

SCHOOL OF LAW

POST-GRADUATE RESEARCHERS' PRESENTATIONS

5 October 2016

Venue: Sir Duncan Rice Library, 7th Floor

WELCOME TEA: 10.30 – 10.55

All attendees welcomed.

OPENING REMARKS: 10.55 – 11.00

Anne-Michelle Slater, Head of School, Law.

11.00 – 11.30

Ziyana Mohamed Nazeemudeen (Year 1 PhD Candidate)

Supervisors: **Dr Katarina Trimmings** and **Prof Paul Beaumont**

Upholding the Best Interests of the Child:

lesson learnt from intercountry adoption and a way forward for international surrogacy arrangements

This research will examine how the 'best interests' principle should be applied in developing an international convention on surrogacy. It argues that regardless of domestic legislation, upholding the best interests of the child has become challenging, as there is no consensus at the international level as to what constitutes the best interests of the child. As a result this has led to a violation of many principles recognised in the United Nations Conventions of the Rights of the Child, particularly, the principle of best interests of the child. As such, developing a child's perspective in the context of cross border

surrogacy is important. Lessons learnt from intercountry adoption are useful in determining the best interests of the child in this context, nevertheless the uniqueness of the practice of cross border surrogacy should be considered in forming an international Convention on cross border surrogacy in upholding the best interests of the child. This is a normative research, based on functional comparative methodology. For this reason, in view of a holistic approach, different elements of the best interests of the child in the context of cross border surrogacy arrangements will be analysed.

11.30 – 12.00

Hakeem Adamu Tahiru (Year 1 PhD Candidate)

Supervisors: **Dr Roy Partain** and **Prof John Paterson**

The Historical Conceptualization of Technology Transfer:
key definitions and models

Governments, researchers, economists and industries across the globe have come to acknowledge that technology accounts for the exponential growth experienced by most economies in developed world. Particularly, developing economies have come to the realization that achieving technological progress is the major driver of accelerated economic growth, improving capital and labour output, achieving sustainable growth and growth convergence with their developed counterparts. However, most developing economies have performed abysmally in the enforcement of their technology transfer legal regimes.

One of the most crucial arguments of the research project which this capstone paper seeks to put forward and justify is the assertion that the apparent failure of most developing countries to enforce their technology transfer legal regimes is attributable, to a great extent, to the lack of a workable economic definition/model of technology transfer to underpin the formulation process or adoption and enforcement of the legal regimes. An overview of the

historical evolution of technological transfer has shown a rich literature on definitions and models of technological transfer mainly by economic growth theorists. The primary objective of the capstone paper is to review the key definitions and models of technology transfer in literature, prioritize the definitions and models and select the best workable economic definition/model that synchronizes well with technology transfer legal theory and analysis.

12.00 – 12.30

Ngozi Chinwa Ole (Year 1 PhD Candidate)

Supervisors: **Dr Olivia Woolley** and **Dr Roy Partain**

Combating Electricity Poverty in Nigeria through Off-Grid Renewable Electricity: the role of developed states support under the climate change regime

Off-grid renewable electricity is the only viable option for providing access to a steady and reliable electricity supply in Nigeria. It is also an option for Nigeria to mitigate the emission of greenhouse gases. Notwithstanding, the deployment is hampered by several factors, including a lack of human capacity and access to capital.

The UNFCCC 1992 and the Kyoto Protocol 1997 commit developed countries to provide the finance and technology transfer needed by developing countries like Nigeria to mitigate climate change. This paper examines the contribution that these developed country are obligated to make to support low carbon development in developing states and to enable access to electricity in Nigeria. This paper looks particularly at the adequacy of these provisions in removing the financial and human capacity barrier to the development of off-grid renewable electricity in Nigeria. It finds that these provisions are shrouded in vagueness to the extent that impedes the developed states' efforts in removing the financial and capacity barrier to off-grid renewable electricity in Nigeria. In 2015, the Paris Climate Change Agreement was negotiated. This paper examines the relevant provisions of this agreement and concludes that still missing is a climate change regime which will certainly drive developed

states to help remove the financial and capacity barrier that impedes the development of off-grid renewable electricity in Nigeria.

LUNCH BREAK: 12.30 – 13.15

All attendees welcomed.

13.15 – 13.45

Domenico Carolei (Year 1 PhD Candidate)

Supervisors: **Dr Matyas Bodig, Dr Trevor Stack, Dr Andrea Teti**

**Addressing the Accountability Gap among Civil Society Organisations:
towards a beneficiaries-oriented approach to self-regulation**

There have been calls for greater accountability of Civil Society Organisations (CSOs) for their actions, due to their growth in terms of size, power and influence. Academics and practitioners have shown that CSOs tend to follow a donor-centric approach when it comes to accountability. The lack of accountability to beneficiaries is a serious concern as the legitimacy of CSOs depends on their actions for their beneficiaries. In academic debates, the tension between accountability to donors and beneficiaries is a vexed issue. The lack of accountability to beneficiaries also has implications for self-regulation that has become the main means through which CSOs define common norms to address their accountability deficit.

The purpose of this paper is to assess the extent to which self-regulation can be constructed following a beneficiaries-oriented approach, facilitating future developments of soft-law instruments within civil society. After assessing the current status of self-regulation in reinforcing beneficiaries' accountability, it is argued that: a) more empirical research is necessary to test and prove the effectiveness of self-regulation, employing a beneficiaries-oriented approach; b) future reforms should be guided by criteria of simplification and flexibility:

paying more attention to recent innovations aimed at reinvigorating beneficiaries' accountability.

13.45 – 14.15

Chinenyendo Nriezedi–Anejionu (Year 1 PhD Candidate)

Supervisors: Prof Tina Hunter and Mr Emre Usenmez

Are the Definitions of 'Investment' and 'Investor' in the Nigerian Investment Legal Framework Robust Enough to Withstand Jurisdictional Challenges?

The explicit definitions of “investment” and “investor” in investment laws and treaties are critical to resolution of investments disputes. Nigeria is canvassing for foreign investments; however, investors are usually sceptical in investing in countries without clear laws. This research investigated the robustness of the definitions of “investment” and “investor” in the Nigerian investment laws against internationally accepted models and approaches, using doctrinal and comparative methodologies to ascertain their capability to withstand jurisdictional challenges. It found that the definition of “investment” in the Nigerian Investment Promotion Commission Act (NIPC Act) is weak and based only on the enterprise model of definition, as against other models and approaches (economic, asset, territorial-based). The definition of investor was completely omitted. Furthermore, the models of definitions adopted in BITs signed by Nigeria were not comprehensive to reflect Nigeria's investment interest. This research is significant as it has given valuable insight into the weaknesses of Nigerian investment law that could undermine its investment targets. It recommends that the definition of investment in the NIPC Act be amended to adopt relevant models that are suitable for Nigeria. A robust definition of ‘investor’ should be included and Nigeria should draft Model BIT that will ensure uniform standard.

14.15 – 14.45

Juma'a Musallam Jandab Al'azri (Year 1 PhD Candidate)

Supervisors: **Dr Heather Green** and **Prof Pete Duff**

Prisoners' Voting Rights in the Omani Criminal Justice System

This research discusses prisoners' voting rights in the Omani criminal justice system. Although this topic has thrown up many questions in need of further investigation this paper is mainly focused on two areas. Firstly, it aims to assess different views about the existence of the constitutional protection of the right to vote in general in Oman. It seeks to conclude that the Omani Basic Act (OBA) 101/1996 [the constitution] has neglected the protection of this fundamental right and has instead allowed ordinary legislation to do so. This, however, has led to serious and continuous violation of prisoners' voting rights. The conflict between several laws and regulations is the second major area of this research. By examining disenfranchisement as an accessory penalty according to Articles 50 and 51 of the OPA, this study shows that this legislation has created a general blanket ban on the fundamental right to vote.

The Shura Council Election Act 58 / 2013 and the Implementing Regulations for Municipal Councils 15/2012 illustrate this unlawful restriction as well as the inconsistency between the OBA and other criminal and electoral laws in the state.

14.45 – 15.15

Mekara Nuttanuch (Year 1 PhD Candidate)

Supervisors: **Prof Pete Duff** and **Dr Ilona Cairns**

Section 6(1) of the Thai Act on Measures for the Suppression of Offenders in an Offence relating to Narcotics B.E.2534 (1991): one of the causes of Thai women prison overcrowding

The problem of prison overcrowding is crucial in Thailand. This paper concerns the increasing numbers of female prison populations which reflect

mass incarceration of drug-related offence in Thai women's prisons. This paper argues the unfair implementation of Section 6(1) of the Thai Act on Measures for the Suppression of Offenders in an Offence relating to Narcotics B.E.2534 (1991) (THA AMSOON) is one of the causes creating overcrowding in Thai women's prisons. Section 6(1) contains what is known as a 'reverse presumption'. The difficulty of disproving the reverse presumption leads to women being convicted disproportionately. This paper criticises the Thai Supreme Court decisions nos. 258/2538 (1995), 5176/2542 (1999), and 1420/2553 (2010) as instances of implementation of Section 6(1) in a way where women are convicted and sentenced regardless of their knowledge of or involvement with drug offences. This compares disproportionately with similar cases decided in other jurisdictions; such as in Australia – *Momcilovic v The Queen* [2011] HCA 34, and in England – *Sweet v Parsley* [1970] AC 133 (HL).

END OF PROCEEDINGS