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1-CD09-1234

RECOGNITION OF FOOD RIGHT IN THE FOOD SECURITY LAWS IN INDIA

Prof. Nuzhat Parveen Khan[1]

Despite being a food secure country India is commonly attributed to starvation and squalor. According to Food and Agricultural Organization (FAO), India still houses to the largest number of malnourished people in the world. The depletion of natural resources, unequal distribution of assets, inappropriate production technologies, inhibiting government policies and loopsided distribution system which forced millions to suffer chronic hunger. There are about 795 million people undernourished people worldwide, primarily in developing countries. Of that total, 6 million are children who die every year, directly or indirectly, from the consequences of malnutrition i.e. 1 child in every 5 seconds. To fight against hunger, States undertook two quantifiable commitments. In the 1996 Rome Declaration on World Food Security and the Plan of Action of the World Food Summit (WFS), States pledged to halve the number of undernourished people by 2015. Four years later, in the United Nations Millennium Declaration, they undertook to halve the proportion of undernourished people by 2015. Prior to the global food crisis, experts had already recognized that the goals above would be difficult to achieve. In the Global Hunger Index of 2016, India ranked 97th out of 118 countries and this report is quite disturbing because India is one of the largest producers of food in the world.

Having recognized this failure, States and the FAO, spurred by civil society organizations, sought to reverse the trend registered since 2002. To this end, they have decided to effect a paradigm shift from an anti-hunger approach centered on food security to one based on the right to food. The decision to adopt a new approach was taken at the 2002 WFS. The 179 participating States reaffirmed the right to food and tasked a FAO intergovernmental working groups with developing voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security in order to provide practical guidance for achieving the goals established in 1996. This paper shows how India has accepted the concept of a right to food through its constitution, its legislation and court decisions that give the broadest legal meaning to this indispensable human right to a practical shape. This paper makes a case for the recognition of right to food as an inalienable human right by strong legal framework.

2-CD16-1267

A CRITIQUE OF THE STATUTORY PROTECTION OF MINORITY SHAREHOLDERS IN CLOSE CORPORATIONS IN SAUDI ARABIA: ANALYTICAL AND EXPLORATORY STUDY OF CORPORATE GOVERNANCE RULES IN THE SAUDI CORPORATE LAW

Mr. Abdulrahman Alsaleh[2]

This paper is a dissertation proposal that undertakes an analytical study examining the protection of minority shareholders in close corporations in the Kingdom of Saudi Arabia. Its aim is fourfold: to review, intra alia, the statutory protection for minority shareholders under the Saudi Companies Law of 2015; to pinpoint its issues and gaps; to enlighten corporate minorities about their rights and entitlements; and to propose policy prescriptions for reform of the corporate governance structure based on the most popular policies and practices.

The ninth of November of 2015 was a major turning point in the history of corporation in the Kingdom of Saudi Arabia as the long-awaited companies law was enacted and introduced to the public and superseded the forty-year-old companies law. It was sweeping change and development in response to the increasing demand to fill the gaps and correspond to demotic and international changes.

The new law shoulders the burden to enhance corporate governance principles and ensure encouraging corporate atmosphere “conducive to corporations enhancing their values, activities and growth as well as their contribution to the Saudi Arabian economy.”

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Such a change in the corporate field, the need of examining the new law and its statutory protection of minority shareholders in close corporations have of most importance in order to assess the legislature approach and evaluate the protection it promotes.

this dissertation will investigate the issue of minority shareholders and the statutory protections they enjoy by advanced legal systems and will undertake the study of the statutory protection of minority in light of the 2105 Companies Law in Saudi Arabia, as well as the possible lessons to be gained from far-off jurisdictions as the new law went into force five months ago.

3-CD21-1294

JURISDICTION FRAMEWORK REGULATING MULTINATIONAL CORPORATIONS

Dr. Pellegrino Manfra[3]

There are over 100,000 multinational corporations in the world today producing 25% of the world GDP. Multinational corporation is a centrally coordinated company that is established in more than one nation-state. A typical multinational corporation comprises a parent company in one state with subsidiaries in one or more other states. The main difficulty with multinational corporations is the accountability or governance gap caused by the absence of corporate regulation in international law. In traditional international law, multinational corporations have rights but no obligations. In practice, therefore, multinational corporations are subject only to the domestic laws of the different states in which they operate. Since states compete with each other to attract investment from multinational corporations, the regulatory framework applicable to such corporations has a tendency to weaken rather than strengthen. This paper examines multinational corporations operating in different jurisdictional environment.

4-CD33-1298

ENERGY EXCHANGES: EU LAW AND THE GREEK PERSPECTIVE

Mrs. Christina Tarnanidou[4]

The current market structure of the energy sector in EU includes a variety of trading venues and vehicles aiming at serving the different market's needs. The set-up includes the main markets, i.e. the markets in wholesale energy products that operate as spot markets, as well as the derivatives markets, i.e. the markets in the wholesale energy products that operate as futures and options markets or, more generally, as markets in financial instruments. A variety of exchanges operates these markets acting either as spot exchanges and/or as derivatives exchanges. Energy wholesale markets, either spot or financial, are becoming more and more competitive and coherent under the EU concepts of "market coupling" in the energy sector (Regulation (EU) 2015/1222) and "internal market" in the financial sector (Directive 2014/65/EU-MiFID II, Regulation (EU) 600/2014-MiFIR).

However, as the spot and derivatives markets interrelate closely, EU regulation aims at addressing not only cross-border issues but also interaction issues between those markets. For example, regulators concerns focus among others on access rights that interesting parties (e.g. wholesale traders, merchants, producers, large consumers, banks etc.) may exercise with regard to the markets, when combining spot and derivatives transactions, credit risk issues that may arise from the relevant exposures (e.g. Regulation (EU) 648/2012), as well as integrity issues related to the markets concerned (Regulation (EU) 1227/2011-REMIT, Regulation (EU) 596/2014-MAR).

Being part of this EU landscape, the Greek energy market is under reform (Energy Reform). The Energy Reform aims at modernising the market in accordance with the EU regime. The Greek Laws no 4425/2016 and no 4001/2011 relating to the

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Greek "mandatory pool market" are about to be revised. The Energy Reform includes issues of legal and practical interest from either an EU or national law perspective.

In the context of the above, the paper focuses on following issues:

- the main operations of the Energy Exchanges

- the main EU regulations in this field

- the Reform Initiative and its impact to the Greek energy market.

5-CD19-1283

SELF WORTH AND SHIFTING IDENTITIES OF WORKERS WITH DISABILITIES

Dr. Kathleen Johnson[5] ; and Dr. Karen A. Couture[6]

Despite the Americans with Disability Act (ADA, 1990) , ADA Amendments Act (ADAAA, 2008), and Section 503 of the Rehabilitation Act (1973), the unemployment rate of persons with disability (PWD) is 9.6 % while that of persons without disability is 4.4% (ODEP, July 2017).

Section 503 of the Rehabilitation Act (1973) prohibits disability discrimination on the part of federal contractors/subcontractors and also requires affirmative action in recruitment, selection, promotion and retention. In 2014 new compliance regulations went into effect for documenting and assessing the effectiveness of contractors' AA activities. However, documentation relies on job seekers' and employees' willingness to voluntarily self-identify or disclose a disability.

In recent years research has recognized the importance of disability identity -- that part of a worker's identity defined by his/her disability -- to understanding the decision to disclose as well as many other aspects of an individual's internal work experiences. Through semi-structured in-depth interviews, this project seeks to better understand worker experiences and disclosure within a disability identity framework and with recognition of the impact of organizational dynamics.

We discuss the findings of this research, highlighting the discourse and organizational processes that advance our understanding of how people with disabilities see themselves as persons and as workers. We also examine how disability is constructed and negotiated among workers who do not necessarily have a disability themselves but are caring for loved ones or family members who live with disability. These workers, who are typically left out of research on disabilities, have a unique perspective regarding work identity formation that potentially can inform organizations that support disability inclusion.

Questions that guide our investigation include: How does a worker's disability identity (or caretaker identity) interact with a worker's work identity? How do interactions with other organizational members impact this identity? What is the impact of disability and worker identities on disclosure and accommodations requests? How does the above impact work opportunities and decision making?

Our goals for this research are to promote a deeper understanding of the needs of workers who live with disability and their comfort in disclosing disability. Results can be used to inform the development of disability-supportive organizational practices that may encourage disclosure and increase well-being.

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7-CD07-1213

METHODS FOR MAPPING MEANING TRANSFER OVERTIME; A DISCOUNT RETAIL BRAND PERSPECTIVE

Dr. Paul Beresford[7] ; and Dr. Craig Hirst[8]

This paper offers a demonstration of a set of methodological tools and techniques that can be used to map and analyse changes in brand meaning and image overtime as they take shape in media stories and consumer conversations.

The paper discusses a case example of the UK grocery retail market; a sector that following the global credit crises of 2007, witnessed substantial and unprecedented change. In this analysis, we reveal how a range of market forces and influencers - the news media and consumers in particular - have effectively worked to persuade a previously incongruent target market (ABC1's) to switch to a discount food retailer on mass, by working to effectively reshape its brand image and reputation. To this end, the findings produced through the application of this method follow the logic of Holt's (2004; 2006; 2010) theoretical and empirical work into cultural branding which, amongst other things, indicates that brand associations are co-creations of agents and stories in popular culture, and that brands essentially "function as conduits… of ideological meanings" (Humphreys and Thompson, 2014: 5).

In order to map these changes, a series of workbench methods were applied that align with the process theorisation tradition in consumer research (Giesler & Thompson, 2016). As such it offers an example of a set of approaches that can be used to capture and make sense of longitudinal marketplace data to reveal how markets, consumers and brands evolve and change over time. In doing so this research firstly captured data over 3 time points (2007, 2011 and 2014) from a range of UK news sources that reported stories about the UK food marketplace and discount retailers. Five UK national newspapers were selected, including The Daily Mail, The Daily Telegraph, The Guardian, The Mirror and The Sun. These were selected based upon volume of readership amongst the target demographic of ABC1 consumers in the UK (NRS, 2014), as well as to reflect differing ideological and political viewpoints that exist amongst these readers.

A total data set of 998 articles was produced that were thematically analysed using NVivo software to account for changes in story form and content and to identify key patterns relevant to meanings, opinions and consumption of the focus brand and marketplace (e.g. Humphreys 2014; Humphreys & Thompson, 2014). To support this analysis, 10 long interviews (McCracken 1988) were also conducted to capture data that revealed the variety of ways in which consumers who switched to this brand were able to negotiate the range of toxic meanings previously associated with this retailer which in many instances contradicted their class based life projects and identities (Mick & Buhl, 1992), or threatened their self-esteem (Banister & Hogg, 2004). In conclusion we evaluate and discuss both the method and the role that the UK news media and consumers have played in breaking down class based semiotic barriers associated with a discount brand.

9-CD32-1290

THE NEW GLASS CEILING: INCARCERATION'S EFFECTS ON LIFETIME WAGE GROWTH

Prof. Daniel K.N. Johnson[9]

The United States incarcerates its citizens at rates higher than those of any other developed nation in the world, straining both its budgets and communities. The long-run effects of incarceration have been receiving more attention in the past two decades, but little research addresses incarceration’s effects on earnings trajectory. Using the National

Longitudinal Survey of Youth for 1997, I implement propensity score matching to model the treatment effects of incarceration on wage growth rates, controlling for individual characteristics that influence labor market outcomes.

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[8] Dr. Craig Hirst, Senior Lecturer, Sheffield Hallam University.
[9] Prof. Daniel K.N. Johnson, Professor, Colorado College.

10-CD17-1278

LIKE A WITHERED TREE STRIPPED OF ITS BRANCHES: WHAT THE ROE COURT MISSED AND WHY IT MATTERS.

Prof. Shoshanna Ehrlich[10]

In its landmark Roe v. Wade decision, the United States Supreme Court examined the critical role that the medical profession played in the enactment of the nation's criminal abortion laws during the later half of the nineteenth-century. Its discussion of this history leaves the reader with the distinct impression that the these laws were enacted with the singular aim of protecting the life of the unborn.

However, as discussed in this paper, the Court's reading of the historical record fails to tell the whole story behind the physicians' antiabortion activism as it elides the interwoven gendered and racial tropes that they regularly invoked in support of their goal of making abortion a strict statutory crime. Critically in this regard, not even a careful read of the decision offers a hint that in opposing abortion, they seeking to manage the reproductive conduct of the married middle-class woman in order to preserve both the gendered domestic order and the racial character of the nation.

At first glance, this omission may not seem particularly significant. After all, the abortion battle has largely been waged over the legal and moral status of the fetus. However, over the past few decades, this claim has been augmented, if not supplanted, by the increasingly widespread assertion that abortion should be restricted because it is "inherently harmful" to women – a claim that was embraced by the Court in its 2007 decision in Gonzales v. Carhart as justification for upholding the federal "partial-birth" abortion ban.

While it would certainly be too much to argue that a fuller exposition of this history would have somehow prevented the emergence of the "pro-woman" antiabortion position, as I argue in this paper, it is nonetheless highly likely that had the Roe Court exposed the gendered origins of our criminal abortion laws, the deep paternalism of the contemporary woman-protective approach would have attracted more critical attention prior to the Gonzales decision.

In turn, this heightened awareness of the long-standing connection between the regulation of abortion and efforts to control women's reproductive bodies may well have opened up a space within which a fourth Justice (most likely Justice Kennedy) would have been persuaded to join Ginsberg's dissent in which she lashes out at the majority's invocation of regret as an "antiabortion shibboleth" that reflects "ancient notions about women's place in the family and under the Constitution – ideas that have long been discredited."

12-CD12-1292

INDIAN CULTURAL DIVERSITY AND LAW; DESIRABILITY AND FEASIBILITY OF HARMONISATION

Prof. Poonam Saxena[11]

India is the largest democracy in the world; has 29 states, seven union territories , displaying extensive religious, linguistic, ethnic diversity, amply reflected in the inhabitant's cuisine, attire, customs, traditions, festivals, dance, songs, marital and religious celebrations. With five predominant religions viz, the Hindus including Buddhists, Sikhs, Jains, sharply divided along caste lines, Sunni and Shia Muslims, Roman Catholics, Protestants, Malankara, Knanyaya, Syrian and Latin Catholics Christians, Parsis (Zoroastrians) and Jews, numerous communities/ sub communities, a sizeable populations of tribals with judicially enforceable unique customs and traditions; 18 major spoken languages and around 1600 regional dialects, it is indeed an interesting scenario. The Constitution of India, is the fundamental law of the land and ensures to all its citizens a freedom to practice and profess their religion. Amongst this maze of religious and cultural diversity also exists regional

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diversity such as in the states of Jammu and Kashmir, Goa, Daman and Diu and the territory of Pondicherry , having different family laws based on their culture. The legal system permits co-existence of diverse Family laws, that are treated as part and parcel of the culture and religion of Indians. The pluralistic judicial culture, extends from normal civil courts, family courts, Sharia court, Parsi Panchayat, Gram Nyaylaya to the traditional Panchayats in villages. The cultural diversity is further supplemented with inter religious marriages and blending/conflict of two or more cultural practices.

Two recent cases adjudicated by the Gujarat and Kerala High courts respectively may serve as illustrations of cross cultural legal conflicts.

1. An Indian girl professing Zoroastrian faith marries a Hindu man, under the civil law. Verdict: Her marriage outside her community would result in her automatic expulsion from her religion. She would be denied entry into religious places permitting only Zoroastrians to pray. A deemed conversion of hers into Hindu faith, the religion of her husband would follow.

2. A 24 years old Hindu girl from Kerala, marries a Muslim boy and converts to Muslim religion. The court declares her marriage void upon the application of her parents. Prevented from joining her husband, she is held a prisoner in her parental home against her wishes.

Both cases are presently before the Supreme court of India.

In addition, due to religious based application of multiple family laws, feigned conversion is often attempted to dodge penalties under one law and take convenient advantage of a different law.

It is no wonder therefore that campaigners of uniformity/ "one nation one law" theory advocate the enactment of a uniform civil code as a solution to varied conflicts. However, the co-existence and celebration of extensive diversity, in the modern civilised world is imperative. The paper seeks to analyse the presence of extensive multiple and diverse cultures in India with its unique challenges and issues that the nation is presently accosted with, along with desirability of concrete and substantive harmonisation feasibility of these pluralistic cultures.

11-CD34-1299

HOW GOVERNANCE MEDIATED BY CORPORATE SOCIAL RESPONSIBILITY STRATEGICALLY ENHANCES OUTCOMES FOR FIRMS AND PROJECTS

Dr. Juliette Brathwaite[12]

The downfall of some firms and collapse of certain projects recently, generates issues that require greater progress in alleviating related problems. Linked to these issues, is a problematic matter that is under-researched and needs further understanding. The problem involves how to realize better governance of firms and projects, and advance execution of strategy benefitting from project management maturity, so as to significantly add value and sustain desirable results. Stakeholders in policymaking, management, operations or research are expected to find this research important, for it also involves development of a model that suggests improving corporate social responsibility (CSR) as a way to enhance governance relationship with performance to result in improved outcomes incorporating value advantages, growth and sustainability. This paper involves review of literature and experiences combined in elements ascertaining the research gaps informing the new model and propositions, basis for examination of issues and seeking to enhance theory and practice. It draws on findings of how governance involves principles and processes that determine how firms and their units interrelate as authority is exercised and complied with (Rosenau, 2002). It involves ways of strategically integrating governance and CSR (Vives and Peinado-Vara, 2004), so managers in firms implementing projects can seek to avoid activities causing damage to stakeholders and increase likelihood of them being beneficial. Findings are also that models surrounding governance can focus more on effectively improving interactions, and maturity levels in project management. It is necessary to formulate models better applicable to underexplored or emerging market context, to avoid jeopardizing results or eroding the sustainability of outcomes. In focusing on requirements and interactions, it shows necessity for integration of best practices towards effective governance and attainments. However, it heeds necessary divergence, where specific practice further

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beneficially enhances responsibility and management being more efficient, while effectively intertwined with strategy and the effects of good governance. The review of literature guides this research to engage the theoretical perspectives of institutional and stakeholder theories, appropriate as combined they allow more critical examination of governance of firms and their projects while focusing on improved coordination of strategic processes and practices for more sustainable outcomes. Qualitative research and constructionist approach with thematic analysis is to enhance empirical examination and future study, given limitations of the current research.

Keywords: Governance, Corporate Social Responsibility, Project Management, Integration, Outcomes

13-CD31-1276

THE GEOPOLITIC OF CLIMATE CHANGE : BETWEEN ECODIPLOMACY OUTBIDING AND WARNING SIGNAL

Mr. Simeon Roland Ekodo Mveng[13]

As a planetary challenge of survival and sustainable development, the question of the climate change in particular, and protection of nature in general, does not raise any more of the field of the bastard subjects or the political objects scientifically badly identified. On the grounds of what profiting in addition as of ecological effects empirical a diplomatic day before and a media bombardment internationally resounding. So a priori, and according to any logic, a unanimity should build on the safeguard of an international Public property or a common heritage of humanity has been from now on environment, the sudden birth of some climato-skepticals including at the White House of the United States, comes to question again fresh, not only the credibility of the information provided by the IPCC for several years, but also logics latent and the unavowed geopolitical interests which would then control ecodiplomacy of the conferences of parties on the climate, and in particular the protocol of Kyoto on the fight against pollution for a continent like Africa. In the current projection of the countries of the south in the process of emergence, can the sacrifice of an industrialization program by the use of polluting fuels be compensated by simple ecological bonuses and renewable energies? Is the ecological transition a trap to cons or compelling way? Otherwise how should it be conducted? In such a debate, the researcher in social science should build his reasoning after a serious confrontation of the theories naturalists and approaches constructivists of the climate changes so to deduce from it on urgency of a green international public policy or on trickery of a debate from prestige.

14-CD28-1297

WHITE HAWTHORNE V. REP. OF ARGENTINA: IS IT TIME TO RECOGNISE A GOOD FAITH DUTY TO NEGOTIATE?

Ms. Chizoba Obi[14] ; and Dr. Dania Thomas, Lecturer in Business Law (Economics)

The recent decision of a New York court in White Hawthorne v. The Republic of Argentina (2016) (Hawthorne) confined the novel interpretation of the pari passu clause to the bad conduct of a recalcitrant debtor (Argentina). The court found that since this conduct has been cured, the plaintiffs (holdout creditors) would be denied the use of this interpretation. This decision revives a discussion of good faith duties in the determination of a contractual dispute. In doing so, Hawthorne establishes common ground with a long line of case-law in several jurisdictions, legislation in the UK and Belgium that have sought to enforce a good faith norm to sustain post-default negotiations. On close examination of sovereign debt litigation over 30 years, this paper delineates judicial attempts to enforce a debtor duty to negotiate eventually culminating in Hawthorne.

This paper takes an historical overview to trace the evolution of this duty in US law. This paper shows that this good faith norm has evolved in tandem with the entrenchment of creditor property protections in sovereign debt litigation. Taking a cue from early equity receiverships before the promulgation of bankruptcy legislation in the US, where there was a

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distinguishable but clear duty to negotiate this paper delineates a similar move in the US courts following the securitization of bond markets in the 1980s.

15-CD21A-1294

EUROPEAN CENTRAL BANK (ECB) AND THE FEDERAL RESERVE SYSTEM (FED) ECONOMIC PERFORMANCE, GOALS AND OBJECTIVES

Dr. Pellegrino Manfra[15]

This article examines the world's two most prominent central banks— European Central Bank (ECB) and the Federal Reserve System (FED) and their recent monetary policy to solve the high unemployment rate in the European Monetary Union and the US. The FED is on contractionary monetary policy whereas the ECB is on expansionary path. In this article the performance of the European Monetary Union and the United States economy will be examined: the unemployment rate, inflation rate, growth rate and the exchange rate between the euro and dollar and its impact on exports.

The policies of the FED have been successful. Unemployment in the US has declined from 10.7% in 2008 to about 4.5% in Jannuary 2017 where more than 15 million jobs have been created. On the other hand the ECB has no mandate to solve unemployment. The average unemployment rate in the European Monetary Union at the height of the crisis was lower than the US but by 2013 – reached record high- to 11.8%. Today decline to 10.2% .

The primary goal of the ECB as set forth by the Maastricht Treaty is to "maintain price stability"(Article 105.1). The treaty further instructs the Eurosystem to "support the general economic policies" (Article 105.1) in the euro area without prejudice to the goal of price stability. Thus, the treaty makes it clear that any other objectives are secondary to that of price stability.

The FED on the other hand has three policy goals: "maximum employment, stable prices and moderate long-term interest rates" Unlike the Eurosystem's mandate, price stability is not given a higher priority than the other goals. Clearly, the policymakers of the FED must assign at least an implicit ranking to these goals; in the long-run all three goals are compatible.

Confronting the recent high unemployment, the FED announced a fourth round of "quantitative easing," or QE4, to stimulate the economy. The FED has stopped with purchase mortgage back securities but the ECB has started and has increased from 60 billion Euro to 80 billion. On July 26, 2012, Mario Draghi, President of the ECB, pledged "The ECB is ready to do whatever it takes to preserve the euro," The ECB has been purchasing short-term Italian, Spanish and other countries bonds without any limit. Thus the ECB can substantially reduce the interest rate on the sovereign debt of those countries, helping them to grow but remove the discipline that the bond market has had on their fiscal actions. But unemployment in these two countries has remained high. Greece is 24%, Spain has reached more than 20% and Italy in particularly has increased their unemployment from about 8% to about 10.8 %.

In the paper, I will argue that both central banks have embarked on a strategy unprecedented in history with some risks. The policies of the FED have been somewhat successful. Unemployment in the US has declined. On the other hand the ECB has no mandate to solve unemployment. With the average unemployment rate in the EMU reached a record high with 10.2%. ECB should consider a policy for unemployment.

16-CD06-1231

ISLAMIC LAW PERSPECTIVE ON THE PROTECTION OF SPECIFIC SEXUAL AND REPRODUCTIVE HEALTH RIGHTS OF WOMEN

Dr. Rofiah Ololade Sarumi[16]

Sexual and Reproductive Health rights (SRHR) represent a group of rights and freedoms which are necessary for the protection of general well-being of all persons. The protection of these rights and freedoms are associated with the sexuality

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[16] Dr. Rofiah Ololade Sarumi, Post-Doctoral Fellow, University of KwaZulu-Natal.

and reproduction of all persons and they are an essential component of the right to health. International Planned Parenthood Federation (IPPF) Charter on SRHR (1996) recognizes that these rights are necessary for every person to be able to enjoy a safe and mutually satisfying relationship which is 'free from coercion or violence and without fear of infection or pregnancy, and that they are able to regulate their fertility without adverse or dangerous consequences.' Islam recognises the need for the protection of the rights of all creatures of God. Islam further guarantees certain rights for all human beings and the rights of women are expressly protected in the Quran. The Quran and Sunnah, which are the main sources of Islamic law consider the protection of the SRHR of women with importance and set out the standards upon which these rights are guaranteed. This paper employs a human rights approach to discuss the Islamic perspective on the protection of a number of gender related rights. It presents the Islamic perspective on the protection of the SRHR of women and examines the concept of female sexuality in Islam.

17-CD02-1198

REGIME UNDER TRIPS AGREEMENT 1994 AND ITS IMPACTS ON HEALTH IN PAKISTAN: A CASE STUDY OF PHARMACEUTICAL INDUSTRY

Mr. Muhammad Danyal Khan[17]; and Rais Nouman Ahmad

The standards of Patentability are drawing a great effect upon medicine industry of Pakistan which is indirectly troubling the right to health of ordinary citizen. Now, after inception of TRIPs Agreement 1994, it is great dare for the state to correspond its guarantee of medical aid under Principles of Public Policy in accordance with the aspirations of Constitution of Islamic Republic of Pakistan 1973. Pakistan has enacted Patent Ordinance 2000 to develop the standards of Patent laws in consonance with international commitments. Moreover, Pakistan is signatory to UN Millennium Development Goals (2000-2015) and three of them directly put stress upon the health standards. Now, this article will give a brief about implications of TRIPs agreement on standards of health in Pakistan and will also propose a futuristic approach for the pharmaceutical industry.

Keyword: TRIPs Agreement 1994, Priciples of Public Policy, medical relief, Patent Ordinance 2000, Millennium Development Goals

18-CD04-1249

DIGITAL DIVIDE IN SAARC: LEGAL EFFECT IN PLANNING AND IMPLEMENTATION OF ESL EDUCATION

Ms. Areeba Shabbir[18]

The concept of digital divide in south Asian countries have been depicted in terms of cultural ethics and ideologies, public and private schools, religious institutions, and geographic range with which qualities or credits, interfaces on how and to what elements are perceived and race adopted to portray the division. One of the pervading issues is despite of various schemes and policies introduced by government heads, digital education has become insignificant in most of the south Asian countries. A large gap in south Asian countries have been observed in terms of access to technology between schools where English is used as a second language and have majority of socio economic students who are provided with internet, computer and smart classroom facility, and schools with a minority of lower socio economic students who are kept far from English language and have no access to Computer Assisted Instruction. It is important to find out whether the funds expended on Information and computational technology worth the improvement in ESL learning when compared to costs of other types of instructional conveyance.The research design consists of qualitative as well as quantitative research techniques. A set of questionnaire was prepared to investigate for Qualitative information about the infrastructure and support available, technology based software and material used, obstacles to the use of Computer Assisted language Learning, skills, attitudes and some personal background information. It was observed that many of the government schools with higher number of poor students are less likely to have access to computer laboratory facilities than private schools. In addition to this, many

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[18] Ms. Areeba Shabbir, Ph.D. Student, Aligarh Muslim University.

of the rural schools often have lower budgets for language laboratory equipment and supplies than other schools. For quantitative research, a comparative study between schools was conducted to examine the cognitive differences between the students of government and private schools. The results of t- test showed that students with poor access to technology performed less in English achievement test as compared to people who have access to technology. A major issue in facilities and planning and management is the establishment of instructional applications. Educational policies, unfortunately are not highly sensitive to the issues as they plan for and implement technology in their institutions. Therefore, administrators, syllabus and material designers, assessment and evaluation system of English Language education must be cognizant of gender and digital divide issues relating to minority, ethnic, and socioeconomic factors in their school districts that may lead to better learning and produce effective outcome.

Key Words: Digital Divide, Digital Technology, Information and Communication Technology, English as Second Language

19-CD30-1202

HOW ORGANISATIONAL CULTURE AND GOVERNANCE WITHIN AUSTRALIA'S DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION (DIBP) AFFECTS COMPLIANCE WITH THE REFUGEE CONVENTION:CASE STUDY OF SRI LANKA

Mr. Kamal K K Hewawasam Revulge[19]

This is a study which aims to gain insight into the complexity and realities of the current asylum and refugee decision-making process of the Australia's Department of Immigration and Border Protection (DIBP). The researcher primarily argues that if Australia claims it supports and protects asylum seekers and refuges and respects human rights, Australia should do so consistently with international human rights standards. However, it is pointed out in the literature that the DIBP has issues within its organisational culture (OC); these, the researcher suggests, may impact upon its procedural fairness (PF) and decision-making of the DIBP. The researcher therefore seeks to gain insight into the role of DIBP visa officials as front-line decision-makers and their perceptions, focusing attention to DIBP OC in affording PF to asylum seeker and refugee applicants.

Accordingly, the basis for various design and methodological issues have been targeted selectively to explore the above legal and social aspects which are embodied in the research question. Hence, this study takes a socio-legal approach that is informed by insights of the refugee/asylum seeker determination process of the DIBP, in favouring the exposure of tensions and inconsistencies; in emphasising the complexity; and in adopting an exploratory and analytical mode of scholarship.

Consideration has given as to why a qualitative approach is going to be used as appropriate for the research and the choices of methods which include the use of researcher's own experience in the industry as a Migration Lawyer (participant observe). Using this method, the researcher expects to make a methodological contribution to the field. By adopting this qualitative ethnographic approach through own migration experience, this study captures the complexities involved in OC influence in migration decision-making, links with PF and RC which have not explored in socio-legal studies in the past relating to the Australian Migration industry. The researcher will reflect on the research process to explore the benefits and challenges derived by being an 'insider' in researching vulnerable groups.

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20-CD05-1232

INTERNATIONAL STUDENT MOBILITY AND MIGRATION INTENTIONS: CASE STUDY OF SRI LANKAN POST WAR YOUTHS

Mr. Pingama Mudiyanselage Anuradha Niroshan Pingama[20]

This is a paper to understand the phenomena of international student mobility and youth migration of Sri Lanka. The study reviews literature on migration and research on respondents. Many Sri Lankan governmental and non-governmental institutions has taken many steps in order to create a better future for youth. This includes provision of education, skill development, social inclusion, social equality and overall framework of development to shape the future of youth. But there is a significant segment of the youth population who are not satisfied and certain about the available opportunities and choices within Sri Lanka and who are not convinced about a better and safer society for their future after completion of their education. In this research, the migration drivers and tendencies are examined and researched both from a theoretical and empirical point of view with a special importance to perspectives and causes for migration of youths of Sri Lanka under the concept of International Student Mobility within contemporary economic, social, political and cultural backgrounds. Many international migration theories have been proposed to assess the determinants or explain the underlying phenomenon of international migration. However, international migration is a complex issue with multiple facets. One single theory may only explain a particular aspect of international migration. It can be realized that migration concept has changed over the time. This study indicates that most of youth migrate to different countries due to the uncertainty placed upon their future and how internationalization and globalization causes such phenomena. Sri Lankan youth tends to perceive their status of being an international student become the gateway for their future migration efforts. This study makes major contributions to the existing practice and theory in International Migration of Youth Population of Sri Lanka. The paper ends with recommendations on future research on understanding migration of youth.

Key words: International Student Mobility, Migration, Perceptions, Development, Globalization

21-CD03-1240

CANNABIS FROM THE USERS' POINT OF VIEW IN TURKEY

Ms. Ruken Macit[21]

ABSTRACT

Cannabis is the most common and the most used drug substance in Turkey and in the world. In general, cannabis is not considered as much as other narcotics even regarded as harmless due to its vegetative nature. However, cannabis is dangerous enough that it can't be ignored because it acts as a first step in the transition to the use of other narcotics and creates damage to brain functions. In this research, in-depth interviews were conducted with 20 cannabis users living in Istanbul, Mersin and Diyarbakır in Turkey. In this context, issues such as how cannabis users experience cannabis for the first time, the opinions about cannabis, the reasons for using drugs and how they deal with the fact that they are contrary to social rules by using cannabis in such a conservative country like Turkey, are discussed. The findings are interpreted with Akers' Social Learning Theory. Understanding how cannabis users are starting to use cannabis and in-depth analysis of this process provides important information on drug use. This information is thought to be effective in fighting drug abuse.

Keywords: Cannabis, Cannabis users, Social Learning Theory.

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22-CD27-1217

COLLECTIVE BARGAINING DURING ECONOMIC TRANSFORMATION NECESSITATED BY RECESSION: THE SOUTH AFRICAN PERSPECTIVE

Dr. Madumetja Kate Malepe[22]

The basis of the employment relationship between the employer and the employee is an individual contract. This contract sets out terms and conditions of employment which are standardized at the initial stage of the employment relationship. While the true nature of such relationship is derived from the individual contract, regulatory framework allows the parties to a contract to join trade unions and employer's organization. The process of collective bargain is the brainchild of this unionized relationship. Its main purpose is to improve the standardised terms and conditions as initiated by the employer. One of the terms of such individual contracts is wages. Usually the employer and employees through their labour organisations would agree on the period within which to negotiate better wages and this is irrespective of whether such period is economically viable or not, because such, may not be predictable at that time. It is in light of this congruence between collective bargaining and recession that this article seeks to investigate the influence recession may have on collective bargaining. The interplay between the regulatory framework on collective bargaining and economic transformation prompted by recession is a guiding process for this article to help the parties to arrive at a meaningful solution.

23-CD10-1254

BANKS' COMMUNITY REINVESTMENT OBLIGATION IN SOUTH AFRICA: A DEFERRED OR FORGOTTEN POLICY OBJECTIVE?

Mr. Maphuti Tuba[23]

One of the cornerstone of a United Nations' Sustainable Development Goal is to ensure that all men and women, and particularly the poor and the vulnerable, have equal access to economic resource, as well as access to basic services; including financial services. The transformation of financial sector has also become one of the important policy objective in the emancipation of South Africa from its historical past to a democratic constitutional state where everyone have access to basic services. In the context of financial services, a Community Reinvestement Bill was introduced in 2000 in order to address what was perceived as banks' reluctance to 'come to the party' in providing affordable credits, particularly to the majority of poor South Africans. This bill was model on Community Reinvestment Act 1977 of the Unted States of America (USA). However, this proposed bill never finds its way into statute books. The question is whether the policy objective that this piece of legislation was destined to address has been forgotten or simply deferred. In particular, this question asks whether the majority of the poor who lacked access to basic financial services in South Africa under the pre-constitutional order are effectively provided with access to basic financial services under the current policy and the legal framework, in the absence of community reinvestment legislation. It is the purpose of this research to critically analyse the South African government's approach to ensuring access to basic financial services offered by banks and to question the reasons why the community reinvestment legislation has not find its way into statute book, notwithstanding the existing challenges of access to basic financial services. The analysis will also look at similar legislative measures in the USA, in particular the Community Reinvestment Act 1977.

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24-CD35-1285

SILENCING THE MEN: GENDER RELATIONS AND HUMAN RIGHTS DISCOURSE

Dr. Mediatrice Kagaba[24]

There is long tradition of critique of the human rights concept and the political and social practices based on it. It can a) be found in critical discussions of the rights discourse in general under the headline of juridification of politics (Glendon) and marginalization of politics and political logic in the shadow of legal logic. It can also be found b) in the more specific discourse that reflects the individualistic approach of human rights as individual rights as opposed to communitarian approaches of conflict management in Western societies. The 80s called this the communitarian-liberal-debate with deep roots in the history of ideas and long controversies about the importance of context and culture. It can reappear in a third fashion c) as a critique of the Western roots and cultural background of human rights in a post-colonial kind of context. In this reading, human rights are based in Western culture and are imposed on countries that do not come out of the same cultural context. This is in many times linked to d) a critique of colonialism and Western exploitation of African slave labour or resources in a more recent context, where obviously human rights play no significant role.

Based on these assumptions this paper to the conference wants to discuss these general conflicts based on research which was done in rural Rwanda to understand the tensions of gender relations and development. This article analyses how men and women in rural Rwanda perceive, experience and interpret the country's gender equality agenda. It also shows how they try to negotiate gender practices and relationships when such an agenda is implemented. Building on 32 group interviews with men and women in Kamonyi District, the narratives reveal that when gender laws and policies are implemented, both men and women experience gender equality dilemmas, worries and fears. The findings show that some men do not engage much in discussion with their wives out of concern to preserve their traditional and cultural social respect and self-esteem. As for women, if they try to initiate discussions and sometimes challenge their husband's ideas, the latter may interpret this behaviour as a sign of disrespect, which goes against Rwanda's cultural gender norms. The study found that some men are confronted with a feeling of loss of household authority, loss of self-respect and esteem as well as a feeling of betrayal by the government. As for the women, they feel torn between old and modern practices. In order to deal with such concerns, men and women adopt a strategy of silence in the household as one of the means to cope with the newly created gender changes.

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