2014

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Annual International Conference on Law, Economics and Politics

Conference Abstracts

AICLEP 2014 (Oxford) University of Oxford, Green Templeton College, 1-3 September 2014 United Kingdom

AICLEP Oxford

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Annual International Conference on Law, Economics and Politics
AICLEP 2014 (Oxford) Conference Abstracts

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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.

These proceedings have been published by the FLE Learning Ltd trading as FLE Learning.
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Standing by the Republic: the politics and ideology of 'dissident' Irish republicanism

Dr. Marisa McGlinchey[1]

This paper is based upon current research into dissident Irish republicanism, which is funded by the Economic and Social Research Council. The research will culminate in the publication of a book in 2015 with Manchester University Press. The strength of the project is its un-precedented access to prominent dissident republicans both political and military. Ninety interviews have been conducted, including interviews in Maghaberry prison. To date dissident activity has received limited academic attention. Police Service of Northern Ireland statistics reveal that armed activity and organisation is persisting. In the 2007-2013 period the PSNI seized 70, 619 kgs of explosives, arrested 984 persons under the terrorism act and recorded 314 bombing incidents. Interspersed with direct interview quotes from members of organisations and independents, the paper explores the motivations and ideology behind dissident activity and exposes why dissident republicanism persists post-Good Friday Agreement (1998) and amidst the changed structural conditions in the state of Northern Ireland.

Qualitative interviews to date have emphasised continuity to historical points in Irish History such as 1798 and 1916. In this context the paper examines whether dissident republicanism is a continuation of historical republicanism or whether we are witnessing a new departure. Many interviewees are ex-members of the Provisional Irish Republican Army and provide a unique insight into the organisation and the path it has taken from military action to decommissioning. In contrast to acceptance of the legitimacy of the Police Service of Northern Ireland by the provisional movement in 2007; rejection of the Police Service by dissident republicans has resulted in dissident organisations assuming a policing role in communities. This is comparable to the role previously undertaken by the Provisional IRA at a community level regarding anti-social behaviour. The paper reveals this aspect of dissident republicanism and examines the degree of classic entryism of dissident organisations present at a community level. The paper highlights social-networks surrounding dissident republicanism, which are integral to dissident organisation. Further, the paper examines the degree of public support for dissident republicans and the extent to which it is possible to measure this.

Numerous dissident republicans have acknowledged that their over-arching aim of Irish unification is unlikely to be achieved in the immediate future. In this context the paper examines the short-to-medium term aims of dissident republicans, including an exploration of the aim to disrupt the normalisation of the state of Northern Ireland. Throughout, the paper aims to dispel the over-simplification of dissident republican groups and aims to provide an assessment of dissident republicanism which accurately reflects its heterogeneous nature.

The benefits of Economic Courts in Egypt under Law No. 120 of 2008

Mr. Mohamed Ghanem[2]

No one can deny that the current principles and structure of litigation in each country reflect the legal system and economy of that country. So, the short phrase "access to justice" means, or includes, access to courts and tribunals involved in the delivery of justice. Justice, as so administered, has to be available to all, on an equal footing.

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At the same time we can realize that "the phenomenon of the slow pace of litigation" expands to include all wings of the judicial system - civil , criminal , and economic issues. And, it extends deeper to affect all categories of litigants: rich and poor, men and women. To paint a dark picture of what could be called a "crisis of justice in Egypt".

So Egyptian legislator created special economic courts to solve this dispute, and to avoid its negative effects, by Law No. 120 of 2008, which decide that this kind of litigation can be solved by judges specialized in this kind of litigation, to encourage investment, and achieve a safe environment for investment, provide maximum protection for economic activity and help develop the plans and ensure justice.

The economic court law entered into force in October 2008 establishes Economic Courts in each Court of Appeal circuit, which consists of courts of first instance, and courts of appeal. These courts have a jurisdiction over criminal cases stemming from investment operations, consumer protection, commercial, and banking transactions.

The new Economic Courts established in Egypt are not totally separate from the rest of the Egyptian judicial system. They are specialized courts that have been incorporated into the system. In fact the law states that one such “court” will be established as part of each of Egypt’s courts of appeal. Determining the Economic Courts’ jurisdiction is the most critical factor in their future success.

The economic court system is a three-tiered system, with first instance, intermediate, and final appellate courts. And, each Trial Chamber should be composed of three presidents of courts of first instance, consists each of the Chambers of Appeal of three judges of the appellate courts to be at least one of whom is President of the Court of Appeal.

In fact, there are several reasons which make egyptian legislators interested in establish economic courts in Egypt. As a result, the new special economic courts are a welcome development, it remains to be seen whether, in practice, they will deliver the expected results.

In this paper, I will discuss the most important reasons and justifications adopted by the Egyptian legislator to create these specialized courts.

Greening the Internatinal Trading System: Lessons of Taiwan

Mr. Po-Kun Tsai[3]

In recent decades, changes in climate have caused impacts on natural and human systems on all continents and across the oceans. In response to this issue, the international community has adopted the Kyoto Protocol to regulate the emission of the greenhouse gases (GHGs) in 1997. While the first commitment period of the Protocol was ended in 2012, there is none of a binding and enforceable normative framework to identify unauthorized atmospheric emission as environmental harm and sanction them accordingly so far. Thus, countries are trying many different ways in fighting the climate change.

On May 6th, 2013, the Appellate Body ruled Ontario’s feed-in tariff (FIT) program in violation of certain of Canada’s obligations under the WTO law. It was the first time the Appellate Body has addressed the climate change issue in the context of WTO subsidy rules. The controversial FIT program permits the qualified Ontario-based renewable energy producers to enter into long-term fix-priced electricity purchase contracts at premium rates in exchange for feeding into the grid. The plaintiff, Japan and the European Union (EU), challenged the program on two grounds: first, the

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"minimum required domestic content level" of the program discriminates against foreign goods, contrary to "national treatment" obligations; and second, it constitutes a prohibited subsidy by the government. Although the claim on the prohibited subsidy against Canada did not prevail, the case presents a fresh perspective on the provision of a public stimulus for renewable energy and an even broader scope of green subsidies.

In recent years, to construct a low-carbon economy and maintain the international competiveness, the Taiwanese Environmental Protection Administration (EPA) and the Bureau of Energy (BOE) are promoting the relevant legislative reforms, and developing many kinds of green programs. However, on February 14th, 2014, the U.S. International Trade Commission (ITC) determined that there is a reasonable indication that a U.S. industry is materially injured by reason of imports of certain crystalline silicon photovoltaic products from China that are allegedly subsidized and from China and Taiwan that are allegedly sold in the U.S. market at less than fair value. Although the case is in progress, the Bureau of Foreign Trade (BOFT), Taiwan, is working with the local solar industry. The study suggests that the government should be aware of the effects of the laws, regulations and the eligibility of the national green programs upon other member states to ensure the legality under the evolving WTO jurisprudence.

The obligation of the franchisor ''Know How'' under the franchising contract
Dr. Maen Al-qudah[4]

The franchising contract is of a significant importance in the commercial field due to its several advantages to the national economy, especially in the developing countries. In this sense, the franchising contract provides several advantages to the parties; the franchisor and the franchisee. In regards to the franchisor, he could expand his business and reach the target markets without incurring high costs. In addition, the franchisor will be able to distribute the goods or services in an organized specific method. On other hand, the franchise contract presents many benefits to the franchisee through the name and the experience of the franchisor. Furthermore, the franchisee is entitled to obtain the support from the franchisor in many aspects such as, marketing, administrative and technical. Moreover, the franchisee can easily acquire loans from different funding bodies; also the franchisee is more confident in the success rate of the project.

The franchising contract has many effects on both the franchisor and the franchisee. In this regard, the parties should collaborate during the time of the franchising contract to achieve the goal of this contract.The franchisor has also got many obligations under the franchising contract. These obligations could be classified under two categories; materialistic and moral obligations. Concerning the materialistic obligations, the franchisor has to deliver the documents, equipments, machines and supplies. Secondly, the moral obligations include the "know how", technical support and trademarks.

The most important obligation on the franchisor is the "know how". In this sense, the doctrine is considering this obligation as a principal goal of the franchising contract. This article will analyze the moral obligation of the franchisor "know how". In the jurisprudence the concept of the "know how" did not have a specific definition yet. Furthermore, this paper will investigate the main characteristics of the "know how", like its confidentiality, conformity, originality, and transferability.

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A risk-based approach to combating money laundering in South Africa: challenges to banks in implementing FICA standards

Ms. Hawaou Tchaibou[5]

Money laundering is a phenomenon that threatens the stability of the international financial system. Concerned about this continuous threat to financial stability, the Financial Action Task Force ('FATF') has once again acted by developing a set of new universally accepted standard to curb money laundering. The concept of a risk-based approach is one such new standard introduced in the 2012 FATF Recommendations. This concept is understood as a process whereby risks of money laundering are identified and assessed and resources are commensurately allocated to the assessed risks. It is developed in the context of CDD measures with the purpose of making the client identification and verification measures faster and more effective.

South Africa as a member of the FATF implemented AML preventive measures in accordance with the FATF Recommendations. The provisions of the Financial Intelligence Centre Act 38 of 2001 ('FICA') are one of the two South African AML legislative instruments employed by banks to combat money laundering. Even though FICA has incorporated some of the FATF Recommendations, it failed to encapsulate express provisions pertaining to a risk-based approach. The Financial Intelligence Centre ('FIC') which is the South African Financial Intelligence Unit issued Guidance Notes in an attempt to overcome the FICA shortcomings. Referring to the phrases 'can reasonably be expected to achieve such verification' and 'is obtained by reasonably practical means' in the FICA Regulations, the Guidance Notes indirectly introduced a partial risk-based approach in respect of customer verification process. It requires banks to differentiate between customers or transactions that potentially pose serious money laundering threats and customers or transactions with a lower risk profile and banks must then apply CDD accordingly. However, the provisions of the Guidance Notes are problematic because, while they require banks to focus attention on high risk situations, yet they make no mention of the procedure to be followed with regard to low-risk situations and this omission leave South African banks in a state of doubt regarding the manner by which they should implement the risk-based approach. For this reason, this paper reveals that the implementation of a risk-based approach in a South African context holds many challenges (both legal and practical) for south african banks to overcome when performing this measure. This research is limited to legal challenges coupled with a risk-based approach.

The purpose of this research is to determine to what extent the risk-based provisions under the 2012 FATF Recommendations could be incorporated into South African law; and to comment on whether an inclusion of such risk-based measures is warranted under the south african law that relates to banks.

The approach developed in this paper has value to the policy makers in addressing risk-based policy issues in the money laundering area in the context of banks. The relevant bodies will also find value in this paper because currently there is no explicit guidance as to how to effectively address this issue. Also future academics/researchers can take this first approach as a guide and go on to further research and to refine policy issues in this area.

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Fiscal Federalism In The East African Community: The Way Forward
Mrs. Afton Titus[6]

The East African Community ('EAC') embarked upon an ambitious endeavour when it signed the Treaty for the Establishment of the East African Community (hereinafter referred to as the 'EAC Treaty') in 1999. In the preamble, the States of Uganda, Kenya and Tanzania (later joined by Burundi and Rwanda) pledged to work towards the creation of a common market in their territories and ultimately, towards the formation of a federal state.

The focus of this paper falls on one aspect of that federal state, the harmonization of the tax laws in the various States. At Article 83(2)(e) of the EAC Treaty, the States agreed to harmonize their tax policies with a view to removing tax distortions in order to bring about a more efficient allocation of resources within the Community.

This was further enunciated in the Protocol on the Establishment of the East African Monetary Union signed on 30 November 2013. At Article 8(1)(a), the States agree to harmonize and co-ordinate their tax policies. Article 8(2) states that the Council (established in the EAC Treaty and consisting of two Ministers and the Attorney General of each State) is to develop a mechanism by which such tax harmonization and co-ordination is to occur. According to the Schedule to the Protocol, such mechanism is to be implemented by 2018.

This paper seeks to evaluate the options available to the EAC Council in developing this 'mechanism' for tax harmonization. In doing so, this paper will consider the attempts made by the European Union (hereinafter referred to as the 'EU') in its efforts to create a common market and achieve some semblance of tax harmonization within its territory. In doing so, the problems arising from the EU Model and the possible lessons the EAC may learn from this model will be set out.

A second option available to the EAC is to consider the system of fiscal federalism already in place in India. The mechanics of the fiscal federalism system, its flaws and possible recommendations for improvement will also be analyzed.

This paper seeks to argue that the EAC is on the brink of developing a truly remarkable common market replete with the necessary yielding of sovereign taxing powers for the efficient functioning of the region. Should the EAC properly do its research, carefully evaluate the options available to it, and learn from the trials and errors of other regional organizations in their attempts to attain tax harmonization, the EAC may yet be successful in creating one of the world's most progressive and integrated markets.

Perspective of Terrorism and the issue of terrorist versus Freedom Fighter: With reference to Kashmir conflict.
Dr. Gobinda Chandra Sethi[7]

The paper explores about the multifaceted pattern of terrorism, nomenclature of transnational crime, vibrantly accelerating as the toughest ever threat against humanity and world governance. The nostalgic historical facts, pinpoint towards the camouflage bastion stunned the globe by attacking against World Trade Centre (WTC) and Indian Parliament, the heart of the Indian democracy respectively on 11th September and 13th December, 2001. The clarion call to wipe out terrorist outfit by the United States of America (USA), partially achieved through squeezing Osama

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Bin Laden, the terror Mastermind against the world. Terrorism is an unconventional mode of warfare, which contradicts the accepted laws of warfare having downgraded interpretation of morality and manifestation of an emotional, irrational psychology of enigmatic people and bizarre leaders. Developing societies are vulnerable to terrorism due to multiple variables like ethnicity, religion, ideological ferment, denial of popular participation and economic discontent. It entangles nation for an indirect or proxy war. The terrorist is seen as a martyr or a criminal, a brave person or a coward. Terrorism by a state is not only a fanatic frenzy but also a calculated tool of foreign policy. The oldest ever conflict of the world, Kashmir which has caused three international wars and it is under the observation of United Nations Commission for India and Pakistan (UNCIP), jolts the minds of the people. The tripartite dissection of Kashmir into Pakistan Occupied Kashmir (POK), Indian Occupied Kashmir (IOK) and Aksai Chin (AC) has provided a base for the non-state actors. The people's movements of Jammu and Kashmir for its autonomy cannot be undermined. The distinction between Line of Control (LOC) and Line of Actual Control (LAC) and the projection of Kashmir issue in international fora, blink into the mind of the people on the deviant fighters are clutched under terrorist or freedom fighter.

Key Words: Terrorism, Democracy, Kashmir, Freedom Fighter, POK, IOK, LOC.

Roll of Banks in Financial Inclusion in India: Initiatives, Issues, Challenges, Strategies, Opportunities
Prof. Manojkumar Gandhi[8]

Access to finance by the poor, disadvantaged and underprivileged group is a prerequisite of poverty alleviation on one hand and the economic growth on the other. In the struggle against poverty, the financial inclusion is a crucial element. Large sections of the rural population have no access to financial services and their only recourse is to borrow from moneylenders at the exorbitant charges causing exploitation. The main reason why the large section of the rural population still remains under below poverty is financial exclusion, which is proving to be a major obstacle in the path of India's economic growth. The Reserve Bank of India (RBI)'s dictate (2005) obligated the Banks to adopt the national policy of financial inclusion and take initiatives and suitable measures therefor. The objective data derived from the RBI's reports and other empirical studies unequivocally pinpoint that the main reasons of financial exclusion are lack of opportunities and access to finance, financial illiteracy, besides poor performance, apathy and negative approaches of the Banks. Therefore, financial inclusion, today, has become the national objective and major concern for the economic policy decision makers. This paper critically addresses all concerned issues involved in achieving the national objective of achieving the complete financial inclusion. This paper critically evaluates the initiatives taken by the Banks in financial inclusion and the efforts made for IT enabled financial services, on the basis of the objective data derived from the RBI'S reports and other empirical studies.

This paper stresses the need of matured, positive attitude and approach and sound strategy to achieve complete financial inclusion. This paper also looks at some of the business models and essential elements of profitable models for financial inclusion so as to increase the meaningful and whole hearted participation of the banks in achieving complete financial inclusion.

Keywords: Poverty alleviation, financial exclusion, financial illiteracy, Financial Inclusion, RBI, Information Technology, Business and Profitable models.

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A Freireian Approach to International Relations, Democracy Building, and Peacebuilding
Ms. Sarah Schmidt[9]

Paulo Freire, in his seminal work, Pedagogy of the Oppressed, counters the antidiological and destructive tendencies of hierarchical relationships with concepts focused on humanist action.

With a Freireian approach to IR, Democracy Building, and Peacebuilding, engagement and dialogue at a grassroots level has the potential to create an environment of empowerment for individuals and communities, ultimately leading to positive change and increased equality. The integration of dialogue in the field of IR, Democracy Building, and Peacebuilding would not only give a voice to the targeted population or region, but it would also combat the North-South divide mentality that many international non-governmental organizations, as well as, government sponsored projects, hold. Whether applied to a macro scale such as a government and its people or a micro scale like the concept of peace education and the democratic relationship between teachers and students, a Freireian lens allows the struggle toward personhood and liberation to be framed in critical thought and dialogue. The setting from which creativity, liberty, and positive peace are realized is fed by dialogue and overcomes antidiolagical action intended to snuff out the solidarity of a united group of revolutionaries. Through responsible and sustainable projects and service learning interactions, scholar practitioners have the opportunity to stand in solidarity, creating an environment where awareness is raised, change is possible and positive peace can not only develop, but also flourish among the "radical" dialogue of those fighting for a more equal and less exploitive world.

In a contemporary context where our world has witness a surge of insurrection, both positive, non-violent movements challenging oppressive status quos and advocating for democratic revolution, as well as, violent movements utilizing brutal tactics to impose more hierarchy and less equality, the concepts of nationalism and gender, democracy and revolution, and religion and culture, are intrinsically tied to the dialogue happening on the ground. This paper will explore these ideas through the lens of Paulo Freire and his core concepts: dialogical approaches to conflict, education, and governance, as well as, conscientization and the effect on humanistic action. Finally, the proposed paper will provide a programmatic example of an IR project in Peacebuilding that implements Freireian ideals, while recognizing the importance of key concepts such as religion, nationalism, gender, equality, and human rights.

Elections 2014: Inclusive Participation and Consolidation of The Indian Democracy
Ms. Purva Phadke[10]**and Mr. N. Ajay Kashyap**[11]

Virtually all regimes allow some degree of participation and representation, either to bolster legitimacy, or at least the appearance of it. Democratic regimes claim to value and promote widespread participation and representation, but they differ significantly in regard to the 'best' ways to promote citizen involvement and representation of interests. Intellectuals and political scholars around the world have often debated upon the political regimes of India.

This paper aims to discuss the political participation and representation in India, a politically diverse acreage. From the British Raj to post independent India and finally to the contemporary politics this paper will touch upon events, theories and role played in the establishment a robust Democracy. The paper will look into the recently concluded General Elections in India and view how a

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'conservative party' won the elections with a very decisive mandate that the country had never even imagined.

This analysis of the elections of 2014 intends to discuss about the political and economic situation pre-election as well as the public mood before and after elections. The paper's focus is on the youth participation in this election and how the youth played a vital role in the electoral process. This paper attempts to examine the outcome of the results and what it holds for the re-emerging India.

The large unprecedented turnout of voters has not only surpassed expectations but also by giving the Government a clear mandate has managed to put an end to the troublesome 'coalition politics' of the last decade. The Prime Minister of India in his acceptance speech had stated that, this is a victory for democracy and that by giving a clear majority the Indian people have voted for aspiration and trust. The paper will point out in detail how members from all walks of life, religion, caste and creed have been given space in the Government and how their representation is vital for the social development of the country.

The ruling party aims to fill the vacuum left by their predecessors in leadership. In a time where the youth of the country was losing confidence in governance this extraordinary outcome will undoubtedly increase political participation. The paper wishes to reflect upon the changing attitude of the 800 million strong youth of the country towards politics and their increased participation in it. The similarities between emergence of conservative parties in countries like Russia, Germany, Egypt, UK, France and India in the era of globalization will be discussed. The paper would conclude by giving arguments about how India is progressing in all spheres of Democracy and how politics in India is slowly losing its social stigma that it belongs only to the powerful and the elite thus ensuring increased participation and better representation of people in politics in India, a sign of resurrection

Rural Local Self-Governing Bodies in India: Locus of Participatory Democracy (Conclusions from Thane District)

Dr. Sanhita Joshi[12]

This paper attempts to advance understanding of the functioning of Panchayati Raj Institutions (Local elf Governing bodies in rural India) (Here after PRIs), in selected villages from Thane District of the state of Maharashtra, India. It tries to understand its working in the context of empowerment of people at the grassroots, political participation and working of Gram Sabha (Deliberative Body at the Grassroots). It also aims to develop an argument based on thefindings of the observations gleaned from selected villages that PRIs are the Central Processing Units of our democracy. Taking a cue from J S Mill it argues that they are to be seen as "schools of democracy" in a plural and multi- layered nation-state like India.

The paper also advances the understanding of local governance in the context of myriad changes unfolding in the age of globalization. It examines the concept of local governance using international reports and diverse other resources to derive meaningful insights into the imminent need of local governance. It also substantiates the desk study with empirical investigation (time period 2008-09) undertaken at the few selected villages of Thane District from the State of Maharashtra. It reports some important observations regarding the way Panchayati Raj Institutions are performing. It evaluates its efficacy and efficiency in the light of the whether the objectives laid down in the 73rd constitutional amendment act have been realized or not. It is well recognized that local bodies have an important role to play in the democratic process and in meeting the basic requirements of the people. The old adage, for every citizen, "most government is local government." still holds good.

[12] Dr. Sanhita Joshi, Assistant Professor, University of Mumbai.

However Panchayati Raj Institutions have not been honestly vested with the powers, functions and financial resources and necessary autonomy. In Fact, it still remains a rubber stamp 3rd tier of Indian federalism.

The paper also reports from its field study successful implementation of a World Bank Funded Project for piped water supply in a bunch of villages from the Shahpur Block of Thane District. This particular scheme has changed the lives of people at the grassroots; it aided people in instilling values of equality and community control of common property resource and fast disappearing resource like water.

The researcher covers a host of important issues including electoral process and practices, functioning of Gram Sabha, people's empowerment and deepening of democratic values through the assessment of selected villages and interrogating them with the original objectives of the decentralisation attempts in this country. Throughout the paper attempt is made to deepen the

understanding of the importance of local governance as a medium to advance humanitarian values, percolation of equality and building a strong community life. It also offers few recommendations on some poignant issues plaguing the local level politics. It neither tries to romanticize the idea of decentralization nor does it overlook its successful implementation in various countries as well as in some states of India.

The Role of the Law in the Determination of Executive Remuneration
Mrs. Ernestine Ndzi[13]

Executive remuneration has been a contentious issue in the UK since the early 1990s. The continuous rise in remuneration levels with seemingly not corresponding link to company performance has been the shareholder's concern. The law does not make provisions on how executive remuneration should be determined, rather it takes a corrective approach when executive pay levels are high. Through the requirement of executive remuneration disclosure by all quoted companies in the remuneration report, shareholder voting rights, common law and statutory remedies are available to the shareholders. The effectiveness of the role of the law to influence executive remuneration pay setting is examined in this study. The study found out that, disclosure requirements tends to favour high executive remuneration levels due to executives using the information to compare pay packages. Secondly, it founds that the shareholders are not using the voting powers vested on them to vote for or against the remuneration package, consequently are not effectively influencing the remuneration setting process. This finding expresses a need for policy makers to come up with better means of encouraging tshareholders to use the voting powers vested on them. Finally, it is very rare for an excessive remuneration case to succeed in court because the courts are reluctant to interfere in executive remuneration setting process. It therefore means that the role of the law in regulating executive remuneration determination process is inadequate, consequently executive pay levels would still be undesirable.

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The Scope of Impairment: A Capabilities-Based Approach to the Rights of the Disabled under the Americans with Disabilities Act

Mr. YoungSoo Kwon[14]

The current approach of the American federal judiciary to the interpretation of the Americans with Disabilities Act of 1990 (ADA) determines the extent of impairment due to disability by means of functional evaluation. It tends to consider whether the impairment puts a significant limit on any of one's "major life activities," a phrase appearing in 42 U.S.C. § 12102(1) and subject at present to an exceptionally narrow interpretation. The Supreme Court in particular seems to be relying on a very limited construal of major life activity, as demonstrated in McKay v. Toyota Motor Manufacturing (1997). In McKay, the court, ignoring that the plaintiff's preferred occupation was seriously hampered by her carpal tunnel syndrome, ruled that her condition did not fall under the ADA's definition of disability and that therefore she could not file suit under the ADA, that she had been dismissed from her job on account of carpal tunnel syndrome notwithstanding. Similarly, in Sutton v. United Airlines, Inc. (1999), the plaintiffs were discriminated against for their bad eyesight. Nonetheless, the court, considering that the plaintiffs enjoyed the benefits of corrective remedy, deemed the plaintiffs' conditions to not fit the ADA's definition of disability. In Schluter v. Industrial Coils, Inc. (1996) the plaintiff, who demonstrated outstanding job performance, claimed that she had been fired due to her partial loss of eyesight from diabetes. The district court, however, dismissed her suit, as it did not see her partial visual loss as imposing a substantial limit on any major life activities, thus disqualifying her from disabled status under the first section of the ADA. The district court also cited the false perception of her employer that she was not disabled as excluding her from disabled status under the third section of the provision. This paper argues that the current judicial focus on individuals' functions should be shifted to an interpretation of the ADA in accord with the capabilities approach developed by Martha Nussbaum. Rather than imposing a uniform standard, the capabilities approach provides room for a case by case consideration of individuals' differing needs and "abilities to convert resources into functionings," marking a considerable theoretical improvement over the narrowly utilitarian construal of the conventional functional interpretation employed by American courts in the years since the passage of the ADA.

Evaluating the Role of Webcasting in International Arbitration: Analysing the Paradoxical Confidentiality-Accountability Tension Dynamic

Mr. Shrey Patnaik[15] **and Mr. Kartik Ashta**[16]

Confidentiality has been recognized as an important element for sustaining arbitration across nations due to the facilitation of privacy as one of its fundamental advantages. This feature provides for a closed environment ensuring adequate safeguards for privacy. The popularity of confidentiality as an essential of arbitration has resulted in its institutionalization in arbitration rules developed by the UNCITRAL, ICSID, LCIA and ICC, among others.

With a global shift towards more accountable forms of governance, transparency has been recognized as an essential ingredient perforating international legal structures. With the acceptance of democracy as the most popular model of governance, it is imperative that its fundamental beliefs are instilled in the world community at large. The inculcation of such an outlook has resulted in the development of democracy and cosmopolitanism as ideals reinforcing accountability and legitimacy.

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It has also been established that undemocratic forms of dispute resolution lack such legitimacy and threaten the viability and vitality of functional international legal systems.

However, in light of these conflicting paradoxical interests of confidentiality and accountability through webcasting, it becomes imperative to analyze the tension dynamic existing between them to reduce friction for the efficient functioning of the international arbitration regime. There is a requirement to streamline these ideals to increase the efficacy of such dispute resolution procedures.

Webcasting, the method of broadcasting live and audio and video to communities across the world in real time through the Internet, is poised to become a vital cog in accountability's arsenal. Primarily used in the commercial sector, its usage has expanded to being used by the ICSID and the Permanent Court of Arbitration, among others, as a tool for expanding public access to relevant information by the webcasting of the proceedings of these forums.

First, increased access through webcasting of state arbitrations becomes necessary due to its impact on public policy formulation as a product of increased transparency and awareness. This ensures the elimination of 'golden handshakes' or deals that might be toxic for the stakeholders. Second, webcasting should be employed in cases of investment arbitration as well because of the high public interest resulting in the increase of stakeholders' rights, which would protect investors' interests and sentiments.

Despite the progressive outlook displayed by such endeavors, it is imperative to maintain a cautious approach accepting the drawbacks of webcasting on such a scale, exposing confidentiality concerns and other issues associated with economics. Excessive mitigation of either of the two essential ideals can be injurious for the stakeholders.

However, it is argued that there is a requirement for provisions specifically addressing concerns regarding the friction between confidentiality and accountability to harmonize these ideals, resulting in the creation of a pluralist international arbitration regime.

The impact of organizational characteristics on effectiveness - Empirical study of Algerian small and medium enterprises'

Dr. Kerbouche Mohammed[17]

The small and medium enterprises play an important role in economic development, so for they have become a pillar of the countries' economies through their contributions in economic growth and increase the gross domestic product, as well as their ability to innovate and create jobs. For these reasons, the SMEs became one of the most important and most powerful elements of economic development.

Under openness and globalization the philosophy of SME management has been evaluated and changed, where in the beginning the initial goal of these SMEs was profit, it has now become incumbent on them to link this goal with the priority to survive and to adapti to the environment theys are dealing with. For this reason the strategic growth has become imperative for these enterprises in order to face strong competition in the market.

Algeria, like any other country, is trying to adopt a clear strategy for the development of SMEs and demonstrated this through various policies and incentive measures adopted by the government, but

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it is not enough, since there are other variables that can interfere in the creation and growth of these enterprises to improve their effectiveness , such as external and internal variables (organizational structure, strategy, leadership style and environment), which can play a major role in the development and growth of small and medium enterprises. Due to that we have drafted the following research question that needs to be answered:

To which extent the organizational characteristics are affecting the effectiveness of Algerian small ad medium enterprises?

The aim of this paper is to define the organizational characteristics of Algerian SMEs and measure the relation between these characteristics and organizational effectiveness through a survey presented to some Algerian SMEs.

Keywords: Algerian SME, organizational characteristics, organizational effectiveness.

Canadian Approaches to Cyberbullying and Sexting: Innovating and Initiating Conversations

Ms. Rebecca Katz[18]

The growing interdependence of law, society and technology has necessitated innovation in law and policy. This research considers Canadian legal innovations addressing cyberbullying and sexting, two risks stemming from youth social media use.

Like many jurisdictions, Canada increasingly recognizes online and offline bullying as abuses of children's rights that should be addressed through law and policy. Further, while some teenage "sexting" occurs within consensual relationships, other incidents involve the exploitation of victims by malicious peers or adults and can constitute new forms of sexual harassment or abuse requiring thoughtful legal responses. These two often related phenomena highlight the need for legal regimes to innovate, to incorporate interdisciplinary perspectives, and to engage multiple stakeholders in mitigating new risks. For example, legal and policy responses to cyberbullying and sexting may draw on research in psychology, education and other disciplines. Moreover, because much online harassment reflects social inequalities such as sexism and homophobia, women's studies, queer studies and related fields can inform legal responses and challenge policy-makers to confront systemic issues. Finally, because many stakeholders are involved in developing, regulating and using digital communications tools, strategies to minimize potential harms of these tools must address varied audiences. These audiences include legislators, educators, the information technology sector, and individuals and families.

Canada has been an innovator in responding to youth cyberbullying and, to a somewhat lesser extent, sexting. Canada's federal system of governance, in which provinces regulate education and local matters while the federal government legislates in overarching areas such as criminal law, has encouraged the development of several legal/policy tools to minimize these challenges to youth online. Some Canadian developments demonstrate remarkable openness to interdisciplinary expertise and evidence-based best practices. Other initiatives developed in Canadian jurisdictions have been criticized as misguided or even cynical attempts to further punitive criminal law agendas while ignoring systemic inequalities. Finally, even well-intentioned, proactive legislative initiatives may prove difficult to implement among stakeholders, and may highlight the fact that legislated frameworks can only ever be one prong of a multi-prong strategy to reduce bullying and prejudice among youth (whether on or offline). Regardless, Canada's legal innovations in the face of these new challenges are worth considering in other jurisdictions.

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So, what exactly is reasonable? The 'reasonable link' for jurisdiction of national courts over claims of human rights violations by transnational corporations

Mrs. Andrea Bockley[19]

To date, the debate about human rights violations of transnational corporations focuses on the questions of the existence of binding norms towards TNCs in international law and the expansion of human rights obligations of states outside their own territory. Beyond these aspects, however, the question of the adequate forum for claims against TNCs remains largely unanswered.

Besides the obvious forum of the host state, the possibility of bringing claims in the home state's jurisdiction is often argued. But what role does the corporate concept of limited liability play in this regard? Corporations are typically composed of complicated business group structures with multiple affiliates and branches spreading around the globe. Should it be possible to bring claims against the parent company for acts of its subsidiary and thus to lift the corporate veil? What is the necessary amount of connection or control between a parent and its subsidiary for the establishment of a 'reasonable link?

In a case launched in 2008 in the Netherlands against Shell Nigeria the District Court of The Hague was concerned with environmental damages by oil spills. Even though the court only found the subsidiary company in negligence of its obligations, it also considered the duty of the parent company and assessed a possible breach. Yet, the question of a reasonable link is not only asked with regard to corporate structures. By virtue of its wording, the well-known US Alien Tort Statute even allows for claims against foreign corporations for alleged violations of aliens in foreign countries. However, with the decision in Kiobel vs. Royal Dutch Petroleum in April 2013 this option has clearly been limited. Even though the court held hearings on the legal personality of corporations under international law, in its judgment it focused on the link between the events concerned and the territory of the United States and was in search of a 'reasonable link' here. Fortunately with the judgment in the case of Daimler AG vs. Bauman in January 2014 the Supreme Court shed light on the details of a necessary connection between the forum state and the corporation in question.

This contribution aims at analyzing the background against which the tendency towards a reasonable link has developed by identifying relevant state practice. In addition, the suitability of the criterion of reasonableness for the determination of appropriate extraterritorial jurisdiction will be assessed.

China's Shadow Banking Industry and Impact on Capital Markets: Ignoring the Lessons of the Past.

Dr. Avnita Lakhani[20]

The title of my paper/presentation is "China's Shadow Banking Industry and Impact on Capital Markets: Ignoring the Lessons of the Past". The paper aims to analyse the reasons why, in the wake of the lessons of the 2007-2008 global financial crisis, China continues to have a strong shadow banking industry and its impact on capital markets. The paper seeks to also analyse reforms proposed by China to curb the shadow banking industry and whether such proposed reforms are likely to succeed.

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Legitimacy and Legality in the WTO Dispute Settlement Body: An Interactional Account?
Mr Abdulmalik Altamimi[21]

Since the advent of the GATT and its successor the WTO, the disagreement between the legalists and anti-legalists scholars about the legal nature of the dispute settlement rules has not been settled. In fact, the disagreement has taken the anti-legalist scholars down the path to not only undermine the legality and legitimacy of the WTO DSB rules, but also to use the WTO based on their rational choice theory as an exemplary to introduce alien theories to the public international law; such as, the contract theory of efficient breach. Inspired by a book entitled 'Legitimacy and legality in International law: An 'Interactional Account' by Jutta Brunné and Stephen Toope, this article will attempt to incorporate the framework that was used by Brunné and Toope in order to show whether legality and legitimacy have been generated in International Economic Law of the WTO. In brief, their framework which was named an "interactional law" consists of three inter-related elements: the shared understanding as derived from constructivism theory, the eight criteria of legality as explained in Lon Fuller natural law theory, and the community of legal practice based on Emanuel Adler theory of transnational community of practice. So, the question that this article will try to answer is: can this framework show that the WTO DSB rules are capable of generating a binding legal and legitimate system for the settlement of trade dispute?

Naxalism - A problem of Union and State Government Incentives

Mr. Dhruv Gupta[22]

In this paper, I am making a case for misalignment of goals between the state government and the Union government due to different constitutional duties assigned to them and reducing control of the Union government that is causing the continuation of Naxalism.

As a background, according to the legal structure of federalism in India, internal security falls within the ambit of state government but currently the Union government is providing substantial monetary and material resources to the state government (through discretionary grants) to fight the Naxalites. But State government gives priority to Development over Internal Security whereas the Union government gives equal priority to the Development and internal Security. This misalignment has become possible due to an important judgment by the Supreme Court of India where the coercive power of the Union government over state governments has been considerably reduced. Therefore, an incentive system needs to be designed through which the Union government can align State Governments goals with itself.

However, I find that the structure of the utility function (created using contest success function) of the state government is such that its optimum contribution to fighting is decreasing in the expected contributions from the union government and increasing in the expected contributions from the Naxalites. Therefore, the state government seeks more grants inflating the resource contribution of the Naxalites (cheap talk) from the union government to reduce its contribution to fighting.

Formally, this is problem is modeled as a two stage Bayesian game where the fighting contribution of the Naxalites is not known (being rebels) and the state government fights Naxalites and seeks resources from the Union government. Simultaneously, Union government plays and is interested in funding the problem if it is convinced that the problem not purely local. Further, it provides amount lesser than that the state governments ask for understanding that the state governments compete with each other for resources and they would inflate the size of the Naxalites contribution to fighting.

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This reason adds to the reason emanating from the utility function of the state government for reducing the contribution to the state government.

Thus, even if the Union government increases the contribution to fighting the total contribution does not increase as much as it should. Normally the contribution of the states is forced through an arrangement of 'matching grants'. But they are not verifiable in the case of the security action since neutralizing Naxalites involves a huge chance element and are often diverted. Incidentally, the single crossing condition also fails for this utility function of the state. Hence, revelation mechanism cannot be used to create incentives for the state government.

Therefore, another mechanism that exploits the structure of the utility function is suggested as follows: The Union government funds the development related activities of the state government and the state government is left to contribute to fighting alone. In this scheme, since assets created can be verified, the resources from development activities cannot be diverted to the fighting. The reverse is actually happening and is making too many things based on discretion and moving against constitutional scheme and is costly to monitor as well.

Keynote Guest Lectures

1. **Managing Money Laundering Risk in Commercial Letter of Credit : Are Banks in Danger of Non-compliance ?**
   Dr. Ramandeep Chhina[23]

2. **Kosovo: Strengthening the Kosovo Assembly**
   Mrs Shqipe Krasiq[24]

Listener Delegates List

1. Mr. Susetyo Yuswono, Legal Bureau, Ministry of Energy and Mineral Resources of the Republic of Indonesia
2. Mrs. Maria Yosepta Handari, Legal Bureau, Ministry of Energy and Mineral Resources of the Republic of Indonesia
3. Mrs Dwi Mulia Hariana, Legal Bureau, Ministry of Energy and Mineral Resources of the Republic of Indonesia
4. Mr. Uduafi Gabriel, Senior Associate, Adepetun Caxton-Martins Agbor & Segun
5. Mrs. Ejiroghene Etobro, Senior Assistant Registrar, Delta State University
6. Dr. Abou Jeng, Human Rights Officer, United Nations-African Union Mission in Darfur (UNAMID)
7. Prof. Sinisa Vujovic, Chair, Economics Department, Kwantlen Polytechnic University
8. Ms. Mirna Rizkiana, Student, University of Birmingham
9. Ms. Kartika Cabdra Sari, Student, University of Stirling

[23] Dr. Ramandeep Chhina, Keynote Speaker and Assistant Professor in Business Law, Heriot-Watt University.

[24] Mrs Shqipe Krasiq, Keynote Speaker and Senior Officer for Donor Coordination and relation with CSO, European Commission, DG Enlargement.

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