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**THE TRUMPET**

**Stirling Law School’s Bulletin 3/2023**

This quarterly bulletin is for sharing Stirling Law School’s achievements in research, teaching, and citizenship. This recognises the importance of celebrating successes, strengthening our sense of community, and creating opportunities for cross-Faculty and cross-University collaborations. We hope you’ll enjoy these snippets of Stirling Law School’s recent successes.

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# **Impact and engagement**

The UK has not signed the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters since it was concluded on 2 July 2019 (“Hague 2019”). The Ministry of Justice, therefore, [launched a consultation paper](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fconsultations%2Fhague-convention-of-2-july-2019-on-the-recognition-and-enforcement-of-foreign-judgments-in-civil-or-commercial-matters-hague-2019%2Fconsultation-on-the-hague-convention-of-2-july-2019-on-the-recognition-and-enforcement-of-foreign-judgments-in-civil-or-commercial-matters-hague-201&data=05%7C01%7Crobbie.reid%40stir.ac.uk%7Cad8c7985174c414d39e408dbed3220b6%7C4e8d09f7cc794ccb9149a4238dd17422%7C0%7C0%7C638364571781221916%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=hlH3vsJrD6gvd42XDcgEQTZTBHh0%2F5dd0L3s11OXXfE%3D&reserved=0) in December 2022 to seek “views on its plan for the UK to become a Contracting State to Hague 2019 by ratifying and implementing it into domestic law.” In February 2023, the **University of Stirling’s Law School Cluster in Private International Law** responded to the consultation paper.  **Paul Beaumont, Jayne Holiday**, and **Pontian Okoli** made very strong arguments in favour of the Convention. The UK Government has now published its response which concluded that “it is the right time to join Hague 2019”. The [Government’s response](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F6554c926046ed400148b992a%2FThe_Hague_Convention_Response_to_Consultation__web_.pdf&data=05%7C01%7Crobbie.reid%40stir.ac.uk%7Cad8c7985174c414d39e408dbed3220b6%7C4e8d09f7cc794ccb9149a4238dd17422%7C0%7C0%7C638364571781221916%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=A3Oi3tej7cwbYd9hjngHiIlHakMRfPZNnfgpcoh84eA%3D&reserved=0) clearly identified the need for legal certainty as an overarching justification. This was a major point made in the Cluster’s paper that urged the Government to accept that the disadvantages of rejoining the Lugano Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters 2007, especially at the expense of Hague 2019, would far outweigh any benefits. The Government will initiate relevant procedures to ensure that Hague 2019 is signed and ratified as soon as possible.

Related to this, **Professor Paul Beaumont** gave an invited conference presentation in June at the University of Bonn at a major international conference on the Hague Judgments Convention 2019 with leading academics from all over the world.  The conference launched an edited book in the Hart Studies in Private International Law Series of which Paul is the Series Editor.  This is Volume 35 in that Series: Matthias Weller, Joao Ribeiro-Bidaoui, Moritz Brinkmann and Nina Dethloff (eds), *The HCCH 2019 Judgments Convention; Cornerstones, Prospects, Oulook* (Hart Publishing, 2023), 382 pages.

Paul was a member of the drafting committee at the Hague Conference on Private International Law (HCCH) for both the Hague Choice of Court Convention 2005 and the Hague Judgments Convention 2019.  His talk at the conference and his chapter in the book explain how the two Conventions dovetail to give comprehensive coverage to all types of choice of court agreements.  This is an extremely important area in the development of cross-border trade, as it reduces transaction costs and potential litigation costs for companies and other traders, by having a clear framework for the resolution by courts of cross-border commercial disputes based on party autonomy.  His chapter is part of the 'Cornerstones' in the book: 'The Hague System for Choice of Court Agreements: Relationship of the HCCH 2019 Judgments Convention to the HCCH 2005 Convention on Choice of Court Agreements' 125-141.

Encouragingly the UK Government has very recently decided to become a Party to the Hague Judgments Convention 2019 (following the EU, Ukraine and Uruguay) (see item above). In the Series Editor's Preface to the book launched in Bonn (v-viii), Paul set out some ideas as to how the UK should ratify and implement the Convention. It is encouraging to see the UK Government moving forward with ratification and a registration system broadly in line with the suggestions by Paul and separately by the Stirling Private International Law Research Cluster in its response to the UK Government Consultation.

In the first of its kind in Nigeria, **Dr Pontian Okoli** co-organised a cross-border insolvency law conference which the United Nations Commission on International Trade Law (UNCITRAL) and the University of Nigeria Faculty of Law hosted on 31 October 2023. The conference themed “The Work of UNCITRAL on Cross-Border Insolvency Legal Framework and its Impact on the Largest Economy of the Continent” was part of the *UNCITRAL Days in Africa 2023* which spanned across several countries, aspects of which Pontian also helped to facilitate this year. Staff of UNCITRAL Secretariat including the UNCITRAL Secretary and senior legal counsel delivered papers. Insolvency practitioners and academics also delivered papers. Pontian’s paper “The Model Law on Enterprise Group Insolvency and the Model Law on the Recognition and Enforcement Insolvency-related Judgments: Perspective from the UK and Implications for Nigeria” was designed in furtherance of UNCITRAL’s overarching theme “The Use of UNCITRAL Texts in Africa: Trends and Prospects”.

In late August, **Dr David McArdle** spent a week on the Jamaica campus at the University of the West Indies to assist with their ongoing review of institutional sports governance policies. He spent the week preparing, conducting and reflecting on focus groups, and making recommendations about possible improvements to its college sports policies in light of those. His recommendations include drafting new protocols regarding the obligations of and to sports scholarships students; writing clearer policies to inform student-athlete recruitment; and giving better attention to the welfare of student-athletes who are injured or otherwise unable to compete.

**Professor Annalisa Savaresi’s** research was endorsed in the REF 2021 Report on Scottish Impact Case Studies, which is available [here](https://www.rand.org/content/dam/rand/pubs/research_reports/RRA2800/RRA2848-1/RAND_RRA2848-1.pdf). The Report provides at page 79 that: “A research team at the University of Stirling explored a legal framework for holding governments and corporations accountable for failing to deliver their climate actions. This research underpinned law-making practice in the EU in 2020 and a decision to investigate multinational corporations in the Philippines”. Further information on the research and its impact can be viewed at [REF 2021](https://results2021.ref.ac.uk/impact/17B6E1B3-4421-4E63-BA7E-28D4963A67F8?page=1).

The UK Competition and Markets Authority (CMA) – the competition and consumer regulator in the UK – has invited **Professor Guido Noto La Diega** to participate in a stakeholder workshop in its Canary Wharf offices. The UK regulator is engaging key stakeholders to shape the principles that will inform future regulation of AI foundation models such as ChatGTP and Google Bard.

**Professor Guido Noto La Diega** presented “Artificial Intelligence, Ethics, and Law: Can EU regulations protect humanity?” at the Vogue’s AI Symposium (albeit virtually due to ill health). They were delighted also to join the final panel with Fred Ritchin (Dean Emeritus of the School at New York’s International Center of Photography and former picture editor of The New York Times Magazine), Santiago Lyon (Head of Advocacy and Education for the Content Authenticity Initiative, Adobe), Florian Koenigsberger (Photographer and Image Equity Lead at Google), Daniele Moretti (Sky TG24 Deputy Editor-in-chief), and Zahra Rasool (Director, Writer, Producer and Media Entrepreneur).

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Figure 2. Guido presenting at Vogue’s AI Symposium.

Figure 1. “What makes us human? Image in the age of AI”

You can view Guido’s presentation, which Vogue has published [here](https://www.vogue.com/video/watch/artificial-intelligence-ethics-and-law-can-eu%20regulations-protect-humanity-photovogue-festival-2023-what-makes-us-human-image-in-the-age-of-ai).

**Dr Domenico Carolei’s** article published by the Leiden Journal of International Law on the international ombudsman for NGOs accountability has been cited by the EU Parliament in a report published in September 2023. Link available [here](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/753974/IPOL_STU(2023)753974_EN.pdf). The report was prepared for the Committee on Budgetary Control, EU Parliament, and is titled "Transparency and accountability of EU funding for NGOs active in EU policy areas within EU territory". Domenico's article is cited at page 102, both in the main text and footnote (n. 154).

# **Income generation**

The European Commission has recently commissioned a study about "Copyright in Distance Education and Research: Exploring the Role of Copyright in Facilitating Access to Digital Collections of Libraries and Other Public Interest Institutions" under Framework Contract CNECT/2022/OP/0036. A small part of the total €600k will go to **Professor Guido Noto La Diega** who, alongside an economist, will provide expert feedback on the team’s work.

# **Publications**

## *Books*

Thanks to generous support by the University of Stirling’s Open Access team, **Professor Guido Noto La Diega’s** book *The Internet of Things and the Law: Legal Strategies for Consumer-Centric Smart Technologies* (Routledge 2022) is now available in gold open access. Click [here](https://www.taylorfrancis.com/books/oa-mono/10.4324/9780429468377/internet-things-law-guido-noto-la-diega?_gl=1*167bix0*_ga*MTUyNDIzODc3OC4xNjk1MTM2Nzkx*_ga_0HYE8YG0M6*MTY5ODY2NzgyMS42LjAuMTY5ODY2NzgyMS4wLjAuMA..) to download it for free.

**Dr Jayne Holliday’s** book, *Clawback Law in the Context of Succession* (2020) Hart Publishing (Oxford, UK) has recently received considerable praise in a journal article and book review.

Firstly, in J Talpis, “Managing and preventing cross-border disputes arising with the increasingly popular use of succession substitutes” (2023) Trusts & Trustees 29(3) 234-247 (available at: <https://doi.org/10.1093/tandt/ttad002>), the author states that “this book stands as a brilliant contribution to private international law of succession."

Secondly, Jayne’s book is reviewed by Professor Louis Perreau-Saussine (University Paris-Dauphine PSL) in [Critical Review of Private International Law](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cairn.info%2Frevue-critique-de-droit-international-prive.htm&data=05%7C01%7Crobbie.reid%40stir.ac.uk%7C48512f03ad2c4b3f5f6b08dbf7392e4a%7C4e8d09f7cc794ccb9149a4238dd17422%7C0%7C0%7C638375597186931866%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=FBD4jzmQTSfbC0CCMqH2vkHM20PZttIIAZW9oJhXVKY%3D&reserved=0)[2021/3 (No.3)](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cairn.info%2Frevue-critique-de-droit-international-prive-2021-3.htm&data=05%7C01%7Crobbie.reid%40stir.ac.uk%7C48512f03ad2c4b3f5f6b08dbf7392e4a%7C4e8d09f7cc794ccb9149a4238dd17422%7C0%7C0%7C638375597186931866%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=GGqj0UDsiave2PvRf%2FfdyoOyQpaE%2BLfKN4xh4k42ZXI%3D&reserved=0) 731-733.

The review is available to view at: [https://www.cairn.info/revue-critique-de-droit-international-prive-2021-3-page-731.htm](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cairn.info%2Frevue-critique-de-droit-international-prive-2021-3-page-731.htm&data=05%7C01%7Crobbie.reid%40stir.ac.uk%7C48512f03ad2c4b3f5f6b08dbf7392e4a%7C4e8d09f7cc794ccb9149a4238dd17422%7C0%7C0%7C638375597186931866%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=HZHwqkWQklT0NB8OB5yX4XeEVp%2Fxlto1HfrY4p3fw2E%3D&reserved=0).

An excerpt is provided below (based on a translation of the review which was published in French), in which the author of the review praises “this beautiful monograph” (…)

"As we will have understood, beneath a dry exterior, Ms Holliday's subject of study turns out to be fascinating. Ms Holliday leads step by step, in an effective and didactic style, an investigation that challenges preconceived ideas. This is first and foremost an investigation, an investigation based on a detailed study not only of the negotiation prior to the adoption of the European regulation on successions, but also of the legal systems involved, which is based on a questionnaire sent to researchers and notaries in the 25 Member States of the European Union party to Regulation No. 650/2012, as well as in Australia, Denmark, Ireland, South Africa, and the United Kingdom – and synthesized into [summaries]. Then, it will be a good idea to insist on the safeguards put in place by the “inheritance” regulation to ensure legal certainty and promote estate planning (professio juris, law of anticipated habitual residence of articles 24 and 25), the author no less tracks down the elements of residual insecurity and brilliantly demonstrates how, precisely, the [characterisation] of succession is, in her field of study, detrimental to legal security. It is mainly for this reason that it redraws the contours of the “international successions” category, precisely to exclude the reduction of donations granted to third parties. Ms Holliday finally sheds sometimes disconcerting light on the conditions in which the negotiations of European instruments of private international law (here the “successions” regulation) are carried out." (...)

"The deconstruction enterprise and the critical approach to positive law are particularly convincing." (..)

"At a time when the European Union is wondering about the most suitable modalities for its private international law collaboration with the United Kingdom post-Brexit, this book is a timely reminder that between success and failure, yesterday a European regulation, possible international conventions tomorrow, the margin for error is more than narrow. Beyond the few reservations that the proposed construction gives rise to, there remains – and this is the essential – the diagnosis, the message and the method: for the author, who calls for the adoption of a Convention of The Hague on certain aspects of international inheritance law, the key to success lies in a reasoned use of comparative law in the service of international and European legal co-operation."

## *Journal articles*

**Dr David McArdle** has had two short papers published recently:

The first, in the European Labour Law Journal <https://doi.org/10.1177/20319525231201279>, analyses the Court of Appeal ruling in *Commissioners for HM Revenue and Customs v Professional Game Match Officials* [2021] EWCA Civ 1370. This case concerns the workplace status of part-time referees in (mostly) the second tier of English men’s football, and whether they are employees or self-employed. The decision will have significant implications for their tax liabilities and at the time of writing the Supreme Court ruling in respect of PGMOL’s appeal is awaited. Dave’s view is that the referees are not employees for the whole of the football season, but they do have a series of short employment contracts, starting from the moment they accept a fixture allocated to them until the moment that the game ends. That alone will be enough to see a significant rise in their tax liabilities.

The second, in the Journal of Sports Law, Policy and Governance, [Archives | JSLPG](https://www.jslpg.org/archives) explores the Court of Arbitration for Sport’s ruling in OG 22/08-010 International Skating Union v RUSADA, colloquially known as the Valieva case. This case concerned a fifteen-year-old figure skater who failed a drugs test but was still allowed to compete at the Winter Olympics. It considers the importance to the CAS ruling of Valieva’s status as a protected person, noting how that carries tangible protections for child athletes in doping disputes, and explaining how that allowed her to carry on competing in circumstances where adult athletes might have been disqualified. The CAS is due to rule on other aspects of the case in January, and Dave’s best guess is that Valieva’s age will allow her to escape with a lighter sanction than would otherwise be applicable.

**Dr Leslie Dodd** recently co-authored an article on historic prosecutions of nurses and midwives for witchcraft: "Healers and midwives accused of witchcraft (1563–1736) - What secondary analysis of the Scottish survey of witchcraft can contribute to the teaching of nursing and midwifery history", *Nurse Education Today*vol 133 (Feb, 2024) (with Nicola Ring, Nessa McHugh Bethany Reed and Rachel Davidson-Welch). The article will be available [here](https://doi.org/10.1016/j.nedt.2023.106026).

*Abstract: Between 1563 and 1736, around 4,000 people were prosecuted for witchcraft in Scotland. A significant minority of those accused were engaged in activities relating to healing and midwifery. While the traditional historical perspective has been that these individuals were uneducated folk healers providing ritualistic pseudo-medical treatments, this article demonstrates that some of the convicted healers were actually employing advanced (for the time) medical procedures similar to those utilised by licensed physicians and complex medicinal preparations involving rare and expensive ingredients. The ritual aspects of the healing process, which often proved significant in securing convictions, appear to reflect the incorporation of Catholic liturgical or sacramental elements into the treatment process. It is concluded that many of these accused healers had connections either to pre-Reformation monastic healing establishments or to individuals who had previously been trained in such establishments.*

## *Chapters*

**Benjamin Clubbs Coldron, Guido Noto La Diega**, Tania Phipps-Rufus, and Tabea Stolte, “Giving Surveillance Capitalism a Makeover: Wearable Technology in the Fashion Industry and the Challenges for Privacy and Data Protection Law” will be published in Irene Calboli and Eleonora Rosati (eds), *Routledge Handbook of Fashion Law* (Routledge 2024). This is one of the outputs of the AHRC-DFG project “[From Smart Technologies to Smart Consumer Laws](https://www.stir.ac.uk/about/faculties/arts-humanities/law-and-philosophy/law-research/human-rights/smart-technology-and-consumer-protection/)”, and the preprint is available [here](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4612570) (and soon in STORRE).

*Abstract: In this chapter we explore the intersections between wearable computing, privacy, and data protection in the fashion industry. We provide a broad overview of the relationship between wearables, privacy, and data protection, and highlight the importance of considering both physical and digital wearables. Using a pragmatic combination of doctrinal legal research and empirical methods we reveal that while the EU General Data Protection Regulation (GDPR) offers some protections, tensions and uncertainties persist. Specifically, we examine the issue of "invisible" fashion technology and its potential to create issues of continuing consent and non-user privacy as well as the potential for this development to increase the adoption of privacy-intrusive technologies in the fashion sector. The blurring of lines between public and private means we need to reconsider notions of reasonable privacy expectations, reassert the importance of safeguarding privacy in smart fashion, and engage policy makers in ongoing discussions on the benefits and risks of personal data use.*

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# **Employability news and teaching Excellence**

Congratulations to **Dr Tracy Kirk**, who was awarded a Fellowship in Higher Education in November 2023.

# **Esteem, network, and citizenship**

We are pleased to announce the following:

**Dr Leslie Dodd** was elected Treasurer and Secretary of the Scottish Legal History Group in October 2023.

**Dr Tracy Kirk** was recently appointed to the Advisory Board of the Stirling Centre for Research into Curriculum Making (SCRCM). The centre, based within the School of Education at the university comprises researchers, practitioners, local government officers and policy makers, bringing a diverse range of expertise and experience to inform the work of the Centre. Further details about the SCRCM can be found [here](https://www.stir.ac.uk/about/faculties/social-sciences/our-research/research-groups/stirling-centre-for-research-into-curriculum-making/#:~:text=The%20Stirling%20Centre%20for%20Research,to%2Dface%20events%20and%20webinars).

# **Dissemination and media presence**

**Professor Beaumont** gave an invited presentation on the Hague Judgments Convention 2019 on 27th October 2023 at the LSE in a symposium celebrating the life and work of Professor Trevor Hartley.

This turned out to be an excellent event involving many of the UK's leaders (and some from further afield) in private international law.  In his role as one of the editors of the Journal of Private International Law Paul was able to subsequently agree to the preparation of an issue of the Journal which will be devoted to papers arising from the symposium.

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| [Close-up of a red sign  Description automatically generated](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Flselaw.events%2Fevent%2Fa-symposium-for-trevor-hartley%2F&data=05%7C01%7Crobbie.reid%40stir.ac.uk%7C5527bd7a98124a20088508dbf2a2c6c0%7C4e8d09f7cc794ccb9149a4238dd17422%7C0%7C0%7C638370553161455143%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Vi81e5ix9K1plbG4rtnYdliLxz5BA1KzwFeVT3GA1o8%3D&reserved=0) | [A Symposium for Trevor Hartley - LSE Law School Events](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Flselaw.events%2Fevent%2Fa-symposium-for-trevor-hartley%2F&data=05%7C01%7Crobbie.reid%40stir.ac.uk%7C5527bd7a98124a20088508dbf2a2c6c0%7C4e8d09f7cc794ccb9149a4238dd17422%7C0%7C0%7C638370553161455143%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Vi81e5ix9K1plbG4rtnYdliLxz5BA1KzwFeVT3GA1o8%3D&reserved=0)  The LSE Law School is very pleased to announce an event to celebrate the scholarly work of emeritus Professor Trevor C. Hartley. |

**Dr Jayne Holliday and Professor Paul Beaumont** gave papers at a conference at the University of Lancaster on 21 June 2023 on [Challenges in Contemporary Issues in International Litigation](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fportal.lancaster.ac.uk%2Fportal%2Fnews%2Farticle%2Flancaster-workshop-on-challenges-in-contemporary-international-litigation-21-june-2023&data=05%7C01%7Crobbie.reid%40stir.ac.uk%7C5527bd7a98124a20088508dbf2a2c6c0%7C4e8d09f7cc794ccb9149a4238dd17422%7C0%7C0%7C638370553161455143%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=6qn5%2FNyV0b35bYoBAIp%2BYDMLwKs343F2vLcr7nYXuJ0%3D&reserved=0). This was an excellent opportunity to engage with colleagues from across the UK on recent developments in private international law.  Paul was able to talk about the HCCH Jurisdiction Project - he is a member of the Working Group at the Hague Conference on Private International Law (representing the EU) that is drafting a new Convention on parallel proceedings and related actions. Jayne spoke on ‘The non-recognition of transnational divorces’. This area of research is one that Jayne has already published on in Beaumont and Holliday (eds) *A Guide to Global Private International Law* (Hart, 2022) in the chapter on divorce.  Jayne and Paul are in the process of securing a book contract with Hart Publishing to write a monograph on the Hague Divorce Convention 1970.

**Professor Paul Beaumont** has written a short case note on *Campbell KC v James Finlay (Kenya) Ltd* [2023] CSIH 39  in the 'News' section of the Stirling Private International Law Research Cluster available at <https://privateinternationallaw.stir.ac.uk/news/>.  It shows the impact of his work in a unanimous decision of the First Division of the Inner House of the Court of Session in a very important international case. Some extracts from the case note are given here.

“In the third edition of *Anton's Private International Law* (Paul Beaumont and Peter McEleavy, Scottish Universities Law Institute, 2011), Paul Beaumont wrote chapter 8 and attempted to summarise the law on forum non conveniens in Scotland in paragraph 8.410 (the case report in *Campbell KC* mistakenly cites para 8.409).  The summary in paragraph 8.410 in the third edition of Anton is not to be found in earlier editions of Anton (1st, 1967 and 2nd, 1990). In *Campbell KC* (at para 65) the Inner House quoted most of the paragraph from Anton as follows:

‘The plea … will be upheld only when there is another available forum which is clearly more appropriate to hear the case than Scotland and it would not be contrary to the interests of justice for the case to be tried in that forum. The appropriateness of the alternative forum is considered first (in terms of the convenience for the parties, the witnesses, the applicable law, … and other non-result-oriented practical factors …) before assessing whether it would be unjust to expect the litigation to take place in the clearly more appropriate forum (here the court can take account of whether the pursuer would be able to afford to bring his claim in that country and whether the courts in that country are sufficiently competent and fair to do justice in the case).’

Immediately after the quotation the Inner House says: ‘The court agrees with this summary.’

When dealing with the second part of the plea of forum non conveniens, the court is trying to protect access to a fair and competent system of justice (see the words carefully chosen by Beaumont to summarise the second part of the plea in Anton, 3rd edn, para 8.410, and endorsed by the Inner House (para 65)).  The court is not engaging in a comparative law analysis to see which system will help the pursuers the most or which will give them the fullest remedy.  Rather they are trying to protect access to justice by not sending a party to what they have determined to be the clearly more appropriate forum to resolve the dispute, if that clearly more appropriate forum cannot be accessed in practice by that party or will not treat that party’s case fairly and competently.

In this case the Inner House acknowledged (at para 55) that if the delictual claims are ultimately pursued in Scotland they will be subject to Kenyan law by virtue of Article 4 of the Rome II Regulation as it is retained in Scotland post-Brexit.  This is because Kenya is the place of damage for the delictual claims made by the group members as the musculo-skeletal injuries took place in Kenya (see Article 4(1) of Rome II) and Scotland is not manifestly more closely connected to the delict than Kenya (so the Article 4(3) exception does not apply – see the discussion by Paul Beaumont of Article 4 of Rome II in Anton, 3rd edn, paras 14.88-14.121).  Given that under Article 15(c) of Rome II the heads of damage are covered by the applicable law (Kenyan law) it is unfortunate that at para 69 the Inner House refers to “heads of loss” that are available in Scotland because in no circumstances would such heads of loss be available in Scotland in this case (see Anton, 3rd edn paras 14.240-14.247)."

**Professor Guido Noto La Diega** appeared as a guest on Sky News’ “Idee per il Dopo” (ideas for the afterwards), which is broadcasting six episodes about the impact of AI on society and its ethical dimension. Guido discussed AI, data privacy, and Intellectual Property with some pioneers in the AI space, including Professor Luciano Floridi (Universities of Oxford and Bologna).

**Guido Noto La Diega**, [“Internet of Things: tech firms have become our digital landlords – but people are starting to fight back”](https://theconversation.com/internet-of-things-tech-firms-have-become-our-digital-landlords-but-people-are-starting-to-fight-back-193181) (*The Conversation*, 6 November 2023). In this well-received article – the second most read article in the history of the collaboration between Stirling and The Conversation – Guido underlines the importance of reading the T&Cs, the impact beyond our privacy, and calls for collective action to fight IoT big tech power.

Italy’s leading political radio – [Radio Radicale](https://www.radioradicale.it/scheda/713192/media-e-dintorni) – has dedicated an episode of their popular programme “Media e dintorni” to Guido’s research as distilled in the piece for The Conversation.

A video player showing a video player making a speech bubble

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Figure 3. Radio Radicale.

Based on this article, Guido is also in discussions with The Conversation about recording an episode of their podcast *The Conversation Weekly.*

**Dr Domenico Carolei** was invited to showcase his research and book, *NGOs and the Law: Self-Regulation and Accountability,* at a number of events:

* *'NGOs: Evolution of international regulation and accountability'* (Charity Briefs Series), Charity Law and Policy Unit, School of Law and Social Justice, University of Liverpool (UK) Thursday 30 November 2023.
* *‘NGOs and the Law: Self-Regulation and Accountability’*, book launch/research seminar, School of Law and Centre for Citizenship Civil Society and Rule of Law (CISRUL), University of Aberdeen (UK) 20 September 2023.
* *‘NGOs and the Law: Self-Regulation and Accountability’*, online book launch, Multidisciplinary Programme in Human Rights, Federal University of Goiás (UFG, Brazil), State University of Goiás (UEG, Brazil), Respondent: Prof João da Cruz Gonçalves Neto (UFG, Brazil). Chair; Prof Ulisses Terto Neto (UEG, Brazil & UFG, Brazil), 1 September 2023.
* *‘NGOs and the Law: Self-Regulation and Accountability’*, International Society for Third Sector (ISTR) Book Club. Respondents: Prof Oonagh Breen (University College Dublin, Ireland); Prof Angela Crack (University of Portsmouth, UK). Moderator: Mayumi Fuchi (University of Birmingham, UK), 19 October 2023.

**Honorary Professor Francis McManus** gave a paper in October at the Irish Association of Law Teachers Annual Conference in Dublin on the Supreme Court decision in *Fearn v Tate Gallery*, where the court found that the Tate Gallery had created a nuisance by allowing visitors to use the viewing gallery, situated at the top of the Tate, to stare into adjoining flats.

**Professor Annalisa Savaresi** has recently chaired a number of panels:

* Scottish International Law Conference - Just Transition Litigation, University of Dundee (8 September 2023). For info see: <https://www.dundee.ac.uk/events/just-transitions-and-international-law-conference>

* GNHRE/UNEP Summer-Winter School Panel - The Right to a Clean, Healthy, and Sustainable Environment and the Transition (12 September 2023). For info see: <https://gnhre.org/?page_id=16650>

* GNHRE/UNEP Summer-Winter School Panel - Just Transition Litigation (13 September 2023). For info see: <https://gnhre.org/?page_id=16732>

**Annalisa** was additionally invited to present/speak at the following conferences and events:

* Conference: “Is International Law Fair?”, European Society of International Law (1 September 2023). For info see: <https://www.esilaix2023.fr>
* Conference: “Forests at the Crossroads of International Law”, University of Copenhagen Law School (5 September 2023). For info see: [Interfor Conference: Forests at the Crossroads of International Law – University of Copenhagen (ku.dk)](https://jura.ku.dk/cilg/calendar/2023/interfor-conference/)
* Virtual Briefing: Ongoing International Courts’ Advisory Proceedings and the Legal Principles on the Human Rights of Future Generations, CIEL, (19 September 2023)
* OHCHR Regional Dialogue: OHCHR Human Rights 75 Regional Dialogue for Europe and Central Asia - The Right to a Clean, Healthy, and Sustainable Environment, Brussels (20 October 2023). For info see: <https://www.ohchr.org/sites/default/files/get-involved/udhr75/hr-75-regional-dialogue-europe-central-asia.pdf>

* Polar Law Symposium, Faroe Islands (26 October 2023). For info see: <https://www.uarctic.org/about-us/calendar/16th-polar-law-symposium/>

* Expert workshop: “Climate Litigation Unleashed: Catalysing Action against States and Corporations”, Bonavero Institute of Human Rights Oxford University (22 November 2023). For info see: <https://www.law.ox.ac.uk/content/news/climate-litigation-unleashed-catalysing-action-against-states-and-corporations>

# **Internationalisation**

**Dr David McArdle** undertook a prestigious Visiting Fellowship at Jindal Global University School of Law in Delhi. He gave a couple of guest lectures and ran a staff workshop on comparative sports law research, and also met with senior university officials to explore possible future projects including staff and PhD student exchanges and potential research collaborations.

**A person standing in front of a building

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Figure 4. Dave taking in the sights during his visiting fellowship in India.

**Professor Guido Noto La Diega** travelled to KU Leuven (Belgium) in December to examine a PhD thesis about “Innovation and Consumer Protection in Internet of Things Ecosystems: Protecting End Users at the Crossroads between Consumer, Competition, and Data” by Christof Koolen. The other members of the defence committee were Professor Evelyne Terryn (Institute for Consumer, Competition & Market, KU Leuven), Professor Peggy Valcke (Centre for IT & IP Law, KU Leuven), Professor Alain Strowel (Centre de recherche interdisciplinaire Droit, Entreprise et Société, UCLouvain), Professor Bert Keirsbilck (Institute for Consumer, Competition & Market, KU Leuven), and Professor Bernard Tilleman (Centre for Methodology of Law, KU Leuven).

**Dr Benjamin Clubbs Coldron** and **Professor Guido Noto La Diega** are off to Lower Saxony to meet with the rest of the team of the Stirling-led AHRC-DFG international research project “[From Smart Technologies to Smart Consumer Laws](https://www.stir.ac.uk/about/faculties/arts-humanities/law-and-philosophy/law-research/human-rights/smart-technology-and-consumer-protection/)”. Hosted by the German co-lead, Professor Christoph Busch (Osnabrück University), Ben and Guido will discuss the initial ideas for the core chapters that will become part of a forthcoming book on consumer-centric Internet of Things. The ideas will be discussed with the project’s advisory board. The team will also be joined remotely by Dr Jonathan Brown, who will co-author the chapter about “regulation by bricking”.

# **Events organised**

**Dr Mo Egan**, **Professor Hong-Lin Yu** and **Dr Tracy Kirk** were successfully awarded funding from the Clark Foundation for Legal Education to organise a seminar series: International Perspectives on Scots Law 2023/24. Further details can be found [here](https://www.stir.ac.uk/about/faculties/arts-humanities/law-and-philosophy/law-research/international-perspectives-on-scots-law/).

The seminar series seeks to bring together academics, practitioners and other stakeholders to present research examining the role of Scots law in the international legal landscape. Seminars have been delivered in a hybrid format and provide accredited CPD for Scottish legal practitioners. We have already had four seminars on Internationalisation of Legal Education, Internationalisation of Mediation, Internationalisation of Scots law from the perspective of Private International Law (Competition Law), and Internationalisation of Arbitration.

Seminars organised for the new year include: Internationalisation of Scots law from the perspective of Private International Law, Children’s Rights and Family Law from the Perspective of International Human Rights, Constitutional Law (Lessons Learned from the Scottish devolved experience), Comparative Perspectives on Scottish Criminal Procedure, and Internationalisation of Scots law from the Perspective of Private Law.

# **Staff announcement**

Since the last issue, we are delighted to announce that several new members of staff have joined the Law School. Our warmest welcome to **Dr Linda Mensah,** **Scarlet Robertson**, and **Robbie Reid**, who have joined us as Lecturers in Law, and to **Hilary Ball** and **Sophie Mason**, who have joined the Law and Philosophy Professional Services team. We wish everyone all the best in these new roles!

# **Get in touch**

If you would like to contribute or suggest anything for future bulletins, please get in touch with Robbie [here](mailto:Robbie.Reid@stir.ac.uk).