; 'The constructed Truth: The making of police dossiers in China' (2017) 26:1 Social and Legal Studies, which explores the formation of evidence during police investigation and challenges the truth-finding function of the criminal process in China; ‘Beyond Legitimate Grounds: External Influences and the Discretionary Power not to Prosecute in China’, in Discretionary Criminal Justice in a Comparative Context (Carolina Academic Press 2015), which examines the way that prosecutorial discretion operates in daily practice within the socio-political context, and evaluates the major factors that intervene during this discretionary process. She has also contributed to the Oxford Handbook of Criminal Justice by writing a co-authored (by Prof. J Hodgson) piece 'Empirical Approaches to Criminal Procedure’, which is due to be published in 2018.

MELEK SARAL studied political science, law, and history at the University of Munich, the University of Bradford, and the European University Institute. She received her PhD from the University of Munich in the fields of political science and law. Prior joining SOAS, Melek was a postdoctoral researcher at the URPP Asia and Europe, University of Zurich. Dr Saral is working under the supervision of Professor Baderin as a full-time Marie Curie fellow and staff member in the SOAS School of Law. Dr Saral and Professor Baderin were awarded a 2-year Marie Curie Fellowship grant of €183,454 for a research project on ‘Human Rights in Post-Uprisings Middle East: Emerging Discourses and Practices in Egypt and Tunisia.’ The research project aims at interrogating the human rights discourses and practices in the MENA region undergoing transition through the course of the so-called Arab Spring by conducting a comparative analysis of two key countries — Egypt and Tunisia.

Media

SAMIA BANO
Channel 4, 'The Truth About Muslim Marriage' (Channel 4 Documentary, 21 November 2017).

GUNNAR BECK
‘If Britain thinks the EFTA Court will give it back control of its laws, it’ll need to put a lot of work in first’ (The Telegraph, 23 August 2017).
‘European judges will keep MEDDLING if British-EU court goes through’ (Express, 23 June 2017).
‘Warum Target-Kredite eine Gefahr sind’ (Rheinische Post 11 May 2017).

PHILIPPE CULLET
‘India’s ambitious plans to achieve sanitation for all must look beyond building individual toilets’ (The Independent, 10 October 2017).

LUTZ OETTE
Podcast of interview available.

WERNER MENSKI
‘One Nation, One Code – Don’t Look to the West, India Has Evolved its own Way’ (The Times of India, 14. September 2017).
Other Recent Publications

SAMIA BANO
'Diversity, Knowledge and Power' (2017) 7(2) feminists@law 1.

GUNNAR BECK
Martin Howe QC and Francis Hoar, ‘Adjudicating Treaty Rights in post-Brexit Britain: Preserving Sovereignty and Observing Comity – Part 2: Sovereignty, direct effect, consistent interpretation and ECJ exclusive jurisdiction’ (60 pages), Lawyers for Britain, 12 November 2017.[1]
with Martin Howe QC and Francis Hoar: “Adjudicating Treaty Rights in post-Brexit Britain: Preserving Sovereignty and Observing Comity”, (34 pages), Lawyers for Britain, 2 September 2017.[2]
“EU citizens’ rights after Brexit: The EU’s demands for extra-territorial jurisdiction by the CJEU and reverse discrimination”, Policy Exchange, 18 June 2017
with Martin Howe QC and Francis Hoar, “Rights of EU Citizens in the UK after Brexit”, Lawyers for Britain, 6 June 2017[5]
“The European Court of Justice is not an impartial court and has no role to play in post-Brexit EU-UK relations”, Policy Exchange, 7 May 2017

AELYAL GROSS

PHILIPPE CULLET

FEYA LESNIEWSKA

PETER LEYLAND
WERNER F MENSKI

PETER MUCHLINSKI

*Professor Muchlinski signed a contract with Oxford University Press to write a third edition of Multinational Enterprises and the Law to be completed by 1 July 2020.

LUTZ OETTE

BIRSHA OHDEDAR

LYNN WELCHMAN

Research Centre Activities

CENTRE FOR HUMAN RIGHTS LAW

PUBLICATIONS:
Centre for Human Rights Law report and policy papers (co-authored, published jointly with the International Refugee Rights Initiative and Strategic Initiative for Women in the Horn of Africa):
‘Tackling the root causes of human trafficking and smuggling from Eritrea: The need for an empirically grounded EU policy on mixed migration in the Horn of Africa’ (report, November 2017).
‘A coherent European Union policy on mixed migration in the Horn of Africa: Participatory, contextual and rights-based’ (policy paper, November 2017).
‘Strategies to tackle the root causes of human trafficking in the Horn of Africa: Complementing anti-trafficking laws with freedom of movement’ (policy paper, November 2017).
EVENTS:
Lecture: ‘Sudan’s new migration and refugee laws: Towards better rights protection or enhanced cooperation in flawed international responses?’ Dr. Mohamed Abdelsalam Babiker (University of Khartoum), 12 July 2017.
Workshop and launch of UK Prohibition of Torture Network, jointly with UCL Global Governance Institute, UCL Institute of the Americas, and UCL Faculty of Laws, 2 November 2017.

LAW, ENVIRONMENT AND DEVELOPMENT CENTRE
EVENTS:
LEDC’s Eleventh Annual Public Evening Seminar Series (2017-2018)

Other Research Endeavours

PHILLIPE CULLET
Australian Research Council Discovery Project (2017-2020): Partner investigator for a Project on Food security and the governance of local knowledge in India and Indonesia (PI: Prof. Christoph Antons, Newcastle University, Australia).

LYNN WELCHMANN AND LUTZ OETTE
On 24th March 2018, Lynn Welchman and Lutz Oette are organising a half-day seminar at SOAS with the Strategic Initiative for Women in the Horn of Africa (SIHA Network). The event will promote the launch of the third issue of SIHA’s journal Women in Islam. Participation by colleagues and students will be invited and welcomed at this event.

AEYAL GROSS
Global Gay Governance:
In 2016, the UN appointed an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (SOGI), and the World Bank announced the appointment of an advisor on SOGI. Both nominations are part of a wider trend of global institutions beginning to engage with LGBT issues. My research will consider what I call ‘global gay governance’. In developing this framework, I follow on the work of scholars on international law as governance and of scholars on governance feminism. The project examines developments at the level of international law and global institutions (e. g., international financial institutions, the UN).

GUNNAR BECK
Responses to Calls for Evidence by Parliamentary Committees:
PhD Students

CONFERENCE PARTICIPATION:

SARA BERTOTTI
In September 2017 I presented an extract from my research on law and peace agreements at the INTRAlaw Conference on 'Law in Transition: Interacting Legal Orders and Changing Actors' organised by Aarhus University, Denmark. My presentation focused on the theoretical chapter of my dissertation in which I provide an extended literature review and I engage critically with crucial scholarship on law and peace agreements. This was a great opportunity to present my work at an international conference and to receive useful feedback and advice. I benefited incredibly from other presentations as well as from the presence of many talented scholars with whom to exchange ideas.

BIRSHA OHDEDA R
Ohdedar, Birsha, “Rivers, Water and Legal Interventions: Towards a Comprehensive Approach” WWF-SAU Workshop on Water Governance and Diplomacy, 5 June 2017, South Asia University, Delhi, India.

HU YUANQIONG
WTO Trade and Public Health Forum, Panel presentation on “How to Enhance Synergies between Public Health Objectives and Trade Agreements”, Geneva, 09 November 2017
Managing IP European Life Science Forum, attendance, London, 29 June 2017

INTRODUCTIONS:

ROOPA MADHAV holds an LL.M from New York University and a BA/LL.B from National Law School of India University, Bangalore. Post her graduation in 1993, she practised law in the fields of labour law, service law, property law, commercial law and family law before the courts in Mumbai and Bangalore. She was a Research Fellow at the International Environmental Law Research Centre, working on a project mapping water law reforms in the country. She has been faculty at the Tata Institute of Social Sciences, visiting faculty at the National Law School, and was the President and Founder Member of the Alternative Law Forum, Bangalore. She was also the joint coordinator of a three country study on 'Law and Informal Economy' for WIEGO (Women in Informal Employment: Globalizing and Organizing).

She was a member of two working groups of the planning commission for the 12th plan focussed on Urban and Industrial Water and Drafting a Model Groundwater Bill and a member of the planning commission sub-group set up to draft a model bill for a State Water Regulatory System. She is co-editor of Water Law for the Twenty-First Century – National and International Aspects of Water Law Reform in India, Abingdon: Routledge, 2009 and Water Governance in Motion: Towards Socially and Environmentally Sustainable Water Laws 2010, New Delhi: Cambridge.

GAYATHRI D NAIK, lawyer enrolled in India, holds BAL.LLB from Government Law College, Ernakulum affiliated to Mahatma Gandhi University, Kerala; M.A Public Administration from Indira Gandhi Open University, New Delhi and LLM in International Legal Studies from South Asian University, New Delhi. She bagged First Rank in M G University for BAL.LLB and South Asian University Gold Medal for being the topper of Masters Course. She has qualified the National Eligibility Test for teaching conducted by University Grants Commission of India securing Junior Research Fellowship. She is presently a Commonwealth Scholar, 2017 from India. Her research interests include Public International Law, Water law, International Environmental Law, Private International law and Human rights.
She has presented papers in several conferences and her papers had been accepted in national and international conferences including UNCITRAL 50th world congress held in Vienna, 2017 and Nuclear Law Association congress held in New Delhi, 2016. Her abstract titled titled ‘Analysis of child rights and access to safe
drinking water in India’ accepted for One-day Workshop on ‘Childrens' Right to Health’ organized by Centre for Cultures of Reproduction, Technologies and Health (CORTH) School of Global Studies, University of Sussex to be held on 11th December 2017.

Presently her focus is on “The impact of water related subsidies on groundwater regulation in India” (working title for PhD thesis). In this work she tries to analyze the socio-economic and environmental impacts of water related subsidies in India and the need for legally regulating them to bring effective groundwater protection and conservation.

Conferences, Presentations, Workshops

SAMIA BANO


JONATHAN ERCANBRACK


‘Shariah Governance and Islamic Law in a Globalized World’, HBKU-QFC Roundtable on Islamic Finance: Shariah Governance in a Globalized World, 3-5 October 2017, Doha, Qatar.

KATE GRADY

‘Non-sexual misconduct by UN peacekeepers – why the silence?’ at the Society of Legal Scholars conference, University College Dublin, September 2017, Dublin, Ireland.

AEYAL GROSS

In June a book launch was held at SOAS for his book, with three discussants from SOAS. The full details are here:

Other book launches took place in Tel–Aviv University (June), Columbia University in New York (October), Harvard Law School (October), European University Institute, Florence (November). In January a book event will take place in the Manchester University and in February in Science-Po in Paris.

‘Occupation: Between Fact and Norm, Between Form and Function’, Balfour@100: A Century of International Law in Palestine, 18 November 2017.
FEJA LESNIEWSKA

‘Disrupting and reordering the ecological legal order of forest trade and governance: evaluating crypto-currencies potential role’ Critical Law Conference, University of Warwick, 1-3 September 2017.


PETER LEYLAND


Lecture and workshop: ‘The Conceptualisation of English Administrative Law and the adoption of the Wednesbury Test’, Department of Law, LUISS University, 8 May 2017, Rome, Italy.


LUTZ OETTE


‘The Khartoum Process: A pragmatic solution to mixed migration in the Horn of Africa or flawed EU policy of engagement?’ (Joint presentation with Dr. Mohamed Abdelsalam Babiker), University of Nottingham: Tackling Root Causes? EU Aid and Governance to Control Migration, 7 November 2017.


PhD Curriculum review workshop (external reviewer), Bahir Dar University, 24 August 2017.

‘Hybrid Courts: Impact, Influence and Lessons’ (chair of panel), Criminal Justice & Accountability in Africa – National and Regional Developments Conference, Queen Mary, University of London and SOAS, 26 October 2017.

EMILIA ONYEMA

‘The Recent Developments in African Arbitration Law and Practice’ Chair of Panel, 3rd Casablanca Arbitration Days in Casablanca, 3-4 November 2017, Casablanca, Morocco.


Participant, UNCITRAL 50th Anniversary conference, 4-6 July 2017, Vienna, Austria.


Panel Discussion, Are arbitrators bringers of justice or dispute resolution service providers, and does it matter? 3rd SIA Alumni Conference on “Due Process Paranoia and Justice … Fairy tales or reality in international arbitration?” Clyde & co LLP, 9 June 2017.


CAROL TAN

Women Migrants in Southeast Asia through the lens of CEDAW, Plenary session, Summer Conference on Human Rights in Southeast Asia, The Centre of Human Rights, Multiculturalism and Migration (CHRM2), University of Jember, 11-13 August 2017, Indonesia.

Leadership and Diversity in Law Schools, 108th Annual Conference of the Society of Legal Scholars, University College Dublin, 5-8 September 2017, Dublin, Ireland.

LYNN WELCHMAN

Samia Bano with PhD students and Guide on Karl Marx Walking Tour, 3 November 2017