

2015



Annual International Conference on Law, Economics & Politics

Conference Abstracts Handbook

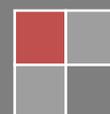
AICLEP 2015 (Oxford)

14-16 September 2015

University of Oxford, Green Templeton College,
Oxford



FLE Learning



Annual International Conference on Law, Economics and Politics AICLEP 2015 (Oxford)

University of Oxford, Green Templeton College, 43 Woodstock Road, Oxford OX2 6HG United
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Conference Abstracts Handbook

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Format for citing papers

Author surname, initial(s). (2014). Title of paper. In Proceedings of the Annual International Conference on Law, Economics and Politics, (pp. xx-xx). London, September 1st – 3rd, 2014.

Conference abstracts handbook have been published by the FLE Learning Ltd trading as FLE Learning
T: 0044 131 463 7007 F: 0044 131 608 0239 E: submit@flelearning.co.uk W: www.flelearning.co.uk

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KEYNOTE SPEECH**THE PROVISION OF ALTERNATIVE DISPUTE RESOLUTION SERVICES BY STATE AND SEMI-STATE INSTITUTIONS: AN AUSTRALASIAN PERSPECTIVE****Dr. Frieder Lempp¹**

An increasing use of Alternative Dispute Resolution (ADR) processes (such as mediation, arbitration, adjudication, conciliation, etc.) can be observed across a growing number of jurisdictions. While many of these processes are chosen by the users with the deliberate intention of settling their dispute outside the state-run court system, it can also be observed that state institutions increasingly promote the use of ADR services or directly provide those services themselves. Typical areas in which governments around the world promote and/or provide ADR services include family disputes, employment disputes, tenancy disputes, consumer disputes, small claims disputes, and construction disputes. These processes may be under direct statutory control (such as the provision of employment mediation services in New Zealand under the Employment Relations Act 2000) or under non-statutory regimes.

This paper analyses the current provision of ADR processes by state or semi-state institutions in Australia and New Zealand. Firstly, the paper identifies a list of both adjudicative (such as arbitration) and non-adjudicative ADR processes (such a mediation) provided by state or semi-state institutions in the two jurisdictions. It illustrates some of the identified cases by way of examples from the family dispute and employment dispute areas.

Secondly, the paper explores some the underlying rationales for the provision of ADR services. The paper argues that there are two key reasons for why past and current governments in Australia and New Zealand have been keen promoters of ADR services as a means of settling civil disputes. The first reason arises from the perceived cost-efficiency of ADR services as compared to traditional court processes. From the government's point of view, so the argument, the provision of ADR services entails efficiency gains to the extent that the government can reduce its expenditure on long and comparatively inefficient court processes. The second reason relates to a shift in the governments' view regarding the appropriateness of rights-based processes for certain types of disputes. Governments, so the argument, consider disputes about family, employment, tenancy, consumer, small claims, construction, and other matters more and more suitable for ADR processes rather than the court system.

Thirdly, the paper critically discusses the increased provision of ADR services by state institutions from a wider theoretical perspective. The author uses the theoretical framework of legal libertarianism to explain the observed shift from a court-based system of dispute resolution to a more ADR-based system.

¹ Dr. Frieder Lempp, Lecturer, Massey University.

DISABILITY IS NOT INABILITY: BUT DOES THE INDIAN LAW MAKE THEM DEFT?

Dr. Aman A. Cheema² and Dr. Ashish Virk

Disability is a part of the human condition. It was in 1990's that the Indian Disabled population saw a dawn of their rights when India finally shed its traditional largesse approach. The culmination of a long, tenacious struggle for rights could be witnessed from the series of laws that were passed by the India Government for them from time to time. The excitement about this change went off after a few years when the laws passed were never translated in terms of real enforceable rights. The disability rights movement of India thus took another turn when they brought this into the notice of the Judiciary and demanded for actualization of these laws by filing various cases. The ignorance, insensitivity and resistance of the non-disabled population were exposed by the Judiciary. The disability rights jurisprudence has thus been gradually unfolding in India now. While holding field studies across the State, we were struck by how little the disability sector is aware about their rights and privileges they enjoy under the different legislations in India. The present paper will hence, deal with historical development of disability movement in India. It will highlight the national as well as international laws on disability with special reference to the legal provisions of UK laws. The paper will also discuss certain important Indian judgments which promoted the disability movement in India. A part of the paper will also refer to certain observations made by the researchers while conducting interviews and getting questionnaires filled from the disabled population while performing empirical work. It will conclude with critical assessment of disability laws followed by sub-monitions for the up-gradation of laws in short and entire disable sector at large.

DIGITAL CURRENCY; BIT COINS BRACING ITSELF FROM THE LEGAL PITFALLS IN MALAYSIA

Dr. Kala Maruthavanar³

Digital Currency; Bitcoins bracing itself from legal pitfalls in Malaysia The advent of internet has changed the financial landscape of the payment systems in Malaysia. Money in its paper based form is now crypto- currency in the form of digital bytes stored in an electronic wallet. Bitcoin is digital currency defined by the Oxford dictionary as "A type of digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank." The recent global financial crisis and the massive bailout of financial institutions spurred a person named Satoshi Nakamoto (anonymous name) to create Bitcoin which is digital currency on a peer-to-peer cash system; as a form of payment for online transactions of goods and services. The quandary faced by central banks worldwide including Malaysia is that this is virtual money not printed nor controlled by the banking system. The coins are generated by a high powered computer resolving complex mathematical equations that are designed to produce a block chain of coins. The retriever then mines a block chain of coins in order to retrieve the Bit Coins. Currently Bit Coins can be bought through exchanges, received via transactions, transferred or withdrawn from ATMs. Bank Negara (the Malaysian central bank) issued a formal statement, on its website as follows: Bitcoin is not recognised as legal tender in Malaysia. The Central Bank does not regulate the operations

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of Bitcoin. The public is therefore advised to be cautious of the risks associated with the usage of such digital currency. (2nd January, 2014) The Central Bank has not expressly prohibited the use of bitcoins but instead has isolated itself from any legal responsibility associated to its use by Malaysians. The non-recognition of Bitcoin as a legal tender has not deterred a growing small group of IT savvy younger generation from using it as a form of online payment in Malaysia. This research focusses on the current legal hurdles faced by Bitcoin usage and possible reforms to regulate its existence in the local payment system. The issues in the regulatory framework that this research will address are: (1) Whether Bitcoins conform to the legal characteristics of “money” or “currency” as understood by financial markets? (2) The payment system oversight necessary to licence entrants trading using Bitcoins (3) The consumer protection initiatives to stabilise its volatility, promote disclosures and retain privacy.(4) The stigma of its use to flout laws relating to money laundering, financing of terrorism ,online drug dealing and avoidance of tax regimes. (5) To harmonise its co-existence and future growth parallel to existing traditional financial institutions. In conclusion, one ponders that since the advent of technology has created a borderless dimension, will Bitcoin be the closest to a unified trans-border international common currency. Inevitably as borders are blurred, the regulators, financial institutions, consumer groups and Bitcoin enthusiasts must work together to promote the use of digital currency in Malaysia.

DECISION MAKING IN THE WTO: ISSUES AND CONCERNS FOR THE DEVELOPING COUNTRIES AND MULTILATERALISM

Dr. Rajesh Babu Ravindran⁴

The WTO is often viewed as one of the most democratic and member driven organizations of our time. The core of this perception is the democratic decision-making process that embraces all Member States irrespective of their size, strength or share in the annual contribution to the WTO. The decisions are reached through ‘consensus’, whether be it interpretation of the WTO Agreement or creating binding and enforceable international trade rules by the highest bodies, the Ministerial Conference or the General Council. While the practice of seeking consensus dominates the decision-making process, however, in its absence, the decisions can be taken through a majority vote, by a one-member-one-vote process. The consensus practice, at least in theory, could act as a veto, permitting any Member to block the adoption of a decision, making each Member and its vote pivotal. The system marks a significant departure from the practices of other prominent post World War II organizations such as the International Monetary Fund (IMF), World Bank or even the United Nations.

The system of ‘consensus’ has worked well since the GATT 1947 and has been viewed as inclusive and empowering all Members in the decision-making process. At the same time, there has been increasing concern about the effectiveness of the model in the context of the large number of WTO “active” members, representing diverse interests and objectives, which have complicated the WTO decision-making and consensus building. Questions have been raised on the suitability and workability of the “consensus” system, given the constant deadlocks in decision making and negotiating process, apart from making the entire process tedious and time consuming. The WTO witnessed a total breakdown of the “consensus-building” process at Seattle Ministerial Conference, which has continued to inhibit the trade negotiations under the Doha Development Agenda which was launched in 2001. Critics have also pointed out that the success of the democratic decision-making by consensus depends on the ability of countries to voice their dissent. However, the power politics within the WTO ensure that veto or blocking of consensus is rarely exercised.

⁴ Dr. Rajesh Babu Ravindran, Associate Professor, Indian Institute of Management Calcutta.

On the other extreme of the WTO decision making apparatus is the Dispute Settlement Body (DSB), the key organ entrusted with the implementation of the DSU. The DSB decision-making process departs significantly from the set consensus practice when the DSB decides on the establishment of the panels, adoption of panel and Appellate Body reports and when it authorizes retaliation. These decisions are adopted by the DSB through “negative” or “reverse” consensus principle, i.e., the DSB shall decide in favours of the establishment, adoption or retaliation, unless there is a consensus not to adopt the decision. In other words, under the “negative” consensus rule, the DSB must approve the decision, unless there is a consensus against it. This deviation, influenced by historical reasons, forces the DSB decision-making process almost automatic. The Member States have minimal control over the outcome, including the legal interpretations and clarifications of the WTO agreements by the Panel/Appellate Body. This inability to respond to the recommendations and rulings of the AB, specifically when such interpretations are considered improperly “add to or diminish the rights and obligations” in the agreements, has been a matter of grave concern.

In the above context, this paper undertakes a descriptive and analytical study of the decision-making process in WTO Agreements, with specific focus on the decision making under Articles IX and X of the Marrakesh Agreement and the DSU. The paper in the first part shall present an overview of the textual provisions on decision explores the decision-making process in various political bodies of the WTO, with specific focus on the Ministerial conference, General council and the DSB. It shall examine challenges and opportunities that the consensus decision making process hold for the WTO, specifically in the context of the “interpretative function” of the Ministerial Conference, General Council and the DSB. The paper views that the interpretative function adopted through the consensus decision making process has implications for democratic practices and institutional legitimacy and future of the WTO and has adverse consequence on the developing countries

ISSUES OF LOCAL GOVERNANCE IN LOWER STRETCH OF RIVER GANGA

Ms. Rajrupa Sinha Roy⁵ and Dr. Indrajit Dube

The river Ganga (declared as the National river of India on November 5, 2008 by the Government of India) is the lifeline of countless millions living in its basins for ages with the deepest sentimental bond, has been subjected to indiscriminate pollution and several abusive activities perpetrated on the River basin. Despite its astonishing resilience and restorative capacity, the River is severely polluted at several stretches and those stretches are geographically diverse from each other. This paper will highlight the problem in the lower stretch of River Ganga, under the jurisdiction of the State of West Bengal, where the total drainage area of the river is 71, 485 sq. km. Innumerable studies states that the sources of pollution in West Bengal are from “municipal wastes (treated/ untreated)”, “runoffs from agricultural lands using pesticides and insecticides” and using the River for mass bathing, immersion of idols, traveling by ferries, etc. At the State level the prevention of pollution of River Ganga is bestowed in the hands of Municipal Authorities, State Pollution Control Board and State Government.

Most of the Municipalities were established some 100 years ago under British Colony and relatively a few have been able to make remarkable difference using existing infrastructure to protect the Ganga river Basin in lower stretch. It has been reported by various experts that the local Authorities are incapable to provide necessary expertise, funds, modern infrastructure and policy framework to initiate conservation and make river Ganga eco-friendly. This paper will portray the problem from the

⁵ Ms. Rajrupa Sinha Roy, Research Scholar, Rajiv Gandhi School of Intellectual Property Law.

legal perspective and it will make an effort to identify the gap in the administration of local governance. It has been noted that the Municipalities pursue activities provided by certain State legislation (the Kolkata Municipal Corporation Act, 1980, the West Bengal Municipal Corporation Act, 2006 etc.) and follow the provisions of the Acts accordingly for prevention of pollution. Unfortunately, despite of these legislative safeguards the level of pollution is at an alarming stage in lower stretch.

This paper is an outcome of an empirical study, where the Municipal Corporation, Municipalities and other local Authorities of the State of West Bengal were visited and samples have been collected from concerned Stakeholders through an unstructured questionnaire to comprehend the Institutional limitations, concerning ensuing apathy towards river Ganga in its lower stretch. During the study it has been observed that there is an enormous institutional gap amid the Municipal Authorities, State government and Pollution Control Board. A sheer lack of co-ordination among these institutions is a major ambiguity of contention in implementation of standard legal framework. Overlapping functions, insufficient funding, inefficient officials, diverse mandates and jurisdictions dwindling the situation and maximising the capacity of untreated municipal waste in lower stretch. It is also evident that there is a need to bring coherence in the laws relating to the problem of pollution in Ganga River. The paper will gradually foray into all aspects of the institutional fragmentation in details and it will attempt to establish a legal framework to mitigate the existing problem among the Institutions by collating and critically analysing the data from the empirical study.

GLOBALIZATION AND MONETARY POLICY RULE IN WAMZ

Dr. Perekunah Bright Eregha⁶

There is a growing debate among central bankers and academics on the consequence of globalization on monetary policy rule. This debate has mainly two strands. The first concerns the effects that real globalization has on the inflationary process; that is, are global factors becoming more important at the expense of domestic factors as determinants of domestic inflation? The second strand pertains to the effect of globalization on the transmission mechanism of monetary policy. Here, the interest is the degree to which globalization has weakened the ability of central banks to influence domestic financial conditions. There are two main channels through which globalization influence the effectiveness of monetary policy. First, as economies become more integrated, the influence of external shocks on domestic macroeconomic and financial variables increases. Therefore, the set of shocks to which central banks must respond increases and the path of the economy become more uncertain. Second, globalization alters the traditional mechanisms through which monetary policy affects the economy. For instance, the effect of policy changes on the exchange rate may become relatively more important. There are several monetary transmission mechanisms, however, the focus here is the traditional interest rate channel which suggests that when central banks change the short-term rate (the monetary instrument), and they affect long-term rates (the intermediate target) via the expectations hypothesis. The change in long-term rates then influences the interest rate sensitive components of aggregate demand, and consequently the inflation rate that is the final target. There is growing evidence both theoretically and empirically on the effect of globalization on the effectiveness of monetary policy. Recently, the impact of globalization on monetary policy formulation has become one of the central topics in international macroeconomics literature. Since the Global Financial Crisis of 2007-2009, the literature, focusing on globalization and its impacts on the monetary policy has expanded rapidly and most developing countries specifically Africa are at the receiving end of the impact. It is against this backdrop that this present study examines the effect of globalization on monetary policy in West African Monetary Zone. Monthly data for the study will be extracted from

⁶ Dr. Perekunah Bright Eregha, Lecturer, University of Lagos.

the World Development Indicator and IFS covering 1980-2013 and a forward looking Taylor Rule policy monetary reaction functions will be estimated for each of the countries.

SOLVING THE KASHMIR DISPUTE: A THREE PLAYER GAME- THEORETIC ANALYSIS AND ECONOMIC PAYOFF APPROACH TOWARDS CREATING PEACE IN KASHMIR

Mr. Neel Puri⁷

The beautiful and resource-abundant land of Kashmir has been a subject of territorial dispute ever since the partition and subsequent rivalry between India and Pakistan in 1947, resulting from the dissolution of the British colony of India. Further complicating matters is a third player: the Kashmiri Liberation front and its various allied Islamist militant organizations, united with the possibly dangerous goal of a completely autonomous Kashmir. Within the context of this significant contemporary issue, one can apply simplified game theory to explain the situation as well as chart out future policies between these three players. The current stagnancy is a Nash equilibrium resulting from each player's use of its respective dominant strategy. Thus all three players have been pushed to amass their respective armaments in the name of self-defense, a mindset in which a gain in security of one nation is thought of as a loss to the other. It is this very mindset that leads to the "prisoner's dilemma". In his 2013 paper, Dr. Ron E. Hassner, professor of political science at the University of California Berkeley, wrote that the current view on the dominant strategy for India and Pakistan, similarly applied for Kashmir, has been so deeply entrenched in both the politics and culture of the two nations that by 1962, "It was inconceivable that Indian public opinion would tolerate the voluntary surrender of territory in Kashmir." Attempts to reach Pareto-optimal peace have been made in the past, such as the Tashkent Declaration (1966), the Shimla Agreement (1972), and the Lahore Declaration (1999). Yet none of these agreements have been capable of preventing the relationship between India and Pakistan from deteriorating to armed conflict. Inherent in each is a lack of true incentive, coupled with a hyper-reactionary military mindset on the part of each player. Three months after the bilateral Lahore Declaration, war broke out in the Kargil district of Kashmir and other parts of the unofficial Line of Control (LOC). This paper argues that through a simplification of the conflict to a three-player game theory analysis, the impulsive and vacillating nature of war in Kashmir can be accounted for by the tit-for-tat reactions of the respective players. While most traditional analysis supports decreasing the value of the aggression by each of the three players, this paper argues that through the prisoner's dilemma, such is impossible. Instead, the economic value of the joint-cooperative outcome should be relatively increased, primarily through economic reform. Rather than pursuing pretenses of peace and responsive aggression, as has previously been proposed, this paper supports economic integration of India, Pakistan, and Kashmir, following the model of joint economic institutions such as the European Union. Such joint economic cooperation would lead directly into policies of constructivism, mitigating the stereotypes and vilified views of the "enemy" on all sides of the conflict. Thus only by increasing the concrete monetary and trade incentives for peace can India, Pakistan, and Kashmiri insurgents reach a truly peaceful situation, making considerable theoretical improvement over presently narrow-minded aggression

⁷ Mr. Neel Puri, Independent Scholar, St. Andrew's School of Delaware.

ECONOMIC POWER AND ENDOGENOUS RESERVATION UTILITY IN CORPORATE DYADS

Dr. Niti Bhutani⁸

Large corporate entities that dominate the business world often make it difficult for their relatively smaller and local counterparts to compete. In this scenario, if the smaller player opts to work or produce under contract for the larger firm, it is the reduced profitability of the smaller firm as an independent producer that will constitute the benchmark against which the contract is designed. This benchmark - that is, the reservation utility, is typically taken as exogenously given in contracting models. It is the possibility of reservation utility being endogenous that this paper formally explores. This is done by allowing the larger firm to undertake investments that not only reduce its own costs but also induce lower profitability for the smaller independent player. This paper specifically shows that the higher the benefits associated with these investments, the stronger is the incentive for the larger firm to decide in favor of higher initial investment levels in order to realize a more competitive position vis-à-vis the smaller producer. The analysis, therefore, highlights one of the channels through which economic power of large corporations is manifested and how economic development is being shaped worldwide.

Power and influence - qualitative issues that typically tend to get marginalized in conventional economic modelling - have been examined by Basu (1986) in the context of triadic relationships involving, for instance, a village landlord, a laborer and a merchant. Chambers and Quiggin (2000) examine a similar set-up in a state-contingent contractual framework where a landlord can affect a peasant's reservation utility through political or other extra-contract exploitative means. In particular, they show that the equilibrium reservation utility falls with a reduction in the cost of exploitation and with an increase in the crop price. Hart and Holmstrom (1987) too recognize that reservation expected utility will be endogenous when ex-ante competition is imperfect so that the parties involved will bargain over the ex-ante surplus in the contract.

Unlike the existing literature that emphasizes the emergence of endogenous reservation utility in triadic relationships, this paper illustrates that such a possibility may emerge even in a dyadic setting where parties interact pairwise. Dyadic settings that provide a suitable backdrop for the analysis in this paper include modern-day contract farming (in relation to independent farming), large retail chains (in relation to mom and pop stores) and mass-producing manufacturing firms (in relation to smaller independent firms). Whether a situation is interpreted as one that should be subject to antitrust legislation or one that is part of "regular" competitive practice can be a subjective issue and depends on the legal and/or moral evaluation of the situation by the adjudicating authority. This paper revisits the consumer welfare (Chicago school) vis-à-vis economic power debate and examines the issue from the point of view of distributive justice and organizational justice.

Key words: contract theory, endogenous reservation utility, anti-trust law, corporate/contract farming, Wal-mart, mom-and-pop stores, hold-up, state-contingent approach, institutions

Jel: D86, O12, Q13, L40

⁸ Dr. Niti Bhutani, Assistant Professor, Hindu College, Delhi University.

IDENTIFYING AND ANALYZING THE ROLE OF THOSE WHO INFLUENCE THE GENETICALLY MODIFIED (GM) FOOD POLICY IN INDIA

Dr. Sanjib Bhuyan⁹ and Prof. Carl Pray

It has been argued that modern biotechnology could usher in the second 'Green Revolution' in developing countries. Additional benefits of GM (genetically modified) crops include reduction of pesticide use and the benefits that go along with that, and lowering cost of production. However, the debate over the use of GMO (genetically modified organisms) in the food sector has been going on in both developed and developing countries.

In case of India, the GM crop debate got more controversial after Bt Cotton was approved in 2002. One of the impacts of such controversy was the moratorium, which still stands, put in October 2010 on the commercial release of Bt Brinjal by then Minister of Environment and Forestry, Mr. Jairam Ramesh. This outcome was welcomed by the opponents of GMO while proponents of GMO considered the decision as a hubris.

Developing public policy regarding GM food requires input from various stakeholders which include scientists, the biotech industry, farmers, both pro- and anti-GMO NGOs, etc. Public policy making involves politics and given the outcome (i.e., moratorium) of the Bt Brinjal policy in India, it leaves room for the examination of how such public policy was formed and who were able to influence such policy. While the existing narrative accounts of the GMO policy making process in India hints at existence of relationships between anti-GMO stakeholders and the Ministry of Environment and Forestry (or its proxy Mr. Ramesh), an empirical examination of such relationship and incidence of influence surrounding Bt Brinjal and GMO debate in India is clearly lacking. Therefore, to help better understand the intricacies of the GMO debate in India and to address the existing gap in literature, our aim here is to identify the major players in the GMO policy debate in India, how they are related to each other, and the level of their influence on such policy making process in India.

Research Method

We choose a multi-pronged approach to satisfy our goal: first, we implement Content Analysis technique (see Bhattacharjee, 2012) to identify active players in this debate and their stance on GMO issues, and then we carry out a social network analysis (SNA) to identify the interrelatedness of these actors and their influence in the GMO debate in India. We identified 318 actors (or players) involved in the GMO debate in India as reported in the published media, i.e., from the Content Analysis. We use NodeXL (<http://nodexl.codeplex.com/>) to analyze the network of relationships among these 318 actors or entities (e.g., NGOs, corporations, government agencies, scientists, farmers) involved in the GMO policy debate in India and the level of influence each of these entities had on policy making.

Potential for Generating Discussion

The topic of GM food is a heated topic in both developed and developing countries. Therefore, this paper is very likely to generate a lively discussion among the attendees of this conference.

⁹ Dr. Sanjib Bhuyan, Associate Professor, Rutgers University.

EVALUATING THE CAUSES OF INCOME TAX EVASION IN MAURITIUS

Mrs. Hemavadi P Soondram¹⁰ and Ms. Panjanaden Poullay

Tax evasion is a major problem facing all economies and seriously affects the capability of government to finance public services due to major revenue losses. It is a major breach of law and includes issues such as fraudulent tax reporting or illicit arrangements to hide income or information from the tax authorities in such a way that taxpayers pay less than what they are legally obligated to pay. Tax evasion is considered as a crime in most countries and is subject to fines and imprisonment. Lack of transparency and accountability on how the public funds have been used by the government can lead to low level of trust in the tax system. If the cost of evading the tax is lower than the benefit from the tax evaded, then it is likely that the taxpayer will evade his tax liability.

Tax evasion is also linked to the shadow economy which according to the Indian Ocean Times brings close to two billion euros and boosts consumption. There are a variety of complex factors which influence a taxpayer's decision to evade tax and two approaches used are the economy and the psychology approaches. Evaluating the causes of income tax evasion is essential in the combat against tax evasion in any economy as an individual is more likely to cooperate to pay taxes when he/she believes that the government is going to act in his/her best interest, procedures are fair and trust of government.

The purpose of this paper is to investigate the main factors which induce individual taxpayers to evade tax, despite the low tax rate and to comment on how the policy makers can make use of this study to address tax evasion issues in Mauritius.

This paper stresses the need for a major change in the tax awareness policy which currently exists and there is room for improvement by providing more incentives on specific areas.

EVALUATING INDUSTRIAL REAL ESTATE CONTRIBUTION TO NIGERIA ECONOMY

Mr. Ismail Kolawole Bello¹¹ and Mr. Nurudeen Akinsola Bello

Current methods of investment performance measurement have been derived from stock market and fixed interest data, but very little attention has been paid to the measure of performance of industrial property investments. Even these methods cannot be applied to property performance measurement without substantial adjustment because of its different characteristics. Real estate of manufacturing industry generally lacks empirical measurement to quantify the value that it adds to the firm's performance because of lack of data, indicating that the contribution of real estate to the firm and the possibilities that exist for adding value or its contribution to the economy are often not recognized nor properly considered. Realization that both tangible and intangible assets are important to the successful support of the core business calls for a broader view of real estate's contribution to the firm as well as the nation's economy. While a lot have been written on property performance generally and industrial property performance of investment asset specifically, little was actually written on industrial property performance of operational asset and this is a noted gap in literature that this work is set to fill. This is basically to measure the contribution of industrial property as a contributor to the overall industrial investment performance and at ultimate end determines its actual contribution to the gross national product of Nigeria. The focus is on property held for industrial usage but not

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investment in industrial property i.e. it did not measure the value (capital or rental) to determine performance of industrial properties; rather it rated the performance of each standard economic factors of production base on their contribution to the production activities of the industries. This work therefore measure the contribution of real estate to the production output of manufacturing industries in Nigeria and relate it to the national gross domestic product with a view to providing guidance for the industrial investors, measuring past achievements and providing the basis for planning and control decisions. The work adopted the use of questionnaire to elicit the required data for the study. Survey research design was adopted by administering questionnaire through the cross sectional survey on the identified head of administration of each industry sampled. Information gathered from the administered questionnaires was analyzed using both descriptive and inferential statistics. Also, survey of literature on the subject matter was fully explored through journals, textbooks and internet browsing.

Keywords: Factors-of- production, Industrial- real-estate, Property-performance, Economic-contribution.

DEALING WITH THE NECESSITY OF AGILE BEHAVIOUR AT THE WORKPLACE: A COMPARATIVE APPROACH IN IT, RETAIL, AUTOMOTIVE AND BANKING*

Dr. Ionut-Cosmin Baloi¹²

In an economic and social context whose dynamics is ruthless with all economic entities, to be energetic, flexible and agile is a condition to succeed for each individual employee, as well as for the performance of the team the worker belongs to. Our quantitative research examines the following hypothesis: the tendency towards agile behaviour, people's abilities to quickly adjust and their likelihood to accept the rhythm and frequency of changes at work influence their general well-being and the social relationships. Beyond the demands expressed by the clients and the harsh competition which determines each organisation to become proactive and to familiarise their human resources with flexibility, the managers have to yield an environmental stability in a workplace where the tension is growing.

The results of our survey conducted in four important fields of activity for well-developed economies, more precisely in a few organisations of international repute, demonstrate the existence of some relative associations of this dynamic behaviour with feelings of calm and relaxation at work, mostly in the IT and banking sectors. In retail and partially in the automotive industry, this agile behaviour is more related to the employees' needs to be understood and perceived as being listened to. Our analysis highlights the behavioural inferences of choleric characters -overriding in Romania- for the manner of working and the professional performances of the individuals. There have been noted sectoral discrepancies between the pressure exerted on employees when they have to make a quick decision and to act appropriately without delay: banking workforce adapt better and can keep calm. Throughout our study, we could also notice some attitudinal differences among employees depending on sex and age criteria.

Methodologically integrated into an ampler study on organisational dynamics, our research approaches statistically, using associative coefficients, the consequences of a work environment where agility establishes the degree of competitiveness of organisations. On completion of our

¹² Dr. Ionut-Cosmin Baloi, Lecturer, Univeristy of Craiova.

investigation, there have been stated several qualitative observations regarding the way Romanian managers tackle these problems as well as how the official regulations attempt to diminish the emergent tensions.

We take the risk of our critical dissertation, yet at the end of the research we try to emphasise its strategical and operational contributions and the implications of the need to embrace flexibility within the science of management.

*This work was co-financed from the European Social Fund through Sectoral Operational Program Human Resources Development 2007-2013, project number POSDRU/159/1.5/S/140863, Competitive Researchers in Europe in the Field of Humanities and Socio-Economic Sciences. A Multi-regional Research Network

FISCAL DEFICIT AND INFLATION: CAUSALITY AND CO INTEGRATION: THE CASE FOR PAKISTAN 1976-2011

Mr. Bilal Muhammad Yaseen¹³

High fiscal deficit is root of many economic problems faced by a country, whether developed or developing. Pakistan is facing consistent and continuously rising fiscal deficits. In addition to the rise in fiscal deficits, inflation is also on the rise over the past few years. There is a constant debate over the relationship between the two variables and it is unclear as to fiscal deficit are the cause of rise in inflation or it is the other way around or no relationship. This paper estimated the causality and co integration between fiscal deficit and inflation for Pakistan using time series data from 1976 to 2011. Augmented Dickey-Fuller and Phillips-Perron tests used to check whether the variables are stationary or not. Engel and granger along with the Johansen (VECM) approach employed for research analysis. It is estimated that there is a long-run relationship between inflation and fiscal deficit confirming their co-integration and fiscal deficit granger causes inflation.

INTROVERSION SENTIMENTS, GENDER GAP RECOGNITION AND THE PHENOMENON OF POLITICAL MOBILIZATION AMONG WOMEN IN PAKISTAN

Ms. Hira Zahid¹⁴ and Mr. Syed Toqueer Akhter, Assistant Professor of Economics

This study focuses on how Personality Traits as well as the recognition of Gender Gaps & Gender Disparities affect Female Political Mobilization in a Cross-Sectional setting for Pakistan. The questionnaire is based upon eight sections; Demographics, Personality Traits, Cultural Norms, Sexual Harassment, Religious Practices, Political Empowerment, Political Participation & Challenges. In Personality Traits section, Introversion Sentiments were measured using a seven-item scale. Cultural Norms, Political Empowerment and Challenges were used to assess Gender Differentials. Cultural Norms were measured using a seventeen-item scale; Political Empowerment was measured using a twenty-item scale and challenges were measured using a fifteen-item scale. Female Political Mobilization was studied through conventional and unconventional modes of political participation using an eighteen-item scale. Women are the deprived sector of the society with un-existing rights, gender discrimination, violence and no say in decision-making at most levels of the society. In Pakistan

¹³ Mr. Bilal Muhammad Yaseen, Lecturer, University of Central Punjab (UCP).

¹⁴ Ms. Hira Zahid, Student, Lahore School of Economics.

patriarchy still governs the society. Women need to be more involved in the decision making process to secure their rights and freedom. Since the beginning of thought on political theory, personalities such as Aristotle, Rousseau, Hobbes and Locke endorsed the absence of women from politics on the basis of them perceived as irrational in nature. The significance of women's political engagement and mobilization for a sustainable democratic institution is being increasingly realized around the world. Two competing econometric models namely Weighted Least Squares and Partial Least Squares were used to avoid biased and heteroskedastic estimates. The implications of both the econometric models are rationalized on basis of attained cross-sectional data which is ordinal in nature. Introversion Sentiments, Gender Gap recognition with respect to Socio-economic and Political Empowerment appeared significant in the study supporting the hypothesis that they're essential for Political Mobilization. Government policies catered towards female rights and mobility and female empowerment programs must be encouraged to enhance female participation in voluntary engagement.

Keywords: Women Political Empowerment, Political Culture, Introversion Sentiments, Weighted Least Squares, Partial Least Squares

THE UNLIKELY ECONOMIC TRANSFORMATION: MALAYSIA POLITICAL ECONOMY AND PREMATURE DE-INDUSTRIALISATION

Mr. Firdausi Suffian¹⁵

This paper attempts to explore Malaysia's political economy in industrial development. Pertinent to this regards is that, global capital accumulation induces change in domestic politics preferences that are reflected in the industrial development strategy. So this paper aims to elucidate how domestic political elites of the state interplays with global capital accumulation strategy, while forming domestic industrialist class to strengthen political base support. Though they managed to build strong political supports, however schism in the end-state of developmental goals i.e. (i) ensure political elites survival (ii) forming domestic class with a politicised developmental policy thus resulting a sub-optimal outcome in pursuit of industrialisation. Premature de-industrialisation occurs due to weak industrial deepening, this process also result in shifting of domestic politics preferences that are related with global capital accumulation and domestic class interest.

TRADE LIBERALIZATION AND ECONOMIC GROWTH IN ALGERIAN ECONOMY : AN EMPIRICAL INVESTIGATION BY USING ARDL APPROACH

Dr. Amrane Becherair¹⁶ and Dr.Yagoub Mohamed, Lecturer, University of Mascara

Over the last twenty years, Algeria has undergone radical reform of its foreign trade, encompassing the abolition of import restrictions, By solving the committee charged with the import control (AD-HOC); the tariff reduction to 45%; The development of the banking system; Euro-Mediterranean Partnership Agreement signed in April 2002; Request to join the WTO in June 1996, which would

¹⁵ Mr. Firdausi Suffian, PhD Candidate, University of Bristol.

¹⁶ Dr. Amrane Becherair, Lecturer, High National School of Statistics and Applied Economics.

enhance the direction of the country towards economic liberalization; the establishment of several institutions to frame the openness and the adoption of many of the laws and legislations to provide a favorable environment in the field of foreign trade. For Economic Analysts, two questions arise from these changes: what caused the reforms, and what are their effects on economic growth?

Many empirical studies examined the relationship between external trade liberalization and economic growth, the most famous study (Dollar, Kaaray, 2001), which provided clear evidence about the positive effects of trade liberalization on growth in developing countries, where concluded that, one third of developing countries in the world has a positive relationship between the quality of institutions trade liberalization and economic growth on the one hand. and the Influence of international Trade on economic growth, on the other hand, so the high-performance of Foreign trade, and the good quality of institutions, accelerate the pace of economic growth.

The goal of this paper is to investigate the short and long run relationship between trade liberalization and economic growth in Algerian economy using a Cobb–Douglas production function, which is expanded to take into account the trade liberalization. The bounds testing approach to cointegration and error correction models, developed within an autoregressive distributed lag (ARDL) framework is applied to annual data for the period before trade Liberalization (1970 to 1989), and the period after trade liberalization (1990 to 2014) in order to Measure the impact of extensive reform programs of trade liberalization on economic growth in Algeria.

The experimental results of this study indicate that, in the long run, the Algerian GDP per capita did not improve after the inclusion of trade liberalization in the first period. However, the results show that, there is a positive but small impact of trade liberalization on growth During the period of reforms.

Keywords: Trade liberalization, economic growth, ARDL approach, Algerian economy

THE ROLE OF HUMAN RIGHTS IN EU EXTERNAL ACTION: CASE FROM SOMALIA

Mrs. Kristina Jankova¹⁷

The European Union started as a security project in order to prevent further armament of Germany and thus any further ambitions to create the Third Reich. However, through controlling the market with coal and steel, the biggest economic cooperation was given a birth. Despite the human rights did not play any role in the beginning, time after time it gained a lot of attention from member states and hence the European Court of Justice. Since late 80s, references of human rights can be found in the founding documents of the EU such as Single European Act, or more importantly the Maastricht Treaty. Human rights became a basic principle of the EU functioning and were incorporated into almost every policy of the EU. The paper aims to explore the role of human rights in the EU's external action in relation to other countries, especially those where human rights are regularly violated. In particular the paper tries to find out, whether human rights are the primary reason for taking action against / in those countries in the form of enforcement mission (military intervention for humanitarian purposes) or peacekeeping mission, or in the case of the EU also civilian mission. I will analyse the situation in Somalia after the 1993, when Maastricht Treaty was signed, which is considered to be the crucial milestone for human rights in the EU. The basic hypothesis of the paper is that the EU's rhetoric on a crisis situations, conflict areas and vulnerable groups does not correspond with its actions abroad, especially in regions where no member state has its own state interest. This hypothesis will be proved or disproved on the case of Somalia, a country with long term structural problems accompanying with hunger, civil unrest and piracy. Already after the end of Cold War, Somalia was registered as a threat

¹⁷ Mrs. Kristina Jankova, PhD student, Comenius University in Bratislava.

to international peace and security by the UN Security Council, however, there was between 1994 and 2001 there was no SC resolution adopted on the situation in Somalia, despite (or because of) the events in Srebrenica, Rwanda and Kosovo. Somalia, similar as Sudan, was ignored for a very long time after the two unsuccessful operation UNOSOM I and UNOSOM II. Finally in 2003 the Monitoring group was established, although one may argue that monitoring group has no power thus cannot be considered a significant action. The Security Council was not interested that much in the area, but what about the EU? During 90s, its foreign policy was still in its early years and when the EU was not able to act with united voice against Yugoslavia on the European territory, you cannot expect it to act in thousands of miles farther. However, even during next year and with more developed foreign and security policy, Somalia was not worth any significant action from the EU side. So how important are human rights for the EU? Somalia case demonstrates that the external action is still dependent on political will of its member states which miss the global citizenship in this case. After the pirates began to target the EU ships, the EU decided to take an action, a very successful action against pirates. It proved that when the political will is present, the EU can be very effective and successful. It's a pity that the action was caused due to financial loss and not because of constant human rights issues in the country.

GHANA'S PETROLEUM REVENUE MANAGEMENT LAW: THE SAVIOUR THAT NEVER WAS, A PROBLEM WITH THE LAW OR THE LEADERSHIP?

Mr. John Darko¹⁸

GHANA'S PETROLEUM REVENUE MANAGEMENT LAW: THE SAVIOUR THAT NEVER WAS, A PROBLEM WITH THE LAW OR THE LEADERSHIP? There is an Akan proverb which translates that "a show destined to be successful is recognizable in the morning of the show". After a lot of public commentary and legislative debate in Ghana, the Petroleum Revenue Management bill was passed into law in April 2011. Prior to the passage of the law, there emerged a strong national consensus that part of the revenues from the hydrocarbon exploitation be saved for future generations. In my own Thesis titled, *Avoiding the resource curse: the Role of Law* (submitted in partial fulfilment of my LLM from University of Houston) I strongly made case for the establishment of a fund into which part of revenue from the oil and gas could be kept for the inevitable difficult days. There was a lot of optimism when the law on revenue management was passed, in fact, Ian Gray of Oxfam, remarked that the passage of the law was a "big transparency win for Ghana". After four years of implementing the revenue management law, the time should now be ripe for an evaluation of its impact on Ghana's economy. If the title of a statute ever meant something for its successful impact, then the Petroleum Revenue Management Act 2011, Act 815 had a lot of riding on it. The long title of the Act reads "[A]n act to protect the framework for the collection, allocation and management of petroleum revenue in a responsible, transparent, accountable and sustainable manner for the benefits of citizens of Ghana in accordance of article 36 of the constitution and for related matters". Article 36 of the Constitution of Ghana contains the Directive Principles of State Policy (DPSP). The argument as to whether the DPSP are justiciable has been settled by the Supreme Court of Ghana. A thorough reading of Ghana's budget statements and economic policies for the years 2012, 2013 and 2014 will show, that not only has the law not been strictly adhered to, the general implementation has been anything but impressive. The paper argues and concludes that a. Several provisions of the law must be amended if the law is to have its desired impact. The law is not working in Ghana as it should have because the managers of the economy are like the type of Christians Timothy described as "[H]aving a form of godliness, but

¹⁸ Mr. John Darko, Lecturer, Ghana Institute of Management and Public Administration.

denying the power thereof." b. Much as laws are good for any country, including Ghana, laws in and of themselves do not change a country but the human beings who implement them.

THE DE FACTO STATELESS PERSON - A MYTHOLOGICAL REALITY

Dr. Tamara Joan Duraisingam¹⁹ and Dr. Rohaida Nordin

Stateless persons are categorised as de facto or de jure. The de jure stateless person has convention rights assured by virtue of the provisions within the Stateless Persons Convention 1951. As such international law comes to the aid of the de jure stateless person. The de facto stateless person however is not similarly protected by any convention. Although there is mention of inclusion of de facto statelessness in the Stateless Persons Convention 1954 and the Reduction of Statelessness Convention 1961, this inclusion of de facto statelessness is located within the Final Acts of both conventions and is therefore non-binding. There is in fact no clear definition of who a de facto stateless person is. Nevertheless regardless of whether a stateless person is de facto or de jure, the consequences of statelessness are indeed grave. In Malaysia there are communities that have de facto stateless persons in their midst. These communities include the stateless children in Sabah and the undocumented Orang Asli and Indians in Peninsular Malaysia amongst others. Traditional approaches to de facto statelessness have been more inclusive compared to the more recent attempts at defining this category of statelessness. This contemporary exclusive approach leaves quite a few groups of de facto stateless persons out of this category of statelessness and as such they do not fall within the purview of international law. The paper examines both traditional and contemporary approaches to de facto statelessness and provides justification for a more inclusive definition of de facto statelessness within the Malaysian context, thereby allowing more stateless persons within the Malaysian municipal system to benefit from international law protection.

THE RELEVANCE OF PATENTS TO DE-VELOPING COUNTRIES : PATENTS AS POWER TOOLS.

Mr. Nilesh Bhimrao Tribhuvan²⁰ and Ms. Tanvi Dubey

Scholars proclaim that "The Patent System added the fuel of interest to the fire of genius". Indeed it has been said that we are in midst of a third industrial revolution as a result of rapid developments and interactions between six key technologies - Microelectronics, computers, telecommunications , new materials, robotics and biotechnology. By way of this research paper, the authors feels important to address the occasionally stated notion that patents, as opposed to other forms of Intellectual Property , are not relevant to developing countries , because of their relatively low state of technological development. Authors further move forward to discuss that the idea that patents are not relevant to developing nations or that they are incompatible with the economic objective of the developing nations are inaccurate because they give the impression that it is possible to simply opt out of the international patent system, and yet still achieve economic development. This is an error, as patents are an essential component regardless of whether the country is developed or developing.

Authors have distilled their views by laying down valuable suggestions:-

¹⁹ Dr. Tamara Joan Duraisingam, Deputy Dean, Taylor's University Malaysia.

²⁰ Mr. Nilesh Bhimrao Tribhuvan, Associate, Mahesh Jethmalani.

1. There must be a pro- Active Patent Policy (PPP) that is understood to be intrinsically related to economic development. Here the authors also emphasize on the experiences of Republic of Korea and Singapore which further confirms the importance of a Pro - Active approach.
2. Coordination of Patent Policy with economic development policy is essential, as Patent Policy both reflects and influences technology and Business Development.
3. Use of Patents and PPP as a power tool must be strategic. A scattershot approach where equal emphasis is placed on all areas of development is unlikely to succeed. The key areas of development must be targeted with a complimentary Patent Policy.

It is the humble contention of the Authors that National Policies and PPP should be designed to promote patent joint ventures and strategic alliances, as these can encourage local invention and foreign direct investment. The Patent system needs to be constantly adjusted and implemented so that the best balance between the right holder, new entrants to the market, the public at large and Civil Society is achieved. Authors emphasize on the potential of the patents in knowledge creation and dynamic innovation. Authors also take a step forward to describe how Patent information and its diffusion stimulate economic development. Patents are power tools for economic development. This tool can be used by developing and developed nations alike, by multinational Corporations as well as SMEs. Therefore, the policy-makers will have to consider and implement policies which provide a balance by offering incentives to stimulate Research and Development, while ensuring a Competitive Environment for pioneers. Authors conclude by quoting the words of Albert Einstein that "Imagination is more important than knowledge" .Albert Einstein's preference for imagination over knowledge is quoted by the authors because Intellectual Property is based on the power of imagination. The authors deal with a wide array of topics in a lucid, coherent and concise manner, and provide a panoramic view of the pitfalls, challenges and possibilities linked to the intellectual property system as an instrument for socio-economic, cultural and technological development as well as for improving the quality of life. Authors most humbly mention that a collective effort to dimension that system would make it integrate easily into development perspectives of the both developing and the developed countries.

THE VALIDITY OF ELECTRONIC ARBITRATION AGREEMENT IN CONSUMER DISPUTES

Ms. Jie Zheng²¹

The fast development of electronic commerce is owing to its efficiency and convenience in transactions. Most electronic transactions are concluded by electronic contracts which are formulated by the parties in advance through click-wrap agreements or emails. In Business-to-Business(B2B) disputes, it is less of a problem as parties have equal bargaining powers to negotiate individually the arbitration agreement. However, this may draw legal issues to Business-to-Consumer(B2C) arbitration agreement as such agreement is formulated by businesses and it excludes consumers from judicial redress and such arbitral awards shall be binding on the parties. In other words, arbitration agreement in consumer disputes shall meet higher validity requirements than in B2B contract. This presentation will firstly introduce formal and substantial validity requirement of electronic arbitration agreement. It will follow on summarize current legislative and practical development of European Union and China in consumer arbitration agreement and then analyze the necessity to balance consumer's access to

²¹ Ms. Jie Zheng, Phd Researcher, Ghent University.

justice and efficient dispute settlement in electronic commerce. Finally, the presentation will provide alternative solutions to the conflicting interests.

European Union has promulgated Directive 93/13/EEC on Unfair Terms in Consumer Contracts to safeguard consumer interests and facilitate the establishment of internal market at the union level. Arbitration agreements that have been drafted by businesses in advance and cause a significant imbalance in the parties' rights and obligations are unfair and shall be void.

China started to develop consumer arbitration system as an alternative to consumer litigation due to increasing disputes arising from B2C online transactions. Although there is no legislation at the national level regulating consumer arbitration, there are local regulations enlarging the validity scope of consumer arbitration agreement considering the fact of strict validity requirement of arbitration agreement in Chinese law.

Consumer arbitration constitutes an efficient dispute resolution for the fast electronic transactions. European Union forbids pre-dispute arbitration agreement in consumer contracts as a whole to ensure consumer protection. Is there any alternative ways to balance the conflicts between an efficient dispute resolution and consumer's access to justice?

In electronic commerce transactions, consumers and businesses are likely to be located in different places, electronic arbitration will be an effective dispute resolution mechanism to be adopted in the future. It is important to establish independent consumer arbitration institutions with professional arbitrators and fair procedure rules. Businesses can therefore choose an appropriate arbitration institution and post the information of dispute resolution body on its website. It is possible to provide an arbitration clause in terms agreement that is unilaterally binding on businesses while consumers still have right of action if they are not satisfied with such results. This can be seen as an effective solution to solve consumer disputes arising out of electronic transactions.

CRITICALLY EXAMINE THE FACTORS THAT TRIGGER THE PROLIFERATION OF FREE TRADE AGREEMENTS AND WHETHER ITS IMPACT RENDERS THE WTO INCREASINGLY IRRELEVANT

Mr. Syafrullah Hamdi²²

Currently, more than 500 Free Trade Agreements (FTAs) have been notified to the World Trade Organization (WTO), and there are still many ongoing negotiations to enter into force the new FTAs. The escalating number of FTAs has resulted in two crucial matters that have negatively impacted the existence of the WTO as a pioneer of multilateral trade agreement. Primarily, in addition to the countries that are not WTO members, those that have joined WTO are also vigorously willing to be involved in many FTAs. In fact, at least three of the WTO participants have actively been involved in each regional FTA. Secondly, many FTAs regulate new issues that have not been enacted under the WTO, which brings the difficulties to the WTO in unifying those rules after the enforcement of such FTAs. Moreover, FTAs also enervate the WTO's principles regarding the most-favoured-nation treatment due to they generate the discrimination to other countries that are not involved in such arrangements. Therefore, in investigating the effects of FTAs on the existence of WTO, it is essential to critically examine what factors that generate the FTA to be more attractive than the WTO for countries and how the WTO might keep its eminence on the disruption resulted from the FTA's prolificacy. By describing the history as well as the advantages of joining a FTA, it is inferred that the surge to enter into the FTAs is motivated mainly by four reasons. Firstly, many countries join more

²² Mr. Syafrullah Hamdi, LL.M. Candidate, Lancaster University Law School.

than one FTA to avoid the potential loss of market opportunity and access as they are excluded from another FTA's arrangements. Secondly, the FTA is believed to influence the economic growth by increasing the market efficiency. Thirdly, the FTA will strengthen the country's economic and political power internationally. Lastly, any negotiations in the FTAs require less time and are easier compared to those in the WTO. In relation to the issue regarding FTA's impacts on the WTO, there are indications that its proliferation might disrupt the WTO and its prevailing regulations. However, in reality the WTO could still maintain its superiority over the FTAs. By referring to several regulations concerning the recognition of FTAs under the WTO, the WTO will continue to review the compatibility of the FTAs with their multilateral rules. Furthermore, the WTO' members have actively used the WTO's dispute resolution mechanism to settle their FTA affairs, which expresses that the WTO has covered more trading issues than the FTAs. Consequently, the WTO will not float off because of the FTAs' proliferation.

DISTRICT ELECTIONS OF INDONESIAN POLITICAL SYSTEM: DOES IT ACCELERATE THE PROCESS OF DEMOCRACY?

Mr. Nurhamin²³

In 1998, Indonesia encountered a political shift from the Suharto's New Order to a Reformation era. The reformation era has brought positive attitudes to Indonesian political systems. However, the fact that the Suharto's New Order has existed for 40 years, and deeply ingrained in Indonesian political system, is undeniable. Some critical questions such as: To what extent does the shift merely change the behaviour of political elites? Does it accelerate the process of Indonesian democracy?

The study explores the political behaviours of elites and voters in Kampar, regency in Riau, Indonesia. It is to ascertain how the new regulations have opened political opportunities for parties' elite, local elite, bureaucrats and the general election commission. New regulations were assumed to bring a bright stimulus to the voters' behaviour in the regency. This study applied qualitative and quantitative methods. The data were associated to the basic concepts of political culture and electoral behaviour theories. In the analysis, the data was compared to the roles of Suharto, parties and local elites in the election of the head of district during the New Order.

The result showed that the district election was an expansion of oligarchy, and patron-clientele of the New Order. The district election has highlighted a practice of a Suharto's authoritarianism. The political autonomy of regency has determined the local and non-local ethnic representatives to be appointed as the head of regency. The hypothesis of receiving an optimistic impression from the district election has failed to be proven. The behaviour of voters and elites did not show any changes, as the political elites did not provide any sufficient political education to local voters. Thus, the district election has decelerated the process of democracy.

²³ Mr. Nurhamin, Chairman, Indonesian Election Commission in Riau Province.

PLANNING, IMPLEMENTATION AND EVALUATION OF PUBLIC POLICIES TO FIGHT AGAINST POVERTY IN THE METROPOLITAN AREA OF SAN LUIS POTOSÍ.

Dr. Louis Valentin Mballa²⁴

Poverty, and social marginalization in San Luis Potosi are associated with populations living in small villages, scattered and often isolated. These populations are closely related to the primary economic activity, with little possibility of entering to the national and much less international market, despite having large endogenous capacities. Also, the main purpose of this paper is to present the efforts of the Mexican government to decipher the puzzle of poverty and social are structural issues that can be solved only with innovative frameworks. Then, local development strategies in San Luis Potosi must go through the promotion of habits of coexistence and socialization, as well as identifying fundamental values that are sorted coexistence and forms of social organization. Unfortunately the Mexican government at all levels (Federal, State and municipal), with inappropriate strategies of combating poverty, tends to get lost in the complex system of the national economy that mitigates the efforts of combatting poverty and social exclusion. That is why local governments in San Luis Potosi are exposed to serious risks of improvisation and failure in their policy to combat poverty and social exclusion. Therefore, the current research considers the executing part of the Public Administration, as the essential platform capable of generating substantial changes in the future of citizenship. Actions towards the recovery of the potentialities of poor and marginalized people should be based on the constant search of the balance between the imperatives of public policies and social goals in order to obtain a shared vision and values of the principles that shape the society.

THE STATE MANAGEMENT CAPACITY INDEX IN MEXICO: A TOOL FOR MEASURING PUBLIC POLICIES IN LOCAL GOVERNMENTS

Dr. Mario Eduardo Ibarra Cortés²⁵ and Louis Valentin Mballa

The main purpose of this paper is to present the results of the construction of the methodological instrument called Subnational Local Governance Index (ISGL). That Index was built to contribute to the assessments of institutional capacities of local governments, in order to resolve public problems in Mexico. The Construction of that Index has been founded on four main features: 1) The lack of Public Policy in education, health, public services and housing quality, measured by the level of social backwardness, 2) The structure of government and administration, measured by the institutional capacities, 3) The quality of Local Government, measured by the level of credibility of the Citizens through the Subnational Governance and 4) The local financial capacity, measured by the ability to generate income and to manage the public debt. Basically, the following questions have been used to build the Index: What is the level of social backwardness at the local level? What kind of institutional structure exists at the local level? What is the profile of the managers of the Public Policy at the local level? What is the capacity to generate income? What is the level of confidence of the Citizens toward the local Governance?

²⁴ Dr. Louis Valentin Mballa, Full Time Research Profesor, Universidad Autónoma De San Luis Potosi.

²⁵ Dr. Mario Eduardo Ibarra Cortés, Full Time Reserch Professor, Universidad Autónoma De San Luis Potosi.

THE POLITICIAN'S DILEMA: THE MERITOCRATIC REFORM IN THE CHILEAN PUBLIC MANAGEMENT

Dr. Mauricio Olavarria-Gambi²⁶ and Andres Dockendorff

Based on interviews to 67 key actors who play relevant roles in the Chilean public management modernization, analysis of official document, specialized bibliography and the press, and applying and rational choice approach, the paper analyzes the process of establishment and implementation of the system of selection and appointment of high public managers. The paper concludes that the setting of this system was the consequence of a conjunctural coincidence of interests of the two political coalition that has governed Chile since 1990 and that its existence has not eliminated practices of political patronage which have been present in Chile since the XIX century. Findings of this article diverge from those of Grindle (2012) for the case of Chile.

THE PROBLEM OF LAND ACQUISITION IN INDIA: TOWARDS A NEW UNDERSTANDING

Dr. Rajesh Bhattacharya²⁷

In 2013, the Indian State responded to the widespread disaffection against land acquisition throughout the country by legislating a new Land Acquisition Act that replaced the colonial Land Acquisition Act of 1894. The new Act, far from settling the debate on land acquisition, has become a target for vigorous critique by the advocates of accelerated economic growth. Political opposition to the amendments to the new Act proposed by the new government which came to power in 2014 continues to paralyze the parliament as the 'land question' looms large over the future of industrialization and urbanization of India. In this paper, I offer a reconceptualization of the theoretical terrain of the debate by extricating the 'land question' from the narratives of agriculture-industry or rural-urban transition. Instead, I propose that we recognize a basic fault line in Indian economy reproduced by rapid accumulation of capital in the last three decades along with the exclusion of the larger part of the labor force from the expanding "accumulation-economy"—a phenomenon often referred to as "jobless growth". Majority of the labor force in India earns its livelihood as 'working poor' in petty economic activities—such as in family farms with extremely small land-holdings, in tiny manufacturing enterprises in the "informal sector", in petty retail and other services etc. Acquisition of land for industrialization or urbanization does not result in absorption of those petty producers who give up land as formal workers in the "accumulation-economy" due to the extremely limited extent of job-creation in the latter. Thus, economic growth doesn't result in a uniform homogeneous economic space; rather, it reproduces the petty producers' economy along with the expansion of the "accumulation-economy". In the conflict over land acquisition, therefore, we are talking about a flow of resources across two very different economic spaces—the "accumulation-economy" geared towards reproduction of capital, through accumulation, innovation and competition for preservation of profits, and the petty producers' economy geared primarily towards reproduction of labor through restricted accumulation, regulated competition and limited, but useful innovation for preservation of livelihoods. The current debate on land acquisition, anchored as it is in the dominant narratives of transition, revolves around the determination of the quantum of force deemed necessary and the

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quantum of compensation deemed fair for land acquisition. I argue that the theoretical framework underpinning the current debate must be jettisoned to make space for the recognition of the salient contradictions of economic growth in India as the root cause of the problem of land acquisition.

NETWORK ANALYSIS APPROACH TO GROWTH DIAGNOSTICS: A CASE STUDY OF PAKISTAN

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The proposed study introduces a novel application of network analysis to the growth theory. The Growth Diagnostic Analysis (GDA), as proposed by Hausmann, Rodrik and Velasco (HRV, 2005), has been widely used by the international financial institutions but lacks the empirical strength necessary for effective policy making. The proposed study addresses that limitation by introducing an undirected but weighted network map of potential constraints to economic growth, and identifies the binding constraints based on the centrality measures of the network.

In a stepwise progression, the diagnosis framework (tree-diagram), initially proposed by HRV (2005) and furthered by Hausman et al. (2008) and Lewarne et al. (2012), is used to identify all the potential constraints to Pakistan's economic growth (where Pakistan is taken as a case study based on its strategically and geographically dynamic economy). Time series data for the years 1980-2014 is obtained from the World Development Indicators and the International Financial Statistics. The network map for these constraints is then drawn based on the long run partial correlation (concentration matrix). The nodes of the network denote components of the process (constraints), and the edges denote non-zero long run partial correlation between the *i*th and *j*th components. The weight of edge is defined by the magnitude of partial correlation (Barigozzi and Brownlees, 2014).

The long run partial correlation not only captures the contemporaneous cross-sectional dependence, but also the time series conditional dependence that may arise at different leads or lags. Owing to the data limitations, shrinkage estimation techniques such as Least Absolute Shrinkage and Selection Operator (LASSO), and Penalized Maximum Likelihood Estimation (PMLE) are proposed. Under these shrinkage models, the estimators can still be well defined and consistent even if the number of parameters (*p*) is larger than the number of observations (*n*) (Panchenko and Anufriev (2015), Ahmed and Raheem (2012), and Zou (2006)).

In the final section, different measures of centrality are used to establish the bindingness of each node. These measures can include Eigenvector, Bonacich, Closeness, Decay and Betweenness Centrality. The nodes with highest centrality are said to be the binding constraints and policy suggestions are devised based on these constraints.

SOCIAL CAPITAL, INSTITUTIONAL QUALITY AND PRODUCTIVITY

Dr. Anneli Kaasa²⁹

Productivity is undoubtedly one of the most important determinants of economic growth and the welfare of people. Hence, it is worthwhile to study the possible determinants of productivity. When looking at the determinants of productivity at the aggregate (country) level, the literature has mainly focused on factors like human capital, R&D, innovations showing positive links between these factors,

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productivity and economic growth. However, these factors seem to be insufficient for explaining differences in the levels of productivity in different countries. Therefore, the research has to go beyond these standard factors of productivity and explore other possible factors, such as social capital, e.g. trust and networks, and institutional quality covering, for example the rule of law, political stability, regulatory quality and government effectiveness.

Although many authors have emphasised the importance of social capital or institutional quality for economic development, not much empirical research can be found about the relationships between those factors and productivity. Furthermore, it is reasonable to assume that there may also be significant within-country differences in the social and institutional environment that could influence productivity differences in different regions. However, most of the literature on productivity focuses on country analysis.

The aim of the current study is to explore the possible impact of social capital and institutional quality on the productivity levels of European countries at the regional level. More specifically, labour productivity as the most widely used measure of productivity is viewed as a dependent variable. In addition to the standard factors of productivity as control variables, here institutional quality and different dimensions of social capital, such as general trust, institutional trust, informal and formal networks, are considered. The data for calculating labour productivity indicators as well as the data for the control variables came from Eurostat. The data for social capital came from the European Values Study (EVS) and the European Social Survey (ESS). Based on the initial indicators from these surveys, variables describing different components of social capital are created with the help of factor analysis. In order to describe different aspects of institutional quality, often the World Bank database of the Worldwide Governance Indicators (WGI) is used. Lately, new data in the form of the European Quality of Government Index have become available that provide also regional-level estimates corrected for the regional differences. All these data sources enable to analyse European regions at the NUTS1 level. In all, 86 regions in 26 European countries are covered.

Correlation and regression analysis is used to examine the relationships between social capital and institutional quality with productivity. Preliminary results indicate that beside the variables that could be expected to contribute for productivity, such as R&D, for example, regarding social capital, trust and especially institutional trust seem to have the strongest impact on productivity levels. It also appears that institutional trust is very closely related to institutional quality, both being strongly correlated with productivity, giving a strong incentive for policies and actions in order to improve institutional quality and consequently, institutional trust.

CHINA'S HUKOU POLICY: AN OBSTACLE TO EDUCATIONAL EQUALITY

Ms. Yena Cho³⁰ and Dr. Sangmi Cho

The 300 million internal Chinese urban migrants are a consequence of the rapid industrialization of the most populous nation in the world. China's migrant laborers suffer from typical conditions associated with urbanization (low wages and poor living conditions). They also face barriers within China's hukou (household registration system) that restrict migrant workers from welfare, social benefits and access to public education for their children. There exists significant literature on the effects of the hukou; however, its impact on educational policy has been largely unexplored. This study explores political factors that impact access to public and private education for children of migrant

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laborers who move from rural to urban China as well as examines rural versus urban disparities in public education quality.

Method

Twelve different migrant households residing in Kunming, Yunnan underwent an in-depth interview. Three households had children under the age of 12 attending an urban public school, three households had children under the age of 12 attending an urban private migrant school, and three households had children under the age of 12 residing back at home attending a rural public school. The remaining three households had children over the age of 12 who had left the education system to work in the city. The interviews lasted 1-2 hours each, and were substantiated with a 30-item questionnaire.

Representatives from two non-governmental organizations working to promote migrant labor rights in Kunming area were interviewed as well.

Results

From in-depth interviews and a comprehensive questionnaire, four problems central to children of migrant laborer's access to education emerged: 1) decentralization of the public education system; 2) government subsidies that do not account for non-hukou holders; 3) inadequate facilities and teaching quality in privately run migrant schools; 4) lack of path to higher education. The interviews also revealed disparities in educational quality between rural and urban schools. The problems included: 1) selective development in educational policy that excludes rural areas; 2) lack of enforcement of compulsory education law; 3) low teaching and facilities quality in rural public schools.

Conclusions and Implications

The findings of the study imply a severe lack in socioeconomic mobility for China's migrant laborers, who constitute over 40 percent of its urban workforce. The study suggests that the government must prioritize centralization of educational policy so that urban local governments do not regard children of migrant laborers as an added financial burden to their community.

The findings also suggest an amendment in China's current hukou policy is necessary on a federal level. Reports in the last few years have shown that China is receiving less foreign investment, as manufacturers are moving towards Southeast Asian nations in search of even cheaper labor and production costs. China can no longer afford to have a large class of uneducated and disadvantaged citizens, who will soon be unable to contribute to a changing society of higher value production.

THE APPLICABILITY OF "RESPONSIBILITY TO PROTECT (R2P)" IN THE SYRIAN CRISIS.

Mr. Selami Cinbat³¹

As a result of demanding the fundamental rights and freedom as well as some political rights; internal conflicts emerged in some countries. The use of excessive and disproportionate force by the central governments have caused terrorist activities of their own citizens. These have been realized by racial, religious or ethnic drives. As a result, thousands of people have been killed, subjected to torture and rape, forced to leave their homes.

To give an example, similar situations occurred in Rwanda (1994), Bosnia (Srebrenica, 1995), Kosovo (1999) and Libya(2011). As a result, some interventions have been realized by UN, NATO or Coalition Forces with/without the consent of the UN Security Council (SC).

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Although these interventions have been considered legitimate by some states for humanitarian reasons, it has been argued by some other states that they were not humanitarian interventions due to the lack of UN Security Council (SC)'s decision. Additionally it has been asserted that an intervention against a sovereign state should not be accepted legitimate.

In this case, a need arises to put humanitarian intervention under a legitimate basis. Humanitarian intervention has no agreed definition by states. So, in the event of a sovereign state's systematic human rights violations against its own citizens, it is important that, for humanitarian purposes, a terms of reference (TOR) be prepared by the states for legitimate use of force against this state under these circumstances. This situation has been explained by the concept of "Responsibility to Protect" (R2P). In this context, our reference is 2001 report on the Protection Requirement of the United Nations International Commission on Intervention and State Sovereignty.

With the impact of Arab Spring beginning in Tunisia in March 2011 and continuing in Libya, Egypt and Syria, demonstrations have been organized for the democratic demands of the people against the Assad regime. However, thousands of civilians have been killed by the use of military troops and ground&air bombardments. 300,000 civilians have died so far as a result of the regime forces' opening fire on civilians. This mainly led to the destruction of cities, torture of civilians, unnecessary arrests, the murder of civilians, hostage-takings, rape cases and severe&systematic human rights violations against the dignity&honor, rights and, freedom of its citizens. As a result, around 4 million Syrians have been forced to migrate to neighbouring countries, Jordan, Lebanon and mainly Turkey and, they live under difficult conditions.

In this paper, the legitimacy of humanitarian intervention and use of force against the Assad regime are to be questioned.

In this context, the following questions are to be answered:

1. Have the conditions of R2P occurred in Syria when the intense and systematic human rights violations are taken into consideration?
2. If occurred, is it possible to use force according to the UN Charter?

Paper excluded the political objectives of states. The subject is examined in terms of legitimate applicability of Responsibility to Protect (R2P). Keywords; UN use of force, Syrian migration, human rights violations, the responsibility to protect (R2P), humanitarian intervention.

EXAMINING MALAYSIA'S PARLIAMENTARY-MAJORITARIAN SYSTEM: IS THERE A NEED FOR CHANGE?

Dr. Abdillah Noh³²

This paper discusses the results of a survey that gauge Malaysian public opinion on the continued relevance of the majoritarian system in a consociational democracy. The results reveal a sophisticated voting public that opine that while the change from majoritarian system to proportional representation would be good, such a change is not sufficient to ensure better representative democracy. Change, if there is to be any, must be accompanied by better governance, accountability and transparency. The paper concludes that while advocates of consociational democracy deem proportional representation as a viable arrangement, such arrangement should not be kept isolated from bigger issues of governance, accountability and transparency.

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CO₂ EMISSIONS AND ECONOMIC GROWTH IN SUB-SAHARAN AFRICAN COUNTRIES: A DYNAMIC PANEL DATA ANALYSIS

Prof. Nicholas Odhiambo³³

The relationship between CO₂ emissions and economic growth has been contentious in recent years. Previous studies have, however, focused mainly on the so-called Environmental Kuznets hypothesis, which emerged in the early 1990s. Kuznets' hypothesis assumes that the relationship between environmental degradation and economic growth portrays an inverted U-shaped curve. This is to say that at a relatively low level of economic development, the level of CO₂ emissions increase with the level of income. But beyond a certain threshold, the level of CO₂ emissions start to decline with further increases in income. Despite the fact that a number of studies have been conducted in both developed and developing countries, in order to validate the EKZ hypothesis, very few studies have been done in African Countries. The current study, therefore, aims to examine the causal relationship between CO₂ emissions and economic growth in ten sub-Saharan African countries. Unlike some of the previous studies, the paper uses a dynamic panel-data analysis procedure to examine this linkage. Specifically, the study uses two panel unit tests, namely, the Levin-Lin-Chu (LLC) unit-root test and the Im et al. (2003) unit-root test to test for the order of integration. The study also uses the residual-based panel cointegration test developed by Pedroni (1999, 2004) to examine the long-run relationship between Co₂ emissions and economic growth in these countries. The results of the ECM-based panel causality test show that there is a distinct unidirectional causality from economic growth to carbon emissions in the ten studied countries. These findings have important policy implications. They demonstrate that Co₂ emission-mitigation policies are unlikely to have any adverse effects on these countries' long-term growth paths. This implies that these countries can pursue carbon emission-reduction policies, without necessarily compromising their quest for a long-term positive growth trajectory.

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