



THE UNIVERSITY
OF THE
WEST INDIES
MONA CAMPUS
JAMAICA, WEST INDIES

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MonaLaw Report

Opinio Juris

Dean's Message



I am pleased to introduce you to this our second edition of the MONALAW Report, which highlights the excellent work and achievements by our colleagues and students throughout the 2013-14 Academic Year.

It was an eventful year for MONALAW. We successfully hosted four Public Lectures/Seminars, three Public Forums, the MONALAW Series, the inaugural UWI Research Days Annual Mooting Competition, and the WIPO-Jamaica Summer School on Intellectual Property Law 2014, the first of its kind in the region. Other notable activities included the Official Launch of the MONALAW Professional Internship Programme, and the Official Launch of the book, *Commonwealth Caribbean Employment and Labour Law* authored by Natalie Corthésy and Carla-Anne Harris-Roper. MONALAW participated in a number of international Mooting exercises, namely the Price Media Law Moot Competition (Oxford) in the United Kingdom, and the CCJ Moot Competition in Trinidad.

MONALAW remains committed to continuing the tradition of excellence in legal education, and we have formed significant partnerships with international and local institutions and organizations, such as the World Intellectual Property Organization (WIPO) and the Jamaica Intellectual Property Office (JIPO) which partnered with MONALAW in hosting the WIPO-Jamaica Summer School on Intellectual Property from June 9 – 20, 2014, a precursor to the proposed Faculty of Law LLM in the Creative and Cultural Industries. We were also delighted to have had representatives from the Florida Coastal School of Law, and the University of New Brunswick visit MONALAW to promote academic opportunities abroad by offering student exchange programmes, and also scholarships to pursue programmes at their respective institutions.

Our Faculty's teachers and researchers continue to excel in and outside of the classroom. We are especially pleased with the appointment of Tracy Robinson as Chair of the Inter-American Commission on Human Rights (IACHR) on March 20, 2014. MONALAW scholars continue to publish scholarly articles in regional and international journals.

We hope that as you turn the pages, you will not only learn something of our achievements but that you will also be encouraged to further support MONALAW so that our work and contribution will continue to inspire excellence in our student body and the wider community.

Derrick McKoy

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MONALAW FACULTY



PUBLIC LECTURES, FORUMS AND SEMINARS

MONALAW PUBLIC FORUM ON THE CCJ'S
RULING IN THE SHANIQUE MYRIE V
THE STATE OF BARBADOS

On October 17, 2013, the Faculty of Law hosted a public forum on “*The CCJ’s Ruling in the Shanique Myrie v The State of Barbados*”. The session which was chaired by Tracy Robinson, Senior Lecturer in the Faculty of Law, included a panel of experts, namely: *Ms. Michelle Brown*, Counsel for Shanique Myrie; Pre-eminent international law expert and Deputy Solicitor General, *Dr. Kathy-Ann Brown*; Crown Counsel in the Attorney General’s Department, *Mr. O’Neil Francis* who stood as representative for the Government of Jamaica in the litigation; *Judge Patrick Robinson*, International Criminal Court for the Former Yugoslavia and *Prof. Patsy Lewis*, Senior Fellow, Sir Arthur Lewis Institute of Social and Economic Research.



Tracy Robinson, Senior Lecturer, Faculty of Law.

The panel provided a background to the relevant Community Law and the CCJ’s original jurisdiction highlighting and analysing the key aspects of the ruling. There have been numerous discussions in the Caribbean about the appellate jurisdiction of the CCJ.

One of the more universal jurisdictions of the Court is its original jurisdiction in relation to Caribbean Community Law. This original jurisdiction of the CCJ was not known by many until the newspaper reports emerged on Ms.

Myrie’s deportation in March 2011 and her Counsel indicated that she intended to invoke this jurisdiction.



Michelle Brown, Counsel for Shanique Myrie.

The Shanique Myrie case was a signal violation of the rights of Ms. Myrie to free movement, which declares very narrow exceptions.



Section of the Audience.



The panellists commented on the points on which Ms. Myrie won and the appropriateness of the remedy that was awarded, and also on the points on which she was unsuccessful, such as, discrimination.

The panellists also reviewed the ruling of the Court on its ability to apply and enforce human rights norms, and discussed the adequacy of the award of damages.



Ms Shanique Myrie.

Mr. O’Neil Francis examined the original jurisdiction of the CCJ and the articles of the Revised Treaty of Chaguaramas that are relevant to freedom of movement. He pointed out that a person or private company must have the CCJ’s permission to bring proceedings before it and moreover the CCJ’s original jurisdiction only extends to the application and interpretation of the Treaty, and not human rights generally.

Michelle Brown addressed the key aspects of the ruling, focusing mainly on the points on which



*Members of the Panel pose with Shanique Myrie.
L - R: Tracy Robinson; Michelle Brown;
Prof. Patsy Lewis; Shanique Myrie; O’Neil Francis;
Dr. Kathy-Ann Brown and Judge Patrick Robinson.*

Ms. Myrie succeeded and the ones on which she did not. On the points on which she was unsuccessful, the question was whether the CCJ had jurisdiction over human rights questions under its original jurisdiction, and whether there was enough to support discrimination against Jamaicans.

Judge Patrick Robinson and Dr. Kathy-Ann Brown looked more closely at the provisions of the Revised Treaty of Chaguaramas and the significance of a 2007 Decision of Heads of Government Conference.



Tracy Robinson speaking with Michelle Brown and Shanique Myrie.

They considered the difficult question of the supremacy of Community Law over national law even when the implementing state has failed to introduce domestic legislation to give effect to Treaty obligations.

The enforcement of Community Law in the original jurisdiction, it was noted, took place in an international legal space and not a domestic one.



PUBLIC LECTURES, FORUMS AND SEMINARS

MONALAW ENVIRONMENTAL JUSTICE SEMINAR:
PUBLIC PARTICIPATION AND JUDICIAL
DISCRETION



Panel Members L - R: Ritwick Dutta, the Hon. Hugh Small, the Hon. Justice Bryan Sykes, Carol Excell and Laleta Davis-Mattis.

On February 6, 2014, MONALAW in partnership with the Jamaica Environment Trust (JET) hosted an “***Environmental Justice Seminar: Public Participation and Judicial Discretion***”. Presentations were made by a panel of experts including: the *Hon. Mr. Hugh Small QC*, Jamaican Attorney-at-Law who has extensive experience in environmental law cases; *Mrs. Carol Excell*, Jamaican Attorney now an Associate at the World Resources Institute (WRI) in Washington DC; *Mr. Ritwick Dutta*, Indian Attorney who has extensive practice before the Supreme Court of India in matters relating to access to environmental justice, and the *Hon. Mr. Justice Bryan Sykes* who has been pivotal in the development of environmental jurisprudence in Jamaica, and whose landmark decision in the *Pear Tree Bottom* case, has set the tone for development of environmental jurisprudence not only in Jamaica, but in the Caribbean. The discussion was chaired by *Laleta Davis-Mattis*.

The Panel examined the issue of environmental constitutional rights in Jamaica, and the development of environmental legislation and jurisprudence which is seminal to the nation’s quest for sustainable development.

The *Hon. Justice Sykes* noted that the Government who is charged with the responsibility of the development of the economy through job creation which often translates into use of the land, water and air has implemented licences and permits to regulate the ability for such use. However, he argued, even if there is no

permit or licence required to enter a particular field of economic activity, the activity itself may require permits and licences. For example, one does not need a licence to be an hotelier or garage operator, but building the hotel and operating the garage may require permits.

He pointed out that the government, by an Act of Parliament often times establishes regulators whose decisions can be challenged usually by way of judicial review. Importantly however, he pointed out that the court is usually not concerned with the wisdom of the decision but rather the



The Hon. Mr. Justice Bryan Sykes presenting at the Environmental Justice Seminar.

the steps leading up to the decision.

According to *Carol Excell*, the establishment of the principles of environmental justice followed a pattern identified in the United States which showed that pollution-producing facilities are often sited in poor communities of color who lacked a voice in zoning considerations.



Carol Excell speaking at the Environmental Justice Seminar while Justice Sykes and Laleta Davis-Mattis looks on.

She defined environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, enforcement of environmental laws, regulations, and policies.

“No group of people, including racial, ethnic, or socio-economic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations; or the execution of federal, local, and tribal programs and policies”.

She further noted that there were some hard questions to be answered such as:

- Does pollution follow the poor?
- Are some communities more vulnerable to the impacts of flooding or climate change than others?
- Do powerful voices dominate environmental decisions to the exclusion of others?

Ms. Excell argued that in the case of Jamaica, the following questions must be asked:

- Are there environmental justice communities in Jamaica, and do they know they have a right to information?
- Are communities located near to polluting facilities or waste dumps (hazardous etc.) specially consulted and included in relevant decision making processes?
- Is there legal aid for environmental cases? Or specialized courts or tribunals to hear cases, is there access to technical expertise?
- Does the court system provide effective access to justice and appropriate remedies?



An attendee addresses a question to the Panel.



Ritwick Dutta, who is noted as a ‘perennial nuisance in India for obstructing, slowing down and litigating against the industrialization of his country’, addressed the challenges faced in India in protecting and preserving the environment.



Ritwick Dutta speaking at the Environmental Justice Seminar.

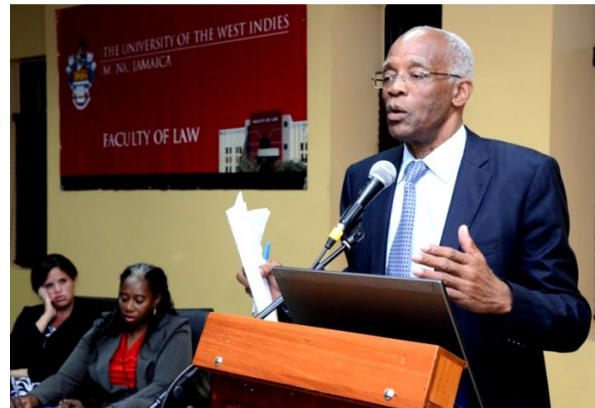
He also spoke briefly about the numerous measures that have been undertaken by his group, Lawyers Initiative for Forest Environment (LIFE) to support grassroots groups across India by helping them to bring environmental cases to Court.

He noted that NGOs can make a significant impact in lobbying against environmental indiscretions and injustices, and suggested that such groups in Jamaica should continue to be aggressive and assertive in their fight to save the earth from mindless destruction.



*Laleta Davis-Mattis speaks with representatives from the Jamaica Environment Trust (JET).
L-R: Diana McCauley, Danielle Andrade, and Lisa Russell.*

The *Hon. Hugh Small*, a respected luminary in the areas of Dispute Resolution and Environmental Law, briefly discussed the use of Alternative Dispute Resolution (ADR) mechanisms to address breaches of environmental law.



The Hon. Hugh Small making a presentation at the Environmental Justice Seminar.

Notwithstanding, there are some instances where ADR is adequate to resolve an environmental dispute matter, and in such cases, it is recommended that the case be brought before a Judge.

In sum, the panellists echoed a universal sentiment which can be summed up in a quote by Dr. Wangari Maathai, Nobel Peace Prize Laureate (1940-2011) who said, ***“Those of us who understand the complex concept of the environment have the burden to act. We must not tire. We must not give up. We must persist”.***



L-R: Ritwick Dutta; the Hon Hugh Small; SCarol Excell; the Hon. Justice Bryan Sykes and Laleta Davis-Mattis.



PUBLIC LECTURES, FORUMS AND SEMINARS

AMBASSADOR RUDY INSANALLY: “The Role of Small Island States in the International Community”



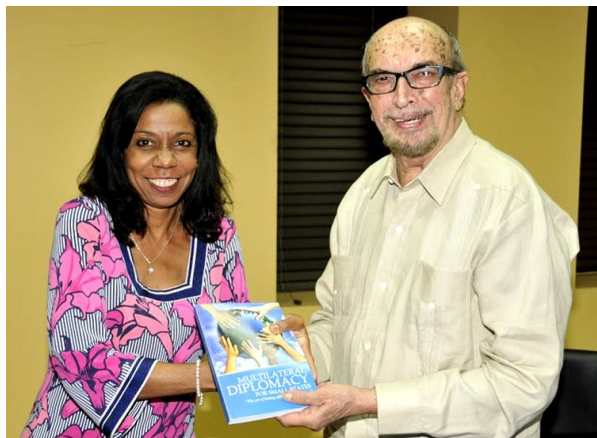
On February 18, 2014, *Ambassador Rudy Insanally*, gave a lecture at the Faculty of Law, entitled, “***The Role of Small States in the International Community***’.

In his lecture, *Ambassador Insanally* noted that the role of Small States in international affairs is understandably constrained, and only by coming together in unity and solidarity, can small states exercise their “soft power”, through the power of their ideas.

Small states, he pointed out, have made important contributions to the international community and the evolution of international law, and can continue to make significant contributions to world peace, security and development.

Ambassador Rudy Insanally is a career diplomat who was appointed Guyana's Permanent Representative to the United Nations in 1987. In 1993, he was elected President of the forty-eighth Session of the United Nations General Assembly, and during that period served as Chairman of the Working Group on the Reform of the Security Council. *Insanally* also served as Chairman of the Group of 77.

Ambassador *Insanally* was Minister of Foreign Affairs of Guyana from 2001 to 2008. Prior to his diplomatic career, he taught French and Spanish in Jamaica at Kingston College and Jamaica College, as well as at Queen's College, Guyana and the University of Guyana. He is the author of the book ***Multilateral Diplomacy for Small States***, published in 2012.



Ambassador Insanally presenting a copy of his book to *Suzanne Ffolkes-Goldson*, Deputy Dean, Graduate Studies & External Affairs, Faculty of Law, UWI Mona Campus.



Ambassador Insanally and *Prof. the Hon. Oswald Harding*, CD, QC, OJ.



PUBLIC LECTURES, FORUMS AND SEMINARS
MONALAW INAUGURAL
INTELLECTUAL PROPERTY FORUM



Left Photo: Dr. Derrick McKoy, Dean, Faculty of Law welcomes The Hon. Mr. Anthony Hylton, Minister of Industry, Investment and Commerce while Deputy Dean, Mrs. Suzanne Ffolkes-Goldson looks on.
Right Photo: The Hon. Mr. Anthony Hylton, speaking at the MonaLaw IP Forum.

The University of the West Indies, MonaLaw in collaboration with the Jamaican Copyright Licensing Agency (JAMCOPY), the Jamaica Anti-Piracy Alliance (JAPA), and endorsed by the Jamaica Intellectual Property Office (JIPO) hosted its inaugural MonaLaw Intellectual Property Forum on February 25 and 26, 2014, under the broad topic: “**Challenges Facing Copy-right Based Industries in Jamaica**”, at the Faculty of Law, UWI Mona Campus.

The Forum was endorsed by the Ministry of Tourism and Entertainment as an official Reggae Month activity and was included on their calendar of events for the **Reggae Month: Its Kingston for February**

The Honourable Mr. Anthony Hylton, Minister of Industry, Investment and Commerce brought greetings at the Opening Session, and commended the Faculty of Law, spearheaded by *Mrs. Natalie Corthésy* for putting together this two-day Forum to help bring awareness to intellectual property rights in Jamaica and the international community.

The Forum was sponsored by the Coffee Traders Limited who provided coffee to our participants on both days of the event, and also Gleaner Online who assisted in promoting the event through their online media.



Dr. Derrick McKoy, Dean, Faculty of Law, UWI Mona speaking at the MonaLaw IP Forum.

We were delighted to host three international IP scholars, namely: **Professor Christophe Geiger**, Director General and Director of the Research Department of the Centre for International Intellectual Property Studies (CEIPI) at the University of Strasbourg; **Mr. Brian O'Donnell**, Director of Business and International Development, and Vice Chairman of the International Federation of Reproduction Rights Organization (IFRRO) Committee for Latin America and Caribbean, Access Copyright Canada; and, **Professor Uma Suthersanen**, Professor in International Intellectual Property Law at the Centre for Commercial Law Studies at Queen Mary, University of London and a Director at the Queen Mary Intellectual Property Research Institute. The local presenters were **Dianne Daley**, Managing Partner at Foga Daley, and **Natalie Corthésy**, Lecturer and Head of the IP Unit in the Faculty of Law at UWI Mona Campus.

The six sessions over the two days analysed various aspects of copyright legislation and implementation. *Prof. Christophe Geiger* examined the enforcement of copyright in an online environment in his presentation; **“Legalize it? Evaluating Copyright Enforcement Strategies and New Approaches in the Online Environment”**.

The presentation assessed various forms of legislation which have been put forward or enacted to strengthen copyright protection on the internet.



Professor Christophe Geiger speaking at the MonaLaw IP Forum.

Prof. Geiger noted that the implementation of certain strategies at the national level, such as the criminalisation of end-users, may not be the most effective response to countering the disrespect for copyright expressed in the online world. He underscored the necessity of new approaches to ensure the functions of the copyright system in protecting creators and encourage creativity.



Members of the panel (L - R): Augustus ‘Gussie’ Clarke, Nicole Foga, Evon Mullings, Marissa Longsworth, Candice Carby and Dr. Beverly Pereira, Moderator.

The activities of the first day culminated with a panel discussion on the **“Challenges Facing Copyright-Based Industries in the Digital Era”**. The panellists included: *Nicole Foga*, Managing Partner at Foga Daley; *Marissa Longsworth*, Copyright and Related Rights Manager at the Jamaica Intellectual Property Office (JIPO); *Evon Mullings*, General Manager of the Jamaica Music Society (JAMMS), *Augustus “Gussie” Clarke*, member of the Jamaica Association of Composers, Authors and Publishers (JACAP), and *Candice Carby*, E-Business

Coordinator, Carlong Publishers Limited. *Dr. Beverley Pereira*, Former Head of the Legal Unit at The UWI Centre, moderated the discussion.



Dr. Beverley Pereira speaking at the MonaLaw IP Forum.

Brian O'Donnell opened Day 2 with his presentation on ***“The Exploitation and Management of Copyright in Book Publishing - The New Digital Paradigm”***.



Mr. Brian O'Donnell speaking at the MonaLaw IP Forum.

Among the issues he discussed were the changes in IP policies in the book publishing industry so as to better represent the digital reality of content distribution in the context of the challenges being faced by traditional copyright structures given the evolution of new digital technologies. In this new digital era, he noted, more than 50% of revenue is derived from electronic delivery of content.



A section of the audience.

His analysis provided an overview of how copyright performs to generate revenue in book publishing.

Natalie Corthésy's comprehensive presentation on the topic, ***“Control, Dignity and Commodification of a Celebrity's Image”*** delved into the complementarity which exists between various areas of law such as trade mark law; common law torts of privacy; defamation; passing off and appropriation of personality, and the protection available for a celebrity's image through copyright protection.

She noted that, trade mark registration of a celebrity's name and other indicia of his personality, blurs the line of demarcation between brand and commodity because the strength of the personality mark is inextricably linked to the vicissitudes of the celebrities' career, personal life and popularity. According to *Mrs. Corthésy*, the hallmark of a strong trade mark is that the reputation for quality of the goods and services associated with it are immutable.

An excellent example she pointed out was the commercial success of track phenomenon Usain Bolt, the world record breaking athlete who was ranked #40 on Forbes Magazine's list of 100 Highest Paid Athletes in June 2013.



Natalie Corthésy speaking at the MonaLaw IP Forum.

Bolt, she noted, successfully secured a contract with sporting giant Puma for US\$9 million per annum, and between June 2012 and June 2013 was estimated to have amassed approximately 24 million dollars in advertising campaigns and endorsement deals.

The lucrative returns on the exploitation of his image are grossly disproportionate to the actual salary he earns as a sprinter which is estimated to be approximately \$200,000.

She further noted that, in addition to his Puma deal, Bolt has commodified his personality by writing a book, founding a charity, opening a restaurant and hosting a blog for fans. He has also registered several trademarks.



Natalie Corthésy speaking at the MonaLaw IP Forum.

Mrs. Corthésy concluded that control, dignity and the commodification of a celebrity's image

necessitates a brand strategy that makes accommodation for the illusory distinction between a celebrity's professional image and his mainstream media persona. Robust legal protection of image rights and IPRs may auger well for commodification but this may also be the death knell of privacy.

Dianne Daley presentation on the topic, “**Trademark Essentials for Copyright-Based Industries**”, assessed the importance of trademark protection for copyright-based industries and the overlap between trademark and copyright protection. She underscored this point by providing examples of how trademarks have been utilised by the entertainment industry in more developed countries. *Ms. Daley* also looked at trademarks in the context of visual arts and literary publishing and suggested that Jamaican copyright-based industries could take greater advantage of the trademark regime.



L-R: Prof. Christophe Geiger, Dianne Daley, Natalie Corthésy and Eugene Ffolkes.

She confirmed that trademark ownership disputes underscore the importance of having agreements that identify the rightful owner. For example, if you are in a group, ensure that you have an agreement on who owns the name and what should happen if the group is disbanded.

Ms. Daley pointed out that trademark rights should be acquired in the early stages for personal names, event names, names of characters, book and film titles, group names and the like, image of the characters etc. She recommended that



individuals should seek legal advice on whether your name or mark would qualify for protection and be acceptable & registrable for the goods and services on which you intend to use it.



Professor Uma Suthersanen speaking at the MonaLaw IP Forum.

Prof. Uma Suthersanen thorough presentation on the topic “**World Copyright Protection**”, explored the worldwide online system through the lens of civil and common law convergences and divergences; philosophical antecedents; and the characteristics of an “intangible digital” product.

She noted that globalisation is a process which leads to the creation and consolidation of an integrated world economy; a single ecological system and a complex communication network which spans the globe.



L-R: Dr. Beverley Pereira, Prof. Uma Suthersanen, Mr Brian O'Donnell, Ms Nicole Foga, Mr Augustus “Gussie” Clarke, Prof. Christophe Geiger, and Mrs Natalie Corthésy.

She then went on to make the point that this phenomenon has rendered the world interdependent, surpassing geographical, social and political boundaries.

Further to that, she pointed out that copyright law has come to the forefront of national and economic development and planning as globalization of trade means that intangible products are now created, traded and consumed in a manner that does not take jurisdictional boundaries into consideration.

She also pointed out that even the very way copyright is conceived has changed over time, where now, individual creators have less and less control over copyright.



THE MONALAW INAUGURAL
INTELLECTUAL PROPERTY FORUM'S
Cocktails on the Roof



The Inaugural MonaLaw Intellectual Property Forum was judged to be a resounding success by attendees and organizers alike. After two days of informative presentations and stimulating discussions, the Forum ended with a cocktail reception on the MonaLaw Roof. Guests enjoyed mouth-watering cocktails while grooving to the sounds of Susan Couch and up and coming local band Black as Cole whose lead singer, Cecile Black is currently reading for a Bachelors of Law Degree at Mona.

We look forward to the second MonaLaw Intellectual Property Forum.



PUBLIC LECTURES, FORUMS AND SEMINARS

JASMINE RAND - THE TRAYVON MARTIN CASE:
A DISCUSSION ON RACE RELATIONS, GUN
VIOLENCE AND HUMAN RIGHTS IN THE UNITED
STATES, AND THE IMPACT OF THE
INTERNATIONAL COMMUNITY
ON THE TRAYVON MARTIN MOVEMENT

On April 4, 2014, **Jasmine Rand**, a Professor of Law and the Civil Rights Attorney who represented the family of black teen Trayvon Martin family, gave a presentation entitled, “***The Trayvon Case: The Race Relations, Gun Violence and Human Rights in the United States, and the Impact of the International Community on the Trayvon Martin Movement***”.



In her presentation, *Ms. Rand* examined the legal implications and analysis of the case including the ‘Stand Your Ground law’, legislative initiatives and reform and the status of race relations and gun violence in the United States.

Ms. Rand noted that while the facts in the Trayvon Martin case were bad, they were not unique in the United States, as she had a case list full of dead young black men whose cases did not get media attention, but whose perpetrators are not immediately arrested for their crimes because the police determine at that point that there was not enough evidence to charge them.

The case of Ernest Hoskins, a 21-year old black man who was killed by his white employer, Christopher Reynolds, because he was not producing enough sales is one such example *Ms. Rand* identified. She noted that, in the Trayvon Martin case, George Zimmerman could have absconded justice because the State Attorney did not plan to prosecute him for shooting the teen to death. *Rand* pointed out that the slogan “I am Trayvon Martin” which was forefront of the fight for justice, was coined by her students during one of her University lectures.

"The 'I am Trayvon Martin' was enough to put pressure on local police to release the 911 audio where we hear Trayvon Martin scream... and I believe he was calling from the grave for justice," *Ms. Rand* said. According to *Rand*, Martin's case is symbolic of the continued problems, which exist in the United States, with racism, which, she maintains, is still rampant decades after the civil rights movement ended segregation.



Jasmine Rand speaking with Laleta Davis-Mattis, University Counsel and Chair of the evening's presentation.



L - R: Nancy Anderson, Prof. Anthony Harriott, Dr. Carolyn Gomez; Jasmine Rand and Laleta Davis-Mattis.

According to *Ms. Rand*, the only reason Zimmerman ever got arrested was because of the involvement of the international community," adding that "with this increasing globalisation it has been recognised that a threat to justice anywhere is a threat to justice everywhere".

The panellists facilitated a riveting discussion on the impact of the Trayvon Martin case in Jamaica, as well as the inequality of justice in similar cases of gun violence that have resulted in breaches of human rights.



Ralston Dickson, MONALAW Graduate and 2nd Year student at the Norman Manley Law School introducing the panel members.

The discussion highlighted the tools that are lacking on an international level to further develop now and alternative forms of advocacy to challenge injustice and create positive social change.

Ms. Rand's presentation also benefitted from the contribution of a panel including *Ms. Nancy Anderson*, Attorney-at-Law and Tutor at the Norman Manley Law School, *the Hon. Dr. Carolyn Gomes*, Executive Director, Caribbean Vulnerable Communities Coalition and *Prof. Anthony Harriott*, Director, Institute for Criminal Justice & Security: Centre Research/ Training.



Rachael Lodge, MonaLaw 2nd Year student presenting a gift to Jasmine Rand..



PUBLIC LECTURES, FORUMS AND SEMINARS
PROFESSOR DEVON CARBADO:
“Acting White? Rethinking Race in
‘Post-Racial’ America”



Professor Devon Carbado speaking at the MonaLaw Presentation on “Acting White? Rethinking Race in ‘Post-Racial’ America.”

On May 1, 2014, **Professor Devon Carbado**, Professor of Law at the UCLA School of Law, gave a lecture on the topic, **“Acting White? Rethinking Race in ‘Post-Racial’ America”**

The topic which is also the title of his recent book addressed the issue of racial discrimination in the United States of America. He argued that despite the vast literature in the United States on racial discrimination and the law, there has been very little effort to articulate a clear conceptualization of race, which he believed has produced a rather narrow conception of what it might mean to discriminate on the basis of race. His argument drew from analogous discourses and legal regimes with respect to gender,

where he offered a model for thinking about race (as a social construction) that functions as a predicate for understanding the different forms discrimination on the basis of race can take. In other words, he was more interested in thinking about how gender jurisprudence might be framed as an anchor for re-conceptualizing race discrimination in a way that parallels how race was the predicate for much of equality law pertaining to gender. This he posited is the direction he took in the book which he is further developing properly in a paper tentatively titled **“Discrimination on the Basis of Racial Orientation.”**

According to *Prof. Carbado*, being an African American in a predominantly white institution is like being an actor on stage who has defined roles and storylines that you are expected to follow and dramas and subplots you should avoid at all cost. He noted that in this predominantly white play, the main characters are white and there are one or two blacks in supporting roles.

The central conflict is to demonstrate that one is black enough from the perspective of the supporting cast and white enough from the perspective of the main characters. The racial performance which he coined as a "double bind" is hard and risky and there is no acting school in which to enrol to rehearse the part. Yet, blacks working in white institutions act out versions of this "double bind" racial performance every day. It is part of a broader phenomenon that he calls ‘Working Identity:’ Working Identity is constituted by a range of racially associated ways of being, including how one dresses, speaks, styles one's hair; one's professional and social affiliations; who one marries or dates; one's politics and views about race; where one lives; and so on and so forth.



“Acting White? Rethinking Race in ‘Post-Racial’



"Prof. Devon Carbado signs a copy of his book for Prof. Verene Shepherd.



"Acting White? Rethinking Race in 'Post-Racial' America.

He noted that the foregoing function as a set of racial criteria people can employ to ascertain not simply whether a person is black in terms of how she looks but whether that person is black in terms of how she is perceived to act. In circumstances such as these, he pointed out that the Working Identity refers both to the perceived choices people make about their self-presentation, and to the perceived identity that emerges from those choices (how black we determine a person to be). *Prof. Carbado* further



Sen. the Hon. Mark Golding and Prof. Devon Carbado

pointed out that there are some employers who want to think of themselves as 'colourblind' which is a very difficult perception to sell when in fact these employers are themselves 'white'. *Prof. Carbado* noted that even in today's modern world, there are still some institutions who refuse to hire African Americans, even though the law expressly prohibits such form of discrimination.

Notwithstanding, he said there are many who are committed to diversity and see it as being good for business. The underlying challenge he noted is that while there are some firms who will hire African Americans, the question really is, how black are they? Are they racially salient as African Americans?

Prof. Verene Shepherd, Director of the Institute for Gender & Development Studies - Regional Unit, and Professor of Social History at the UWI Mona Campus commented on *Prof. Carbado's* presentation and the impact of similar issues faced in our society.



Prof. Verene Shepherd speaking at the Public Lecture.

She addressed the issue of skin-bleaching which has become a way of life now for many Jamaicans who wish to be identified as something other than 'black'. She noted that even though Jamaica is a predominantly black society, there are racial issues that have been entrenched in our social constructs since slavery, and have shaped our way of thinking about ourselves. The kinkiness of one's hair she noted was one of those stereotypes that would be used as a benchmark to determine one's blackness. The presentations were very engaging and were followed by a very riveting discussion from the participants who comprised UWI staff and students, attorneys and human rights activists



PUBLIC LECTURES, FORUMS AND SEMINARS

MONALAW, CaPRI and PSOJ PUBLIC FORUM ON THE INSOLVENCY AND BANKRUPTCY BILL

The Faculty of Law, Mona in partnership with the Caribbean Policy Research Institute (CaPRI) and the Private Sector Organisation of Jamaica (PSOJ) hosted a **Public Forum on the Insolvency and Bankruptcy Bill** on Thursday April 24th, 2014 in the Executive Seminar, Faculty of Law building.

The Forum took the format of a panel discussion, with a panel of experts including: *Dr. Damien King*, Co-Executive Director of CaPRI, and Head, Department of Economics, UWI Mona Campus; *Ms. Hilary Reid*, Attorney-at-Law and Chairman of the Insolvency Committee of the PSOJ; *Mrs. Suzanne Ffolkes-Goldson*, Deputy Dean, Graduate Matters and External Affairs, Faculty of Law, UWI Mona; and *Mr. Wilfred Baghaloo*, Chartered Accountant and Director of the Advisory Services Department, Price Waterhouse Coopers, who all addressed the issues relating to the Insolvency and Bankruptcy Bill that is before Parliament. The forum was chaired by *Dr. Christopher Tufton*, Co-Executive Director, CaPRI.

In attendance were members of the Faculty of Law, students, a number of attorneys and other legal professionals and private sector organizations, as well as members of the wider University community. Special guest of honour was Minister of Industry, Investment and Commerce, *The Hon. Mr. Anthony Hylton*, MP.

The Bankruptcy and Insolvency forum addressed issues in the Jamaica's Bankruptcy Act that in practise seem more designed to punish debtors rather than to rescue and rehabilitate distressed businesses, and also that there are limited provisions in the Companies Act (2004), which may facilitate corporate rescue.

The stated objectives of and reasons for the recently tabled Bankruptcy and Insolvency Bill, 2014 (the Bill), include:

- a) Consolidation of the law relating to bankruptcy, insolvency, receiverships, provisional supervision and winding up;



TOP PHOTO: From L - R: *Dr. Christopher Tufton; Wilfred Baghaloo; Dr. Damien King; Suzanne Ffolkes-Goldson and Hilary Reid.*

CENTRE PHOTO: *Attendees registering for CLPD Accreditation at the MONALAW, CaPRI and PSOJ Public Forum Registration's Desk.*

THIRD PHOTO: *The Hon. Mr. Anthony Hylton speaking at the Forum.*



Senator Imani Duncan-Price

- b) Provision for corporate and individual insolvency;
- c) Provision for the rehabilitation of an insolvent debtor;
- d) Repeal of the Bankruptcy Act; and
- e) Provision for matters connected with, or incidental to the foregoing, including the amendment of the Companies Act.

Ms. Hilary Reid addressed the Policy Objective, Insolvency Practitioners and key terms of the Bill, while *Mr. Baghaloo* explored the current reality and sentiments towards the Bill. *Mr. Baghaloo* also suggested steps Jamaica could take towards resolving issues of insolvency by providing a comparison contrast, case of best practice scenario with the Australian Corporation Act 2011. *Mrs. Ffolkes-Goldson* offered the legal perspective by briefing the audience on “Balancing the Interest of Creditors and Debtors” explaining the effects of bankruptcy and insolvency.

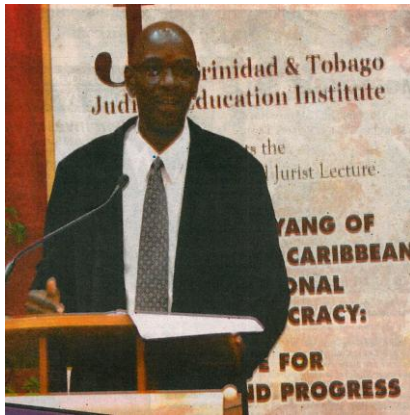
Dr. King reviewed the harshness of the economic climate for businesses in a state of bankruptcy and seeking insolvency. He highlighted that “ten per cent of businesses in a modern economy fail each year and that small businesses that may be failing and give rise to their owners’ individual bankruptcy, or companies that may be on the verge of insolvency and need a second-chance through rehabilitation and rescue, have no recourse”. The speakers all delivered stimulating presentations that captured the attention and participation of the audience.



From L to R: Dr. Christopher Tufton; The Hon. Mr. Anthony Hylton, Minister of Industry, Investment and Commerce; Suzanne Ffolkes-Goldson; Dr. Damien King; Hilary Reid and Wilfred Baghaloo.



PUBLIC LECTURES, FORUMS AND SEMINARS
DR. LEIGHTON JACKSON
“The Ying and Yang of Constitutional Law”
FEATURE ADDRESS AT THE TRINIDAD AND
TOBAGO JUDICIAL EDUCATION INSTITUTE FOURTH
DISTINGUISHED JURIST LECTURE



ON JULY 10, 2014, **Dr. Leighton Jackson**, Deputy Dean, Undergraduate Studies in the Faculty of Law at the UWI Mona Campus, presented the feature address on the topic: ***The Yin and Yang of Commonwealth Caribbean Constitutional Social Democracy: Change for Stability and Progress***, at the Fourth Distinguished Jurist Lecture of the Trinidad and Tobago Judicial Education Institute.

Dr. Jackson began his discourse by confirming that development economics and people-centred polices will only succeed if the citizens of our regional states subjectively experience improvement in their human well-being and are contributors to the effort.

Objective economic and social indices he noted, are the language of economic and international agencies which has become the linguistic accessories of our rulers, and may measure change and indicate progress of a kind but will not ensure stability. Only a subjective assessment by the people whose lives are affected will ensure social and political stability and real progress. He argued that the co-catalyst for all solutions is empowerment at the constitutional level and human rights. According to *Dr. Jackson*, the Yin and Yang, fundamental opposing concepts in Chinese Medicine, signifies the balance of polarities that are relative, which cannot be separated or even spoken of except together but are in constant dialogue to form the whole.

Their interdependence he pointed out ensures that although one may be out of sync, the other moves to compensate. This he noted is a metaphor for our constitutional inclusiveness, not merely on paper or in court action, but in an on-going discourse to and for resolution.

Dr Jackson further argued that leadership bears a critical role in this matrix and is an essential component of realising our human rights and dignity. Leadership of community, whether in the workplace, family, or in political governance, preserves our relationship with each other, and it

is given power not for its own self but for the end of human dignity. The role of leadership he noted is to empower, not to put down. *Dr. Jackson* concluded that ‘good governance’, complements leadership which speaks about respect for all, tolerance of differing views in which getting it right is more important than being right.

A remarkable area of law that has been integral to the common law as any other principle, and in this era of human rights and the constitutional state, is Administrative Law in which good governance is the hallmark.



MONALAW SERIES
MONALAW SERIES LECTURE FOR 2014
“The Vernacularization of Environmental
Rights and Women's Human Rights”

THE FACULTY OF LAW hosted its MonaLaw Series Lecture for 2014 entitled: “*The Vernacularization of Environmental Rights and Women's Human Rights*” on Thursday March 13th, 2014. Presentations were made by one of our newest members, **Dr. Ramona Biholar** who addressed the social and cultural transformation for the implementation and realisation of women's right to be free from gender-based violence, and Visiting **Professor Harold McDougall** from the School of Law at Howard University who explored the implications of the concept looking beyond civil and political rights to social, cultural, and economic rights, as well as the "third generation" of human rights - peace, environmental protection, and sustainable development.



Dr. Ramona G. Biholar a Lecturer in the Faculty of Law specializes in International Human Rights Law, and Law of the European Union.

She spent several research periods at the Institute for Gender and Development Studies (IGDS) in Jamaica where she conducted extensive qualitative data collection in the country which resulted in her recent book, “Transforming Discriminatory Sex Roles and Gender Stereotyping. The implementation of Article 5 (a) CEDAW for the realisation of women’s right to be free from gender-based violence in Jamaica”.

Dr. Biholar’s presentation examined the social and cultural transformation for the implementation and realization of women’s right to be free from gender-based violence. She placed special emphasis on vernacularization techniques which sustain the transformation of sex roles and gender stereotyping (at the root of gender-based violence), and argued that this is a viable strategy for the implementation and realization of women’s human rights as practiced in reality.

In her presentation, *Dr. Biholar* examined the embedded constructions of femininity and masculinity based on ascribed sex roles and consequent gender stereotyping which she noted fostered a vicious cycle of discrimination, often leading to gender-based violence. At the international level, she argued, prevailing gender relations are put under the spotlight in Article 5(a) of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This Article imposes on States parties a universal legal obligation to take measures to modify sex roles and stereotypical social and cultural patterns of conduct in order to eliminate forms and consequences of discrimination, such as gender violence. Thus, Article 5(a) sets an international human rights agenda for social and cultural transformation. She pointed out that the lived realities of women and men in their localities are often disconnected from this international agenda.



Dr. Biholar speaking at the MONALAW Series, while Prof. McDougall looks on.



Professor Harold McDougall responds to an attendee at the MonaLaw Series.

Prof. Harold A. McDougall a Visiting Professor of Law from the School of Law at Howard University in Washington, D.C, spent Semester 1 of the 2013-14 academic year with MonaLaw. He specializes in the areas of urban social and economic development, civil rights, and the workings of state, local, and federal government. Prof. McDougall has written numerous articles, and authored two books: **“Black Baltimore: A New Theory of Community”** and, **“African Civil Rights in the Age of Obama: A History and a Handbook”**.

In his presentation at the MonaLaw Series, he explored the implications of the concept of the Vernacularization of Environmental Rights and Women's Human Rights which he argued, extended beyond civil and political rights. He noted that the concept also outspread to social, cultural and economic rights and further, to the “third generation” of human rights - peace, environmental protection, and sustainable development. The presentation also assessed the role of a newly coined term, “cultural DNA” in the vernacularization process.

She further noted that, in Caribbean case law the entrenched social and cultural beliefs about the construction and reproduction of gender encourage a normalisation of gender-based violence, which makes this type of violence the norm rather than the “aberration” in the region. (*Martinus Franchoise v AG of St. Lucia; Robinson, 2004*).

She proposed that the strategy of vernacularisation of rights, values, ideas used by the relevant stakeholders bridges the gap between women’s human rights as set on the international legal agenda and women’s human rights as lived reality in the particular context of Jamaica. In other words, the vernacularisation strategy enables the practice of human rights in the reality of a particular country context.

According to *Dr. Biholar*, in her explorations she went beyond analysis of norms, jurisprudence and policy to employ qualitative, socio-legal methods, to advance a synergistic model of women’s human rights implementation, which illuminates the range of actors (duty-bearers, both state and civil society, and rights-holders), their complex strategies and the integrated, organic interactions among and between them necessary to bring about socio-cultural transformation and reduce gender-based violence against women in Jamaica.



An attendee poses a question.



Prof. McDougall noted that the international law of Human Rights grew out of former US President Franklin D. Roosevelt's 1941 State of the Union Address, in which he proposed that people everywhere in the world ought to enjoy "Four Freedoms," including freedom of speech, freedom from want, and freedom from fear.

Intervening Cold War tensions segregated these ideas into separate conventions, one promoted by the capitalist West (civil and political rights) and the other promoted by the communist bloc (economic, social and cultural rights). He argued that, with the collapse of communism, the role of the state as anything but a protector of civil and political rights came into question, leaving economic, social and cultural rights in the realm of largely unregulated non-state actors.

Today, the capitalist, neo-liberal ideal of a privatized individual who sees personal success as the source of economic, social and cultural rights dominates human rights discourse. These ideal individuals he posited use insure non-interference with personal striving, not looking for "handouts" of any type. This formulation he argued is very western, and quite European.

As a result, he noted, promoters of "vernacularization" (who wish various peoples and cultures to absorb "universal" human rights norms in their speech and in their daily lives) may wind up imposing essentially Western conceptions of social form and organization upon cultures to whom such forms are alien. True vernacularization must be a cultural exchange, in which Western human rights advocates accept the premise that they may have as much to learn from non - Western and peasant cultures as they have to teach.



Dr. Biholar speaking with an attendee at the MonaLaw Series.



Dean McKoy and The Hon. Mrs. Justice Carol Lawrence-Beswick.



Tracy Robinson speaking at the MonaLaw Series.

Prof. McDougall confirmed that this is especially true of the so-called "third generation" of human rights, rooted in Roosevelt's "freedom from fear." These are collective rights to peace, to a clean and stable environment, and to a sustainable development which equitably distributes development's benefits. Traditional and peasant cultures that value treading lightly on the earth and see quality of life as a collective good contrast sharply with the neo-liberal values of global consumer capitalism, for example, and it is not at all clear that the latter should prevail. The presentations were well received and ignited a very engaging discussion. In attendance were lecturers from across the Mona campus, attorneys, students, judges, and members of the public.



WIPO-JAMAICA SUMMER SCHOOL WIPO-JAMAICA SUMMER SCHOOL ON INTELLECTUAL PROPERTY 2014

On June 9, 2014, The Faculty of Law at the University of the West Indies, Mona Campus, Jamaica, in partnership with the World Intellectual Property Organization (WIPO) and the Jamaica Intellectual Property Office (JIPO) launched the **WIPO - Jamaica Summer School on Intellectual Property**. The summer school lasted for two weeks, ending on June 20, 2014 and made history, as the first of its kind in the region.



*Left Photo: Dean McKoy welcoming Participants at the Opening Session of the WIPO-Jamaica Summer School on Intellectual Property 2014.
Right Photo: Participants at the Opening Session of the WIPO-Jamaica Summer School on Intellectual Property 2014.*

The Summer School programme was conceived when a delegation from WIPO visited Jamaica in 2013 to develop plans for a joint WIPO-LLM in Intellectual Property Law (Creative and Cultural Industries) to be offered by WIPO and UWI, Mona in 2015. The Summer School programme is a precursor to this engagement and we are happy and delighted that the Faculty of Law at the University of the West Indies, Mona was selected as the birthing place for this profitable programme.

The opening session of the Summer School was held on June 9, 2014 where we were joined by *Mrs. Karen Lee Rata*, Head, Academic Institutions and Executive Program, and *Ms. Maria-Stella Ntamark*, representatives from WIPO via Skype who officially introduced the programme and welcomed the Participants and the Presenters to what was to be a milestone for not only UWI and JIPO, but Jamaica and the Caribbean region. *Mrs. Rata* reaffirmed the goal of the Summer School which was to provide an opportunity for graduate, postgraduate students, and young professionals to acquire a deeper knowledge of intellectual property (IP); to gain an appreciation of IP as a tool for economic, social, cultural and technological development; and to understand the role WIPO plays in the global administration of IP.

The participants were also invited to introduce themselves during the opening session and briefly share their reason for participating in the Summer School. The opening session culminated with a Reception sponsored by WIPO where the Participants were able to interact with the presenters, partner agencies and the media, and their fellow colleagues.

**Presenters**

1st Row (L -R): Sanya Goffe; Natalie Corthésy; Nicole Foga; Grace Lindo; Marissa Longsworth;

2nd Row (L - R): Philippa Davies; Marcus Goffe; Dianne Daley; Carol Newman; Jason Wongsam; Lilyclaire Bellamy;

Absent: Prof. Eddy Ventose; and Peter Goldson.

The WIPO summer school truly provided a ‘one-of-a-kind’ experience. The lectures were not only informative but engaging as well, and left all the participants excited about the range of possibilities for intellectual property in Jamaica. Furthermore, the simulation exercises enabled the participants to apply what they were learning to situations they may encounter in the course of their work or furtherance of their studies.

The activities of the Summer School were not only limited to the classroom, but the presentations and simulation exercises were packaged with some additional activities such as field trips, and cultural tours. Some participants visited the Rastafarian Village known as Pinnacle in the cool hills of Sligoville, St. Catherine, while other participants visited the world famous Kingston Dub Club in the hills of St. Andrew, where many local and international reggae artistes would gather on a Sunday evening to ‘lyme’ and showcase their creative and cultural talents.



Left Photo - Prof. Eddy Ventose, Professor of Law | Right Photo - Summer School in session.

These cultural sites are among many of our national heritage that falls within the scope of the creative and cultural industries, where, for the most part, the intellectual property has not been protected, owing to limited knowledge and awareness. It is our hope that the WIPO Jamaica Summer School has contributed to greater recognition of these industries as significant contributors to the cultural heritage and economic development of Jamaica. Participants also had the opportunity of visiting the Jamaica Intellectual Property Office (JIPO) located on the 1st Floor of the JAMPRO Building at 18 Trafalgar Road, in Kingston, on Wednesday June 18.



*Photo Above: Kingston Dub Club;
Photo Top Left: Pinnacle Jamaica in Sligoville, St. Catherine;
Photo Right: Participants being given a guided tour of JIPO Office.*

The Jamaica Intellectual Property Office (JIPO) which was established in January 2001 by virtue of the Jamaica Intellectual Property Office Act, 2001, acquired its status as a statutory body on February 1, 2002, and is an agency of the Ministry of Industry, Investment and Commerce in Jamaica. JIPO hosted us for the day by facilitating our sessions in the JIPO Conference Room. They were also given a guided tour of the organization which allowed them to meet and interact with some of the JIPO staff.

The participants truly enjoyed these experiences and expressed their appreciation to the Faculty of Law and JIPO for making these activities possible. For many of the participants, they began the course with some appreciation for intellectual property, but it is fair to say that they all left enthused about the diversity and applicability of intellectual property in so many aspects of our daily lives. The programme can surely be credited as a success and we look forward to continuing to raise intellectual property awareness in Jamaica and the region.



Participants in a Simulation Exercise.

The Faculty was delighted to partner with WIPO, and JIPO in hosting this Summer School, and we applaud the bold initiative in making the programme a reality.

We acknowledge also the exceptional presenters and administrative team who helped to make this programme a great success, and we hope that this programme will continue in the years to come as this first-run has spurred increased interest among many who wish to participate in the next programme.



Summer School Participants

- 1st Row (L - R): Suzanne Ffolkes-Goldson; Ava-Gail Gardner; Rose Cameron; Danielle Turnquest; Shanique Crooks; Stokeley Marshall; Felicia Gordon; Robin Clarke; Rene Amin;
- 2nd Row (L - R): Myrna Douglas; Ryan Hamilton; Alayna Ricketts; Suzan Campbell; Nicole Gordon; Marshalyne McKoy; Corlane Barclay; Noreen Greenwood;
- 3rd Row (L - R): Kwesi Grant; Troy Folkes; Rachael Lodge; Davion Vassell;
- Absent: Truanna Boodraj; Chantal Bennett; Gillian Mignott; and Jacqueline Thompson.





FACULTY OF LAW RESEARCH

MONALAW RESEARCH

MonaLaw's esteemed scholars continue to produce exceptional research in the areas of Company Law, Employment Law, Intellectual Property Law, Trade and Commercial Law, Climate Change and Environmental Law, Human Rights Law and Constitutional Law, Anti-Corruption Law, and Gender Law.

Many of these researches have resulted in published books and also articles in scholarly journals. MONALAW is delighted to recognize the work completed by some of our Faculty members, namely, *Prof. Gilbert Kodilinye*, *Suzanne Ffolkes-Goldson*, *Natalie Corthésy*, *Dr. Ramona Biholar*, *Dr. Delroy Beckford*, *Dr. Shazeeda Al*, *Laleta Davis-Mattis* and *Tracy Robinson*.

PROFESSOR GILBERT KODILINYE

Prof. Gilbert Kodilinye is the Caribbean's leading law textbook writer. In 2013 he co-authored '**Commonwealth Caribbean Contract Law**' (1st edn) with Maria Kodilinye which covers the principles of contract law from a Caribbean perspective.



The text illustrates how the principles of English Law are applied in a uniquely Caribbean context by reviewing an extensive database of reported and unreported Caribbean judgements and discussing the statutes that have been enacted in various Caribbean jurisdictions, such as legislation pertaining to sale of goods and minors' contracts. The 5th edition of *Kodilinye, Commonwealth Caribbean Tort Law* was published on July 29, 2014.

At The UWI Research Days Awards Ceremony held on February 21, 2014, *Prof. Kodilinye* was nominated for the award of **Best Research Publication** for his outstanding work in the area of Contract Law.

SUZANNE FFOLKES-GOLDSON

The research of *Mrs. Suzanne Ffolkes-Goldson*, Deputy Dean, looks at the challenges which the



region faces in attempting to fit models from the developed markets into emerging markets in the context of our dependency on direct foreign investment and multilateral aid.

Mrs. Ffolkes-Goldson has presented extensive research on corporate governance, corporate insolvency and corporate social responsibility at numerous seminars, workshops and conferences. Her research has also been published in the *Oxford University Commonwealth Law Journal*, the *Company Lawyer*, and the *West Indian Law Journal*, to name a few.

Her new book, "**Corporate Business Principles**" provides a guide for practitioners and students to the Jamaica Companies Act and the development of the law in Jamaica and in the Commonwealth Caribbean region through the cases. Some of *Mrs. Ffolkes-Goldson's* recent publications include:

- Ffolkes Goldson, S. '*The Use and Misuse of the Corporate Oppression Remedy in the Commonwealth Caribbean*' *The Company Lawyer*, Volume 35, Issue 7 May 2014 pp 195 – 204.



- Ffolkes Goldson, S. *Balancing the Interests of Creditors and Debtors in the Reform of Corporate Insolvency in Jamaica* West Indian Law Journal, Vol. 37 No. 2, October 2012 pp.171-184.
- FfolkesGoldson, S. *The Transformation of Corporate Social Responsibility into Legal Responsibility* West Indian Law Journal, Vol. 37 No.1, May 2012 pp. 83-93.

At the UWI Research Days Awards Ceremony held on February 21, 2014, Mrs. Ffolkes-Goldson was awarded **Best Research Publication** and **Most Outstanding Researcher** for her exceptional work in the areas of Company Law and Corporate Governance.

NATALIE CORTHÉSY

Mrs. Natalie Corthésy research areas include, Intellectual Property Law, Employment Law.



She recently co-authored with Mrs. Carla-Anne Harris-Roper the book entitled **“Commonwealth Caribbean Employment and Labour Law”**.

The book captures in breadth, the law governing employment and labour relations in a number of regional countries, including Anguilla, Antigua and Barbuda, The Bahamas, Barbados, St. Lucia, Jamaica, Guyana and Trinidad and Tobago, covering areas of law such as employment relationship, dismissals (statutory and common law) and aspects of labour relations – collective bargaining and industrial action.

Mrs. Corthésy’s research examined the legal standards and applicable practices of labour markets in the region, and highlights how the obligations undertaken by CARICOM governments have created opportunities and challenges for their nationals who have sought to take advantage of this new labour market platform. It also heightens awareness of the

prospective benefits to be derived from a regional labour frontier without boundaries.

It is hoped that the book will energise progress towards the CARICOM objective of harmonizing labour legislation by bringing the similarities and differences across countries to the fore.

It can potentially inspire solutions on how to realise legislative cohesion and advance regional integration, which is imperative for the future development of the Caribbean.

DR. RAMONA BIHOLAR

Dr. Ramona Biholar conducted extensive qualitative data collection in Jamaica in addition to legal research and analysis, which resulted in her recent book entitled **“Transforming Discriminatory Sex Roles and Gender Stereotyping. The implementation of Article 5 (a) CEDAW for the realisation of women’s right to be free from gender-based violence in Jamaica”**.



Her research explores the ways in which Article 5(a) of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) can be implemented at the

national level in order to transform discriminatory sex roles and consequent gender stereotyping, often leading to gender-based violence.

This international human rights provision imposes on State parties to CEDAW an obligation to modify sex roles and stereotypical social and cultural patterns of conduct in order to eliminate forms and consequences of discrimination, such as gender violence. Thus, Article 5(a) sets an international human rights agenda for social and cultural transformation.



However, *Dr. Biholar* argues that the lived realities of women and men in their local contexts are often disconnected from this agenda. Caribbean jurisprudence indicates, for example, that entrenched social and cultural beliefs about the construction and reproduction of gender make gender-based violence the norm rather than the “aberration” in the Caribbean region. (*Martinus Françoise v AG of St. Lucia in Robinson, 2004*).

Considering that it is the reality of the local that is crucial for the articulation, implementation and realisation of internationally set human rights norms, *Dr. Biholar* undertook socio-legal research in which she complemented legal analysis with empirical research to explore the national implementation of Article 5(a) CEDAW.

Based on this research, *Dr. Biholar* advances a synergistic model for the implementation and realisation of women’s human rights. The model illuminates the multiple actors, actions and strategies, and the organic, integrated interplay between and among them that are instrumental in the national implementation of Article 5(a).

Therefore, the synergistic model is not only to untangle the tension and mend the fissure between Article 5(a) on paper and the lived realities of women in Jamaica,

it is also a model for the implementation of this Article, which contributes in practical ways to the ultimate universal goal of reducing gender-based violence against women and realizing women's human right to a life free from violence. (Antwerp: Intersentia/Series: School of Human Rights Research - Vol. 62)

Papers Presented:

- September 19, 2013: ‘Gender Policies Field Research in Dominica. Preliminary Findings and Thoughts’; Presentation at the Institute for Gender and Development Studies (IGDS) Workshop, St. Augustine, Trinidad & Tobago;

- November 6-8, 2013, ‘Social and cultural transformation or the implementation of women’s human rights in Jamaica’, the 20th Anniversary Conference on Gender Transformation in the Caribbean, UWI Institute for Gender and Development Studies, St. Augustine, Trinidad & Tobago
- May 2-5, 2014, ‘Gender—A Space of Cultural Negotiation and Socio-Cultural Transformation. Insights from Jamaica’, the 4th Global Conference ‘Femininities and Masculinities’, 4th, Lisbon, Portugal
- June 24-25, 2014, ‘Challenging the Barriers to Real Equality: Transformative Equality’, Parliamentarians for the Americas (ParlAmericas) Annual Gathering of the Group of Women Parliamentarians, Mexico City, Mexico
<http://www.parlAmericas.org/uploads/documents/article-ramona-biholar-en.pdf>

Publications:

- Biholar, R.G., 2014, ‘Masculinities and the Practice of Dominica’s National Gender Policy’ in Politics, Power and Gender Justice in the Anglophone Caribbean, Ottawa: International Development Research Centre (IDRC)
- Biholar, R.G., (forthcoming November 2014), ‘From women’s rights in the books to women’s rights as lived realities. Can the disconnect be mended?’, *Nederlands Tijdschrift voor de Mensenrechten/NJCM-Bulletin (the Dutch Journal for Human Rights)*, 's-Gravenhage (The Hague): Interuniversitair Instituut voor Internationaal Recht, T.M.C. Asser Instituut



DR. DELROY BECKFORD

Dr. Delroy Beckford is an adjunct Faculty member who has done extensive research in the area of International Trade Law and International Organizations.

His research on the regulatory autonomy and the World Trade Organization (WTO), showed that regulatory autonomy features prominently in contemporary discourse surrounding the margin of appreciation permitted to WTO



Members in fashioning domestic legislation to satisfy WTO obligations and the extent to which this can be done consistent with a country's social political and economic objectives.

Dr. Beckford recently authored the book, **“Power and Judicial Activism in the WTO: the Appellate Body’s Interpretation of Trade Remedy Agreements”** which draws on research on trade remedy decisions of the World Trade Organizations’ (WTO) Appellate Body.

The book will add value to the discourse on the implications of the global regulation of trade remedies within the World Trade Organization with respect to domestic regulatory autonomy, and the effect of the power configuration of countries involved in dispute settlement over the use of these remedies.

His recent publication in competition law is a Chapter titled *‘Implementing Effective Competition Policy through Regional Trade Agreements: The case of CARICOM’*, in **Competition Policy and Regional Integration in Developing Countries**, Josef Drexler, Mor Bakhoun, Eleanor M. Fox, Michal S. Gal, David Gerber (eds.), Edward Edgar Publishing, July, 2012.

DR. SHAZEEDA ALI

Dr. Shazeeda Ali is a Senior Lecturer in the Faculty of Law, UWI, Mona who is currently involved in research on Money Laundering Control and Legal Professional Ethics.



In this regard, in the last academic year *Dr. Ali* has presented a number of papers to both public and private sector stakeholders, including:

- “POCA: a Cause for Pause” Jamaican Bar Association Continuing Legal Professional Development Seminar, Kingston, JAMAICA, June 28, 2014.
- “POCA: Issues of Concern” Alliance Group Directors’ AML Training Workshop, Kingston, JAMAICA, June 25, 2014.
- “Money Laundering: Risks and Responsibilities” GraceKennedy Group Directors’ Training Workshop, Kingston, JAMAICA, June 18, 2014.
- “AML and CFT Measures: a Key Alliance” AML/CFT Training Workshop for Alliance Group, Kingston, JAMAICA, May 3, 2014.
- “International Cooperation: a Jamaican Perspective” Colloque Franco-Caraïbe sur l’Expertise de Justice, Gosier, GUADELOUPE, April 4, 2014.
- “Money Laundering and Tax Evasion: Double Trouble for Jamaica” Keynote Address, Financial Investigations Division (FID) Inaugural Conference, Kingston, JAMAICA, November 28, 2013.



- “Virtual Money: a “Bit” of a Problem” Jamaica Bankers Association/Jamaica Institute of Financial Services 2nd Annual AML/CFT Conference, October 29, 2013.

She has also published the following articles:

- “The Civil Law: a Potent Crime-fighting Device” Journal of Money Laundering Control (Vol. 17(1) January 2014, 4–16)
- Money Laundering: a Crime for All Persons Jambor Journal (July 2014)
- “Darwin Days” Darwin College, Cambridge 50th anniversary commemorative book (October 2013).

LALETA DAVIS-MATTIS

Mrs. Laleta Davis Mattis, Adjunct Lecturer in the Faculty of Law, specialises in the area of Environmental Law.

Her recent research work on Climate Change in partnership with the Ministry of Water, Land, Environment and Climate Change addresses the issue of “With Climate Change we must Change (What?)”.



In the 19th century, an awareness began to dawn that accumulated carbon dioxide in the Earth’s atmosphere could create a “greenhouse effect” and increase the temperature of the planet.

A perceptible process in that direction had already begun; a side-effect of the industrial age and its production of carbon dioxide and other such “greenhouse gases.”

By the middle of the 20th century, it was becoming clear that human action had significantly increased the production of these gases, and the process of “global warming” was accelerating, confirming Paragraph 1 of the Stockholm Declaration of the United Nations Conference on the Human Environment which proclaims that, “Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth.

In the long and tortuous evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale.”

Today, nearly all scientists agree that we must stop and reverse the process of climate change or face a devastating cascade of natural disasters that will change life on earth as we know it.

The effects of climate change are upon us, a reality that we must face as a global community. For us in the Caribbean, the call to adapt to and to mitigate the effects of climate change bring with it special meanings.

But what are these special meanings? What is expected of the ordinary’ man, woman and child who go about their daily business cognizant that the nights are hotter and that scientists predict that some of our islands are projected to be inundated by sea water? To whom should we look for solutions, and are there really any long term solutions? Are we delaying the inevitable?

This research looks at the impacts of climate change on the proverbial Jamaican ‘man in the street’, and assesses his/her role in national responses to what can now be described as a global dilemma.

The Ministry of Water, Land, Environment and Climate Change has adopted the slogan ‘With Climate Change, We must Change.’ **The question is, ‘change what?’**

**TRACY ROBINSON**

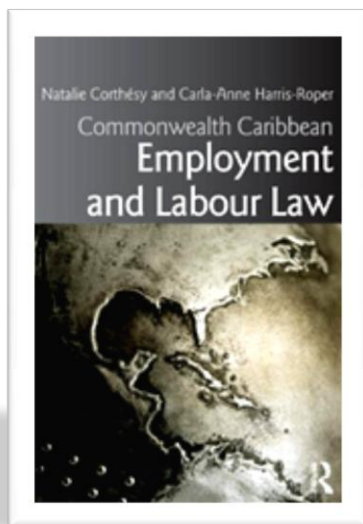
Ms. Tracy Robinson is a Senior Lecturer in the Faculty of Law who lectures in the areas of Family Law and Constitutional Law. During the 2013-2014 academic year *Ms. Robinson* engaged in the following research work:

- 'The Properties of Citizens: A Caribbean Grammar of Conjugal Categories', (2013) 10(2) *Dubois Review: Social Science Research on Race* 425 – 446
- 'Advancing LGBTI Rights in the Americas', feature presentation at 'The Work of the IACHR in Advancing the Rights of LGBTI Persons in the Americas: A Conversation with Commissioner Tracy Robinson, Rapporteur on the Rights of LGBTI Persons and Chair of the IACHR', organized by Global Rights, July 23, 2014, Washington DC
- 'Why Diversity Matters', Presentation on Panel, "Contributions to the Selection Process of Members of the Commission and the Inter-American Court Of Human Rights". Organised by the Center for Justice and International Law and the International Coalition of Human Rights Organizations in the Americas, June 2, 2014, Asuncion, Paraguay
- Tracy Robinson, 'Common law kinships: The politics of law, sexuality and postcoloniality'. Paper presented at 2014 Berkshire Conference on the History of Women, May 23 2014, Toronto.
- 'The Rights of LGBTI persons: International Standards', Instituto Colombiana de Derechos Humanos, Primer Curso Internacional Especializado En Derechos Humanos: Acceso A Los Sistemas Internacionales De Proteccion De Derechos Humanos Homenaje A Elias Carranza, November 29, 2013, Cartagena, Columbia.
- Presentation on Panel, 'Sexual Orientation and Gender Identity in International Human Rights Law', Parliamentary Seminar on Protecting Human Rights, Combatting Discrimination of and Addressing HIV/AIDS in Persons with Diverse Sexual Orientation and Gender Identities, hosted by Chamber of Deputies of Dominican Republic in association with Parliamentarians for Global Action, October 10, 2013.
- Keynote Presentation, 'The Inter American Commission on Human Rights: A Forum for the Vindication of the Rights of LGBTI Persons', University of Puerto Rico Law School, September 11, 2013, Puerto Rico.

NEW BOOKS
FACULTY OF MONALAW PUBLICATIONS

**COMMONWEALTH CARIBBEAN
EMPLOYMENT AND LABOUR LAW**

Commonwealth Caribbean Employment and Labour Law is a comprehensive text which provides authoritative coverage of a wide-range of employment and labour law issues affecting the Commonwealth Caribbean.

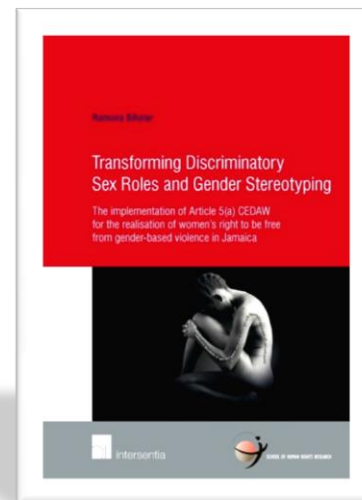


The authors, *Natalie Corthésy* and *Carla-Anne Harris-Roper*, captured in a single compass a comparative analysis of the law governing employment and labour relations in a number of regional countries, including Anguilla, Antigua and Barbuda, The Bahamas, Barbados, St. Lucia, Jamaica, Guyana and Trinidad and Tobago.

The areas of law covered by the text include the employment relationship, dismissals (statutory and common law) and aspects of labour relations, such as, collective bargaining and industrial action.

**TRANSFORMING DISCRIMINATORY
SEX ROLES AND GENDER
STEREOTYPING**

Dr. Ramona Biholar in her text *Transforming Discriminatory Sex Roles and Gender Stereotyping* explores the transformation of sex roles and gender stereotyping for the elimination of gender-based violence against women and the realisation of women's rights in Jamaica.



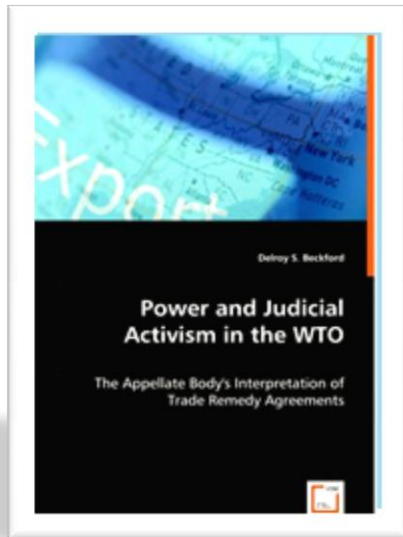
A major hurdle for the full realisation of women's human rights lies in overcoming the disconnect between human rights in the books and the life realities of women. The text contributes to bridging the gap in the existing discourse on the CEDAW because it establishes and addresses the inextricable link between social and cultural reproductions of gender, the burden of Article 5(a), and GBVAW, and explains processes involved in the implementation of CEDAW.

It can potentially inspire solutions on how to realise legislative cohesion and advance regional integration, which is imperative for the future development of the Caribbean.



POWER AND JUDICIAL ACTIVISM IN THE WTO: THE APPELLATE BODY'S INTERPRETATION OF TRADE REMEDY AGREEMENTS

The author, *Dr. Delroy S. Beckford*, examines in his text, ***Power and Judicial Activism in the WTO: The Appellate Body's Interpretation of Trade Remedy Agreements***, the WTO's regulation of the use of trade remedies which has brought into sharp relief the dynamics of the power relationships of countries settling their disputes within the multilateral trading system



The book provides a detailed analysis of some landmark rulings of the Appellate Body on issues of dumping, subsidies and safeguards.

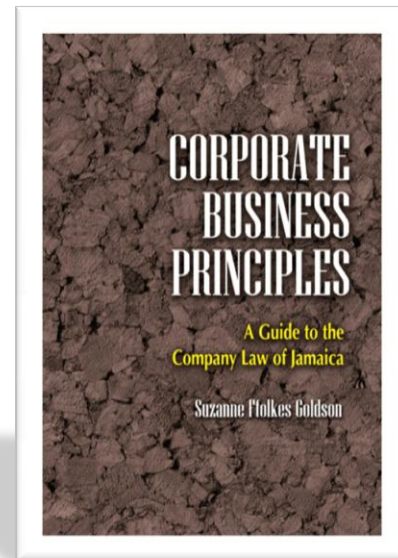
It also examines the relationship between the outcomes of those decisions and the power (im)balance within specific disputes and whether the particular power configuration of the countries involved in specific cases impact the decisions of the Appellate Body in cases where activist rulings are identified.

The book is highly recommended to lawyers, academics, and any reader concerned with the implications of the global regulation of trade remedies within the World Trade Organization with respect to domestic regulatory autonomy, and the effect of the power configuration of

countries involved in dispute settlement over the use of these remedies.

CORPORATE BUSINESS PRINCIPLES

Corporate Business Principles, authored by *Suzanne Ffolkes-Goldson*, seeks to offer a guide to the interpretation of the Jamaica Companies Act and relies on UK, Canadian and Commonwealth Caribbean case law for the interpretation of the old and new provisions



The book however goes further to explore the challenge of the interpretation of novel provisions, which have not thus far been interpreted by the Courts.

For the most part, practitioners have no choice but to agree on their own interpretation of provisions, and oftentimes the result is the development of a Jamaican or Commonwealth Caribbean jurisprudence.

Even where provisions are adopted from the UK or Canada, it is open to interpretation which reflects the corporate culture or reality of our developing nation status.



MOOT COMPETITIONS PRICE MEDIA LAW MOOT COURT COMPETITION

In January 2014, MONALAW students represented the University of the West Indies, Mona Campus, at the Price Media Law Moot Court Competition – Americas Regional Round at the Benjamin N. Cardozo School of Law in New York, USA.

Ms. Gabrielle Elliott-Williams coached the three member team, which was comprised of Mr. Litrow Hickson, Ms. Rowana-Kay Campbell, and Ms. Lanasia Nicholas.



*L- R: Ms. Rowana-Kay Campbell,
Mr. Litrow Hickson, Ms. Lanasia Nicholas,
Ms. Gabrielle Elliott-Williams (Coach).*

The Price Media Law Moot Court Programme is organized by the Center for Global Communication Studies (CGCS) at the Annenberg School for Communication, University of Pennsylvania, the Benjamin N. Cardozo School of Law, and the Programme in Comparative Media Law and Policy (PCMLP) at the University of Oxford in the United Kingdom.

The Programme brings together a wide range of participants from around the world to discuss

important issues in communications and media law, with emphasis on international human rights law.



*Members of The UWI Mona team with their competitors
at the Americas Regional Round at the Benjamin
Cardozo School of Law in New York, USA.*

The Team performed well at the Americas Regional Round and advanced to the International Round which was held at the University of Oxford, in the United Kingdom (UK) from April 1 - 5, 2014.



*Members of The UWI Mona team with Judges
and their competitors at the University of
Oxford in the United Kingdom*



MOOT COMPETITIONS

THE VI ANNUAL CCJ INTERNATIONAL LAW MOOT COMPETITION



L-R: Sean Osbourne, Caprice MacFarlane (Coach), Francois McKnight and Jameila Simpson.

The Faculty of Law at The University of the West Indies, Mona Campus, participated in the sixth annual Caribbean Court of Justice International Law Moot Competition in Trinidad and Tobago held on March 13 and 14, 2014 at the CCJ's headquarters in Trinidad and Tobago.

The Mona team was made up of Mr. Francois McKnight, Ms. Jameila Simpson and Mr. Sean Osbourne and coached by Ms. Caprice MacFarlane.



Members of The UWI Mona team with their competitors from the Norman Manley Law School.

The Moot which was established in 2009 serves a dual purpose. First, it helps to hone the research and advocacy skills of participants, preparing them to function in a real court setting, and second, it further exposes law students of the region to the principles of the Revised Treaty of Chaguaramas.

This year's competition was based on the issue of the interpretation of a section of the Revised Treaty of Chaguaramas focusing on the right to freedom of movement of economic citizens throughout the region and the right of University graduates without a skilled national certificate to seek employment in a CARICOM state.

Six teams from CARICOM law institutions vied for the CCJ Challenge Shield which was won by the Eugene Dupuch Law School (EDLS). The MONALAW team must be commended for their hard work, commitment and the many hours that they dedicated to preparing for the competition.





MOOT COMPETITIONS THE UWI RESEARCH DAYS INAUGURAL MOOT COMPETITION



Makene Brown submitting his arguments at the UWI Research Days Moot Competition, while his Team member Lenroy Stewart looks on. Norman Manley Law School.

The Annual UWI Research Days, which showcase The UWI' Mona's research achievements, saw a diverse and stimulating three-day exposition from February 19 – 21, 2014 at the Mona Campus.

As part of its calendar of activities, MonaLaw held its inaugural The UWI Research Days Moot Competition on February 21, 2014 on the topic of Human Rights Law. Students were invited to participate in a moot that explored some of the human rights law issues that were raised in the recent *Shanique Myrie* case.

The two teams that advanced to the finals were: Team 1 - Jaavonne Taylor and Sean Osbourne; Team 2 - Lenroy Stewart and Makene Brown.



L - R: Gabrielle Elliott-Williams (Coordinator) and Nancy Anderson presided as Judges.

The moot examined constitutional law issues such as freedom from discrimination and inhuman or degrading treatment or other punishment.

The aim was to allow for students to engage with issues of that kind in a more practical way and also to allow them to grapple with the potential implications of the existence of differences between domestic and community laws.



Sean Osbourne submitting his opposing arguments at the UWI Research Daus Moot Competition.

The students debated the issues remarkable well and the delivery of their arguments was resolute and impressive.

After a well fought debate between the teams, the Team comprising of Makene Brown and Lenroy Stewart emerged the winners, with Lenroy Stewart being awarded the Best Oralist.



L-R: Gabrielle Elliott-Williams (Coordinator), Lenroy Stewart, Makene Brown and Dr. Derrick McKou, Dean.



PHOTO HIGHLIGHTS UWI RESEARCH DAYS 2014



Dr. Shazeeda Ali interacting with High School Students at the MONALAW Booth in the UWI Research Days 2014 Main Tent.

Sean Osbourne congratulating Lenroy Stewart on copping the Best Oralist prize while Makene Brown looks on.



The UWI Research Days 2014 Mooting Competition Winners with their individual prizes: Lenroy Stewart (left) and Makene Brown (right).

NEW IACHR CHAIR TRACY ROBINSON APPOINTED CHAIR OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR)

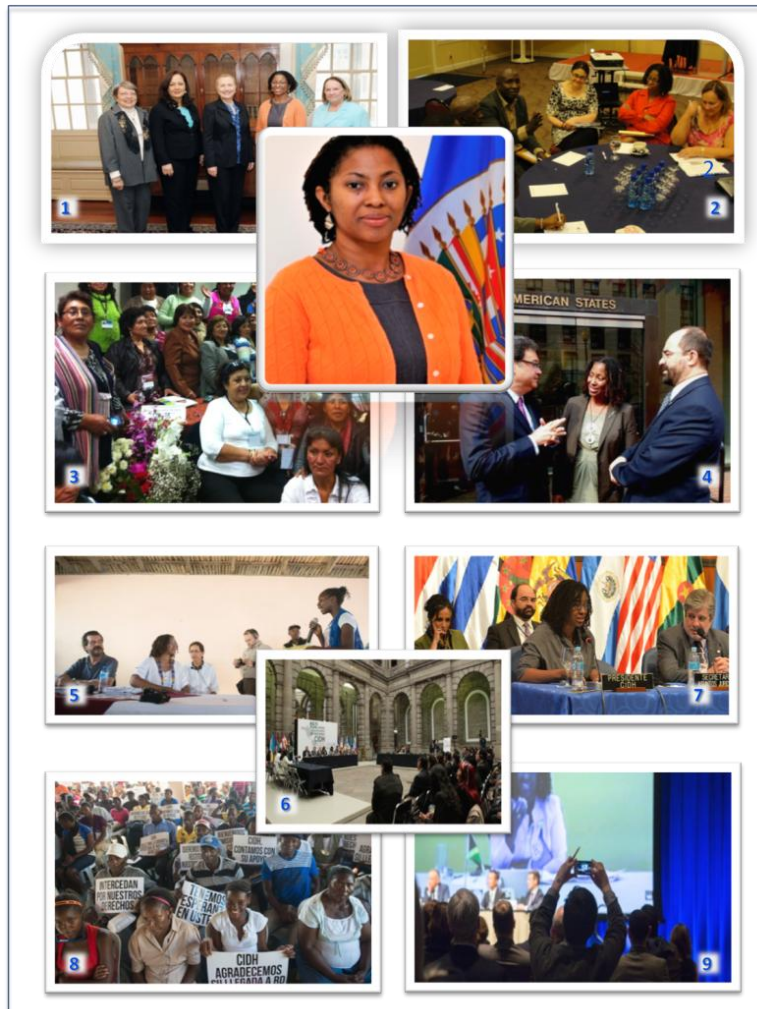


PHOTO 1 The four women commissioners (Ortiz, Antoine, Robinson, Shelton (president)) with then US Secretary of State Hilary Clinton, January 2012, Washington DC. Only 11 of the 61 persons elected to the IACHR have been women. Robinson and Professor Rose Marie Antoine are two of nine CARICOM nationals to be elected to the IACHR.

PHOTO 2 Meeting with representatives of the Saramaka Maroon peoples in Suriname, January 2013. Speaking is Hugo Jabini, Saramakan parliamentarian, advocate and Goldman Environmental Prize awardee,

PHOTO 3 Commissioner Robinson with indigenous women participating in the 'International Meeting of Indigenous Women in South America: Towards the exercise of our rights and the self determination of our peoples -Workshop, Dialogue, and International Forum with the Participation of the IACHR November 22, 2013, Lima, Peru.

PHOTO 4 Discussion between the President of the Inter-American Court of Human Rights, Judge Humberto Antonio Sierra Porto, IACHR President, Robinson, and the Executive Secretary of the IACHR Emilio Alvarez Icaza in March 2014 at the 150th Session of the IACHR in Washington DC.

PHOTO 5&8 Testimony being given by young Dominican of Haitian descent to Commrs Robinson and Gonzalez at a meeting in a batey (town where sugar workers live), in the Dominican Republic during the IACHR's on site visit December 2-5 to observe the situation related to the rights to nationality, identity, and equal protection without discrimination. The audience made up of residents of the batey, with signs directed to the IACHR (CIDH in Spanish).

PHOTO 6 Hearing on August 12, 2014 in the Palacio de Minería, Mexico City on the Human Rights Situation in Belize during the IACJR's 152nd Extraordinary Session held in Mexico August 11-15, 2014.

PHOTO 7 Presentation of the Annual Report of the IACHR at the General Assembly of the Organisation of American States, Asuncion, Paraguay, June 2014

PHOTO 9 Remote participation in World Bank Meeting on 'The Economic Cost of Homophobia: how LGBT exclusion impacts development' held at World Bank Headquarters, Washington DC, March 12, 2014.



VISITORS TO THE FACULTY 2013/2014 ACADEMIC YEAR

PROFESSOR DINAH SHELTON



On October 10, 2013, *Professor Dinah Shelton*, participated in a discussion on, “**Human Rights and the Work of the Inter-American Commission on Human Rights**”. Prof. Shelton was elected Commissioner of the Inter-American Commission on Human Rights during the 39th regular period of sessions of the Organization of American States (OAS) General Assembly in June 2009 for the standard four-year term, which began on January 1, 2010. She is the Manatt/Ahn Professor of International Law at the George Washington University of Law School. She has been an international law consultant for the World Health Organization, the United Nations Environment Programme, the UN Food and Agriculture Organization, and the UN Institute for Training and Research. *Prof. Shelton* is a prolific author having written, co-written and edited 19 books and authored dozens of book chapters on human rights and international law.



PROFESSOR JEREMY de BEER

Professor Jeremy de Beer visited MONALAW on October 28 and 29, 2013 where he met with Faculty members, the Law Librarians and the Executive Director and staff of JIPO. His visit was to discuss with the Faculty a proposal for a joint WIPO-LLM in the Creative and Cultural Industries. *Professor de Beer* is an Associate Professor at the Faculty of Law, University of Ottawa. He was recommended by WIPO to assist with drafting a curriculum, syllabus and recommend teaching materials for a Master of Laws (LL.M) in Intellectual Properties and Creative Industries.



PROFESSOR HAROLD McDOUGALL

Prof. Harold McDougall visited MONALAW for Semester II of the 2013/2014 Academic Year. He is a Professor of Law at Howard University School of Law in Washington, D.C. He specializes in the areas of urban, social and economic development; civil rights; and the workings of state, local, and federal government. *Professor McDougall* has written numerous articles, and authored two books: “*Black Baltimore: A New Theory of Community*” and, “*African Civil Rights in the Age of Obama: A History and a Handbook.*” While at MONALAW he participated in the MONALAW Series, presenting alongside Dr. Ramona Biholar on the topic; “**The Vernacularization of Environmental Rights and Women’s Human Rights**” on March 13, 2014.



MRS. JULIE THOMPSON-JAMES

Mrs. Julie Thompson-James delivered a lecture, on February 2, 2014 to students in the Corporate Management class. *Mrs. Thompson-James* is Vice President, Senior Legal Counsel and Company Secretary of Scotia Group Jamaica Limited and its subsidiaries. Prior to this appointment, she served as Director, Corporate & Legal Services and Assistant Company Secretary of Scotia Group between June 2008 and November 2009. Her legal experience also spans the public sector in Jamaica, having practiced for 5 years in the Litigation Division of the Attorney General's Chambers, Ministry of Justice, as Assistant Attorney General, and Crown Counsel. She completed her Bachelor of Laws (LLB), (Hons.) degree at the London School of Economics, London, England in 1996 and graduated from the Norman Manley Law School, University of the West Indies with a Certificate of Legal Education in 1999. *Mrs. Thompson-James* also holds a Bachelor of Arts with Honours degree in Economics & Business Administration (1993) from Howard University.



PROFESSOR NIGEL EASTMAN

On March 3, 2014 *Prof. Nigel Eastman* delivered a guest lecture to the Constitutional Law Class. *Prof. Eastman* is an Emeritus Professor of Law and Ethics in Psychiatry at the University of London and an Honorary Consultant Forensic Psychiatrist in the National Health Service. *Prof. Eastman* earned his first degree in Economics at the London School of Economics. Thereafter he studied medicine and became a psychiatrist. He was also admitted as a barrister to Grays Inn in 1976. In the last year, he has received an award for his OUP Handbook on Forensic Psychiatry and he also became a door tenant at Thomas Bingham Chambers. He is a leading expert on forensic psychiatry and has published widely and lectured extensively on this topic all over the world. He has worked extensively in the sphere of public policy and has given evidence to parliamentary select committees on draft laws dealing with mental health. *Prof. Eastman* is a co-author of a new handbook of forensic psychiatric practice in capital cases.



HHJ MICHAEL HOPMEIER

HHJ Michael Hopmeier gave a lecture on “**The Importance of Asset Recovery in the Fight Against Crime - The Need for International Cooperation**” to MONALAW students on March 10, 2014. His Honour *HHJ Michael Hopmeier*, a Circuit Judge, Kingston-on-Thames, England, is a Visiting Professor at City University, and author of the book "Proceeds of Crime". *HHJ Michael Hopmeier* was called to the Bar in 1974 and has served as a Barrister for over 30 years acting for the Prosecution and the Defence, later specialising in economic crime related cases. He has provided advice and acted in civil commercial cases, including drafting agreements for financial institutions.





PROFESSOR ROBERT WINTEMUTE

On February 10, 2014, *Prof. Robert Wintemute* gave a public lecture on the topic: “**Lesbian and Gay Human Rights in the Caribbean: Would Decriminalisation Restrict Religious Freedom?**” *Robert Wintemute* is a Professor of Human Rights Law at King’s College London. He joined the Dickson Poon School of Law in 1991 after practising as an Associate in the Bankruptcy Department at Milbank, Tweed, Hadley and McCloy LLP in New York from 1982 to 1987. *Prof. Wintemute* was educated at The University of Alberta. In 1982 he gained his LLB and BCL from McGill University where he was awarded the Aime Geoffrion Gold Medal for highly distinguished standing. *Prof. Wintemute* was awarded his DPhil from the University of Oxford in 1993.



MR. PETER GOLDSON

During Semester II of the 2013-14 Academic year, *Mr. Peter Goldson* gave a guest lecture to students in the Introduction to Offshore Law class. He is Managing Partner at Myers, Fletcher and Gordon. His practice areas include aviation, insolvency, mergers and acquisitions, and intellectual property. A Rhodes Scholar, he earned his LLB from The University of the West Indies and his Certificate of Legal Education from the Norman Manley Law School. He also read for a Bachelor of Civil Law at the University of Oxford. He is a member of the International Trademark Association and Secretary of the Jamaica & Commonwealth Caribbean Rhodes Scholarship Selection Committees.

MS. MICHELLE WALKER

Ms. Michelle Walker gave a guest lecture to students studying Public International Law in Semester I of the 2013-14 Academic Year. *Ms Walker* is a legal adviser in the Ministry of Foreign Affairs and Trade. Prior to join the team at the Ministry, she worked with the CARICOM Secretariat as a legal officer. She has also served as crown counsel in the Attorney General’s Office. *Ms. Walker* holds an LLB from The University of the West Indies, an LLM from the University College London and a Certificate of Legal Education from the Norman Manley Law School. She is a Kiwanian and a member of the Jamaica Bar Association.

MRS. JUDITH COOPER-BATCHELOR

Mrs. Judith Cooper-Batchelor gave a guest lecture to the students in Family Law I (Husband & Wife) on October 30, 2013. *Mrs. Cooper-Batchelor* is a Senior Partner at Chambers, Bunny & Steer and specializes in family law matters.



MONALAW ACADEMIC OPPORTUNITIES ACADEMIC OPPORTUNITIES FOR MONALAW STUDENTS

FLORIDA COASTAL SCHOOL OF LAW

ALLANA FORTE, ESQ., Associate Director of Admissions at the Florida Coastal School of Law visited the Faculty of Law, Mona Campus on March 20, 2014 and gave a presentation to our students introducing them to the J.D. and LL.M degrees offered by the school under the Florida Coastal Caribbean Law School Initiative.



Ms. Forte discussed the US Law School Application process, Admissions test, Scholarships and Financial Aid, Overview of Law School, and the American Caribbean Law Initiative. Her presentation was well received by the students who turned out in their numbers to learn more about the opportunities available.

UNIVERSITY OF NEW BRUNSWICK

VERONICA MCGINN, International Initiatives Project Manager and Internship Coordinator in the Office of the Assistant Vice-President (Academic) at the University of New Brunswick visited the Faculty of Law, Mona Campus on March 20, 2014 and met with MONALAW students as well as students at the Western Jamaica Campus via video conferencing to discuss Scholarship opportunities and Exchange programmes.



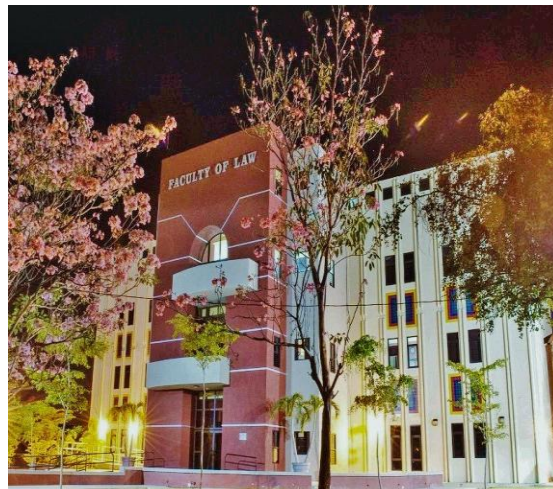
The partnership between MONALAW and the University of New Brunswick began in 2013 when a student from the Canadian institution enrolled in the exchange programme and spent the 2013-14 academic year at the Mona Campus. We are delighted to have two MONALAW students who will be taking up the opportunity and will be spending the 2014-15 academic year at New Brunswick.



MONALAW ACADEMIC OPPORTUNITIES GRADUATE STUDY AT MONALAW



THE UNIVERSITY OF THE WEST INDIES
MONA CAMPUS, JAMAICA, WEST INDIES



In January 2015, MONALAW will commence its LLM programme. Initially the following courses in Corporate and Commercial Law will be offered.

- Banking Law
- E-Commerce Law
- Comparative Labour Law in a Corporate Environment
- Company Law Theory in Modern Commerce
- Caribbean Business and Public International Law
- Advanced Intellectual Property Law
- Legal Aspects of Corporate Misconduct
- Comparative Labour Law in a Corporate Environment
- Law of Corporate Governance
- Advanced Corporate Finance
- Offshore Financial Law
- Advanced Insurance Law
- Advanced Corporate Insolvency Law
- Advanced International Environmental Law

To apply, visit <http://www.uwimona.edu.jm/postgrad>

In addition the Faculty plans to introduce the MPhil/PhD programme in January, 2015. By September of 2015, courses in Public Law and Legislative Drafting will also be incorporated into the LLM programmes.

CONTACT THE FACULTY OF LAW

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Email: monalaw@uwimona.edu.jm

MONALAW ACADEMIC OPPORTUNITIES THE MONALAW PROFESSIONAL INTERNSHIP PROGRAMME



Students selected for the MONALAW Professional Internship Programme 2014 (MLPIP) pose with representatives from partner agencies, Coordinator of the MLPIP and Dean, Faculty of Law, UWI Mona

Having successfully completed the pilot project in 2013, The MONALAW Professional Internship Programme (MLPIP) was officially launched on May 22, 2014, showcasing the students who previously participated and recognizing the partner institutions in a formal manner.

The brainchild of *Mrs. Natalie Corthésy*, Lecturer in the Faculty of Law, the programme was originally developed to:

- expose students to a wide cross section of job opportunities in law
- offer students an incentive for high academic achievement and raise the profile of the MONALAW graduate
- create and encourage partnerships with our stakeholders in the legal profession and;
- foster an environment of mentorship for students pursuing admission into the legal profession.



Carol Simpson, former Executive Director, JIPO speaking at the Official launch of the MONALAW Professional Internship Programme.

The launch featured testimonials from both the interns and partner organizations, all of whom had high commendations for the programme.

The programme was a tremendous success last year as the students were very happy for the opportunity to be placed in the various organizations. Likewise, the partner agencies have expressed a keen interest in continuing to work with MONALAW.

The interns informed the gathering that this was a welcomed opportunity as not only has it provided them with practical and applicable experience, but with the necessary skills to be successful in their profession, that they will garner from working alongside attorneys in the various organizations. This knowledge, they emphasized, cannot be acquired in the classroom.

These sentiments were echoed by the partner organizations who stated that they were pleased with the conduct of the interns and that participating in the MLPPI gives them an opportunity to show the aspiring attorneys that lawyers have worth and work away from their desks. This was to the delight of the Coordinator, Mrs. Corthésy who indicated that the programme aimed to offer MONALAW students job opportunities and experience that they cannot identify themselves, in an effort to distinguish the MONALAW graduate.

With the official launch of the programme this year, twenty-eight of the Faculty's top-performing students were placed in established law firms, governmental agencies and even some private organizations throughout Kingston and the Corporate Area.

The Supreme Court, Sagicor and DunnCox are a few of the entities that have partnered with MONALAW to offer our students this invaluable experience.

The students have been assigned to carry out their internships during the Summer and Christmas breaks.



Fellow students listen as Litrow Hickson shares his experience as an intern at Nunes Scholefield Deleon & Co. while participating in the MLPPI 2013.



MONALAW FACULTY**FULL TIME FACULTY:**

Derrick McKoy (Dean) LLB Hons (UWI), LLM (Lond), PhD (Leic), MBA (Barry), DBA (NSU)

Courses: Jurisprudence, Administrative Law. *Research:* Public Sector Governance, Corruption Law, Administrative Law, Constitutional Law.

Suzanne Ffolkes Goldson (Deputy Dean) BA (Econ.) (York), LLB Hons (UWI), BCL (Oxon)

Courses: On Sabbatical Leave. *Research:* Company Law, Corporate Governance, Corporate Insolvency, Corporate Finance.

Gilbert Kodilinye (Professor of Property Law) BA (Oxon), MA (Oxon), LLM (Lond)

Courses: Law of Property I & II, Law of Trusts, Administration of Trusts & Estates.

Research: Trusts Law, Property Law, Civil Procedure, Tort Law.

Shazeeda Ali (Senior Lecturer) LLB Hons (UWI), LLM (Cantab.), PhD (Lond)

Courses: Public International Law I, Law of Restitution, Offshore Law, Supervised Independent Research.

Research: Corporate Misconduct Law, Legal Professional Ethics, Financial Services Regulation.

Celia Brown-Blake (Senior Lecturer) BA & LLB (UWI), LLM (Lond), MA & PhD (UWI)

Courses: Law and Legal Systems, Law of Contract (II), Law of Corporate Insolvency.

Research: Financial Regulation, Insolvency Law, Language and the Law, Corporate Law.

Leighton Jackson (Senior Lecturer) LLB Hons (UWI), LLM (Sydney), D. Jur. (Osgoode)

Courses: Employment Law, Family Law II, International Mooting.

Research: Family Law, Employment Law, Legal Writing, Judicial Training.

Tracy Robinson (Senior Lecturer) LLB Hons (UWI), BCL (Oxon), LLM (Yale)

Courses: Family Law I, Gender & the Law, Commonwealth Carib. Human Rights Law, Constitutional Law.

Research: Family Law, Constitutional Law, Gender and Citizenship, Human Rights Law.

Ramona Biholar (Lecturer) LLB Hons (UBB, UNIZAR), LLM (UUTR), PhD (UUTR)

Courses: International Human Rights Law, European Union Law, Independent Research Paper.

Research: Gender and Citizenship, Human Rights Law, European Union Law.

Natalie Corthésy (Lecturer) LLB Hons (UWI) LLM (Lond)

Courses: On Leave. *Research:* Intellectual Property Law, Employment Law.

Gabrielle Elliott-Williams (Lecturer) LLB Hons (UWI), LLM Hons (Cantab.)

Courses: Law of Contract II, Constitutional Law, International Mooting.

Mark Gillis (Lecturer) BA (Stanford), JD (UC), LLD (CAUP)

Courses: Law & Legal Systems, Public International Law, European Union Law.

Research: Constitutional Law, International Law, European Union Law.

Coleen B. Lewis (Lecturer) BA Hons (UWI), PGDip in Law (Exeter), LLM (Strathclyde)

Courses: Law of Contract I, Law and Legal Systems.

Research: Contract Law, Defamation Law, Media Ethics & Law, Information Technology, Telecommunications.

Christopher Malcolm (Lecturer) LLB Hons (UWI), LLM & PhD (Lond), FCI Arb

Courses: On Leave.

Research: Banking & Finance Law, Arbitration Law, Corporate & Commercial Law, ADR, Regulation & Compliance, Employment & Industrial Relations, Competition & Consumer Protection, Regional Integration & Economic Development, International Trade & Investment.

Janeille Zorina Matthews (Lecturer) BA (Villanova), MPA (Harvard), JD (Harvard)

Courses: Criminal Law I, Criminal Law II. *Research:* Criminology, Criminal law, Public Law.

Rose Cameron, BA (UWI), MA (Andrews), LLB & LLM (UWI)

Courses: Legal Methods, Research & Writing, Private International Law, Equitable Remedies.

ADJUNCT FACULTY:

Justice Roy Anderson (Retired Supreme Court Judge)

Courses: Revenue Law, Insurance Law.

Laleta Davis-Mattis, BA & LLB (UWI), MMM (Dal)

Courses: Int'l Environ. Law, Carib. Environ. Law

Delroy Beckford, BA & LLB.(UWI), LLM (Col), PhD (RU)

Courses: International Trade Law, International Organizations.



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