Queen's University Belfast

PhD Law Conference

29 June 2023

The Moot Court,

QUB School of Law

Main Organiser – Dr Alessandra Guida

Co-Organisers **Daniela Janikova**
Amanda Grey Meral
Janine Geddis

09:30 - 10:00: Registration

10:00 - 10:15: Dr Alessandra Guida – Conference presentation

10:15 - 11:15: Session 1 - "*New Challenges in Law*"

Chair: Dr Marisa McVey

10:15-10:25: Anna Montgomery
10:25-10:35: James Sweeney
10:35-10:45: Rachael Goss
10:45-10:55: Gillian Keilty
10:55-11:15: Q&A session

11:15-11:30: Coffee / Tea

11:30 - 12:40: Session 2 - "*Critical Approaches to International Law and Methodological Reflections*"

Chair: Dr Amanda Kramer

11:30-11:40: Janine Geddis
11:40-11:50: Amanda Gray Meral
11:50-12:00: Leah Rea
12:00-12:10: Georgia Stanley
12:10-12:20: Tahsin Khan
12:20-12:45: Q&A session

12:45-13:45: Lunch

13:45 - 15:00: Session 3 - "*Trade / IP Company Law & Sustainable Development*"

Chair: Dr Billy Melo Araujo

13:45-13:55: Gary Simpson
13:55-14:05: Zahoor Elahi
14:05-14:15: Daniela Janikova
14:15-14:25: Claudia Paduano
14:25-14:35: Niamh Guiry
14:35-15:00: Q&A session

15:00-15:15: Coffee / Tea

15:15 - 16:30: Session 4 - "*Justice – Past & Present*"

Chair: Dr Clayton O'Neill

15:15 - 15:25: Matthew McCallion
15:25 - 15:35: Daniela Suarez Vargas
15:35 - 15:45: Carolyn McDowell
15:45 - 15:55: Damien Rea
15:55 - 16:05: Richard McBride
16:05 - 16:30: Q&A session

Session 1 - "New Challenges in Law"

Anna Montgomery

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The Smart Home as a Site of Control

The smart home is a household powered by an ecosystem of technological smart devices, with some popular devices including smart speakers, smart doorbells, smart thermostats, smart televisions and so forth. Together, these devices provide individuals with control of their homes and awareness of who is home and what they are doing; even when they are not. This presentation will therefore focus on the smart home as a site of control.

As a result of the many technological innovations in recent years, our lives have become much more convenient, particularly at home. However, despite the positive innovations of smart home devices, they in turn provide domestic abusers with new tools to coercively control their victims at home, even when they are not. The home, therefore, becomes a place where a victim feels, trapped, unsafe and the opposite of how they should feel within their home, due to the constant reach and power of smart home devices, and therefore, their abuser. This will be discussed further, in relation to user privacy and the law surrounding domestic abuse.

This presentation will also draw attention to the general population, who despite engaging with and positively using smart home technology, are being subtly controlled within their homes, as their reliance on and expectations of smart home technology increases.

This presentation will conclude with a discussion on the importance of differentiating home life, from the outside world, to ensure that the meaning of 'home' is not completely disregarded.

James Sweeney

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Regulating and Ensuring the Safety of Intelligent Voice Assistants

This paper will analyse surveillance and surveillance capitalism within the context of intelligent voice assistants (IVA's). This will be carried out through a critical review of the literature of surveillance and surveillance capitalism, in conjunction with an understanding of IVA's and how they fit within the surveillance-based narrative.

IVA's have recently dramatically grown in popularity and capability. They now surround us throughout our daily lives. These systems had rather rudimentary beginnings; they are now integrated into almost every electronic device we purchase, as well as the standalone smart speakers we are placing at the centre of our smart home networks. They have the capability to interact with us to a high level, in addition to communicating with other devices and systems. Due to their nature, they are always listening. This concept has resulted in users sleepwalking into the 'always-on' era, a constant state of surveillance. We have slowly and unconsciously fallen into an Orwellian dystopia, due to both our actions and inactions. The surveillance world we have fallen into is not only by the state, but also private big technology corporations.

Issues are raised by the above, related to whether this surveillance is justified and to what extent it infiltrates and impacts users' day-to-day lives. The requirement of protection for users of these devices and systems is questioned. Should it be strengthened through regulation, education for users or limitation of the power the technology companies themselves hold? This paper will analyse these issues through the context of surveillance and IVA's.

Rachel Goss

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Digital Spaces, Physical Places: Conceptualising Inclusive Innovation in Belfast's Smart District

My PhD project focuses on the construction of space in Belfast's smart district. Drawing on Lefebvre's work on spatial justice and on semi-structured interviews with key actors in constructing the smart district, I argue that how constructors of smart districts conceptualise space has a profound impact on the social relations that determine who is included and excluded.

Lefebvre proposes that space is a social construct produced through social relations. He believed space was composed of three elements which he framed as a spatial triad comprised of conceived space or representations of space including maps and concepts of urban areas; perceived space or spatial practices such as daily routine and the physical city; and lived space or spaces of representation which includes the meaning inhabitants five space. According to Lefebvre, conceived space is the dominant form of space which can infuse urban spaces with meaning thus affecting the spatial practices permitted within it.

Drawing on my interview data I highlight the ways these meanings are infused in Belfast's smart district. Spatial justice captures the connection between law and space, examining the spatial causes of social injustice, no more so than in concepts of inclusive innovation. I argue that innovation aimed at citizens but absent active citizen participation risks fostering exclusionary placemaking, where side-lined groups are unable to engage with or benefit from innovative processes. I contend that a greater understanding of conceived space and the impact of special justice may help address these issues through more inclusive innovation and placemaking.

Gillian Kielty

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Constructing Knowledge on Investigative Genetic Genealogy: Policy-Making, Human Rights and the Private Individual

On 25 April 2018 Sacramento state officials announced the decades-long manhunt for the serial offender known as the Golden State Killer had ended and the perpetrator was in custody. But, behind these headlines lay a controversial genetic surveillance strategy – known as investigative genetic genealogy (IGG) – that was used by state and private actors together in cooperation to develop the key investigative lead that closed the case. The controversy surrounding IGG lies in the fact it involves long-range familial searches conducted within recreational genetic genealogy databases to generate investigative leads. These leads are then supplemented with publicly available information to build out family trees to trace the unknown individual. By repurposing recreational genetic genealogy databases for investigative purposes both state and private actors adversely interfere with the privacy rights not only of database users but also their genetic relatives.

Rather than focusing on the human rights implications of IGG, this paper instead employs a dramaturgical perspective to critically examine the developing knowledge system on this new investigative tool at the macro-level of state and private actors within the United States. This paper identifies key knowledge claims on IGG, who made them and why, and argues stage management techniques employed in the development of knowledge have helped obscure privacy concerns surrounding its use. The paper concludes the dramaturgical cooperation observed between state and private actors to promote and ensure each other's continued access to recreational genetic genealogy databases reveals a new paradigm in their relationship in the governance of crime.

Session 2 - "Critical Approaches to International Law and Methodological Reflections"

Janine Geddis

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Is human rights law doing enough to protect the right to mental health in the workplace?

The World Health Organization's Constitution defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity". Existing scholarship addressing human rights and mental health focuses on human rights abuses towards those diagnosed with existing mental health issues, with a research gap surrounding possible prevention of mental health issues.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) notes that States Parties must be responsible for the prevention of occupational diseases, and in 2010 the International Labour Office (ILO) included mental and behavioural disorders within their list of occupational diseases. International human rights law typically focuses on State obligations, rather than employer obligations, and therefore individual States have the responsibility of imposing domestic legislative obligations designed to protect health. Much of the existing health and safety legislation for employers focuses on physical risk and physical health, yet research in the fields of public health, mental health, and psychology, among others, is increasingly investigating how organisational stressors and psychosocial risk in the workplace can affect mental health.

By looking at mental health protections existing in international human rights law, domestic legislation regarding workplace safety, the effect of organisational stressors and the impact of psychosocial risk factors on mental health, it will be argued that the standards of international human rights law with regards to the right to health are not effectively implemented domestically.

Amanda Gray Meral

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Research Methods and Refugees: The Need for a Reflexive Feminist Ethics

Research with refugees presents unique ethical and methodological challenges due to 'unequal power relations, legal precarity, poverty, violence, politicized research contexts and the policy relevance of the research in question' (Müller-Funk, L., 2020). Yet inadequate attention has been given to these considerations to date, leading to a 'paucity of good social science, rooted in a lack of rigorous conceptualisation and research design, weak methods and a general failure to address the ethical problems of researching vulnerable communities.' (Jacobsen, K.and Landau, L., 2003). In addition, under investment in methodological debate within socio-legal studies means that unlike other social science disciplines, "in-depth reflections on the what, why, and how of our research in the field of law and society remain relatively rare" (Mulcahy, L., and Cahill-O'Callaghan 2022). This has led to a gap in knowledge on how to best overcome ethical and methodological challenges that would allow scholars to understand better how refugees experience the law and how legal regulations impact their lives.

This paper will seek to address this gap in knowledge. It considers how scholars can find legal and ethical ways to understand better how refugees experience law and how regulations impact their life experience. The paper argues that listening and addressing our own positionality through a reflexive feminist approach is vital to understanding the nuances of refugees' own experiences of the law and the injustices they face, including human rights violations (Deutsch, N., 2004; Lokot, M., 2022). Such an approach begins with the ethical review process, engaging the researcher to consider the impacts of research practices on refugee participants, society, and social justice outcomes (Harding, R., 2021). By giving attention to ethical and methodological challenges in our socio-legal research with refugees, we are able to 'bring elided voices into the fold' (Whittingdale, E., 2021) and better allow for a refugee-centred approach (Müller-Funk, L., 2020, itself an urgent ethical imperative.

Leah Rea

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The (un)Conventional approach to human rights: the Sewel Convention and legislating for minority language rights in Northern Ireland

In the UK, the Sewel convention is a constitutional rule established by the implementation of devolution, which outlines the legislative competencies of central and devolved institutions. Successive UK Governments have traditionally interpreted and applied this convention in a manner which has impacted upon the progression of human rights in Northern Ireland, particularly apparent in the absence of progress from successive Executives in legislating for minority language rights.

In October 2022, the Identity and Language Bill concluded the legislative process in the UK Parliament. The Bill focuses on recognition and promotion of linguistic and cultural identity in Northern Ireland, providing for official status of the Irish language. The Bill was a significant moment in the legal history of Irish language recognition in Northern Ireland. It also marked an interesting moment in the region's constitutional history. By bringing forward the Bill, the sitting British Government intervened in matters of devolved competence and enabled legislative protection of minority language rights, and seemingly developed a new approach towards legislative intervention on human rights matters in Northern Ireland.

This paper examines the interpretation and application of the Sewel Convention within minority language rights issues and the shifting approach of the UK Government through critical analysis of the UK Parliament business pertaining to the Irish language during 2018-2022. It posits the UK Government's approach to the Sewel Convention has changed, but due to political navigation, thus raising questions as to its future application, and the prospect of further progress for Irish language rights.

Georgia Stanley

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'An Investigative Analysis of the Social Stereotypes Surrounding Female Rape Complainants in Northern Ireland'

The crime of rape illuminates some of the most complex and controversial elements of law. Unlike murder or manslaughter, muggings or beatings, understanding and tackling what actually constitutes rape remains an indefatigable problem. Consequently, rape becomes a crime of he-said she-said, of finger-pointing, and victim-blaming, allowing for its enduring status as one of the most stigmatised, underreported, and poorly prosecuted crimes. As a myriad of key intellectuals have identified, the perils and pitfalls of rape are compounded and influenced by a toxic rape culture that heavily contributes to rape's facilitation, perpetuation, and permissibility and corrodes victims' testimonies and truth - particularly for female victims. This is even more concerning considering how rape victims are disproportionately comprised of women and girls. It soon becomes apparent that the rapist is not the only perpetrator at play, leading some academics to cite the aftermath of the attack as 'the second rape'. This contemporary piece of feminist research dissects and challenges the damaging rape mythologies and stereotypes which pollute society and seep into the courtroom. It also offers a timely contribution to local rape discourses by using Northern Ireland's landscape on rape as a form of contextual analysis, especially as developments in this area in recent years have paradoxically presented more questions than answers. Therefore, a flawed judicial process and problematic societal attitudes toward female rape victims have cast a growing shadow on an already grey area of law in severe need of a better combinative sociolegal approach to rape culture in this jurisdiction.

Tahsin Khan

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A Legal Analysis of the Definition of Crimes against Humanity in the International Crimes Tribunal (Bangladesh)

Bangladesh has established the International Crimes Tribunal (ICT) under the International Crimes (Tribunals) Act 1973 (ICT Act) in order to prosecute the persons liable for the commission of international crimes during the liberation war in 1971. While the ICT Act authorizes the ICT to hold trials for 'genocide, crimes against humanity, war crimes and other crimes under international law', this presentation evaluates the approaches taken by the ICT in interpreting the crimes against humanity. The definition of crimes against humanity in the ICT Act is often criticized on two grounds: the violation of the principle of legality and prioritizing the domestic law over the customary international law. The criticism of the violation of the principle of legality is based on the grounds that the definition contained in the ICT Act does require a nexus with an armed conflict and there is no requirement of a 'widespread or systematic attack'. This presentation strives to consider the criticisms critically and to reach a fair conclusion.

Session 3 - "Trade, IP, and Company Law, & Sustainable Development"

Gary Simpson

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Assessing the impact of the United Kingdom Internal Market Act (UKIMA) on market integration in services trade and devolved regulatory autonomy through the lens of legal federalism

Upon leaving the EU's single market, the UK elected to legislate for its own internal market for goods and services through the Internal Market Act 2020 (IMA). The cornerstone of the IMA rests within its market access principles (MAPs), these are, (i) mutual recognition, and (ii) non-discrimination. These principles can disapply the regulatory requirements of each UK jurisdiction to facilitate cross-border trade when faced with heterogenic regulations and diverse national policies. Whilst reminiscent of the rules and legal principles previously in place when the UK was governed under EU free movement law, the IMA places these market access principles on a statutory footing. As a result, this fortifies the UK Government's legal emphasis placed on market integration alongside the associated centralisation consequences for devolved legislatures. This paper seeks to examine the impact of the IMA on regulatory autonomy in the area of services regulation. It does so by analysing the IMA through the lens of the economic theory of legal federalism – a conceptual framework developed to understand decentralised regulatory autonomy, legal diversity, and regulatory competition. This paper argues the current UK framework for trade in services is one primarily concerned with the removal of regulatory barriers to trade derived from international trade theory, and as consequence results in the centralisation of devolved regulatory competences. This approach however does not take into consideration the pros and cons of decentralised regulatory policy making. Thus, any framework for services market integration ought to consider the potential trade-offs between market making and devolved autonomy.

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The Role Of Intellectual Property In The Sustainability Of Startups And SMEs Growth: Pakistan As A Case Study

The COVID-19 pandemic has not only worsened the socio-economic conditions but also threatened sustainability of businesses. World Bank estimates that 600 million jobs will be needed by 2030 to absorb the growing global workforce, which makes SME development a high priority for many governments around the world. Business sustainability (capability of an enterprise to remain in business) will solve or mitigate ecological, social and economic problems, during the post COVID-19 pandemic. Building a sustainable economy takes place through the sustainable development which can be implemented through the realization of the SDGs and adoption of CSR. Economic progress and business sustainability rely on innovation which requires financing because economic development is impossible without effective financing. Access to finance is a key constraint to SME because they are less likely to be able to obtain bank loans than large firms; instead, they rely on internal funds, or cash from friends and family, to run their enterprises. In order to resolve the issue of credit shortage for young and innovative firms, Intellectual property (IP), being a pillar of corporate strategy, can play a key role in securing finance for businesses seeking to develop, commercialize and market their innovations. However, SMEs face two types of risk which hinder IP monetization: internal risks i.e. IP factors, pledge management risk and enterprise operation risk; and external risks i.e. environmental factors. Good corporate practices help in accurately accounting and reporting IP assets, and result in increased IP-backed debt financing for SMEs growth in countries like Pakistan.

Daniela Janikova

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The Role and Involvement of Subnational Entities in International Trade

The international trade system has experienced many developments since the post-war General Agreement on Trade and Tariffs ("GATT") had been signed. Globalisation, economic interrelatedness and the proliferation of trade agreements are some of the factors contributing to this change. This also means that a greater number of sub-national entities are affected by trade. Traditionally, however, subnational entities did not have a formal role in foreign affairs, especially in trade. Nevertheless, contemporary trade agreements have the ability to intrude upon the competences of subnational entities. As a result, there has been a rise in trade policy contestation from subnational entities, including subnational governments and also civil society groups.

This work seeks to introduce embedded liberalism as a normative framework which can be utilised as a lens through which the role of subnational entities can be analysed. Embedded liberalism was a compromise that reflected a shared consensus among the key GATT contracting parties to commit to a form of multilateral trade liberalisation while maintaining sovereignty to promote domestic stability either through macroeconomic policies or a variety of GATT provisions, such as exceptions and safety valves. This was a balance between trade liberalisation and policy space. A number of scholars have sought to develop this conceptualisation by expanding upon the notion of "policy space" to take into account contemporary trade challenges. This work adds to this discussion, by arguing that the compromise should take into account "process space" which would include subnational entities in the decision-making processes on issues directly affecting them.

Claudia Paduano

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The asymmetrical relationship between separate legal personality and the business "firm"

In the company law sphere it has been argued that mounting pressure and demands of individuals wanting to organise their economic activities, in order to transact easily in market economies, through the use of a corporate entity led to several core features attributed to companies. Companies have five core characteristics: transferable shares, delegated management, investor ownership, legal personality, and limited liability. These characteristics are present also in corporate groups, where the law recognises that each member has separate legal personality subject to its own rights and liabilities.

Corporate groups are the modern reality of how business is organised, and the corporate group *phenomenon* comes with its complexities. On the one hand, the organisation of business in such structures allows investors to pursue growth by exploiting *economic* principles through expansion strategies and transaction cost economics. On the other hand, issues arise when parent companies exploit the *legal* principles of separateness. Awarding each company within a corporate group with separate legal personality has the effect of allowing the parent company *qua* shareholder of a subsidiary to have limited liability. In other words, corporate group structures facilitate parent companies to delegate the management of risky operations to subsidiary companies, whilst limiting their liabilities arising from the negligent conduct of operations.

The strict application of the concept of separateness throughout the history of corporate structures has facilitated asymmetries between the legal reality of what courts recognise as a "legal entity", and the economic reality of how ultimate shareholders profit from companies' activities. The result is that these asymmetries cause harm to innocent third parties.

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Mapping the Influence of International Law upon the 2030 Sustainable Development Goals and Their Implications for International Law

First explicitly articulated in the preparatory documents for the Brundtland Report, sustainable development (SD) seeks to safeguard the needs of present and future generations by balancing social and economic advancement with environmental protection. The Sustainable Development Goals (SDGs) are the current global manifestation of SD. This paper maps the evolution of SD from an uncertain concept to a 21st-century suite of universal Goals that can be integrated into domestic legislation and used to facilitate international cooperation.

Adopted by 193 UN Member States, this paper discusses the SDGs as a novel paradigm that relies upon collective action, political commitment, and voluntary State reporting. Whilst not legally binding, it is apparent upon examination of the SDG preparatory sessions and the Goals themselves, that the SDGs were significantly informed by the rules and principles of international law, and were designed to be implemented in a manner that is consistent with existing and emerging legal principles and obligations. Not without flaws, this paper discusses some criticisms of the SDG framework.

SD channels normativity, not as law in itself, but as a vessel through which many legal principles and rules intersect and under which customary practices can be established. The realisation of SD has long been an aspiration and challenge for international law and global governance, and the SDGs embody an unorthodox approach to addressing environmental, social, and economic challenges through which international and State practices are shaping what SD means, both conceptually and normatively.

Session 4 - "Justice – Past and Present"

Matthew McCallion

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Setting the stage for the assessment of the criminal liability of autistic defendants in an age of Neurodiversity

Courts have long struggled to assess and determine the criminal liability of autistic defendants due to a reliance on approaches largely based on neurotypical views and rationales. Such approaches tend to lead to outcomes whereby autistic defendants risk being judged according to neurotypical cognitive standards or be forced to rely on the partly stigmatising insanity defence.

Drawing from the author's ongoing PhD research, this paper builds on previous literature holding these approaches as problematic as they fail to account for autistic traits and thought processes when assessing criminal liability. The main aim of this paper is to preliminarily set the stage for an alternative lens for determining the criminal liability of autistic defendants based on principles emanating from the so-called 'neurodiversity paradigm'.

This proposed new perspective will be informed by three factors: (i) identifying key themes arising from important case law regarding the criminal liability of autistic defendants; (ii) an introduction to key terms and definitions relating to the philosophy of neurodiversity and, by extension, the neurodiversity paradigm; and (iii) the impact and influence of the neurodiversity paradigm across various disciplines.

The paper concludes by arguing that approaching the issue via a new neurodiversity-based lens provides several benefits, including: (i) a departure from the exclusion of autistic defendants from a fully fair adjudication within the criminal legal system; and (ii) the capturing of the ongoing emergence of a paradigm shift that has proliferated in other disciplines in order to inform and refine the law on the status of autistic defendants.

Daniela Suárez Vargas

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Complicating victimhood of female fighters: agency in violence vs. the 'ideal victim' of sexual violence in the Colombian conflict

Sexual and reproductive violence within illegal armed groups is an open secret in Colombia. Cases of rape, forced abortion, and forced contraception have been reported within the ranks of these groups (Colombian Truth Commission, 2022). However, the recognition of the victim status to fighters is politically and socially contested (McEvoy, Lawther & Moffett,2022). Colombia's legal framework treats victims and perpetrators as distinct binary categories. This denies victim status to female fighters who suffer sexual violence during their time in an armed group. Their soldiering is often associated with flaws in their femininity, as they are not seen as vulnerable, innocent, and passive individuals or those worthy of redress (Sjoberg, 2007). As such, their victimisation is seen as a consequence they must bear for their agency in violence, and for not submitting to gender norms (Hearty,2018). By engaging in the "false dichotomy" of agency and victimhood, the Colombian legal system has decontextualized their experiences of sexual and reproductive violence. In turn, it strips them of their victim status and rights to truth, justice, and reparation. In this context, I examine how the agency of female fighters has clashed with traditional narratives of the "ideal victim" of sexual violence in Colombian transitional justice. Drawing on testimonies of female fighters and literature on transitional justice, victimology, and gender, I argue that agency should not be a factor that excludes the public acknowledgement of victimhood of female fighters. On the contrary, it could contextualise their experiences of victimisation, and demonstrate cycles of structural and gendered violence in communities and armed groups.

Carolyn McDowell

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The Invisible Victim: The Scope of Therapeutic Jurisprudence to Improve Access to Justice for Older Female Victims of Domestic Abuse in Northern Ireland

COVID-19 exacerbated domestic abuse (DA) cases in NI, creating a 'shadow pandemic' (R McQuigg, 2020). On average, the PSNI responds to instances of DA every 17 minutes. Society assumes that age is a somewhat protective factor, yet the PSNI recorded 470 DA offences involving women aged 65+ in 2021/22. Women's Aid estimate that older people experience DA for twice as long before seeking help. Older female victims of DA encounter unique barriers to justice inside and outside the courtroom. Ageist stereotyping and a lack of societal understanding are further perpetuated by the conservative religious and political discourse in NI.

This paper offers an analysis of therapeutic jurisprudence (TJ), which has been shown to empower victims of DA within the court system. This 'innovative' justice mechanism, recently garnering traction in Western jurisdictions, encourages rehabilitation by offering a more holistic and less adversarial approach. This paper will discuss the healing scope of TJ that has been observed in DA courts in the USA, and parts of the UK. Scotland's adoption of various therapeutic jurisprudential practices will be analysed offering consideration as to how such practices could help older female victims of DA in NI. Porter iterates that female victims consider the law is 'on their side' when judicial actors respectfully and compassionately involve them in the process.

Damien Rea

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The role of civil society in transitional justice in Colombia: lessons to be learnt from Northern Ireland

In 2022, the UK government introduced the Northern Ireland Troubles (Legacy and Reconciliation) Bill, signalling its intent to finally initiate legislation to deal with the legacy of the conflict. Once enacted, it will see all conflict related prosecutions, investigations, inquests and civil actions closed down, with the introduction of a conditional amnesty scheme. These proposals are opposed by all local political parties and victims' groups, and have been heavily criticised by the Council of Europe on human rights grounds.[1]

This opinion is shared by the collaborative QUB/Committee on the Administration of Justice (CAJ) Model Bill Team, which has argued for the 'centrality of the rule of law as an organising framework around which any legacy process must be constructed'.[2] The introduction of the Bill will lead to a significant mobilisation from civil society, with victims seeking legal advocacy and taking challenges. At the centre of this mobilisation will be the CAJ, the human rights NGO and partner organisation for my PhD project.

My project involves a comparative study with the case of Colombia. There are obvious similarities with Colombia, where civil society was heavily involved in the peace process and has played a key part in both working with the top-down transitional justice processes 'from below,' whilst also critiquing such processes as and when appropriate.

1 BBC News, 'NI Troubles: Legacy bill passes Commons stages' (4 July 2022) https://www.bbc.co.uk/news/uk-norther-ireland-62043358 accessed 1 October 2022

2 Anna Bryson and others, 'Addressing the Legacy of Northern Ireland's Past : The Model Bill Team's Response to the NIO Proposals' (September 2021) < http://www.dealingwiththepastni.com/project-outputs/project-reports> accessed 1 October 2022.

Richard McBride

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The Failure to Modernise the Office of the Irish Lord Chancellor (1880-1915): a Comparison with the Developments in Great Britain

The Lord Chancellor's Office in Great Britain was established in 1880 and developed into a significant administrative office in support of the Lord Chancellor and the administration of justice. Significant steps were taken particularly in 1884 with the formal appointment of a Permanent Secretary to the Lord Chancellor and a Private Secretary.

The equivalent contemporary officeholders in Ireland, the Lord Chancellor of Ireland and the Clerk of the Crown and Hanaper, seemed ostensibly content to leave matters unchanged. Lord Ashbourne (Irish Lord Chancellor for most of 1885-1905) dominates the period. Nevertheless, Irish Lord Chancellors also often favoured mirroring developments in Great Britain to maintain uniformity. The position of Clerk of the Crown and Hanaper was dominated by just two men from 1882 to 1915 and contemporary descriptions are unflattering. Even so, that Clerk was also the Permanent Secretary to the Irish Lord Chancellor, if in name only, to the effect that steps were taken to modernise the Irish administration.

The paper will cover the failure to develop a similar structure in Ireland in comparison to that established in Great Britain. Why did it not happen? What impact did it have, if any, on the administration of justice in Ireland compared to Great Britain? The developments and personalities in Great Britain are well documented - how important were the personalities of the officeholders in Ireland in the failure to modernise the Irish Lord Chancellor's Office? Were there any signs of reform or was it just not considered necessary?