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**Stirling Law School’s Bulletin 3/2020**

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

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# **Highlight of this issue**

The **Royal Society of Edinburgh** has funded the **Scottish Law and Innovation Network** ([SCOTLIN](https://twitter.com/lawscottish?lang=en)). The principal investigator is Associate Professor Dr Guido Noto La Diega (Stirling Law School and CRISP), the co-investigators are Professor Martin Kretschmer (Glasgow Law School and CREATe) and Dr Rossana Ducato (Aberdeen Law School and Centre for Commercial Law Studies). The two-year grant will cover the costs for a Research Assistant, two conferences, one workshop, one PGR symposium, and a dozen virtual (en)lightening talks. Alongside the PI, SCOTLIN’s co-founders at the University of Stirling are: Professor Rowan Cruft, Dr Mo Egan, Professor Richard Haynes, Associate Professor Greg Singh, and Professor William Webster.

# **Impact and engagement**

On Friday 4th December, the Scottish Government submitted its intention to recommend Dr Savaresi to serve as **Member of the Board** of Scotland’s new environmental body, **Environmental Standards Scotland (ESS)**. ESS will be established on 1 January 2021 on a non-statutory basis to address the environmental governance gap arising from the UK leaving the European Union. When fully established as a statutory body, ESS’ proposed remit is to monitor and investigate public authorities’ compliance with environmental law, the ‘effectiveness’ of environmental law and how it is implemented and applied. ESS will also enforce environmental law by taking the steps it considers appropriate to secure public authorities’ compliance. The ESS Board was presented to the [Scottish Parliament](https://www.scottishparliament.tv/meeting/environment-climate-change-and-land-reform-committee-december-8-2020) on 8 December.

Professor Elaine E Sutherland and Associate Professor Dr Katie Boyle gave evidence to the Equalities and Human Rights Committee of the Scottish parliament on **United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill** on 12 November 2020

During an AHRC workshop, Dr Jayne Holliday received good news from the Secretary General of the Hague Conference that her **'The urgent need for the UK to accept the accessions of EU and Non-EU Contracting Parties to the 1970 Hague Convention on Recognition of Divorces and Legal Separation**.' (Working Paper 2019/1) had had impact and the UK finally corrected this oversight on 28th October 2020.

In September, our Head of Law Dr Dave McArdle was approached by a firm of Swiss attorneys and asked to write an Opinion for an East European government agency on the legality of proposed changes to the **UNESCO Anti-Doping Convention**, which if enacted would result in states being directly liable for the failures of their national anti-doping agencies. While the nature of the advice and the dispute is privileged, this could be a significant issue in the Olympics and other global sports events held in 2022 and beyond.

Law Reform & the Jurisdiction Project at the Hague Conference: Professor Paul Beaumont took part in the latest meeting of the **Hague Experts Group on Jurisdiction representing the European Union** from 16th - 19th November.

The **World Economic Forum** (WEF) has released its [State of the Connected World 2020](https://www.weforum.org/connectedworld/media) report and Action Plan. Citing [research by Assoc Prof Guido Noto La Diega](https://ejlt.org/index.php/ejlt/article/view/450), the WEF highlighted the need to build transparency, trust, privacy, and security into the heart of the Internet of Things (IoT). As Noto La Diega and the WEF underlined, if adequately governed, the IoT can shape the global COVID-19 recovery.

The **UK Intellectual Property Office** (IPO) is collecting evidence on whether existing [Intellectual Property laws should be changed to better incentivise Artificial Intelligence](https://www.gov.uk/government/consultations/artificial-intelligence-and-intellectual-property-call-for-views) (AI) technologies. Associate Professor Noto La Diega contributed to this process both by authoring the submission of **The British and Irish Law Education Technology Association** (BILETA) and by contributing to the document submitted by the **Law Society of Scotland**.

# **Publications**

Dr Sarah Carrick has had her first peer-reviewed paper published: **'Covid-19 and the taxation of professional athletes**' (2020) International Sports Law Journal. It concerns COVID, athlete image rights and taxation and is available [open access](https://link.springer.com/article/10.1007/s40318-020-00180-w). The ISLJ is the discipline-leading journal, congrats Sarah!

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|  | The COVID-19 pandemic has raised and will continue to raise issues for sport for some time to come. In particular, the pressure put on athletes by politicians to take wage deductions and wage deferrals has caused controversy. This scrutiny of athletes’ tax affairs is not unusual, given the particular and somewhat constant media focus, coupled with HMRC’s ‘Football Compliance Project ... |

Professor Paul Beaumont, our PGR Director, published ‘**Interaction of the Brussels IIa and Maintenance Regulations with (possible) litigation in non-EU States: including Brexit implications**.' in I Viarengo and F Villata, *Planning the Future of Cross-Border Families* (Hart, 2020) 331-343.

Professor Beaumont also wrote the Series Editor's preface for that book at pages vii-ix inter alia showing the impact of Beaumont and McEleavy, ***The Hague Convention on International Child Abduction***(OUP, 1999) on the US Supreme Court decision in *Monasky v Taglieri* judgment of 25 February 2020.

Professor Sutherland published a chapter, ‘**Making Scotland the best place in the world to grow up?**’in Margaret Brinig (ed), *International Survey of Family Law: 2020 Edition* (Cambridge: Intersentia, 2020). (The *International Survey* is the annual, flagship publication of the International Society of Family Law).

As Westminster was mired in the unseemly spectacle that was Brexit, the Scottish parliament moved forward with its legislative programme. That included important child and family law measures and this chapter focusses on what has been – and has still to be – achieved in child law.

She also published an article **‘Skelping away’** (2020) 65(10) [*Journal of the Law Society of Scotland*](https://www.lawscot.org.uk/members/journal/issues/vol-65-issue-10/skelping-away/)

On 7 November 2020, the Children (Equal Protection from Assault) (Scotland) Act 2019 will come fully into force. Parents (and others) will no longer be able to rely on the defence of ‘reasonable chastisement’ to prosecution for hitting their children. This article explores the Act, its background, the efforts made to support its effective implementation and why any legal challenge to it is unlikely to succeed.

The **concussion project**, which was funded by the **Royal Society of Edinburgh**, has yielded two papers - co-authored by Dr Dave McArdle – which are due for publication in January 2021. One concerns Scottish youth football coaches' knowledge of concussion protocols, while the other looks at the different legal and policy approaches to concussion in Scotland and the United States. They will be published in Scottish Affairs and the International Journal of Sports Science and Coaching, respectively.

**Income generation**

The **British and Irish Law Education and Technology Association** (BILETA) funded the project “**Zooming in on Privacy and Copyright Issues in Remote Teaching**” led by Associate Professor Noto La Diega, with an international team: Dr Rossana Ducato (University of Aberdeen), Dr Giulia Priora (Scuola Superiore Sant'Anna, Pisa), Dr Bernd Justin Jütte (University College Dublin), Dr Chiara Angiolini (Università degli Studi di Trento), Dr Alexandra Giannopoulou (University of Amsterdam), Dr Giulia Schneider (Scuola Superiore Sant'Anna, Pisa).

This project will explore how remote teaching providers (Zoom, Canvas, Moodle, etc.) handle teachers’ and students’ data and learning materials. The aim is to provide guidance to higher education institutions and teachers on how to ensure a safe online transition, while contributing to the nascent field of RT Law. Adopting a comparative and socio-legal methodology, this project will: (1) provide an in-depth understanding of the main privacy and copyright issues in RT; (2) identify best practices, compliance hurdles, and (3) recommendations for privacy-enhancing and creativity-incentivising remote teaching.

# **Employability News and Teaching Excellence**

Dr Damian Etone recently completed his **SFELTE** and was awarded **HEA** **Fellowship**. Bravo Damian!

Some of the students on the **MSc in Human Rights and Diplomacy** have been offered opportunities in internationals and local organisations at the end of their programme:

* Maribel Lopez – Internship with the UN Food and Agricultural Organisation (FAO)
* Felicia Szoloboda – Internship with the Organization for Security and Co-operation in Europe
* Lisa Douglas – Internship with the United Nations Population Fund (UNPF)
* Katie Wright – Short-Term Contract with Independent Food Aid Network (IFAN)

# **Esteem, network, and citizenship**

Professor Sutherland has been appointed as a **part-time Professor at the University of Bergen, Norway**. She will be working as part of an international team on a research project, [***Legitimacy Challenges***](https://www.discretion.uib.no/projects/legitimacy-challenges/)*– An analysis of mistrust in core institutions and the normative fundament of the welfare state*

The **UK Parliamentary Office of Science and Technology** (POST) invited Assoc Prof Noto La Diega to join the **Research for UK Parliament Forum** and contribute to the report on current research priorities that will be shared with the UK Parliament. This follows Guido’s and Dr Hong-Lin Yu’s engagement with POST to provide views regarding the short, medium and long-term [impacts of the Covid-19 outbreak](https://post.parliament.uk/expert-aknowledgements/). Their insights, along with other experts across the country, have been shared with Parliament, to help it navigate its work around COVID-19.

[The **Nigerian Group on Private International Law** sets sail.](https://conflictoflaws.net/2020/the-nigerian-group-on-private-international-law-sets-sail/) On Thursday 5th of November 2020, the Nigerian Group on Private International Law (“NGPIL”) held its first committee meeting by virtual platform. Forming the Committee of NGPIL were: Dr Pontian Okoli (Lecturer at University of Stirling), Dr Onyoja Momoh (English Barrister at 5 Pump Court; Research Fellow at University of Aberdeen), Dr Abubakri Yekini (Lecturer at Lagos State University), [Dr Chukwuma Okoli](https://www.asser.nl/about-the-institute/whos-who/ChukwumaOkoli) (Post-Doctoral Researcher at T.M.C Asser Instituut), and [Dr Chukwudi Ojiegbe](https://uk.linkedin.com/in/dr-chukwudi-paschal-ojiegbe-64b81b56) (Contracts Manager at ACE Winches). This new initiative will bring together a unique group of experts with an important ethos: the promotion of private international law in Nigeria.

The **Society of Legal Scholars** (SLS) appointed Assoc Prof Noto La Diega and Dr Tania Phipps-Rufus (Coventry University and founder of Fashion Law Business) as the first **Convenors** of the newly created [**Open Section**](https://www.legalscholars.ac.uk/section/open/) of the SLS Conference. The Open Section is the home for presenting unconventional research and experimental approaches that don’t fall under the traditional discipline divides.

On Thursday 3 December, The **Glass Network**, a capacity-building and networking group for LGBT+ and allied members of the Scottish Legal profession, hosted an online roundtable on [*The New Normal of Inclusion*](https://theglassnetworksco.squarespace.com/news-and-events), with Assoc Prof Noto La Diega, Rupa Mooker (MacRoberts LLP & Law Society of Scotland’s Equality and Diversity Committee), Naeema Yaqoob Sajif (The Scottish Ethnic Minorities Lawyers Association), Chris Rae (CMS Scotland), and Ross McKenzie (Addleshaw Goddard).

Guido also joined the Advisory Board of **blockchain-hosted "Law & Digital Technologies",** new journal published by Moscow-based State Academic University of the Humanities (GAUGN).

# **Dissemination**

Dr Dave McArdle gave two **keynote speeches** during the autumn. The first, for the **British Association of Sport and Law**, concerned legal and ethical responses to concussive injuries and the challenge of seeking to hold volunteer coaches and officials responsible in law for injuries sustained in the course of inherently dangerous pursuits. The second, for the **China University of Politics and Law**'s annual sports law conferences, looked at cases before the Court of arbitration for Sport which have involved Chinese football clubs and the lessons those cases might carry for the game's domestic governance in that country. After the paper he was contacted by one of China's leading clubs and invited to explore the issue further, with a view to proposing **reforms to the Chinese FA**.

Dr Michelle Donnelly was an invited speaker and panellist at an online discussion event, hosted by the **British Academy** as part of the Childhood Policy Programme, on 8 December. Michelle's paper "**Strengthening children's rights in Scottish youth justice**" was based on her article "Scottish Youth Justice and the Legacy of Kilbrabdon: a provocation paper", published by the Academy earlier this year. The event explored the question of how children and young people should be treated in the justice system and was attended by over 100 stakeholders. A recording of the event will be shared on the Academy's website in the new year.

On 26 November Dr Savaresi contributed to the workshop Human Rights and the Climate Change Crisis at the University of Geneva, presenting a paper on ‘[**Enforcing the Right to a Healthy Environment in the Climate Emergency: A View from Above**](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3722080)’

 Assoc Prof Noto La Diega’s research on the [**copyright and privacy issues in remote teaching**](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3652183) (a collaborative project with colleagues from the universities of Aberdeen, Amsterdam, Sciences Po Paris, Dublin, Pisa, and Trento) has been covered by [*Il Sole 24 Ore*](https://scuola24.ilsole24ore.com/art/universita-e-ricerca/2020-10-29/didattica-online-individuati-punti-critici-tema-privacy-e-copyright-piattaforme-utilizzate-supporto-lezioni-160548.php?uuid=ADZU03y), [*The Pandemic University*](https://postpandemicuniversity.net/2020/09/10/remote-teaching-in-the-post-pandemic-university-a-study-of-copyright-and-data-protection-terms-of-online-services/), [*key4biz*](https://www.key4biz.it/didattica-a-distanza-vulnerabilita-privacy-sulle-piattaforme-dubbi-su-finalita-di-raccolta-e-utilizzo-dei-dati/328249/), and [*La Nazione*](https://www.lanazione.it/pisa/cronaca/ricerca-dad-pandemia-1.5663761)

**Is Alexa spying on you?** Artist May Safwat realised a life-size replica of Edward Snowden’s head that is designed to sit over a home voice assistant (e.g. Amazon Echo) and block it from hearing you and connecting to the internet. This project was a collaboration with privacy experts including Assoc Prof Guido Noto La Diega (Faculty of Arts and Humanities) and it is accompanied by [*Echo Chamber*](https://echochamber.space/), a book on ‘smart’ surveillance, that includes Noto La Diega’s [study of Echo’s Terms & Conditions](https://blog.smu.edu.sg/icli/cebcla/echo-consumer-protection-perils-lurking-fine-print/). This project was covered by [*Wired UK*](https://www.wired.co.uk/article/alexa-privacy-edward-snowden).

Guido presented their research at several national and international venues:

* (with Rossana Ducato), ‘**Countering the Platformization of Education**’ ([*Shifting education from classrooms to online platforms - smooth as silk?*](https://guidonotoladiega.wordpress.com/2020/12/08/countering-the-platformization-of-education/), Legal Hackers Luxembourg, 17 December 2020)
* '**AI inventions, AI-assisted inventions, AI-generated inventions and patent law'** ([ERC Workshop *Neuroni Artificiali e Biologici*](https://guidonotoladiega.wordpress.com/2020/12/04/ai-inventions-ai-assisted-inventions-ai-generated-inventions-and-patent-law/), University of Trento, 4 December 2020)
* ‘**The regulation of the Internet of Things: fit for the sustainable development goals?**’ ([*Digital Technologies for Sustainable Development: Legal Challenges*](https://guidonotoladiega.wordpress.com/2020/11/29/the-regulation-of-the-internet-of-things-fit-for-the-sustainable-development-goals/)*,* Lomonosov Moscow State University, 26 November 2020)
* ‘**Killer robots and ethics washing**’ ([*The ethics of killer robots. Developments, characteristics and consequences of Artificial Warfare*](https://guidonotoladiega.wordpress.com/2020/11/13/the-ethics-of-killer-robots-developments-characteristics-and-consequences-of-artificial-warfare/), Scuola Critica del Digitale del CRS e dal Forum Disuguaglianze e Diversità, Rome, 25 November 2020)
* (with Rossana Ducato), ‘**Non solo Zoom.** Piattaforme digitali per la didattica a distanza, diritto d'autore e tutela dei dati personali’ (*83°* [*Nexa Lunch Seminar*](https://guidonotoladiega.wordpress.com/2020/11/29/not-only-zoom-remote-teaching-digital-platforms-copyright-and-data-protection/), Turin, 25 November 2020)
* ‘**Private ordering of data control in remote learning**’ (“[Law and Data](https://guidonotoladiega.wordpress.com/2020/11/03/private-ordering-of-data-control-in-remote-learning/)” Course MSc Data Science, Trento, 3 November 2020)
* (with Giulia Priora), ‘**Learning by Infringing?** Copyright Private Ordering in Post-COVID Remote Teaching’ ([*European Intellectual Property Teachers’ Network 12th Worldwide Annual Conference*](https://guidonotoladiega.wordpress.com/2020/10/23/learning-by-infringing-copyright-private-ordering-in-post-covid-remote-teaching-2/), Madrid, 23 October 2020)

# **Events organised**

**AHRC Research Network Workshops**. Stirling Law Schoolheld 3 online AHRC Research Network Workshops on the Development of Private International Law in the UK Post Brexit working with Dr Mihail Danov at Exeter University in November.

The first workshop focussed on Private International Law of Family Law, the second focussed on Private International Law of Commercial Law and the final workshop which was in partnership with the Journal of Private International Law was a mixture of the two.

We were very fortunate to have many excellent speakers such as; Lord Mance former UK Supreme Court Judge, Professor Fausto Pocar who wrote the explanatory report for the Lugano Convention, Dr Christophe Bernasconi Secretary General of the Hague Conference on Private International Law, Professor Giuditta Cordero-Moss from Norway, a leading expert on Arbitration and Professor Mary Keyes, who represents Australia at the Hague Conference, presenting the Commonwealth perspective.

# **Welcome and goodbye**

We are happy to welcome back **Dr Geoff Wood**, energy policy, legal and regulatory specialist (see e.g. his book [*A Critical Review of Scottish Renewable and Low Carbon Energy Policy*](https://www.palgrave.com/gp/book/9783319568973)*)*. We look forward to having him teach Energy law on the LLM.

**Professor Elaine E Sutherland** will be leaving Stirling University at the end of this month. For years she has made tremendous contributions to Child & Family Law scholarship and to the research environment at the University of Stirling. We look forward to continuing working with Elaine in an emerita capacity and we wish her all the best in her future endeavours. We will miss you, Elaine! 🤗

# **Get in touch**

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