Researchers and academics of the School of Law continue to show a remarkable consistency in producing world-class research, dealing with topics that are original, controversial and path-breaking. The range of issues with which publications grapple underscores the richness and vibrancy of the SOAS School of Law research environment. Whether dealing with the challenges of environmental law in rural India, intellectual property law in the modern economy, critical approaches to law in relation to gender, race, colonialist and other perspectives or the compatibility of Islamic principles in international criminal law, the research highlighted in this newsletter is a reflection of what makes SOAS unique. Yet it is also important to take note of the wide range of research-related activities, which distinguish SOAS’s legal academics in public life. These activities range from high-profile public lectures to radio interviews, newspaper opinion pieces, collaboration with prominent researchers and the promising work of talented PhD researchers and their dedicated supervisors.

I hope you will join with me in celebrating the richness of these research-related activities.

On a more sombre note, I would like to note Nick Foster’s recent departure from the SOAS School of Law. Everyone who had the fortune to work with Nick values his professionalism and untiring devotion to his students, his erudite research and the institution itself. Please make sure to read Nick’s Retrospective on his 25 year career at SOAS on page 7.

I hope you enjoy this 15th edition of the SOAS School of Law Research Newsletter.
Publications

Journal Articles


Edited Volumes


Vanja Hamzić, Muhammad Zubair Abbasi, Samy Ayoub, Nahed Samour and Nurfadzilah Yahaya (eds.), ‘Islamic Law and Empire’ (Special Issue of Yearbook of Islamic and Middle Eastern Law (v. 19 (2016-17) Brill, 2018).


Chapters in Edited Volumes


Media, Blogs, Interviews & Reports


Conferences, Workshops & Presentations

Dr Brenna Bhandar


‘In the Marxian Workshops’, Book Launch (Organiser, Centre for Colonialism, Empire and Law and the Department of Development Studies, SOAS, London, 6 November 2018).

<https://www.soas.ac.uk/law/events/06nov2018-in-the-marxian-workshops-launch-.html>

Dr Catriona Drew


‘Expert Meeting on Foreign Territorial Control’ (Invited Participant and Commentator, Manchester International Law Centre (MILC), Manchester, 19-20 October 2018).


Dr Jonathan Ercanbrack


‘Ethical Capitalism: Way Forward or Dangerous Illusion’, A Debate Organised by KCL, LSE, SOAS Islamic Finance and Ethics Society in Conjunction with the KCL Marxist Society (Invited Panellist, Kings College London, 29 November 2018).

<https://www.facebook.com/kclmarxists/videos/975284906016040/> (part 1)

<https://www.facebook.com/kclmarxists/videos/194997448051639/> (part 2)

Dr Vanja Hamzić


‘Interruption: Rethinking Circum-Atlantic Gender Variance of the Enslaved in Eighteenth-Century

Mr Ian Edge


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**Dr Nimer Sultany**


‘Law and Revolution in the Arab Spring’, (University of Houston, Texas, 13 November 2018).

‘What Good is Abstraction?’ in Tempering Power Conference (Buffalo Law School, State University of New York, Buffalo, New York, 10 November 2018).

‘Law and Revolution in the Arab Spring’, (Fletcher School of Law & Diplomacy, Tufts University, Massachusetts, 6 November 2018).


‘Author Meets Readers’ Session on Law and Revolution (Annual Meeting of Law and Society Association, Canada, June, 2018).


‘Panel Discussion of Law and Revolution in the Arab Spring (Queen Mary University of London, London, May 2018).

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**Dr Vanja Hamzić** gives the ‘Reader’s Lecture’ entitled, ‘A Renaissance Interrupted? Personhood, “Sodomy” and the Public in 12th Century Christian and Islamic Proto-Civil Legality’ at The Honourable Society of the Inner Temple on 19 November 2018, where he is an Academic Fellow.
Research-Related Projects/Seminar Series

Dr Gina Heathcote

Gina received SLS funding to host a workshop and symposium for a project title 'Critical Approaches to the Law of the Sea'. The workshop, on Gender and the Law of the Sea, will be held in Term 3 during the 2018/19 academic year. The Symposium will be held in Term 2 in the 2018/19 academic session.

The project revolves around the organisation of a workshop and a larger symposium to further legal writing and research on the law of the sea via the drawing in of critical legal research on gender, race, colonialism and heteronormativity alongside cutting edge engagements with environmental subjectivity to challenge the perception of the international law of the sea as a field of largely 'technical' and 'black letter law' developments. The workshop and symposium will specifically seek to attract scholars using interdisciplinary methods (from archival / international legal history projects, gender studies, critical race studies, institutionalism, the study of sexuality, human rights fields, environmental studies, security studies and beyond) to develop the field as one that is not only a technical / black letter law arena (as it is often perceived) but an important area of law that would benefit from the insight of critical legal scholarship to address underlying assumptions and knowledge entrenched within the field of study.

Dr Emilia Onyema

The SOAS Arbitration Public Seminars (organised by Dr Emilia Onyema) for this academic year got off to an exciting start. On 25 October we welcomed Mr Hussein Haeri, Partner at Withers LLP to discuss the five top controversies (in his view) in investment treaty arbitration and proffer some solutions. This seminar was chaired by Mr Ian Edge of the School of Law. On 29 November 2018 we shall welcome Judge Edward Torgbor of Christ Church College, University of Oxford, to share his thought on the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 at 60. This seminar will be chaired by Professor Martin Lau of the School of Law. In 2019 we shall welcome Dr Sally El Sawah on 31 January to discuss investment protection and the right of the host state to regulate; and on 28 February Ms Eunice Shang-Simpson will critique the participation of African States in the work of UNCITRAL, giving an insider's perspective to this important issue. Finally, on 28 March we shall welcome Mr Solomon Ebere of Omnia Strategy (Cherie Blair’s legal practice) to discuss small states and costs in international arbitration. These seminars are open to the general public and each is followed by a wine reception.

Research-Related Honours, Awards & Acknowledgements

Dr Nimer Sultany

In June 2018 Nimer was awarded the International Society of Public Law Book Award for his recent monograph, Law and Revolution: Legitimacy and Constitutionalism After the Arab Spring, published by Oxford University Press. His success did not stop there. In September 2018 he received the Peter Birks Prize for Outstanding Legal Scholarship from the Society of Legal Scholars. A further honour, albeit one with research-related obligations, came with the invitation to serve on the Board of Editors of the Arab Law Quarterly. Give it up for Nimer!

Dr Makeen Makeen

Makeen’s work was cited before the United States Court of Appeal (9th Cir.) in OAF v. JAY-Z, 2016 WL 4494571. This Court of Appeal is the largest of the 13 Courts of Appeal in the United States. It has jurisdiction over California and Washington State, amongst other jurisdictions. The court is located in San Francisco, California, making it a very important court for the adjudication of Silicon Valley’s disputes involving intellectual property law. Here’s to Makeen!
A Retrospective: Twenty-five Years in the SOAS School of Law

Nick Foster

When I started at SOAS, my youngest daughter had just started walking. A few moments later, or so it seemed, some of my Masters students were younger than her. Twenty-five years had gone by.

Jonathan has asked me to write about what I have done in that time and the changes which have taken place in the School of Law. That is a tall order so I will just give a few snapshots.

A mainly non-British family background led me to studying languages at school, Arabic and law at Cambridge and French law in Aix-en-Provence, then to Clifford Chance, where I worked for the partner responsible for the Middle East. Life as a solicitor had many good aspects and taught me invaluable skills. However, a desire to teach took me (with a few detours on the way) to SOAS. An appointment as a visiting lecturer was followed by a part-time, then a full-time post.

In 1993 the Law Department was very different from the School of Law of today. The time of Anderson, Coulson and Derrett had not long passed and the main Asian/African focus was still on regional/religious law. Research assessment was less important, there were fewer students, PhDs were administered by the university, the LLM was intercollegiate and the law MA did not exist. There was considerably less administrative support. We produced our own timetable and our own fractional budget. We did not even have a law librarian.

Teaching

In 1993-1994 I stood in for Ian Edge, who was on research leave, and taught Comparative Commercial Law (CCL) and Conflicts. Getting up to speed was a challenge, especially since I was also consulting in the UAE.

After the first year I taught several undergraduate courses—Conflicts with Ian, Law and Development with Peter Slinn, the first term of Contract, the introductory course and CCL. CCL eventually turned into the present undergraduate Commercial and Company Law modules and inspired two postgraduate modules, one also called CCL and, some time later, International and Comparative Corporate Law (ICCL). Peter Muchlinski and I designed the latter and co-taught it until his retirement. I also introduced a spin-off from the postgraduate CCL course, Foundations of Comparative Law.

Both ICCL and the postgraduate CCL greatly benefited from the participation of colleagues, whose contributions added remarkable breadth to the modules.

I am particularly proud of the ICCL and the postgraduate CCL courses. To my knowledge, they were unique in their comparative, contextual and Asian/African perspectives. Many former students have said how useful the courses were and how they enriched their view of law generally.

I received invaluable guidance from colleagues, not just in the first year or two but for a considerable time thereafter. I owe those colleagues an immense debt and I am deeply grateful.

Outside the Law Department I lectured on the Chinese lawyers’ programmes and developed the law side of the School of Finance and Management’s MSc in Finance and Financial Law, on which I also taught for a couple of years and held several administrative posts.

During his time as Head of Department, Michael Palmer and I worked together on the strengthening of the School of Law’s commercial offerings. Several colleagues were appointed, and the result was a unique range of commercial subjects taught in Asian and African comparative perspective.

I have supervised, co-supervised and examined PhDs on a range of subjects with reference to various jurisdictions and I have sat on various doctorate level appellate committees in the University of London.
One of my major aims has been to raise teaching standards, both my own and generally. A considerable amount of collaborative work ensued and, on my part, various outputs, including participation in the pilot stage of SOAS’s first virtual learning environment, a guide to legal writing, essay templates, a technique for exam preparation along with a guide and, in 2017-2018, a guide to answering Company Law exam questions plus a set of worked examples. The exam preparation technique and the Company Law guidance have been particularly popular with students. Several have said that one or both of them were instrumental in their achieving better, and in some cases outstanding, grades.

My efforts were recognised in 2006 when I received the SOAS Director’s Teaching Prize.

Administration

My principal administrative posts were Undergraduate Tutor, Deputy Examinations Officer, Chair of the SOAS Health and Safety Committee, Co-Director of the Centre for Islamic and Middle Eastern Law (CIMEL) and Chair of the Departmental Learning and Teaching Committee. My main objective was to facilitate teaching, administration and research and I devoted a great deal of time and effort to this end.

As Deputy Examinations Officer I codified departmental practice on the production and scrutiny of examination papers. I ran the process for a long time, an exercise which also involved, for quite a few years, formatting and amending the papers myself.

As Undergraduate Tutor, sometimes by myself and sometimes with a colleague, I steered the UG ship for six years through difficult waters, revised the undergraduate programmes, introduced compulsory mooting, which solved some recurrent problems, devised and implemented the first form of what became the SOAS Mitigating Circumstances procedure, procured its adoption in the faculty (it was eventually adopted in SOAS as a whole—yes, it was me, I own up...), negotiated an increase in pay for fractional colleagues and helped to bring in electronic databases.

I was also one of several colleagues who worked together to procure the appointment of our first law librarian, Sarah Spells. We were extraordinarily lucky to have Sarah. She transformed our library provision and made the formerly recurrent student complaints a thing of the past. Her untimely death was a tragic blow.

Research

My research and my teaching have been intertwined and interdependent from the outset in what I hope has been a synergetic and virtuous cycle. As I taught, I became aware of deficiencies in the scholarly literature and produced publications in order to remedy them. Using these publications in my teaching allowed me to develop my thinking, which led to further publications.

Thus I found myself on a journey, a sort of Magical Mystery Tour to unexpected places. In October 1993 I was a commercial lawyer with an interest in the Middle East. I never dreamt of becoming a comparatist, let alone a theorist introducing new ideas and challenging received ones. However, that is what happened.

It was the interest in the Middle East which started that journey. In international financial law one of the few areas which require comparative analysis is the law of security and guarantees. Little comparative work was available on its Islamic law and Middle East aspects and there was nothing on the law of guarantees. So I set out to fill this gap, my first foray into academic comparative law. Step 1 of the journey.

Step 2 came from the dearth of work on guarantees. In order to compare, one needs a comparative framework and to produce this framework one needs theory. However, there was no theory on the law of guarantees, so I produced it myself. The series of articles which came out of the work on security and guarantees has proved useful for practitioners in the Gulf and has been used in further research and the reform of Iraqi law.

Up to that time, I had not challenged any existing views. In the law of guarantees, there were none. Step 3 changed that. Research into company law theory revealed the deficiencies of the literature and after much thought I formulated a radically different view of the subject. That view is so heterodox that it is difficult to communicate, but the independent formulation of some similar approaches and the recent appearance of an article in the Cambridge Journal of Economics indicate progress.
Step 4 came from a ‘road to Damascus’ moment in Harvard in 2004 when I realised that a transnational legal system is emerging in Islamic finance. Later on, some further thoughts came from this realisation. The Islamic finance legal system was interacting with municipal legal systems. It was transforming and developing those parts of the sharia used in Islamic finance. In this and other fields of study it was necessary to consider not just the law but the legal system, the law’s functional framework which makes it and makes it work.

Like the company law theory ideas, the heterodox nature of these views means that they are difficult to communicate and that certain aspects of them are unwelcome in some quarters. However, they have formed a significant part of the theoretical basis for three PhDs on Islamic finance, two books derived from them (Jonathan’s and Amel Makhlouf’s, see my speech on Amel’s book) and, of course, my own Islamic finance publications.

The Magical Mystery Tour also took me into comparative law. Notable projects in this area are the Journal of Comparative Law, of which I was the principal instigator (the journal is presently edited by Michael Palmer and William Butler, who also produce a book series), a collective review of Glenn’s Legal Traditions of the World and an edited volume (with Maria Federica Moscati and Michael Palmer) on interdisciplinarity in comparative law.

The next project is a book on the role of commerce in the transformation of legal systems, with particular reference to the Eastern Arab World. Work already completed here includes the filling of another theoretical lacuna, on the ways in which trade produces legal change. Also on the agenda are an article on Islamic finance and the article on commercial law in the third edition of the Encyclopaedia of Islam.

I have also published on subjects such as sharia business associations, Islamic commercial law and commercial law history. A list is available here.

Other activities include setting up the SOAS Law of Islamic Finance Working Papers Series, participating in the Higher Education Academy’s Islamic Studies Project Advisory Board, out of which came the British Association of Islamic Studies and representing SOAS in the British Association of Comparative Law. I have recently been appointed to the editorial board of the Arab Law Quarterly.

**Some Reflections**

What elements stand out from the past twenty-five years? We are all well aware of the problems in academia and, rather than dwell on them here, I will recall the many good things I have experienced.

One of those is the increase in my state of knowledge from 1993 to now. I was extraordinarily lucky to go from where I was then to where I am now. Other good things include the obvious, such as the autonomy we enjoy as academics, contributing to knowledge in fascinating subjects and helping students by teaching and pastoral care.

All this took place in a unique institution. Where else does one find a group of people in which bilingualism is so common that it is considered hardly worth mentioning? Where else would a combination of English law, French law, commercial and company law, conflicts, law and development, Islamic commercial law, Middle East legal history and comparative law be viewed as a normal skill set? We worry about diversity and so forth. That is right and proper. Laurels must not be rested upon.

At the same time, the SOAS environment should not be taken for granted. It is extraordinary. It is the only workplace in which I have felt completely at ease and I am deeply grateful that it has been my intellectual and, in many ways, my spiritual home for so long.

Probably the most important element, however, has been the human contact with colleagues and students. This is what I will remember most fondly.

**Probably the most important element, however, has been the human contact with colleagues and students. This is what I will remember most fondly.**

On one level, there is a great deal I could say, but it would take far too long. On another level, what I have to say can be expressed in very few words and is, in a sense, obvious. Nonetheless it bears repetition, because it is vital. In our short, fragile lives, wherever we are, whatever we are doing we all need less fear and more kindness. More peace, love and understanding.

As I go off to new ventures, that is what I wish you. With all my heart.

**Nick**

Friday, 3 December 2018
Visiting Scholars

**Ms Jee Min Song** (PhD Candidate Seoul National University; LLM Emory University; LLB BPP University; MS Seoul National University; BBA & BA Seoul National University):

Jee Min’s main research interest seeks to identify ways in which shareholder voting can be improved in South Korea. Her research asks three main questions, which relate to the proxy advisory firm, stewardship and the virtual shareholder meeting. Firstly, it analyses the roles of the proxy advisory firm in South Korea: How influential the proxy advisory firms are in South Korea and whether it will change in the near future; how can the interests of the proxy advisory firm be aligned with shareholders? It also delves into the political powers that will affect institutional shareholders and the corporate governance regime in South Korea. Second, having examined outside influences on shareholder voting, the research will also consider whether adopting the stewardship code will change the pattern of institutional shareholders voting in South Korea. Her research also assesses whether adopting the Anglo-American corporate governance model - the proxy advisory regulation and the Stewardship Code - will be feasible in South Korea. Finally, the research deals with how the effects of the shareholder meeting will change after developing the process of the virtual meeting. Will shareholders continue to be rationally reticent?

PhD Research news

**PhD Completions**

**Professor Philippe Cullet** supervised a number of PhD students to completion:

**Dr Lovleen Bhullar**, Water Pollution in India: Environmental Rights Litigation as a Solution (2018) [viva on 2 October 2018, pass without corrections]


Both Dr Lovleen Bhullar and Dr Hu Yuanqiong have contributed to teaching as Graduate Teaching Assistants during their doctoral studies at SOAS.

**Snapshot**

**Ms Sara Bertotti**: As part of her PhD research on law and peace agreements, Sara Bertotti completed her fieldwork in Kathmandu, Nepal, in August 2018. The objective of Sara’s doctoral research is to widen the current understanding of the role of law during the transition from conflict to peace with a particular focus on the crucial node of the making of peace agreements. Because of the hybrid nature of peace agreements, Sara’s work crosses disciplinary boundaries internal to law – between international and constitutional law – as well as external ones – such as between law and politics. In Nepal Sara gained invaluable first-hand information on the 2006 Comprehensive Peace Agreement through key informant interviews – including with some of the negotiators – as well as archival research. She is now working to complete a full draft of her thesis and is a GTA for the module, the International Protection of Human Rights.

**PhD Conferences, Seminars & Presentations**


New PhD Research Students to be supervised by Professor Philippe Cullet:

**Ms Zainab Lokhandwala**, (BSL LLB (ILS Law College, Pune), LLM in International & Comparative Law (NUJS, Kolkata), LLM (SOAS)): Zainab joined the MPhil/PhD programme in September 2018 to work on a thesis based on protecting bio-cultural rights of Indian farmers within the larger context of sustainable food systems and food sovereignty. She is interested in exploring this topic through the lens of legal pluralism, by engaging in a comparative analysis of environmental values in different legal systems at the national and local levels. She recently completed her LLM at SOAS in Environmental Law. Previously Zainab worked as an advocate in Kolkata (India) in matters of environmental law, consumer protection, family law and banking. In Kolkata, she also worked at the Centre for Regulatory Studies, Governance and Public Policy (CRSGPP) at the National University of Juridical Science (NUJS), and later moved to New Delhi to work at the Centre for Comparative Law (CCL) at the National Law University Delhi. She has also taught environmental law at NUJS as a Teaching Assistant. Her publications and research have focused on environmental standards under international trade law, groundwater law and policy, forest laws and rights of indigenous peoples.

**Mr Peter Joseph Tweedley**, (LLM GDL MA Joint Honours): Peter joined the MPhil/PhD programme in September 2018 to work on a doctoral project entitled: An assessment of the compatibility of FPIC, Environmental law and traditional values of indigenous peoples pursuant of international sustainable development goals. Peter graduated from the University of St Andrews with a joint honours masters in international relations and modern history before pursuing the Graduate Diploma in Law and LLM in Public International Law at City University of London. On the LLM, Peter specialised in the land rights of indigenous peoples, comparative constitutional law and international economic law. He has previously worked as a Russian political analyst, journalist, and a private tutor in political and legal subjects. Alongside the PhD, he is a Research Analyst at The Legal 500’s GC Powerlist Series and researches and publishes about the in-house legal market in many jurisdictions worldwide.

### Research Centre Activities

**Centre for Human Rights Law**

Chair: Dr Lutz Oette


- **Professor Nick Hardwick**, ‘Why Should Anyone Care about the Human Rights of Prisoners?’, Keynote Lecture with Professor Nick Hardwick and Discussant, Dr Carla Ferstman (UCL Global Governance Institute, UCL School of Law, Royal Holloway University of London and SOAS Centre for Human Rights Law, 21 November 2018).

**SOAS Law Journal**

SOAS Law Journal, a student-run law journal, published Volume V (ii) in the latter half of 2018. The second issue deals with a wide range of legal topics and jurisdictions, placing a heavy focus on international human rights law but also covering criminal law and comparative legal analysis. SOAS Law Journal now welcomes submissions to Volume VI (1).
If you would like to contribute to the next edition please contact the editor Dr Jonathan Ercanbrack by email: je6@soas.ac.uk