

# Centre for Private International Law

Aberdeen CPIL Newsletter

January 2023



Spotlight  
on...

We are proud and excited to introduce our new internal members of the Centre for Private International Law:



**Luci Carey**  
Lecturer in Law



**Francesca Farrington**  
Lecturer in Commercial Law



**Nevena Jevremović**  
Lecturer in Commercial Law



**Michiel Poesen**  
Lecturer in Private International Law

Two papers written by Dr Michiel Poesen were cited in Advocate General Szpunar's opinion C-265/21 delivered on June 16, 2022. We are proud of Michiel's impact within the European Union!

You may access the relevant papers here:

**M Poesen**, 'Regressing into the right direction: Non-contractual claims in proceedings between contracting parties under Article 7 of the Brussels Ia Regulation' (2021) 28 *Maastricht Journal of European and Comparative Law* 3, 390–398

<https://journals.sagepub.com/doi/10.1177/1023263X211014719>

**M Poesen**, 'From Mirages to Aspirations. The Periphery of "Matters Relating to a Contract" in Regulation 1215/2012' (2020/21) 22 *Yearbook of Private International Law*, 511–545

<https://www.degruyter.com/document/doi/10.9785/9783504387587-022/html>

Dr Francesca Farrington passed her viva without corrections! The topic of her doctoral dissertation is *Trust and The Rule of Law: An Interdisciplinary Analysis of the Relationship between the Rule of Law and Economic Development*. Congratulations, Francesca!



## EDITORIAL NOTE

Dear CPIL Members,

We wish you all a productive and joyful 2023! Hopefully, you had a great start to the year! We are delighted to present you with the latest newsletter of the Centre for Private International Law at the University of Aberdeen!

In this edition of our newsletter, we are taking a moment to celebrate all the bright legal minds making up our Centre. We are particularly proud to welcome four new internal members, Luci Carey, Francesca Farrington, Nevena Jevremović and Michiel Poesen and a new PhD student, Le Xuan Tung, supervised by Dr Katarina Trimmings. We are also excited to have welcomed our new associate members: Ronald A. Brand, Geert van Calster, Janeen M Carruthers, Deyan Draguiev, Tim Dornis, Kirsty J Hood, Zlatan Meškić, Veronica Ruiz Abou-Nigm, and Marco Torsello.

As always, we are proud to present you with our people's news, research and wonderful achievements. In the following sections, you will find what our members and associate members have been working on. Congratulations to everyone on your fantastic achievements!

If you are looking for a forum to discuss new ideas and ground-breaking topics, we highly recommend you read the rundown of our past events in the 'Centre Activity' section. Information on upcoming events organised by the Centre will be disseminated regularly in the second half-session. We will be delighted to have you at our events and to hear your thoughts.

Enjoy reading!

With best wishes,

**Dr Patricia Živković and Konstantina Kalaitoglou**

(Co-Editors of the CPIL Newsletter)

## NEWS FROM STAFF & RESEARCH STUDENTS

### Konstantina Kalaitoglou

Konstantina has been working as a research assistant alongside **Dr Katarina Trimmings** ([www.abdn.ac.uk/law/people/profiles/k.trimmings](http://www.abdn.ac.uk/law/people/profiles/k.trimmings)) on the project entitled "Protection of international families with links to the European Union post-Brexit: Collaborative Scotland-EU partnership." ([www.abdn.ac.uk/law/research/centre-for-private-international-law/protection-of-international-families-with-links-to-the-european-union-postbrexit-1439.php#panel1444](http://www.abdn.ac.uk/law/research/centre-for-private-international-law/protection-of-international-families-with-links-to-the-european-union-postbrexit-1439.php#panel1444)) The project sprang out of the realisation that a significant number of international families live within the borders of Scotland. Likewise, a considerable number of Scottish families have ties to or live in the EU. In the wake of Brexit, most EU Private International Law Instruments ceased to have force, creating newfound legal issues for such families. The research aims to understand and assess whether the Hague framework of conventions provides enough support to ensure a smooth transition to a post-Brexit era for international families.

The project's Principal Investigators are Dr Katarina Trimmings, Prof. Mirela Župan and Prof. Thalia Kruger. Its output will involve a series of national reports and workshops. The project is funded by the Royal Society of Edinburgh ([www.rse.org.uk](http://www.rse.org.uk)) under the Saltire Facilitation Network Award Scheme ([www.rse.org.uk/funding-collaboration/award/rse-saltire-facilitation-network-awards/#:~:text=The%20RSE%20saltire%20facilitation%20network,in%20different%20disciplines%20and%20institutions](http://www.rse.org.uk/funding-collaboration/award/rse-saltire-facilitation-network-awards/#:~:text=The%20RSE%20saltire%20facilitation%20network,in%20different%20disciplines%20and%20institutions)).

In addition to research assistance, Konstantina was part of the working group of the University of Aberdeen that submitted a response to the Law Commission's consultation paper for the reform of the Arbitration Act 1996.

**RSE**  
The Royal Society  
of Edinburgh  
KNOWLEDGE MADE USEFUL



### Dr Onyoja Momoh

*Onyoja visits the Federal Ministry of Justice in Abuja, Nigeria.*

In July 2022, our Dr Onyoja Momoh embarked on her third visit to Nigeria's Federal Ministry of Justice. The Federal Ministry of Justice (MOJ) forms part of the executive arm of the Federal Government of Nigeria. The visit builds on collaborative endeavours to improve aspects of private international law/conflicts of laws in Nigeria. The visit builds on previous missions to Abuja, including with Dr Christophe Bernasconi (Secretary General of the HCCH), particularly following the endorsement of His Excellency Mr Abubakar Malami SAN (Minister of Justice and Attorney General of the Federation) to 'expedite actions in terms of membership with the HCCH and associated Conventions'.

Onyoja met with the Solicitor General of the Federation and Permanent Secretary, Mrs Beatrice Jedy-Agba OON MNI; as well as the Director, Deputy Director, principal legal officers at the MOJ's International and Comparative Law Department and the Head of the Sexual and Gender Based Violence Response Unit (SGBV). In-depth meetings at the MOJ were both positive and valuable. Further information is available on the Law School news page.

<https://www.abdn.ac.uk/law/research/centre-for-private-international-law/news/16373>



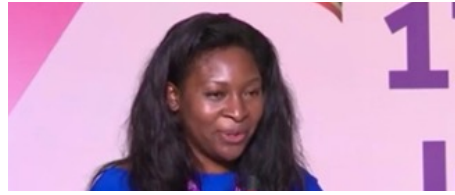
*Collaborative Research Project on International Custody Disputes and the mental health effects on Stuck parents 2022/23.*

A collaborative research project has commenced examining the mental health effect on 'Stuck' parents in international custody disputes. The research is conducted by GlobalARRK in consultation with Onyoja and Dr Laura Kean (Consultant Child and Adolescent Psychiatrist, NHS Borders.). This pilot research project will examine how international family law disputes may affect the mental health of predominantly primary carers. The empirical research will collate responses from parents who have experienced proceedings involving the Hague Convention on the Civil Aspect of International Child Abduction, international permanent relocation/leave to remove applications or wardship proceedings. A report is expected to be published in 2023.

*Onyoja attends and co-presents with a Justice of the Supreme Court of South Africa, addressing the African Chapter of the International Association of Women Judges in Kampala, Uganda.*

On 27th October 2022, Justice Constance Mocomie (Supreme Court Judge of SA and Hague Network Judge) and Onyoja presented at the International Association of Women Judges – African Chapter. The event, which was officially opened by the President of the Republic of Uganda H.E. Yoweri Kaguta Museveni, took place over 5 days in Kampala from 25th to 29th October 2022. The theme was "Women Judges: Breaking Barriers & Strengthening Institutions" anchored in the UN SDG 16 – Peace justice and strong institutions. The event welcomed hundreds of judges from across Africa from Magistrates to judges in the High Court, Court of Appeal, Supreme Court and the ICC. Attendees included the leadership of the IAWJ, distinguished guests such as the Chief Justice of the Republic of Uganda His Lordship Owiny-Dollo, the Chief Justice of Kenya and President of the Supreme Court, Hon. Lady Justice Martha Koome, and delegates from organisations such as the International Development Law Organisation. The paper, entitled "*Strengthening Africa's international obligations on child rights and protection: the importance of the Hague Children Conventions*"; was well received with commitments to explore the feasibility and benefits of the Hague Children Conventions and invitations from judges for future collaborations from countries including

Nigeria, Kenya, Uganda and Ethiopia, to mention but a few. A joint report to the HCCH will be prepared.



#### Dr Michiel Poesen

In September and October 2022, Michiel completed a country report for Belgium for a study on the application of the Brussels la Regulation (EU) No 1215/2012. The study is conducted by Milieu SPRL on behalf of the European Commission (DG JUST). It involves national experts from every Member State of the EU.

He also finalised papers that will be published in the Common Market Law Review and the European Review for Private Law. In September, he gave a paper on AI & Private International Law in the Centre's seminar series.

#### Hikari Saito

Hikari Saito passed the viva for her PhD thesis with regard to the UN Convention on International Settlement Resulting from Mediation (the so-called Singapore Convention) with minor corrections in July 2022 and she received a PhD degree in November. This year she published an article in Japanese entitled 'Formation and Development of International Commercial Mediation: Birth of Modern Mediation and Its Spread into Common Law Jurisdictions' with Kokusai Shotorihiki Gakkai Nenpo (Annual Journal of Academy of International Commercial Transactions). Additionally, she presented her papers to discuss the use of mediation to promote production of vaccines in a pandemic in English at the JPR-led UKRI October Conference, and in Japanese at the Conference for the Academy of International Commercial Transactions in November 2022. While she continues her research on international commercial mediation, she has decided to shift her career path into practice and has started working for USJ, LLC (dba Universal Studios Japan) as a paralegal.

#### Le Xuan Tung

Le Xuan Tung delivered a presentation entitled "The changes of Hague Conference on Private International Law (HCCH) in the context of Fourth Industrial Revolution – Some recommendations for Vietnam" in the workshop entitled Fourth Industrial Revolution and issues raised by Private International Law (PIL) held by Hanoi Law University, Vietnam in October. The presentation emphasized the huge impact of HCCH in PIL and its consideration in the digital economy along with UNCITRAL and UNIDROIT. Accordingly, as an active member, Vietnam should consider the application of the Hague Principles on Choice of Law in International Commercial Contracts in arbitration and conduct extensive research on the Hague Apostille Convention and Hague Securities Convention. Tung also published two articles in Vietnamese entitled "Principle of the closest connection in Common Law nations and lessons for Vietnam" in the Journal of Law on Development" and "Applying monism and dualism – Experiences of some countries on the implementation of international treaties; lessons learnt for Vietnam" in the Journal of Democracy and Law.

#### Dr Patricia Živković

Patricia published an article entitled Mind the Gap: Tech-Based Dispute Resolution for Disputes in Global Supply Blockchains (with Anjanette Raymond, Denise McCurdy and Mimi Zou) in Business Horizons.

[www.sciencedirect.com/science/article/pii/S0007681321002020](https://www.sciencedirect.com/science/article/pii/S0007681321002020)

In September 2022, she attended the ICCA Congress in Edinburgh for which the theme was "Arbitration's Age of Enlightenment?"

Patricia also contributed to the Response to the Law Commission of England and Wales Consultation on the Review of the Arbitration Act 1996 (<https://www.abdn.ac.uk/law/research/centre-for-private-international-law/consultancy-and-funded-research-75.php#panel1579>) prepared by the members of the Centre for Private International Law and the Centre for Commercial law. She contributed to the chapters dealing with the enforceability of protected characteristics of an arbitrator, arbitrator immunity, the revision of the appeal on points of law in arbitration under Section 69, and remote hearings and electronic documentation in the post-Covid arbitration world.

# News from associate members

## Professor Donna McKenzie Skene

In October, Professor Donna McKenzie Skene and Dr Alisdair MacPherson submitted a response to a UK Insolvency Service consultation on the implementation of two UNCITRAL Model Laws on Insolvency. The UK implemented the original UNCITRAL Model Law on Cross-Border Insolvency through the Cross-Border Insolvency Regulations 2006 and the Cross-Border Insolvency (Northern Ireland) Regulations 2007 with a view to strengthening its private international law rules relating to insolvency. Further work by UNCITRAL has recently resulted in two further model laws on insolvency: the UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments (MLIJ) and the UNCITRAL Model Law on Enterprise Group Insolvency (MLEG). The Insolvency Service consultation sought views on the proposed partial implementation of the former and full implementation of the latter with a view to strengthening the UK's private international law rules further. Our consultation response welcomed the proposals but suggested that they could go further in terms of a fuller implementation of the MLIJ. Our full response can be found on the Centre for Commercial Law website. (Response to consultation on Implementation of Two UNCITRAL Model Laws on Insolvency.

[www.abdn.ac.uk/law/documents/Response%20to%20consultation%20on%20Implementation%20of%20Two%20UNCITRAL%20Model%20Laws%20on%20Insolvency%20-%20Final.pdf](http://www.abdn.ac.uk/law/documents/Response%20to%20consultation%20on%20Implementation%20of%20Two%20UNCITRAL%20Model%20Laws%20on%20Insolvency%20-%20Final.pdf)



## Professor Dr Elina Moustaira

Professor Dr Elina Moustaira taught, from 23 January until 6 February 2022, a course on comparative law (more specifically, comparative and international cultural heritage law), of 24 hours, at the Nanterre University, Paris, France, following an invitation by the directrices of the Master (LL.M.) de droit européen of that University. In early March 2022, she participated in the INSOL Europe Academic Conference 2022, in Dublin, Ireland, on the subject of “The Emerging New Landscape of European Restructuring and Insolvency”.

In April 2022, she attended the 2022 Bob Wessels Insolvency Law Collection PhD Workshop, in Leiden, The Netherlands. On the 3rd of May 2022, Professor Dr Moustaira, presented (online) a paper at the International Conference “Le collezioni d'arte pubbliche tra conservazione e valorizzazione del patrimonio culturale”, that was organized in the frame of the Corso di dottorato in Diritto e scienze umane, of the Università degli Studi dell'Insubria, Como, Italy. Also in May, she participated in the CIVIS Seminar “Europe and the Rule of Law”, in Bucharest, Romania, together with 5 Greek students. Finally, on the 5th and 6th of October 2022, she participated in the 18th Annual Conference of the Academic Forum of INSOL Europe, in Dubrovnik, Croatia, the theme of which forum was “Insolvency Law in Times of Crisis”. From 2 December until 11 December 2022, Professor Dr Elina Moustaira did research in Humboldt Universität zu Berlin, following a scholarship and on the 8th of December she spoke at a seminar organised by the Humboldt European Law School on “[International] Protection of Cultural Objects – Comparing Laws – International Conventions.”

Professor Dr Elina Moustaira's latest publications include a “Book review” on the book *Cross-Border Protocols in Insolvencies of Multinational Enterprise Groups*, of Ilya Kokorin and Bob Wessels, 1 edn, *International Insolvency Review* 2021 and a contribution to the *Lex&Forum* Series entitled, “English schemes of arrangement - [how] will they be recognized by the EU Member States?”, in: *Prozeßrechtsvergleichung und prozessuale Vereinheitlichung. Studia in memoriam Peter Gilles*, *Lex&Forum* 2021. Professor Dr

Elina Moustaira also published a series of other publications, namely, a contribution entitled “[International] Insolvency Law – Legal Transplants”, in *Il diritto concorsuale italiano e gli obiettivi di coordinamento con la disciplina euorounitaria*. A cura di F. Pasquariello e Marco Torsello, Edizioni Scientifiche Italiane, 2022; a contribution entitled “National laws on private collections: Problems and solutions”, in: *LES COLLECTIONS PRIVÉES. Approches historiques et juridiques*. Sous la direction de M. Cornu & J. Fromageau, Editions Harmattan, 2022 and a contribution entitled “Legal Transplants in National Insolvency Laws”, in: *Recht als Brücke zwischen Ost und West. Festschrift für Prof. Dr. Alexander Trunk zum 65. Geburtstag*, Aliyev; Breig; Wede (Hrsg.) 2022.

Professor Dr Elina Moustaira is the Director of a new (since 2020) publication series “Comparative Legal Studies”. 6 books have already been published – 2 of them during 2022.



# CENTRE ACTIVITY

## Crossroads in Private International Law webinar series

In the context of the Centre's Crossroads in Private International Law series, the Centre hosted three webinars on interdisciplinary topics with a Private International Law angle.

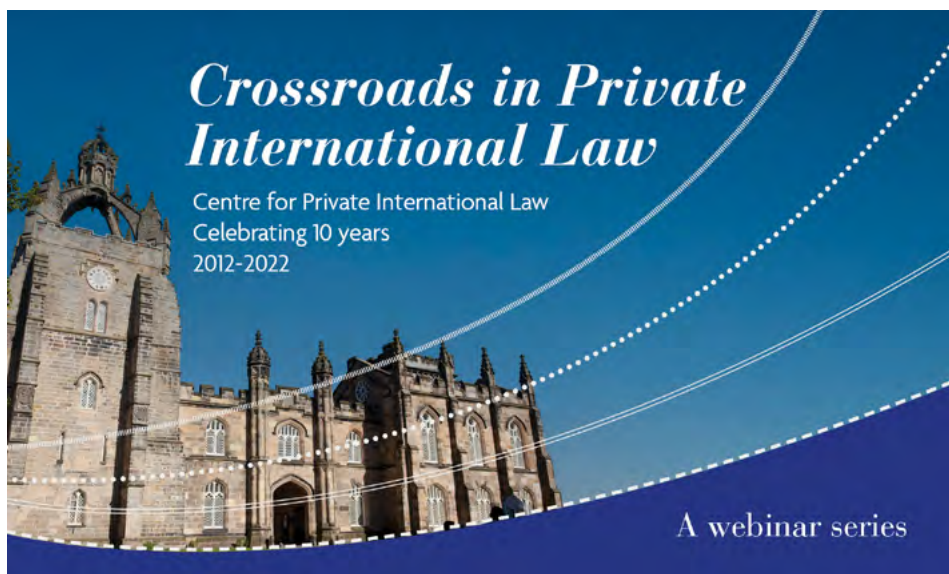
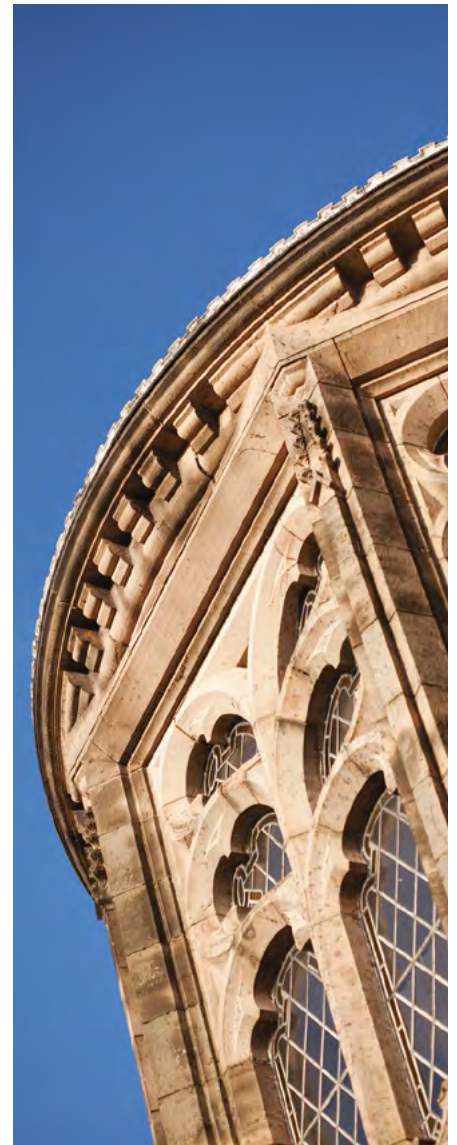
- “The Private Side of Transforming our World: UN Sustainable Development Goals 2030 and the Role of Private International Law” by Prof Dr Verónica Ruiz Abou-Nigm, Chair of Private International Law, School of Law, University of Edinburgh.
- “Private international law’s contribution to the regulation of

Artificial Intelligence (AI): an EU perspective” by Dr Michiel Poesen, Lecturer, School of Law, University of Aberdeen.

- “Strategic Climate Change Litigation in the EU: Between Judicial Restraint and Proactive Judicial Policy” by Nevena Jevremović, Honorary Lecturer, School of Law, University of Aberdeen.

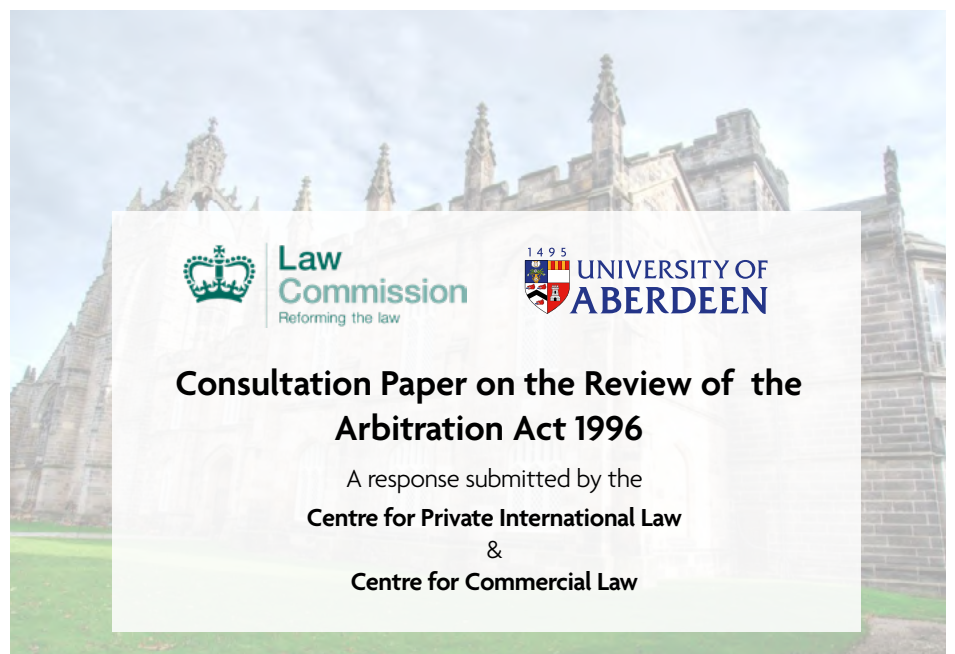
You can watch the recordings of these webinars through links available here:

[www.abdn.ac.uk/law/research/centre-for-private-international-law/consultancy-and-funded-research-75.php](http://www.abdn.ac.uk/law/research/centre-for-private-international-law/consultancy-and-funded-research-75.php)



## Public Policy & Stakeholder Engagement

The Centre for Private International Law members participated in the University of Aberdeen's Working Group to provide a detailed response to the Law Commission's recent Consultation Paper on the English Arbitration Act 1996. Dr Nevena Jevremović coordinated the response, with contributions from Dr Patricia Živković and Konstantina Kalaitoglou and comments from Professor Justin Borg-Barthet. Our members' contributions focused primarily on the private international law aspects of the Consultation Paper, notably, the role of the courts in support of arbitration seated in England and the purely procedural aspects of arbitration seated in England. Read the report here: <https://www.abdn.ac.uk/law/research/centre-for-private-international-law/consultancy-and-funded-research-75.php#panel1579>



## Upcoming events of the Centre

Information on the Centre's upcoming events will be regularly updated on the Centre's website [www.abdn.ac.uk/law/research/centre-for-private-international-law/consultancy-and-funded-research-75.php](http://www.abdn.ac.uk/law/research/centre-for-private-international-law/consultancy-and-funded-research-75.php) and disseminated via email to the membership in the next half-session.

## Contact Information

### Dr Katarina Trimmings

(on research leave until 23 January 2023)

Director of the Centre for Private International Law

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Any queries about the work of the Centre.

### Dr Patricia Živković

(on research leave as of 23 January 2023)

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Any queries regarding the content of the newsletter and submissions to the next issue.

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Any queries regarding submissions to the next issue of the newsletter.

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Any queries regarding submissions to the next issue of the newsletter.

