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**Stirling Law School’s Bulletin 2/2021**

This bimonthly bulletin is for sharing Stirling Law School’s achievements in research, teaching, and engagement. In these difficult times, it’s crucial to celebrate, strengthen our sense of community, and create opportunities for cross-Faculty and cross-University collaborations. We hope you’ll enjoy this wee snippet of Stirling Law School’s recent successes.

**Contents**

[Highlight of this issue 1](#_Toc70004077)

[Impact and engagement 2](#_Toc70004078)

[Publications 4](#_Toc70004079)

[Income generation and research collaborations 6](#_Toc70004080)

[Employability News and Teaching Excellence 6](#_Toc70004081)

[Esteem, network, and citizenship 6](#_Toc70004082)

[Dissemination and media presence 7](#_Toc70004083)

[Events organised 9](#_Toc70004084)

[Onwards and upwards 10](#_Toc70004085)

[Get in touch 10](#_Toc70004086)

# **Highlight of this issue**

At this year’s Recognising and Advancing Teaching Excellence (RATE) Awards, Stirling Law School was honoured several times for

* **Outstanding Admin** (winner: Lesley McIntosh)
* **Best Tutor** (winner: Associate Professor Guido Noto La Diega, nominated: Professor Paul Beaumont, Dr Wisam Abboud, Dr Sarah Carrick, Dr Jayne Holliday, Dr Pontian Okoli, Dr Michelle Donnelly, Dr Damian Etone, Dr Carole Dalgleish)
* **Excellence in Teaching in the Faculty of Arts & Humanities** (winner: Damian, runner up: Guido, nominated: Dr Annalisa Savaresi, Michelle, Jayne, Sarah)
* **Outstanding Support** (runner up: Pauline Darnbrough, nominated: Dr Hong-Lin Yu, Paul, Sam, Pontian, Guido)
* **Dedication to Equality, Diversity and Inclusion** (runner up: Michelle, nominated: Paul)
* **Fantastic Feedback** (runner up: Sam, nominated: Paul and Damian).

Law staff were nominated in most categories including:

* **Research Postgraduate Supervisor of the Year** (Paul)
* **Innovation in Online Connection** (Jayne, Paul, Sam, Damian, and Guido)
* **Dedication to Online Accessibility and Inclusion** (Paul, Sam, Damian, and Guido)
* **Dedication to Sustainability** (Paul)
* **Excellence in Teaching in Stirling Management School** (Carole).

All this, in the context of a fab Faculty that won the award for Faculty of the Year! Well done everybody and thanks to the students and all those who worked hard behind the scenes!

# **Impact and engagement**

Hong-Lin Yu hosted an impact meeting with Mrs. Laura Sexton, Scottish Government Dispute Resolution Policy Unit Team Leader to exchange views on the formation of the **governmental policy on dispute resolution** with the members of the Scottish Universities Dispute Resolution Research Network. This included the issues of judiciary support, funding and access to justice.

Hong-Lin has been involved in the **Taiwanese Arbitration Law Amendment Process** since 2019. She is an expert member of the committee. Building on Hong-Lin’s research, the Law Amendment will now insert new provisions on a number issues.

Dr Mo Egan together with Dr Michelle Weldon-Johns (Abertay University) facilitated a session on the consequences of COVID-19 on the Legal Profession and Legal Research as part of the **Fair Justice System for Scotland Group Equalities Workshop** on the 24th March 2021. The resulting report is due to be released soon.



Dr Dave McArdle submitted two written contributions to the Department of Culture, Media and Sport’s **Parliamentary Inquiry** into **concussive injuries and later-life conditions**.

Guido Noto La Diega was one of 10 experts invited by the [UK Government](https://www.gov.uk/government/news/government-response-ai-and-ip-call-for-views) (Office for Artificial Intelligence) to discuss its response to the public consultation on **AI and Intellectual Property**. The discussion will be streamed live with questions from viewers. This follows the [submission of evidence](https://ssrn.com/abstract=37529) Guido contributed to on behalf of the British and Irish Law Education Technology Association (BILETA)

Guido’s paper ‘[Against the Dehumanisation of Decision-Making – Algorithmic Decisions at the Crossroads of Intellectual Property, Data Protection, and Freedom of Information](https://www.jipitec.eu/issues/jipitec-9-1-2018/4677)’ was cited by the Consultative Committee of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (the main **international treaty on data protection**) in their report about **profiling** [*Profiling and Convention 108+:Report on developments after the adoption of Recommendation (2010)13 on profiling*](https://rm.coe.int/t-pd-2019-7final-en-2757-5764-0706-1-2776-1394-9442-1/1680a0925c)

# **Publications**

Dr Pontian Okoli co-authored “**Judicial Intervention in Arbitration: Unresolved Jurisdictional Issues Concerning Arbitrator Appointments in Nigeria**” (2021) *Journal of African Law* 1-21.  Parties find it difficult to determine which Nigerian High Court should intervene in the appointment of arbitrators due to conflicting judicial precedents. This perennial challenge has defied any legal solution. There are implications for international businesses sometimes conducted through multinational companies. Jurisdictional uncertainties are even more complicated for such companies which often lack prior experience with respect to doing business in Nigeria. One argument is that the Federal High Court has additional jurisdiction to appoint arbitrators regardless of which court has jurisdiction concerning the underlying dispute.

Katie Boyle, ‘**The Right to an Effective Remedy and Accountability in the Privatisation of Public Services: United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill**’. European Human Rights Law Review, 2020 (6), 610- 623. In September 2020, the Scottish Government introduced the UN Convention on the Rights of the Child (Incorporation) (Scotland) Bill to the Scottish Parliament. It constitutes a watershed moment for human rights incorporation at the subnational level. Whilst manifesting as an example of innovative practice in the incorporation of rights, the Bill falls short on access to justice mechanisms to ensure effective remedies for violations, including in relation to the contested scope of accountability in the privatisation of public services. The article addresses both a domestic and international audience reflecting on the limited v transformative nature of the legalisation of rights. It recommends legislating for a right to an effective remedy and expanding the definition of a private body performing a public function to ensure accountability when public services are privatised.

Katie Boyle, **Constitutional Changes in Scotland** Parts 1&2: **Incorporation of International Treaties, Devolution and Effective Accountability**, Oxford Human Rights Hub Blog, OHRH Blog, March 2021. [Part 1](https://ohrh.law.ox.ac.uk/constitutional-changes-in-scotland-i-incorporation-of-international-treaties-devolution-and-effective-accountability/) of these blog posts sets out the devolved landscape and discusses incorporation of the UN Convention on the Rights of the Child and [Part 2](https://ohrh.law.ox.ac.uk/constitutional-changes-in-scotland-ii/) examines the National Taskforce’s Report on a multi-treaty Bill incorporating four further UN treaties into domestic law.

Yu H. **Adopting A ‘Range of Factors’ and ‘Division of Systems’ Approach: Establishing Principles for A Consistent Standard of Proof to Assess Illegality in Foreign Investment Disputes** (2021) Journal of Business Law 75. This article argues for the use of "balance of probability" in international arbitration where the alleged criminal activities became the centre of the dispute.

Hong-Lin Yu's 2020 **Report on The Duty of Confidentiality**, commissioned by the Chinese Arbitration Association, commissioned by the Chinese Arbitration Association, is now published. Available in [English](http://caa-epaper.arbitration.org.tw/paper_detail.aspx?ID=d73c25a2-c3bc-41eb-9a50-55be3cfe6af0) and in [Chinese](http://caa-epaper.arbitration.org.tw/paper_detail.aspx?ID=2db0413a-b8af-4632-b8d5-ea2cb139448b)

Hong-Lin carried out **empirical research** on 198 arbitration laws and 293 institutional arbitration rules. Her Report forms the basis of Article 6 (Privacy and confidentiality) of the **Draft Arbitration Act, Taiwan**. The Draft is undergoing public consultations before being introduced to the Taiwanese Parliament.

Dr Geoff Wood, Lecturer in Environmental Law at Stirling University Law School, has been appointed **Series Editor** for Palgrave Macmillan's new handbook series **'Palgrave Studies in Energy Transitions'**. There is an urgent need to make the right decisions about our energy systems. The IPCC recently stated that humanity has just 12 years to reduce greenhouse gas emissions or face the devastating consequences of climate change. School children are taking to the streets in protest and governments around the world are declaring climate emergencies and putting zero-carbon energy targets in law. This series aims to act as a unique and timely tool in the increasingly important debate on how to approach and manage the energy transition (ET). As such, the series aims to offer an entry-point to inform a broad spectrum of readers interested and/or involved in the multitude of disciplines and approaches related to ET through the provision of a multi-volume series dedicated to all aspects of the energy transition written by global experts in their fields from a broad variety of disciplines across the globe, thus capturing the multiple perspectives, experiences and practices required to understand the ET. The series also welcomes historical and future prospective studies alongside current approaches and initiatives to addressing the ET.

Etone D (2021) **Addressing Environmental Harm in Conflicts within Africa: Scope for International Criminal Law?**. In: Paulose RM (ed.) *Green Crimes and International Criminal Law*. Series in Law. Wilmington, DE, USA: Vernon Press, pp. 65-106 available [here](https://vernonpress.com/book/1139). This paper has two key parts. The first undertakes a careful analysis of the jurisprudence from various international criminal tribunals to determine the extent to which they addressed environmental harm in conflicts within the African region. This is followed by an examination of the Protocol on the Statute of the African Court of Justice and Human Rights (Malabo Protocol) and its potential to enshrine international criminal accountability for damage to the environment. At the core of this paper is the question to what extent can international criminal law accommodate and effectively address environmental crimes committed within the context of armed conflicts in Africa? The paper contends that international criminal law provides a potential means for addressing environmental harm indirectly through progressive interpretation of genocide, war crimes and crimes against humanity, and directly within Africa through the provisions of the Malabo Protocol.

# **Income generation and research collaborations**

On 15 April, Annalisa Savaresi started serving as visiting professor at Sant'Anna School of Advanced Studies. As part of her fellowship, Dr Savaresi will convene a high-profile [workshop of academics and practitioners engaged in climate change litigation](https://www.santannapisa.it/it/event/climate-change-litigation-and-human-rights-arguments-stocktaking-and-look-future), co-sponsored by the British Academy and part of  “All4Climate – Italy 2021” programme launched by the Italian Government in the lead up to **COP26**



Michelle Donnelly joined a new international comparative project, "**The State's Powers to Intervene in Family Life**", hosted by the European University Viadrina in Frankfurt.

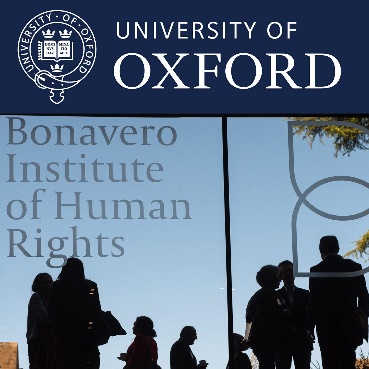
# **Employability News and Teaching Excellence**

Stirling Law School is partnering with **Legal Tech startup** Avvoka. The students of the Intellectual Property module coordinated by Guido Noto La Diega will learn how to use **document automation software** and how to produce high-quality bespoke non-disclosure agreements in an automated way

# **Esteem, network, and citizenship**

Stirling Law School assumed the role of Coordinator of the **Economic and Social Rights Academic Network** **for the UK and Ireland** from 2021-2023 and will co-host the ESRANUKI summer workshop with University College Dublin and the Irish Centre for Human Rights, NUI Galway on 18 June 2021. The full call for papers is available [here](https://esranuki.wordpress.com/2021/03/24/call-for-papers-esranuki-summer-2021-workshop)

Katie Boyle has been appointed as a **Visiting Fellow of the Human Rights Centre** (University of Essex), the **Irish Centre for Human Rights** (NUI Galway) and the **Bonavero Institute of Human Rights** (University of Oxford). She will take up a visiting post at the University of Oxford in Autumn 2021.



Hong-Lin Yu set up a **Joint Network between Scotland and Taiwan** with a focus on "**Offshore Wind Power investment Projects and Their Dispute Resolution**",  This is a multi-disciplinary research network supported by academics, the legal professional, financiers, concession rights holders and arbitration associations. During the first meeting, Professor Anton Ming-Zhi Gao (National Tsing Hwa University, Taiwan) delivered an in-depth analysis on the (lack) of complete legal framework governing Offshore Wind Power in Taiwan. This meeting was attended by the stakeholders in Scotland and Taiwan.

The **Italian National Agency for the Evaluation of the University and Research Systems** (ANVUR), that carries out the equivalent of the REF, has appointed Guido Noto La Diega as “**foreign referee**”. Foreign referees are internationally recognised experts in their field that advice the Italian agency in the assessment of the significance, rigour, and originality of the research outputs.

The International Council of Museums asked Guido to contribute to 100 Q&A to help museums, archives and libraries navigate copyright and **facilitate the digital reproduction of cultural resources** (you can download the [FAQs Author’s Right, Copyright and Free Licenses for Culture on the Web](https://zenodo.org/record/4608430#.YIGqXaHTWCo)). Guido was also asked to chair a session of the FAQ’s [launch event](http://www.icom-italia.org/copyright-e-licenze-aperte-per-la-cultura-nel-web-a-cura-del-gruppo-di-ricerca-digital-cultural-heritage-di-icom-italia/). In particular, they chaired a panel about balancing Intellectual Property and access to culture with high-profile speakers: Ms Laura Moro (Italy’s Ministry of Culture, Head of Digital Culture), Dr Iolanda Pensa (President of Wikimedia Italia), Professor Pierluigi Sacco (OECD), and Dr Christian Greco (Director of the Egyptian Museum of Turin)

# **Dissemination and media presence**

How do you like the [**new page ‘Law Research’**](https://www.stir.ac.uk/about/faculties/arts-humanities/law-and-philosophy/law-research/) kindly put together by Craig Rennie (thank you Craig!)? Let us know your thoughts 😊

Mo Egan presented a paper titled "**Privacy Boundaries in Digital Space**" at the Socio-legal Scholars Association Annual Conference on the 31st March.



This paper explored the utility of adopting a comparative approach to privacy research and the challenges inherent in the illusion of homogeneous digital space. Comparing the UK and South Africa, it reflected on the issues presented by colonialism, infrastructure and socio-economic dynamics in the creation and implementation of privacy boundaries by digital society.

She also presented a paper title "**Remote Justice: Information Rights as a Tool of Empowerment**" at the BILETA Annual Conference on the 16th April.



This paper considered to what extent information rights may offer a route to empowerment in the context of technology facilitated abuse. Importantly, it identified 4 key characteristics of empowerment and analysed access to justice (through criminal law, civil law and information rights provisions) against those characteristics, demonstrating that information rights have more to offer than the alternatives.

**International Association of Constitutional Law**: IACL Research Group on Social Rights New Scholarship Talks: Katie Boyle & Koldo Casla discussing Katie’s monograph ***Economic and Social Rights Law, Incorporation, Justiciability and Principles of Adjudication*** (Routledge 2020). The event was held on 16 February 2021, and a recording of the event is available [here](https://www.youtube.com/watch?v=1xAw5lkNa90).

Katie Boyle, Government Legal Service for Scotland, Guest lecture on ***Human Rights Reform in Scotland, Challenges and Innovative Responses***, Human Rights Act 1998 Series, 23 February 2021

Pontian Okoli was invited to chair a debate session: “**Should Awards Annulled at the Seat be Enforced by Courts in other Jurisdictions?**” at the Lagos State Chamber of Commerce International Arbitration Centre. The event held on 31 March 2021. The speakers at the session were Prof Horacio Grigera Naón (Director of the Centre on International Commercial Arbitration at the Washington University Washington College of Law) and Funke Adekoya (Senior Advocate of Nigeria – Queen’s Counsel equivalent).

Dave McArdle gave a guest lecture at Jindal Global University Law School on ‘**sports injuries and governing body liability in common law jurisdictions**’, exploring the potential relevance of *Watson v British Boxing Board of Control* to catastrophic injuries and negligence claims in other countries.

Guido Noto La Diega presented their current research on **the Internet of Things** (IoT) and the so-called **death of ownership** in a number of venues:

* ‘Intellectual Property Law and the Internet of Things: Internal Limitations, External Limitations, Extra-Legal Solutions’ (Socio-Legal Studies Association Conference, Cardiff University, 30 March-1 April 2021)
* ‘Internet delle Cose e Morte della Proprietà’ (Connessioni, fra Diritto e Tecnologia. Seminario di studi su Alcune questioni aperte in tema di diritto e nuove tecnologie, Università degli Studi di Udine, 16 April 2021)
* ‘Fighting Intellectual Property Abuses in the Internet of Things: Exceptions, Antitrust, Ethics, the Commons’ (*Corsi di dottorato in Diritto e innovazione e in Scienze giuridiche*, Università di Macerata, 9 April 2021)

Guido presented the preliminary findings of the BILETA-funded project “Zooming in on **Privacy and Copyright in Remote Teaching**”:

* (with Giulia Priora, Bernd Justin Jütte, and Guido Salza), ‘Remote Teaching Today and Tomorrow: an empirical study on copyright perception by educators in Italy, the Netherlands, and the UK’ (BILETA Conference, 14-16 April 2021)

Another topic discussed recently was the European **reform of digital markets, digital services, and data governance**:

* ‘Le proposte di legge europea su servizi digitali, mercati digitali e governance dei dati’ (CGIL, Webinar di in-formazione su DGA DSA DMA, 21 April 2021)

Guido’s PhD thesis on the **nature of intellectual property** has been cited in the mainstream Italian magazine [*FQ Millennium*](https://www.fqmillennium.it/edizione/buone-idee-per-resistere/)(monthly publication of the popular newspaper [*Il Fatto Quotidiano*](https://en.wikipedia.org/wiki/Il_Fatto_Quotidiano)) in a pamphlet called [*Contro gli imperatori del web*](https://danieleluttazzi.wordpress.com/category/uncategorized/page/2/)(against the emperors of the web) by [Daniele Luttazzi](https://en.wikipedia.org/wiki/Daniele_Luttazzi)

# **Events organised**

On behalf of GenIUS, Italy’s law journal on gender and sexuality, Guido Noto La Diega has coordinated the organisation of the **international conference on “*Hate speech, digital discrimination, and the Internet of Platforms*”** (Friday 26 March 2021) with speakers from Japan, the US, Italy, Belgium, England, and Scotland. This event was in partnership with the University of Stirling, the RSE-funded [Scottish Law and Innovation Network](https://www.scotlin.org/) (SCOTLIN), [Radio Radicale](https://en.wikipedia.org/wiki/Radio_Radicale), [Rete Lenford](https://curia.europa.eu/juris/document/document.jsf;jsessionid=37FC7FB1821E27E98743DE6C807E6EAC?text=&docid=225526&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=497288), and [Giustizia Insieme](https://www.giustiziainsieme.it/it/news/127-main/diritto-e-innovazione/1610-conferenza-annuale-di-genius-rivista-di-studi-giuridici-sull-orientamento-sessuale-e-l-identita-di-genere-quest-anno-dedicata-a-hate-speech-digital-discrimination-and-the-internet-of-platforms-venerdi-26-marzo-2021-ore-14-18-ora-italiana). The video recording of the conference is available [here](https://www.radioradicale.it/scheda/631978/conferenza-annuale-di-genius-rivista-di-studi-giuridici-sullorientamento-sessuale-e), the programme is [here](https://guidonotoladiega.wordpress.com/2021/01/26/virtual-conference-hate-speech-digital-discrimination-and-the-internet-of-platforms/).

The **launch of** **SCOTLIN** was successful and saw Professor Hector MacQueen (Edinburgh Law School) giving an inspiring keynote speech on “Law and Innovation in Scotland: some impressionistic thoughts”. SCOTLIN was introduced by its coordinator Guido and the deputies Professor Martin Kretschmer (Glasgow Law School) and Dr Rossana Ducato (Aberdeen Law School). You can watch the video [here](https://www.scotlin.org/post/video-of-scottish-law-and-innovation-network-online-launch-event-31-march-2021).

We are delighted to welcome Roi Dvir (photo below) to present a virtual guest lecture on Tuesday 4th of May at 10am on the **implications of the Abraham Accords for regional peace** and to highlight some of the negotiations that led to the signing of these Accord. Please [Register here](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eventbrite.co.uk%2Fe%2Fguest-lecture-on-the-abraham-accords-tickets-151755658259%3Futm_campaign%3Dpost_publish%26utm_medium%3Demail%26utm_source%3Deventbrite%26utm_content%3DshortLinkNewEmail&data=04%7C01%7Cguido.noto.la.diega%40stir.ac.uk%7Cd12f4ba873fc4bde627c08d905b3a8d1%7C4e8d09f7cc794ccb9149a4238dd17422%7C0%7C0%7C637547091455217413%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=LlhJ5BK%2Bcnojr1ffaH3ddejUcqgu6%2BAumaUK4iCalB4%3D&reserved=0) for the event.



Hong-Lin Yu invited Mr Aloysius Goh and Mr Steven Lim to speak to the **Scottish Universities Dispute Resolution Research Network**. Both are the international leaders in International Mediation and International Arbitration based in Singapore. On 25 March 2021, Mr Aloysius Goh, the Chief Executive Officer of the Singapore International Mediation Centre delivered a talk on "Singapore's Modern International Mediation Eco-system". Mr Steven Lim is a leading international arbitrator and counsel in International Commercial Arbitration and International Investment Arbitration. Today, 23 April 2021, he will deliver a talk on Singapore's Development as an arbitral venue and Technology and efficiency in International Arbitration.

Dave McArdle hosted four evening workshops with **sports law** **academics and practitioners** for students on the sports law module.

# **Onwards and upwards**

**Michelle Donnelly** will soon be moving on from Stirling and would like to thank colleagues across the division, faculty and university for their support, and look forward to keeping in touch. We will miss you Michelle, onwards and upwards!

# **Get in touch**

If you would like to contribute or suggest anything for future bulletins, please get in touch with Guido Noto La Diega <gn12@stir.ac.uk>.