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Prof. Y.S. Lee (main conference convener)

Professor Lee is a scholar in law and development and an international trade lawyer. He is currently Director and Professorial Fellow of the Law and Development Institute and Visiting Professor, Master’s in Development Practice Program, Emory University. He has also taught and conducted academic research at leading universities throughout the United States, Europe, and Asia for twenty years. He graduated in economics with academic distinction from the University of California at Berkeley and received law degrees from the University of Cambridge (B.A., M.A., Ph.D). He is licensed to practice law in multiple jurisdictions, including United States (Attorney at Law: California, North Carolina) and United Kingdom (Solicitor of the Supreme Court of England and Wales).

Author of Reclaiming Development in the World Trading System (Cambridge University Press, 2nd ed. 2016), Safeguard Measures in World Trade: The Legal Analysis (Edward Elgar, 3rd ed. 2014), Microtrade: A New System of International Trade with Volunteerism Towards Poverty Elimination (co-authored, Routledge, 2013), and Law and Development: Theory and Practice (Routledge, 2019), Professor Lee has published over eighty articles, books, chapters, and shorter notes with leading publishers in North America, Europe, and Asia, in the areas of international economic law, law and development, development economics, comparative law, and international commercial arbitration. He has pioneered academic research on safeguard measures (emergency import restraint measures) under the World Trade Organization (WTO) system and developed the concept of “microtrade,” a new system of international trade designed to alleviate populations of the least-developed countries of extreme poverty. He has also completed the “general theory of law and development” which sets conceptual parameters of “law” and “development” and analyzes the causal mechanisms by which law impacts development. He is currently an associate editor of the Journal of World Trade and the founding editor-in-chief of the Law and Development Review.

Professor Lee has participated in a number of bilateral and multilateral negotiations on international trade and investment at international forums such as the United Nations Commission on International Trade Law. He has appeared before WTO dispute settlement panels and the WTO Appellate Body as a government counsel, and advised national governments, international law firms, and consulting companies on international trade and development projects and major international commercial arbitration cases. He has frequently spoken on issues of international economic law, law and development, and the WTO at prominent forums including Harvard University Kennedy School of Government, the Johns Hopkins University School of Advanced International Studies, and the World Bank.
Dr. Mohammad Rababa holds a PhD in Law from the University of Manchester, UK. He joined the College of Law at the University of Dubai as an Assistant Professor in 2015. In 2016, he has been the Director of the College of Law. Dr. Mohammad teaches different law courses at the graduate level. His research interest includes arbitration, intellectual property rights, and financial crimes. Dr. Mohammad is a qualified lawyer in Jordan with many years of legal practice experience. He handles contentious civil litigations in various areas of practice. He specializes in Arbitration and Intellectual Property Law. He has expertise in handling arbitrations in various areas of the practice including construction disputes in the UAE. He is also the legal advisor to the president of the University of Dubai.

Presentation Title: The Impact of Trademarks Protection on Online Keyword Advertising: In the UAE Context

Modern business methods and the vast array of marketing opportunities are not only placing the role and function of the trademark at the forefront of consumer protection, but also developing the concept of the mark as an asset of considerable value in itself. This increases its vulnerability to competitive interference and the proposition that it should receive enhanced protection in law. The purpose of this paper, accordingly, is to evaluate the current UAE trademarks protection system to ascertain the contribution they actually make to promotion of free competition and the movement of goods or services upon which that substantial market is predicated. It will examine the protection granted to the trademark with particular reference to the use of online keywords advertising service and focus on the effect of relatively new theories of what functions qualify to be shielded from harm from competitive others. It will examine whether trademark protection in the UAE context has expanded beyond the conventional boundaries of source ‘origin’ protection, espoused to primarily protect consumers from confusion in their choice making process, and guaranteed protection for the advertising and investment functions as separate principle in the context of the competitive free market. In fact, it will be shown that giving excessive shelter from harm to all functions which may affect the value of the trademark will limit, even jeopardise, third party competitor and consumer issues. It will inhibit the use of the e-commerce online keywords advertising service which assists third parties to promote alternative competing goods or services and so reduce consumer choice by restriction of online information. It is suggested that proper, clear defences must be guaranteed under the law so third parties may gauge their actions to avoid infringement of trademark owner rights whilst promoting their own products, and accordingly strike the necessary balance between the different competing interests of trademark owners, third parties competitors, and consumers.
Dr. Anicée Van Engeland (keynote speaker)

Anicée holds a PhD in Islamic Studies, Politics and Law from the Institut d'Etudes Politiques in Paris. She graduated in law from Paris II Assas and furthered her studies with three masters: a master’s in law from Harvard Law School, a masters in international relations from Paris II Assas and a masters in Iranian studies from Paris III Sorbonne. She worked for the ICRC prior to joining academia and has worked with different international organisations and non-governmental organisations over since. Anicée has held visiting lectureship at Cardiff University, Nagoya University and Azad University; she has also held research visiting position at Harvard Law School and the Oxford Centre for Socio-Legal Studies. Her research interest lies in international law and Islamic law; she has published articles and book chapters on the topic, looking at issues of fragmentation and reconciliation.

Presentation Title: A New Approach to Economic Development: Fighting Economic Crimes and Corruption – Looking at Islamic Law

An established literature led by Kuran states that Muslim countries abiding by Islamic law face institutional problems when attempting to engage with economic development. Kuran has attributed these long-standing problems to a series of causes, including the way Islamic law apprehends economy, the merging between law and politics and the little consideration of economics by Muslim rulers.

My approach therefore directly challenges the idea that Islamic law is the problem. Far from considering Islamic law as a constrain, I see it as a way of anchoring and ensuring economic development in Islam. For this purpose, I will go back to the scriptures and, for example, contextualise ahadith such as the one on pollination to demonstrate that economic development is considered by Islam. To do so, a better understanding of governance and rule of law in Islamic terms is needed.

My presentation would therefore seek to address the gap in the literature: I will examine the argument that Islamic law not conducive to economic growth; yet, instead of exploring the lack of political will identified by Rubin, I will focus on law to explain how to ensure economic development in Islamic terms, rejecting utilitarian approaches to ijtihad. I strongly believe that the lack of economic development is a symptom and that the source of the lack of economic development is to be found in governance and rule of law, looking at the new hermeneutics of ijtihad can be of use like it as been when reforming inheritance laws.
Dr. Brian-Vincent Ikejiaku

Dr. Brian Ikejiaku is an international scholar with expertise in international law and global development (more broadly), but in particular international development law. He is a Senior Lecturer in Law and Director of postgraduate law programme, as well as a Research Associate in the Centre for Trust, Peace and Social Relations (CTPSR) Coventry University United Kingdom. He is also a practicing lawyer. Brian has taught in Africa and the United Kingdom and, has conducted research and presented academic papers in the United States, Europe, Africa (and will present this paper in Asia/Middle East ‘Dubai’). He was appointed a visiting professor to the EU College of Business Poznan, Poland in 2016. Brian has many degrees, including honours’ degrees in Law and Politics/IR and masters’ degrees in Law and Politics/IR; as well as a PhD from the Keele University, United Kingdom. Brian’s research takes an interdisciplinary approach and he has over thirty publications – his recent works appear in DJILP, CILJSA, LDR, and AJLS.

Presentation Title: The Role of Law in Economic Development Process within the Context of the Islamic World: De-linking Oil and Gas Projects and Re-linking Legal Reform

It is the view of the research that the legal regime relating to international development is one of the aspects of international law that is of greatest interest to developing countries. Yet, trends of events in developing countries suggest that this aspect of international law, which developing countries mostly cherish, has remained the most ineffective and unpopular in all its ramifications. When Faundez doubted whether the shift in attention from legal institutions to economic analysis would help avoid the problems of the earlier attempts at reforms in developing countries; his concern was that there are unanswered questions that lurked behind the law and development movement. One of his concerns about unanswered questions relates specifically to the role of law and the formal legal system in development process. Also, McAuslan and Thome have no doubts that the mistakes of the past, bordering on the role of law and the formal legal system in development process would reoccur. It has generally appeared in the international development legal regime that law has been approached as a tool for development itself. In this sense, experts sometimes assume that law is both distinctively placed and uniquely suited as mechanism for development programmes and projects because a key function of law is to engineer, attain or enhance the social and economic changes necessary to achieve the goals of development. From this perspective, it is expected that law will provide the infrastructural mechanism required for development, and that law has the capacity to bring about the social, economic, and political changes needed, as well as necessary cultural attitudinal tenets conducive to development.
Dr. Rihab Grassa

Dr. Rihab Grassa is auditor and Faculty member at the Higher Colleges of Technology in Dubai, as well as external associate researcher for the Laboratoire Interdisciplinaire de Gestion Université – Enterprise in the High Institute of Accounting and Business Administration, University of Manouba, Tunisia. She is also a Board Member of the Tunisian Association for Islamic Finance. She worked as a researcher/analyst in KPMG Global Islamic Finance in Dubai, and as a manager for Islamic finance services in KPMG Tunisia. She is currently working on a number of projects that will promote the development of Islamic finance in Middle East and North African countries. She is an invited speaker to a number of prominent professional and academic forums and editor board member of many ranked journal in which she keep trying in promoting the necessary infrastructure for the sustainable development of the Islamic finance industry. She remains actively engaged in the Islamic Finance industry, through preparing reports for governmental and financial institutions, conference contributions, research, publishing and drafting of reports and case of studies. She has published a wide variety of academic papers and conference proceedings, and has presented topic related to Islamic banking, Islamic finance, economic growth, financial development, Sukuk market, risks, governance…

Presentation Title: Legal Origin and Islamic Finance Development: New Evidence

Previous studies on financial development have shown that differences in legal origin explain differences in financial development. Using historical comparisons and cross-country regressions for 40 countries observed for the period from 2005 to 2018, our research try to assess how different legal origins affected the development of Islamic finance worldwide. More particularly, our research assess empirically why and how Shariah adopted wholly or partially (combined with Common or Civil Law) could explain the level of development of Islamic finance in different jurisdictions. Our primary results has shown that countries adopting a Shariah legal system had a very well developed Islamic financial system. Moreover, countries, adopting a mixed legal system based on Common Law and Shariah Law, were characterized by the flexibility of their legal systems to make changes to their laws in response to the changing socioeconomic conditions and that these helped the development of the Islamic financial industry. However, countries, adopting a mixed legal system based on both Civil Law and Shariah Law, were less flexible in making changes to their old laws and this thwarted the development of the Islamic financial industry in these countries. Furthermore, we found that the concentration of Muslim population (the percentage of Muslim population) had a positive effect on the development of the Islamic banking assets.
Dr. Asma Hakimah Binti Ab Halim

Asma Hakimah Ab Halim is a lecturer at the Faculty of Law, Universiti Kebangsaan Malaysia (UKM). She obtained a Bachelor of Law (LLB) degree and completed her second degree, a bachelor of Shariah (LLB.S) degree at the International Islamic University Malaysia (IIUM). Throughout the course of study, she also took a Certificate of Company Administration (CiCA) within the same institution. After graduating, she undertook a nine-month chambering under Messrs. Elida, Imran & artners in Kajang. She then obtained an LL.M degree at Faculty of Law, UKM and served as a temporary tutor at several institutions of higher learning in Malaysia. She became a lecturer at Multimedia University, before being admitted as a temporary lecturer at the Law Faculty, UKM. She was awarded a PhD from Glasgow Caledonian University in May 2015 with her research entitled “Structuring, Issuing and Investing in Sukuk in Malaysia And Dubai: Selected Legal And Shari’ah Issues.” She is also an accredited Mediator under Malaysian Mediation Council, Accord Group and Muslim Lawyers Association of Malaysia.

Presentation Title: Transaction of Sukuk in Dubai: Issues and Challenges

This writing identifies the legal system governing sukuk in Dubai. The adequacy of these laws was examined. The case study referred to several types of sukuk, such as Nakheel Sukuk and Tamweel Sukuk. The discussion analyses the extent to which the nominate or innominate sukuk contracts actually comply with the substance of the contracts according to Islamic legal treaties. The structure of sukuk in Dubai, whether ijarah sukuk, mudarabah sukuk, musharakah sukuk, or istisna’ sukuk, face the risk of re-characterisation due to the similarity of these structures with non-shari’ah-compliant contracts or controversial contracts in shari’ah. Analyses of cases and models of sukuk in Dubai evidenced legal pluralism, legal uncertainties, and re-characterisation problems. Despite the technical, legal, and shari’ah issues, the solution to be provided must comply with the higher purpose of Islamic law. Ultimately, an approach towards the resolution of the issues evidently points to the pluralist approach in order to recognise the differences and to apply them as unity in diversity.
Dr. Ramizah Wan Muhammad

Ramizah Wan Muhammad is an Associate Professor at the Department of Islamic Law, Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia. She joined the University in August 1992. She was an IIUM graduate where she completed her LL.B in 1992, LL.B (Shariah) in 1993, Master of Comparative Laws in 1994 and Ph.D in 2006. Her research interests are administration of syariah courts in Malaysia and other ASEAN countries, administration of Islamic criminal justice, Islamic medical law and Islamic jurisprudence.

Presentation Title: Position and Jurisdictions of Syariah Court in the administration of Islamic Justice in Malaysia

Malaysia is practicing dual legal system; Common/Civil law and Islamic legal system. The common law system is originally from the UK based since Malaysia was colonized by the British from 1824-1957. The other system is Shariah based system in which Islamic law being implemented in the country. The Supreme law in Malaysia is the Federal Constitution of Malaysia, which was created right after Malaysia gained independence in 1957. The constitution is the supreme law of the land in which all laws created in Malaysia, whether Islamic law or civil law, must conform to the federal constitution. This paper is to discuss the position and roles of Syariah Court in Malaysia as an Islamic institution in safeguarding the faith of the Muslims and upholding Islamic law as the basis of justice. The history of Syariah Court as one of the oldest institutions in the legal history in Malaysia will also be highlighted so that one could see the original position of the court prior to the colonization and after the colonization. It is equally important to look at the jurisdiction of Syariah Courts in Malaysia, which is divided into civil and criminal jurisdiction. This information is significant to see the extent of the application of Islamic criminal law in Malaysia, as a modern Muslim state. There are also other Islamic institutions or agencies, which are significant in the administration of Islamic justice such as enforcement division, prosecution department and Department of Syariah Judiciary Malaysia (JKSM).
Dr. Mirza Satria Buana

Dr. Buana is a lecturer at Faculty of Law, Lambung Mangkurat University, South Kalimantan, Indonesia. He is a scholar and activist in human rights, legal pluralism and constitutional law. He holds a LLM from School of Law, Islamic University of Indonesia and a PhD from TC Beirne School of Law, University of Queensland, Australia. Dr. Buana has published several scholarly articles, books, and chapters with leading publishers in Indonesia, Australia and Southeast Asian, in the areas of constitutional law, human rights, and legal pluralism.

Presentation Title: In Search of Justice – Can Islamic Law Fulfill Workers’ Rights?

In the classical dichotomy of law, labor law was classified as a pure private law; it emerges when both interests of company and labor meet on the paper of agreement. Nevertheless the dynamics of a welfare state requires the government to interfere with the company – labor relationship. The wall of separation between public and private laws can no longer be sustained. Indonesian labor law has a long, dynamics history. It has socialist influences taken from Dutch ethical policy (Ethische Politiek), but also has capitalist influences, especially when the Suharto developmentalist administration ruled. It is still an enigma knowing how to balance between a company’s economic interests, such as: cheap labor salary and effective production and labor’s rights. This essay elaborates the hypothesis that Islamic Law and its values can positively solve injustice and discrimination in labor affairs. This article analyses both classical and contemporary legal sources of Islamic Law; from the Qur’an, Hadith, Fiqh (Islamic jurisprudence) to Islamic doctrines from prominent scholars. This essay also discusses opportunities and barriers regarding Islamic Law’s reception to labor laws.
Dr Salim Farrar (LLB, LLM, King’s College London; PhD, Warwick) is a comparative legal scholar and author (with Dr Ghena Krayem) of “Accommodating Muslims under Common Law: A Comparative Analysis” (2016, 2018, Routledge). He is Associate Professor and Director of Islamic Law at the Centre for Asian and Pacific Law at the Sydney Law School, University of Sydney. His current interests and expertise lie in the legal intersections between religious faith, practice and citizenship, the ‘lived’ Shari’a, and their impacts on economic, social and human development.

Presentation Title: Building Islamic Ethics into Development: Exploring the Role and Limitations of “Islamic” Microfinance in Poverty Alleviation: An Indonesian Case Study (co-presentation with Mr. Tanvir Uddin)

IBF (Islamic banking and finance) has been described as no more than a collection of Islamic terms and labels to facilitate the marketing of global finance products to Muslim communities and to further their structural dependency. In terms of development, this implies IBF has failed to promote human welfare, protect the environment and facilitate the autonomy of Muslim communities. Rather, critics claim that aspects of IBF have perpetuated cycles of over-consumption, production and waste, while bonding Muslims into a lifetime of debt and consumerism.

This paper challenges this critique in the Indonesian developmental context through notions of Islamic ethics and case studies of different Islamic microfinance institutional models that deal with poverty alleviation directly. The research examines their structures and practical operations in local communities within Shari’a frameworks. Through an examination of the socio-legal and socio-economic complications, this paper aims to articulate a general theory for the implementation of Shari’a-inspired development programs in the context of Islamic microfinance. Furthermore, the paper will argue the case for and recommend policy suggestions to better achieve sustainable and holistic outcomes through closer alignment with both the purposes of the Shari’a (al-Maqasid) and Islamic ethical values (al-Ihsan).
Mr. Tanvir Uddin

Tanvir Uddin is a Commercial Manager at Brighte Capital, a leading energy and home improvements FinTech. He is also an SJD candidate researching Islamic microfinance at the University of Sydney Law School. Previously, Tanvir was an Islamic Finance Associate at the Islamic Development Bank in Jeddah where he supported Islamic debt investments in emerging countries while completing a Masters of Islamic Finance at IE Business School. Tanvir’s research interests span Islamic social entrepreneurship, law and development and FinTech.

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Ms. Tayná Martins Morais

Tayná Morais’ background comprehends the fields of public policy, law and peacebuilding. Public Policy Associate Manager in Facebook Brazil, her previous experiences include researches on refugees’ protection and a fellowship to conduct a study on water conflicts in Honduras. She holds a degree in Law from University of Brasilia (UnB/Brazil) and a Master’s in International Affairs from the Graduate Institute of International and Development Studies (IHEID/Switzerland).

Presentation Title: Integrating an Islamic Perspective into Constitution-Making in Post-Conflict Countries

The constitutional process plays an important role in peaceful political transitions and is a central component of post-conflict peacebuilding. Both process and substance are critical for the success of a constitution. The drafting of a constitution encompasses a debate on important and sensitive issues, which leads to lasting consequences for the state and its citizens. Hence, the way a constitution is produced, not only its content, is highly significant for the country’s future. Although it must be nationally owned and led, international actors increasingly play a significant role in assisting such processes by providing normative and technical advice. As a generic model of peacebuilding based solely on Western values failed to address the conflicts arisen in the past decades, academics and practitioners are seeking to develop peacebuilding strategies tailored upon local methods of conflict resolution. More and more religious teachings have been shaping the peacebuilding on the ground. Therefore, there is a growing demand to study religion not as the cause of war but as a mechanism to build peace. Albeit still downplayed by the literature, some practitioners and scholars have signalized the need to include an Islamic perspective into conflict resolution within an Islamic context. Islam is abounding with teachings and practices of nonviolence and peacebuilding, thus more attention must be brought to the valuable potential of Islam to overcome social and political conflicts. Hence, against this backdrop, the paper aims to provide an overview of how Islam can support and guide a comprehensive constitutional design and should be embedded in the constitution-making process in Arab and Muslim post-conflict countries.
Dr. Nadia Naim

Dr. Nadia Naim is a scholar and lawyer in international business law and intellectual property development. She is the Course Director of the International Business Law at Birmingham City University and is developing a new master’s programme in Islamic Business Law. She has conducted academic research in her research field of International Intellectual Property Law and Islamic Finance. She graduated with an LLB in Law with First Class Honours from the School of Management, University of Bradford and qualified as Barrister from the BPP Law School in 2011. She successfully completed her PhD entitled “An examination of the intellectual property regimes in the Gulf Co-operation Council (GCC) states and a series of recommendations to develop an integrated approach to intellectual property rights”. She has published many scholarly articles and shorter notes with leading publishers in the areas of international intellectual property law, Islamic law and development, comparative law, and company law.

Presentation Title: Islamic Finance as a Catalyst for an Alternative Islamic Approach to Intellectual Property Rights

The purpose of this paper is to assess how Islamic moral economy can be utilised, specifically Islamic finance, to act as a vehicle to generate unprecedented growth in the current intellectual property rights regime in the MENA region and worldwide. Islamic finance has developed within the constraints of sharia law and has seen unprecedented growth in asset size and global expansion. This paper will identify the main principles of Islamic finance that contribute to the success of Islamic economy and demonstrate the transformational impact of Islamic finance on intellectual property economic rights. The main sharia compliant areas to be considered are; musharaka, mudaraba, murabaha, takaful, istisna, ijara, salam and sukuk.

The paper will outline the founding principles of Islamic finance, the governance of sharia boards, different frameworks of sharia-compliant investment products and the transformational impact of intellectual property rights on the varying Islamic finance investment tools. Further, the paper will discuss an integrated approach to intellectual property rights which learns lessons from the Islamic finance sector in relation to infrastructure, regulation and sharia compliance. The lessons learnt from Islamic finance will inform the overall framework of recommendations for an Islamic based intellectual property model. The use of Islamic finance as a vehicle to promote better intellectual property rights in terms of defining a new intellectual property approach is novel, it creates alternative models of Islamic economic development.

Ms. Lyla Latif
Lyla Latif (LLB, LLM Nairobi, MA Germany) is a legal academic teaching at the University of Nairobi, and at Cardiff School of Law and Politics in the United Kingdom. She has over 7 years’ experience as a lawyer advising and litigating on business, corporate and administrative law, and has worked with the Kenyan government to draft its land, and privatization legislation besides having also audited numerous state corporations. She has authored and co-authored several international journal articles on public finance, and social rights. Lyla is an advisor to the Centre of Law and Global Justice, Cardiff and to the Future Generations Commissioner for Wales on creating the enabling environment towards sustainable development and finance. She has worked with the European Commission and the World Health Organisation under separate grants to propose a legal and financial framework for achieving Universal Health Coverage in Africa. She is currently researching on her PhD that looks to develop an Islamic fiscal law system for health finance in Kenya.

**Presentation Title: The Rise of the Crescent within Kenya’s Financial Market.**

In Kenya, the Banking Act (Chapter 488) and the Capital Markets Act (Chapter 485A) have been amended to give recognition to Islamic banking, as well as trading and transacting through Islamic financial products. Pluralism in Kenya’s political and governance framework has facilitated the easy transition of the market into one that also offers Islamic financial products to the diverse society without restricting its use exclusively to the minority Muslim population. To give further effect to the recognition of the principles of Islamic finance within the commercial and real estate sector, the Kenyan Income Tax Act (Chapter 470) and the Stamp Duty Act (Chapter 480), have been amended to remove double taxation on stamp duty and value added tax once the ownership under a ‘Mudarabah’ contract is being transferred to the client following payment in full to the financier. Normally, transfer of properties and ownership in Kenya attracts a 2.5% stamp duty on the value of the asset or property being transferred. This led to proprietors under a ‘Mudarabah’ contract paying stamp duty twice. First, at the initial purchase by the financier, and second, at the transfer to the client. Amendments to the law changed the local tax rules applicable to transactions completed using Islamic finance. My paper examines the legal development of Islamic finance in Kenya with specific focus on how the changes in tax rules have provided the space for growth of the Islamic financial market. A discussion on the role of law as the development tool as a bridge between the Islamic world and the Kenyan Republic underpins the paper.

Mr. Simon-Peter Ayooluwa St. Emmanuel
St. Emmanuel is a law lecturer and Sub-Dean at the Faculty of Law, Adekunle Ajassin University, Nigeria, where he teaches amongst other courses; Human Rights and Civil Liberties and Public International Law. He has also conducted academic research in these fields of law. He is also a doctoral candidate at the Faculty. He holds a Bachelor of Law (LLB) from Adekunle Ajassin University, Nigeria, a Barrister-at-Law (BL) degree from the Nigerian Law School and a Master of Laws from University of Ibadan, Nigeria. He is a recipient of the Nigeria-Sao Tome & Principe Joint Development Authority Anadarko JDZ Block 3/2009 Nigerian Post-Graduate Scholarship Award (2009), a Fellow of the United Nations Regional Course in International Law for Africa (2018) and an Alumnus of The Hague Academy of International Law (2019).

Presentation Title: Islamic Banking as an Institution for Socio-Economic Development in Nigeria: The Case for a Framework and Administrative Dexterity (co-presentation with Ms. Olanike Adelakun)

Nigeria, the most populous country in sub-Saharan Africa with a population of 55% Muslims, practices a plural legal system which consists of the received English law, customary law based on native laws and customs, and Islamic law. Due to this plural legal system, there is an inevitable internal conflict of laws especially in respect of conventional banking and Islamic banking. In addition, majority of the citizens live in abject poverty due to unequal distribution of wealth, thereby not being able to achieve socio-economic development. Succor could not be found in the banking institutions due to administrative clogs, alarming interest rates, hidden charges, terms and conditions associated with conventional banking and most citizens cannot make use of available banking products. Consequently, some have resorted to the institution of Islamic banking (interest-free banking) as an avenue to develop their businesses through credit financing, while some adopted this form of banking based on religious and ethical reasons. Despite these advantages, Islamic banking still faces some regulatory challenges, popularity and misconceptions. It is against the foregoing that this paper examines Islamic banking in Nigeria vis-à-vis conventional banking, concepts, advantages and challenges and concludes with viable recommendations such as the need for legal and institutional frameworks to popularize Islamic banking in the country.

Ms. Olanike Adelakun
Olanike Adelakun holds a Master’s degree in law and another Master’s degree in Library and Information Science both from the University of Ibadan, Nigeria in 2010 and 2017 respectively. Olanike is currently studying towards a doctorate degree in Law. Olanike completed her undergraduate studies at the Olabisi Onabanjo University, Nigeria in 2006 and was called to the Nigerian Bar as a Barrister and Solicitor of the Supreme Court of Nigeria in 2007.

She is presently a lecturer at the School of Law, American University of Nigeria. Her specific field of scholarly engagement is Private International Law. Prior to her appointment at the American University of Nigeria, Olanike has taught law courses at Lead City University, Nigeria for almost 8 years.

Olanike has collaborated on innovations in teaching and has introduced a number of innovations in teaching law. Olanike has published a good number of articles nationally and internationally in her area of scholarly engagement.

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Mr. Oscar Rosario Gugliotta

Oscar Rosario Gugliotta is a Ph.D. fellow in Law and Business at the Department of Law of Luiss Guido Carli University in Rome. His field of research covers International Economic Law, International Organizations and Human Rights, Information Technology Law, European Law and International Economic and Trade. He graduated in Economics at Bocconi University (B.A. in Economics and Social Sciences) and in International Relations at Luiss Guido Carli (M.Sc. in International Relations). Moreover, he attended with merits the IPEPS Module Master in Brussels at CEPS and the Master in Diplomacy at SIOI in Rome. He worked as an intern at the Italian Embassy in Paris and in Washington D.C.. He won a project about human rights and cooperated with a NGO in Warsaw. He received the award of “Thesis of Excellence” of year for the master degree in International Relations. Author of “La moneta invisibile: I diritti speciali di prelievo e il nuovo assetto geopolitico internazionale” (Luiss University Press, 2018). He is part of the BlockLab in Luiss, a lab which focus its researches on blockchain and new technologies. He is also part of the A-id x SDGs working Group.

Presentation Title: The Challenges and Perspectives of the Complicate Relationship between Shari’a and Intellectual Property Rights (co-presentation with Mr. Vincenzo Iaia)

The copyright protection in Europe in the revolution technology era is extremely complex due to the high piracy rate that allows the unauthorized utilization of Intellectual Property (IP) works. This problem is more complicated in Islamic countries taking into account the leverage of Shari’a, considered as God’s law by Muslims.

Therefore, the religious ascendancy of Shari’a may lead to a weaker protection of copyrighted contents, related to a different perception of property; in fact, from the Islamic point of view, properties belong to Allah. Concerns about IP protection come from the fact that Muslims are not persuaded that Shari’a prohibits IP violations. The research proposal will seek to outline the perspectives of compatibility between Shari’a and the global harmonization of IPRs through the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).

Finally, this paper will give accurate advice on the purpose of reducing piracy rate in these countries verifying the opportunities of a virtuous contamination between Muslim and European solutions in order to enforce the IPRs protection.
Mr. Vincenzo Iaia

Vincenzo Iaia is Ph.D. student at LUISS University (Rome) in Law and Business, trainee lawyer and trainee at the Supreme Court of Cassation, working with a judge specialized in Commercial and Civil law. He graduated in law with academic distinction from the University of Bari (Ionic Department in Taranto), discussing a thesis about the comparison of French and Italian solutions concerning the identification of IPRs holders in the complex chain of movie production. He conducted research at Aix-Marseille University for six months. He was awarded winner of “best thesis in law”, from Lions Club Taranto Host and Ionic Department. During his studies he attended various summer law school abroad: Information Technology law in Brno (2014), Finance and Banking Law in Bucharest (2015), Cinema Law in Lodz (2016), European Business Law in Vienna and Bratislava (2017). After the graduation he attended the specialization school for in-house lawyers in Milan (2018). He has published two articles on Intellectual Property Law and one article on Environmental Law. Now his main areas of research are Business Law, Intellectual Property Law and Information Technology Law.

Presentation Title: The Challenges and Perspectives of the Complicate Relationship between Shari’a and Intellectual Property Rights (co-presentation with Mr. Oscar Rosario Gugliotta)

The copyright protection in Europe in the revolution technology era is extremely complex due to the high piracy rate that allows the unauthorized utilization of Intellectual Property (IP) works. This problem is more complicated in Islamic countries taking into account the leverage of Shari’a, considered as God’s law by Muslims.

Therefore, the religious ascendancy of Shari’a may lead to a weaker protection of copyrighted contents, related to a different perception of property; in fact, from the Islamic point of view, properties belong to Allah. Concerns about IP protection come from the fact that Muslims are not persuaded that Shari’a prohibits IP violations. The research proposal will seek to outline the perspectives of compatibility between Shari’a and the global harmonization of IPRs through the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).

Finally, this paper will give accurate advice on the purpose of reducing piracy rate in these countries verifying the opportunities of a virtuous contamination between Muslim and European solutions in order to enforce the IPRs protection.
Ms. Elizabeth Bakibinga-Gaswaga

Elizabeth Bakibinga-Gaswaga, currently a Legal Adviser - Rule of Law, at the Commonwealth Secretariat Headquarters, London, United Kingdom, is an Advocate/Attorney at Law with 18 years’ standing. With 23 years’ experience in legal, legislative and policy analysis work, she has served as Vice President of the Commonwealth Association of Legislative Counsel; Legal Officer in the United Nations’ Department of Peacekeeping Operations; Principal Legislative Counsel at the Parliament of Uganda; and Lecturer in the post-graduate programme at the Faculty of Computing and Information Technology at Makerere University, Uganda, among others. Ms. Bakibinga-Gaswaga has experience in providing legislative drafting and legal advisory services, rule of law programme management, managing peacekeeping operations, global governance, building partnerships, mobilising resources, the development of legal, policy and institutional frameworks, negotiating with governments, organisations and rule of law institutions as well as capacity building.

Presentation Title: Law and African Traditional Religion-Intersections between the Islamic and non-Islamic Worlds for Development

With a focus on Africa and taking into account Africa’s triple heritage as envisioned by Ali A. Mazrui (a product resulting from three major influences: an indigenous heritage borne out of time and climate change; the heritage of Eurocentric capitalism forced on Africans by European colonialism; and the spread of Islam by both jihad and evangelism), this paper seeks to review the impact that African Traditional Religion (ATR), a component of the indigenous heritage, has on the development and enforcement of law for development in Africa. The paper seeks to address the impact of religion on state formation, examining how colonialism, the Fulani jihads and migration have impacted on the body of law in Africa by introducing Islamic and Judeo-Christian tenets and constructs in the administration of secular states and theocracies. ATR presents itself as a lived reality, regulating the way of life, business transactions, the treatment of foreigners sojourning through, etc. The paper also examines how concepts of ATR have found place in the body of law through the inclusion of customary norms and usages in the law applicable, mainly through constitutional endorsement. It will address the relevance of religion, culture to the development of the law (the intersection between religion and the law) and how the resultant body of law impacts on implementation of the law for development. The paper will examine the role of the resultant body law as a bridge and as a distraction to transactions between the Islamic and non-Islamic worlds for development.

Dr. Horace Yeung
Horace Yeung is Lecturer in Commercial Law at the University of Leicester in the UK. Prior to his lectureship with Leicester, he taught at Exeter, Oxford and Universität Osnabrück. He obtained his undergraduate degree in accounting and law with first class honours from the Chinese University of Hong Kong, LLM with distinction from Lancaster University and doctorate from the University of Oxford. He was a Sir Edward Youde Scholar and recipient of the Confucius Institute Highly Commended Prize (for his research in Chinese financial markets). He is an affiliate of the Association of Chartered Certified Accountants, member of Beta Gamma Sigma (an honour society for business scholars) and Fellow of the Higher Education Academy.

His research interests lie in corporate and financial laws, most notably with an interdisciplinary approach by considering the role of law in economic development. He is co-author of Chinese Companies and the Hong Kong Stock Market (Routledge, 2014) and Institutions and Economic Growth in Asia (Routledge, 2018).

**Presentation Title: The Rise of Distinct Common Law Commercial Zones in Islamic Countries** (co-presentation with Dr. Flora Huang)

This article investigates three instances of the transplantation of English commercial law into a different legal environment. The Dubai International Financial Centre (DIFC), the Qatar Financial Centre (QFC) and the Astana International Financial Centre (AIFC) adopted a legal regime based on English Common Law, despite their national Islamic tradition. This choice seeks to create an attractive business environment through optimal protection of market participants’ rights. The article employs a comparative perspective to explore tensions arising from the interaction of different legal traditions and how the Common Law may provide the institutional conditions for the centres’ success. This research is the first study which appraises comprehensively, through a comparative perspective, the unique institutional and regulatory model adopted and practised by the three zones. This research provides fresh perspectives to the need for robust law in economic and financial development, as well as the feasibility of legal transplantation.

Dr. Flora Huang
Dr. Flora Huang is currently a Senior Lecturer in law at the University of Essex, UK. She has worked for international organisations such as the Basel Convention in Geneva and the Office of Legal Affairs of the United Nations Headquarters in New York. She was also a legal consultant in a Chinese bank.

Flora is the author of two research monographs (Chinese Companies and the Hong Kong Stock Market, 2014; and Institutions and Economic Growth in Asia, 2018), and numerous journal articles in law and development as well as financial regulations.

Flora has been awarded grants from the Newton Funds, a City Venture Research Grant, and the British Academy/Leverhulme Trust to conduct research on financial markets. She also acts as the peer reviewer for the two major UK research councils: the Economic and Social Research Council (ESRC) and the Arts and Humanities Research Council (AHRC)’s Peer Review College.

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Associate Prof. J. Panina

Associate Professor Panina is a scholar and a lawyer in contract law, international franchising law and human rights in the field of property rights. She is Associate Professor of the Civil Law and Procedure Department at Uzhgorod National University. She also heads the legal department in an IT company "ORKIN" with 5+ years experience in legal practice. She graduated in law with academic distinction from the Uzhgorod National University and received law degrees from the Uzhgorod National (B.A., M.A., Ph.D). Author of Legal Regulation of the Franchise Contract in the European Union and Ukraine (Uzhgorod National University, 2017), The Mechanism of Ensuring the Rights of Internally Displaced Persons: National and International Aspects (co-authored, "RIK-U" Publishing house, 2017), Rights of Internally Displaced Persons: Practical Guideand (co-authored, "RIK-U" Publishing house, 2017), Protection of the Rights of Internally Displaced Persons: a Monograph (co-authored, "RIK-U" Publishing house, 2018), Intellectual Property Law: (co-authored, "RIK-U" Publishing house, 2018), Associate Professor Panina has published over thirty scholarly articles and shorter notes in Ukraine, Hungary, Czech Republic and Moldova, in the areas of contract law, international franchising law, human rights in the field of property rights, and intelectual property law.

Presentation Title: Correlation of Islamic and European Legal Systems in the Field of Regulation of the Franchise Contract

Franchising is currently developing and becoming an increasingly widespread form of business scaling internationally. However, in the process of concluding franchise contracts between residents of different states, legal conflicts and gaps in the regulation of these relations often occur. Recently, the processes of business cooperation between representatives of European countries and the Islamic World have become more active. Given this, as well as the lack of unified international standards for the regulation of international franchising, there is a need for a more detailed comparison of the general principles of legal regulation of the franchise contract in the European Union and the countries of the Islamic World. Also in article it is advised to develop and implement an International Code of Ethics for Franchising. This Code should takes into account all the basic reservations and limitations provided by Islamic Law, by legislative acts of European countries, as well as by the common law.
Ms Rehanna Nurmohamed

Rehanna Nurmohamed is a PhD candidate with the research title *Sharia and National Law in the United Arab Emirates. An Analysis of Its Legal System and Historical and Social Background* at the Van Vollenhoven Institute for Law, Governance and Development, Faculty of Law Leiden University. She is a graduate of the Leiden Law School in Dutch Civil Law and is a Legal Counsel in the Private Corporate Sector in The Netherlands. Her research interest is to provide a legal understanding of how contemporary Islamic societies develop and facilitate legal frameworks to serve their diverse demographic community. Central to this theme are Islamic Law and Sharia, Legal pluralism in contemporary Gulf societies, the rule of law within UAE’s Federal and Emirate legislation, Muslim and non-Muslim (*dhimmi*) citizen, and or resident rights within the nation state, Islamic constitutionalism, UAE’s Personal Status Law, Islamic Penal Law, Islamic Business and Financial Laws.

**Presentation Title: Sharia Law and Its Impact on the Development of Muslim and Non-Muslim Business Relations in the UAE.**

As Sharia is a source of law as stated in article 7 of the UAE Constitution, Islam and Islamic principles are part of the legal normative framework of the UAE as a nation. To understand what Sharia Law entails, key aspects of Sharia Law in the UAE’s Constitution will be placed in relationship with Constitutional rights of Muslim and non-Muslim citizens, residents and their business entities and the implementation of this legal framework in the area of legal developments of Trade, Financial and Business related laws. Special reference will be made to the Federal Civil Code of 1986, which is a commercial code based upon Islamic principles and how it relates to International Commercial Business Laws, operating from within the same legal framework in the UAE. Next to that the designated locations for (International) commercial activities the ‘Economic Free zones’ within the (individual) Emirates, will be addressed. This in particular reference to come to an understanding how Sharia and Islamic Laws, Local Emirate Legislation, Federal UAE Laws and International Business Laws are in relation to one and other and how Business relations are conducted, built and strengthened. And finally the legal practice will exhibit how these different systems of law are blended into one legal UAE framework, which facilitates Trade, Financial and Business Relations among Muslim and non-Muslim corporations. Both Islamic Business Laws, which prohibit the use of *riba* and *gharar* and International Banking, Financial Laws, and International Business Laws are part of the established legal order. The question is though which legal institutions such as the Sharia Courts, the Dubai International Finance Centre, International Arbitration Institutions or Local Courts are accessed by parties to issue their Complaints, Dispute Resolutions, or demands for the Executions of Local and Foreign Judgments.

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Prof. Bashar H. Malkawi

Bashar H. Malkawi worked as dean at University of Sharjah. He received his S.J.D from American University, Washington College of Law, and LLM in International Trade Law from University of Arizona. His academic career has traversed both business and law schools, teaching a variety of business law courses in Jordan, UAE, Italy, and United States. His research agenda focuses on the role of the World Trade Organization, regional trade agreements, Arab economic integration, with specific projects examining Arab countries' participation in the WTO dispute settlement mechanism, and business law (broadly conceived). Prof. Malkawi is the author of numerous books and monographs. His academic work has appeared or is forthcoming in several leading journals. In addition to law articles and academic books, his op-eds and other writings have appeared in the popular press in the U.S. and the Middle East.

**Presentation Title: Framing Access and Exclusion for Arab Countries in WTO Affairs**

Arab countries are attempting to broaden their engagement in the multilateral trading system in a manner that has many implications. Not only have some Arab countries either acceded or are in the pipeline of acceding to the World Trade Organization (WTO), but their new commitments coincide with reorientations in their economic strategies. The purpose of this paper is to examine the involvement in the multilateral trading system. The proposition in this paper is that the WTO is not a perfect institution. I argue that joining the WTO is a balancing act. In addition, the WTO is not to blame for everything. Arab countries must take the initiatives necessary to effectuate their participation in WTO affairs. The paper proceeds to discuss in sections II and III early Arab countries' participation in the multilateral trading system, UNCTAD, and WTO. Section IV analyses Arab countries accession to the WTO especially some of the obstacles they face economically or otherwise. Section V provides in-depth discussion of Arab countries participation in the WTO dispute settlement mechanism. Section VI discusses Arab countries representation in WTO bodies. Finally, the paper concludes with a set of recommendations and suggestions to go forward.
Professor Zwier teaches Advanced Negotiation and Mediation in the Shadow of International Law, with Hrair Balian and Tom Crick, of The Carter Center. He also teaches Torts and Evidence. Professor Zwier has taught advocacy skills to international lawyers and judges in Arusha, Tanzania, (ITCR); Den Hague, Netherlands (ICC); YaKaterinburg, Russia, Mexico City, Mexico; Quito, Ecuador; Monrovia, Liberia; Nairobi, Kenya; Tbilisi, Georgia; Northern Ireland; Scotland; England; Hong Kong, Shanghai and Beijing, China and led seminars in negotiation and dispute resolution for black South African lawyers as part of a State Department program. He is the author of numerous books and articles, including *Peacemaking, Religious Belief and the Rule of Law: The Struggle between Dictatorship and Democracy in Syria and Beyond*, (Routledge, Taylor and Francis Group, London and New York, 2018); *Principled Negotiation on an International Stage: Talking with Evil*, Cambridge University Press (2013); *Wild Life Poaching and Rule of Law in Africa*, 11 Law and Development Review (2018) (with Glajar); *Human Rights for Women in Liberia (and West Africa): Integrating Formal and Informal Rule of Law Reforms through the Carter Center’s Community Justice Advisor Project*, Law and Development Review, (2017), ISSN (Online) 1943-3867, ISSN (Print) 2194-6523, DOI: https://doi.org/10.1515/ldr-2017-0008.

**Presentation Title: Arbitration and Mediation in the Development Context of Saudi Arabia**

The question of whether Saudi Arabia should encourage the development of systems of arbitration and mediation, can be evaluated based how it might serve Law and Development Theory Goals. To do this we will first take a look at where arbitration and mediation have already established a foothold. We will also conduct empirical work to determine where Saudi lawyers and judges feel there is a need for Arbitration (and ADR). We expect that one area where a need might be felt may be in the area of divorce and child custody.

Without the institutional structures in place, Arbitration may be a place where corruption by repeat players may be fostered. Without transparency the trade off between legitimate law and development business goals and corruption may be hard to measure. Our interviews and empirical work on the needs and fears that the legal establishment has regarding arbitration, especially in business sectors of the Saudi economy should be very instructive to this ongoing tension between the establishment of legitimate development goals and both capacity and corruption.
Presentation Title: The Corporate Duty to Contribute (Sustainable) Development from the Perspective of Investment Arbitration

International investment law is a law field known for granting a wide array of legal protection to private companies. Traditionally, the latter had no obligations vis-à-vis their host States. The abundant case law, which originates from arbitral tribunals, has thus mostly focused on construing and developing the legal standards and principles of investment protection. Such cases arose in a specific arbitral configuration inherent to international investment law whereby the claimant is normally the investor and the defendant is its host State. This trend is however changing concomitantly with the very landscape of international investment law which has freshly started to include standards of corporate social responsibility and investors’ duties within its ambit, namely in investment protection agreements. One of such duties relate to sustainable development and focus, for instance, on environmental and human rights protection or on preventing corruption (mal)practices. Some arbitral tribunals recently upheld these duties. In one case, the Agreement on Promotion, Protection and Guarantee of Investments among Member States of the Organisation of the Islamic Conference was the applied law. In other cases, the technique of counterclaims were used. In a counterclaim before an arbitral tribunal, the logic is reversed and the State becomes the claimant while the investment acts as defendant. Set against this background, this paper will discuss whether there is, in international law, a corporate duty to contribute to sustainable development. It will argue that the duty exists even though its legal regime is still under technical construction, the latter being in need of doctrinal guidance. This legal conundrum has a transversal nature and is consequently directly relevant to the Islamic world.
Mr. Santiago J. Barbarán

Santiago J. Barbarán is a senior lawyer of Beccar Varela firm in the Administrative Law Department. Before this, he held various positions in both the public national and provincial administration. He also served as a consultant to the City of Buenos Aires. His last job was as Permanent Internal Auditor in the Cultural Agency of the Province of Córdoba. He is a lawyer (Law Degree, 2008) from the National University of Cordoba and completed a Master at the University of Buenos Aires, thesis pending. He was assistant professor at the National University of Córdoba and at the University of Buenos Aires. He has participated in congresses as a lecturer on matters related to public and administrative law and has written for several specialised publications.

Presentation Title: Some Ideas to Reevaluate Arbitration to Promote Development through Investment

International Investments have a virtuous impact on the economy of the country, creating jobs and increasing productivity. However, in some cases, disputes can occur between the investor and the country that receives the investment. In those cases, the concept of development can contribute to achieve a fair resolution to said conflicts. The Treaty that created International Centre for Settlement of Investment Disputes (ICSID), makes a reference to the necessity of cooperation to achieve economic development. Thus, it is necessary to reach a balance between the necessity of protecting the investment and the right of the state to accomplish sustainable development. This article analyzes different precedents related to the concept of investment considering the contribution to the development of the receiving State. Furthermore, this article describes the case of Argentina which became the most sued State before the ICSID. The ICSIS is an important institution that could contribute to achieve both economic and social development in different countries. Hence, the concepts of development -economic and social- and investment, are analyzed in different cases with the objective of contributing to the generation of confidence for investors and accomplishing human and economic development.
Nasiruddeen Muhammad is a practitioner and a scholar in International and Comparative Arbitration. He specializes in International Arbitration, International Economic Law (Investment & Trade), and Energy/Natural Resources law. His academic interest geographically covers Africa and Middle East. Dr Muhammad joined academia after substantial years of legal practice in Nigeria and United Arab Emirates. He currently works with the College of Law, University of Dubai as Assistant Professor. Prior to joining university of Dubai, he worked in various organizations. He was a Counsel in the Law firm of Dikko & Mahmoud Solicitors Nigeria, Programme Officer (SJG/DFID) on justice sector reform project Nigeria, a tutor at the CEPMLP University of Dundee LLM/Msc DL programmes United Kingdom, Partner at Tri-Nasr Solicitors and a tenured lecturer at Bayero University Kano Nigeria. He had written and presented extensively on various aspects of law.

Presentation Title: Arbitration of Islamic Financial Disputes: Party-Autonomy Based Approach

Arbitration as a preferred method of settling financial disputes is currently attracting comments among leading commentators and publicists in the field of both Islamic finance and International Arbitration. In a recent study conducted by the International Chamber of Commerce (ICC) Paris (November, 2016), the report has alluded to the problem of how arbitration of Islamic financial disputes gained little attention from major Islamic Financial Institutions owing to among other things, the problem of ‘choice of Islamic law. While the experience of English Courts and early tribunals regarding choice of Islamic law as part of the applicable law in Islamic Financial transaction had generated debate among scholars regarding the compatibility of such interactions, the dilemma posed by such interaction forms the basis of this research. In addressing the problem, the paper combines both legal and Islamic law doctrinal methodologies of identifying relevant and applicable legal principles that would aid the choice of parties in Islamic financial contracts.
Presentation Title: Ensuring the Effectiveness of Competition Policy: A Case Study of Cartel Criminalisation

This paper aims to explain the primary justification for the use of criminal cartel sanctions (namely, economic deterrence) and to evaluate some of the inherent, challenging problems associated with such sanctions when used to achieve the aim of deterrence of anticompetitive behaviour in practice. In doing so it seeks to provide some insights into how best to ensure that cartel criminalisation improves the effectiveness of a criminalised regime’s competition policy. Part I outlines in detail the deterrence-based theoretical justification for criminal cartel sanctions, thereby providing essential context to the discussion that follows it. Part II critically analyses two important inherent problems that arise when criminal sanctions (i.e., custodial sentences) are used in order to deter cartel activity: the difficulty of securing efficient competition law enforcement when criminal cartel sanctions are employed; and the need for connecting the criminalised cartel activity to morally wrongful behaviour.
Ajay Kumar is an Assistant Professor in Law at the University of Dubai and before moving to Dubai he taught at various institutions in the United Kingdom. His present research is focussed on financial crimes and the inter-linkages between international taxation and development. Apart from being an academic he is also qualified to practice law both in India and England and Wales.

**Presentation Title: Islamic Banking and Money Laundering Compliance**

The anti-developmental arguments are a cornerstone in the fight against money laundering. As the banking system is seen as the easiest entry point for funds to be laundered, hence the emphasis on prevention through the banks. Yet there is insufficient literature on the practices of Islamic banks to understand their compliance with the norms of anti-money laundering. This paper looks into the practices of Islamic banks in the UAE to understand their practices to comply with anti-money laundering norms. Hence this paper adds to the literature on Islamic finance and anti-money laundering.
Dr. Prapin Nuchpiam

Dr. Nuchpiam teaches law at the National Institute of Development Administration (NIDA) in Thailand. She is a holder of a Ph.D. in Corporate and Commercial Law, which she obtained from the University of Durham, UK. Her main areas of interest include corporate and social enterprise law, law and development, and international tax law. She has co-authored a chapter on “A Development Model and Typology of Social Enterprise in Thailand” in a book, Social Enterprise in Asia: Theory, Models and Practices, edited by E. Bidet and J. Defourny (2019).

Presentation Title: Approaching Instability in Thailand’s Deep South with Law and Development (co-presentation with Asst. Prof. Dhiyathad Prateeppornnarong)

This paper addresses the longstanding instability in the southernmost part of Thailand, where a vast majority of the population is Muslim. This is a highly complicated problem, of which religious differences and political conflict are the main causes. The paper cannot deal with all aspects of the conflict situation: instead of focusing on these two major causes of the conflict, it rather directs its attention to a sense of resentment among the Muslim population, which has arisen from enduring economic disparities and injustice they have suffered at the hands of the authorities. Addressing these two closely related issues might not lead to a resolution of the conflict, but tackling them in an interrelated manner at least clarifies one of its significant aspects and contributes in a meaningful way to the ongoing search for a sustainable peace in Thailand’s southernmost region. The presentation begins with an examination of the conflict situation – what its root causes are, how it has evolved, and what the current situation is. The paper approaches this conflict situation from a Law and Development perspective, taking into consideration the Muslim population’s perception of injustice involving the failure to uphold the rule of law and redress economic disparities, and how this failure has led to chronic local instability and, as a consequence, adversely affect economic development of the region. It is thus argued that the situation requires both the effort to uphold the rule of law and a greater attention to local development.
Dr. Prateeppornnarong is Assistant Professor of Public Administration at the Graduate School of Public Administration, National Institute of Development Administration (NIDA) in Thailand. He also serves as Associate Dean for Planning and Development. He received his Ph.D. in Law with concentration on Criminal Justice from the University of Birmingham, UK. His main research interests are related to good governance, anti-corruption, independent regulatory agencies, criminal law and criminal justice issues.

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