

Centre for Private International Law - July 2021 Newsletter



Dear CPIL Members,

We are delighted to introduce the first issue of the Newsletter of the Centre for Private International Law of the University of Aberdeen!

The objective of the newsletter is to provide an opportunity to private international law enthusiasts (including staff, research students, and associate members of the Centre) to connect and share their news. In each issue, we will present you with the news, research updates, and upcoming events of the Centre. We welcome your submissions for our future issues!

In the present newsletter, we are proud to present you with an array of interesting updates from the Centre and two associate members, Professor Dr Mohamed S. Abdel Wahab and Professor Mirela Župan. We are especially proud of the major achievement of Dr Justin Borg-Barthet, Benedetta Lobina, and Magdalena Zabrocka, who recently published a study commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs.

Congratulations to everyone on your fantastic achievements!

We hope you will enjoy reading the newsletter! Feel free to contact us if you have any remarks or if you would like to be featured in the next issue.

With best wishes,

Dr Patricia Živković and Konstantina Kalaitsoglou

(Co-Editors of the CPIL Newsletter)

Spotlight on...



The Centre for Private International Law is particularly pleased to report that its members Dr Justin Borg-Barthet, Benedetta Lobina, and Magdalena Zabrocka authored a study commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs in June 2021.

The study, titled '[The Use of SLAPPs to Silence Journalists, NGOs and Civil Society](#)' focuses on the legal definitions of Strategic Lawsuits Against Public Participation (SLAPP) and assesses the compatibility of anti-SLAPP legislation with EU law. The study reached conclusions through the prisms of Human Rights and Private International Law instruments such as the Brussels Ia Regulation and the Rome II Regulation. The findings identified 'a need for significant legislative intervention' to deter strategic litigations that are intended to suppress public participation in matters of public interest.

The main recommendation is the adoption of a first of its kind, anti-SLAPP Directive, which would empower national courts to decide on the timely dismissal of a claim without compromising the fundamental right to a fair trial (Art. 6 ECHR). In addition to the anti-SLAPP Directive, the team proposed the recast of the Brussels Ia Regulation to adopt 'a bespoke rule concerning defamation claims,' and the addition of a rule in the Rome II Regulation 'which would harmonise national choice of law rules in defamation cases.'

The study is of exceptional importance to the European Union, which faces unprecedented challenges to the rule of law and democracy. The much-needed reforms would recognise the crucial role of journalists, NGOs and civil society, and advance democratic values in ways that existing instruments have failed to do.

News from staff and research students

Dr Justin Borg-Barthet

In July 2020, Justin Borg-Barthet participated in a roundtable discussion concerning the vexatious use of the law and the threat it poses to media freedom in Europe. The event was organised by Index on Censorship and included a select group of experts and practitioners from around the world. The discussion informed a number of policy proposals which were later articulated by Index on Censorship's Jessica Ní Mhainín. Read more [here](#).

In August 2020, Justin Borg-Barthet published a Working Paper titled 'The Brussels Ia Regulation as an Instrument for the Undermining of Press Freedoms and the Rule of Law: an Urgent Call for Reform'. This paper has played a pivotal role in informing discussions in the European Union's institutions concerning possible legislative intervention. You can access to the paper and read it on [the Centre of Private International Law's webpage](#).

In December 2020, the Coalition Against SLAPPs in Europe published a legislative proposal which was co-authored by Justin Borg-Barthet with Linda M Ravo (Liberties) and Prof Xandra E Kramer (Erasmus University). The report entitled 'Protecting Public Watchdogs Across the EU: A Proposal for an EU Anti-SLAPP Law' (48 pages) includes a narrative section which explains and justifies legislative intervention, as well as a Model Anti-SLAPP Directive which informs discussions about the content of possible future EU legislative intervention.

In April 2021, Justin Borg-Barthet was appointed to the European Commission's Expert Group Against SLAPP (Strategic Lawsuits Against Public Participation). Read more [here](#). In July 2021, he was also invited to form part of an expert sub-group which will be tasked with formulating legislative solutions for the consideration of the European Commission.

In June 2021, Justin Borg-Barthet was invited to present his views on existing gaps in EU legislation which enable Strategic Lawsuits Against Public Participation at a joint meeting of members of the European Parliament's JURI and LIBE committees designed to enable an exchange of views with Commission Vice-President Jourová and experts on how to tackle abusive litigation practices in the EU. Read more [here](#).

In June 2021, Justin Borg-Barthet was invited to participate in a webinar hosted by Index on Censorship, the European Centre for Press and Media Freedom (ECPMF) and Foreign Policy Centre (FPC), which examined the issue of SLAPP and interventions which are needed in the UK and the EU. The event was moderated by Bill Browder. In addition to Justin, guests included journalists who have been subjected to ruinous vexatious lawsuits, namely Annelie Ostlund (realtid, Sweden) and Herman Grech (Times of Malta). A recording of the event can be viewed [here](#).

Justin Borg-Barthet, Benedetta Lobina and Magdalena Zabrocka co-authored a "Study on the Use of SLAPPs to Silence Journalists, NGOs and Civil Society" (64 pages). The study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs. Dr Borg-Barthet presented the research findings and fielded questions from MEPs at a hearing of the JURI and LIBE committees on Tuesday 15 June 2021. A recording of the hearing is available [here](#). Read more [here](#)."

Dr Katarina Trimmings

Since January 2019, Dr Katarina Trimmings has been leading the EU-funded [POAM](#) project ('Protection of Abducting Mothers in Return Proceedings'). This collaborative research project explores the intersection between domestic violence and international parental child abduction. In addition to the University of Aberdeen as the co-ordinator, the project involves further three partner institutions: the Ludwig Maximilians University of Munich - Professor Anatol Dutta, the Milano-Bicocca University - Professor Costanza Honorati, and the University of Osijek - Professor Mirela Župan. Over the past year, the project team has achieved a number of important project milestones, including the delivery of the project [Training Workshops](#) for judges and legal practitioners (September 2020-April 2021), the publication of the [POAM Best Practice Guide](#) (November 2020), the organisation of the [POAM 2021 International Conference](#) (March 2021), and the publication of the project [journal article](#) (April 2021). As the project draws to a close in December 2021, there is one outstanding task to be completed: the preparation of the project book manuscript. The POAM book will be published by Intersentia in 2022.

Dr Patricia Živković

On 3 December 2020, Dr Patricia Živković presented at the Croatian Arbitration Days on the topic of Oral Hearing during the Pandemic Times. Patricia opened a discussion with a general overview of the legal framework for virtual hearings. Patricia also participated in a round table of the Croatian Academy of Sciences and Arts (HAZU) titled "[Resolving cross-border disputes in the era of modern information and communication technology](#)" in May 2021. She also participated in the discussion focusing on the legal issues concerning claiming costs in arbitration and the enforcement of costs decisions rendered by an arbitral tribunal on 10 June 2021 in a webinar "Costs of Arbitration – From Pitching to Enriching", organized by Arbitral Women and Under 40 Section of Arbitration Association organized.

Finally, Patricia published a co-authored [book chapter with Toni Kalliokoski on Arbitration in Antitrust Damages Cases](#) in the *International Arbitration and EU Law*, edited by José R. Mata Dona and Nikos Lavranos (Edward Elgar Publishing, 2021).

Patricia is currently finalising her monograph on Cyber Law in Bosnia and Herzegovina (commissioned by Kluwer International).

Konstantina Kalaitsoglou

After completing her LLM in International Commercial Law, Konstantina worked as a tutor in private international law and a research assistant to Dr Katarina Trimmings and Dr Patricia Živković. She recently published an article titled "[Exploring the concept of arbitral awards under the New York Convention](#)," at the Journal of Strategic Contracting and Negotiation. She also co-authored an article with Dr Katarina Trimmings on PIL issues of International Family Law post-Brexit, which is due to be published in the Yearbook of Private International Law.

Benedetta Lobina

Benedetta Lobina has been working on an LLM by Research thesis on the impact of the

rule of law crisis in Hungary, Poland and Malta on the EU legal system. Her work focuses on the transnational effects of the erosion of the rule of law in areas including judicial independence, freedom of expression, minority rights and anti-corruption efforts in these EU member states, and it argues in favour of increased intervention by EU institutions. Recently, she has been a co-author on the European Parliament study on "The Use of SLAPPs to silence journalists, NGOs and civil society" with colleagues from the CPIL. Benedetta is also working on a paper concerning the ECJ case *Repubblika v Il Prim Ministru* with Dr Justin Borg-Barthet, which deals with the issue of judicial independence in Malta and more broadly new approaches developed by the Court to contrast rule of law violations.

Dr Onyoja Momoh

In the week commencing 31 May 2021, Dr Onyoja Momoh [visited](#) Hague signatory country Ghana. The visit was organized under the auspices of a collaborative research proposal into the feasibility and desirability of Nigeria acceding to the 1933 Hague Convention to combat child trafficking and reinforce the protection of children across national and international borders. Onyoja was hosted by Mr Stephen Tikai Dombo, Head of the Ghana Central Adoption Authority at the Ministry for Gender, Children and Social Development, who discussed the 1993 Hague Inter-Adoption Convention acceded to in 2016, and described it as "one of the best things Ghana could do in terms of child protection and development".





In the course of the visit to Ghana, she met with officials at their Regional Offices, the family courts and an NGO (International Justice Mission, Ghana).

Also, on 21 June 2021, with over 130 registrants from across Africa, Europe, UK and further afield, the [Nigeria Group on Private International Law](#) (“NGPIL”) was launched, a new initiative spearheaded by Dr Onyoja Momoh that will bring together a unique group of experts with an important ethos: the promotion of private international law in Nigeria. The drive and commitment of the Group are embedded in the vision that their role, as early career academics, is to serve and harness our knowledge and skills to inspire a progressive private international law for Nigeria. Opening remarks were made by Dr Christophe Bernasconi, HCCH Secretary General, and a keynote by Professor Richard Frimpong Oppong (Author of PIL in Commonwealth Africa, and co-author of PIL in Nigeria). The Group’s [website](#) is now live and the recording of the inaugural lecture can also be viewed online, as well as resources and upcoming efforts and collaborations of the Group.

Hikari Saito

Hikari Saito, a second year PhD student, presented a paper regarding her PhD research on the Singapore Convention on Mediation at the American Bar Association Section of Dispute Resolution Conference in April 2021. Moreover, she was awarded a 6-month research grant from the Institute of Intellectual Property in Japan to research the use of mediation to enhance the development and distribution of vaccines in future pandemics.

Magdalena Zabrocka

Magdalena Zabrocka has recently co-authored a study on “The Use of SLAPPs to Silence Journalists, NGOs and Civil Society” published by the European Parliament’s Department for Citizens’ Rights and Constitutional Affairs. She is taking part as a presenter in the 8th Annual Summer SpeakEasy Conference and as a member of the organising board of the 1st Postgraduate Conference of the Centre for Private International Law. Magdalena is currently focusing on her research regarding Citizenship by Investment Schemes in the EU and is working on a paper concerned with the EC’s infringement proceedings against Cyprus and Malta. Lastly, Magdalena is involved as a research assistant in a project titled “Private International Law as the Final Frontier for Feminist Scholarship?”.

News from associate members

Prof. Dr. Mohamed S. Abdel Wahab

Prof. Dr. Mohamed S. Abdel Wahab has been very active in speaking engagements and in publishing on PIL related issues. His recent publications include:

- an article on “Itisaluna and Others v Iraq The OIC Agreement Conundrum: Consent to ICSID Arbitration and the MFN Clauses Saga”, ICSID Review (Forthcoming 2021);
- an article on “Petroleum Concessions in Egypt: A Recipe for Disputes?”, BCDR International Arbitration Review, Special Issue on Oil & Gas Arbitration in the Middle East (Forthcoming 2021);
- a book chapter on “[Law Governing Extension of Arbitration Agreements to Third Parties 2.0: Deconstruction, Evolution and Reconsideration](#)”, in Conflict of Laws in International Arbitration edited by Franco Ferrari and Stefan Kroll (August 2019);
- co-edited book with Prof. Ethan Katsh and Mr Daniel Rainey the second edition of the leading treatise on ODR titled “Online Dispute Resolution: Theory and Practice”, (Eleven International 2021);
- co-edited book with Prof. Dr Maxi Scherer and Ms Niuscha Bassiri, he co-edited the first treatise dedicated to COVID-19 and international arbitration titled “[International Arbitration and the COVID-19 Revolution](#)”, (Kluwer International 2020);
- an article on the Abdel Wahab Pandemic Pathway to Virtual Hearings, published in Vol 13(2) of the NYSBA New York Dispute Resolution Lawyer, 2020 under the title “[Exculpating the Fear to Virtually Hear – A Proposed Pathway to Virtual Hearing Considerations in International Arbitrations](#)” (and the Abdel Wahab Pandemic Pathway was also translated and published in Chinese in the Beijing Arbitration Quarterly 2020).
- a book chapter entitled “[Judicial Review and Reasoning of Arbitral Awards Perspectives from Africa and the Arab World](#)”, ICC Dossier XVIII: Reasoning in Arbitration, (ICC 2020).

Professor Mirela Župan

Professor Mirela Župan research activities of 2020 related primarily to ongoing EU projects:

- [Judicial Training in Family and Succession Matters](#) (Prof. Župan, Kunda, Poretti) conducted under the EUFams's consortium led by Heidelberg University;
- Implementation of protective measures in the European Union conducted under the [POAM consortium](#) led by the University of Aberdeen;
- Research project relating to [PIL aspects of forced migrations](#);
- Research on digitalization of legal education and law was approved for financing by the Erasmus + Programme in the framework of strategic partnership project “[Time to Become Digital in Law](#),” conducted by the consortium of the University of Osijek, University of Aberdeen, the University of Milan, and the University of Zagreb – Computing centre.
- A paper on Effects of Human Rights over Contemporary Private International Law got published in a [Croatian Academy of Science monograph](#)
- Issues pertaining to companion animals welfare in the course of international divorce

proceedings were addressed at a [scientific conference of the PSEFS consortium](#);

- A paper on International Sales of Pets – Is the EU ahead of Common Welfare Standards? just got published in: G. Sander / A. Pošćić, D. Martinović, (eds.) Exploring the social dimension of Europe. Essays in honour of Nada Bodiřoga Vukobrat. Verlag Dr. Kovač, Hamburg 2021. p. 513-522;
- Series of [online expert seminars on the topic of the Revised Brussels II ter Regime](#), on 25 & 26 November and 3 & 17 December 2020 were co-organized and virtually hosted by Professor Źupan.

Besides these, several prior research projects were published:

- Źupan, M., Drventić, M., Kruger, T., [Cross-border Removal and Retention of a Child – Croatian Practice and European Expectation](#). International Journal of Family Law and Policy, OUP, Issue 1 of 2020;
- Four chapters co-authored by Źupan at Viarengo I./Villata F. (eds.): [Planning the Future of Cross-Border Families: A Path Through Coordination](#) (Hart Law Publishing, 2020);
 - o Źupan, M., Medić, Ines, Paula Poretti, Nataša Lucić, Martina Drventić, “Croatian Practice in Cross-Border Family and Successions Matters,” Viarengo I./Villata F. (eds.): *Planning the future of cross-border families: a path through coordination* (Hart Law Publishing, 2020) 429-459.
 - o Źupan, M., Drventić, M., “Parallel proceedings,” Viarengo I./Villata F. (eds.): *Planning the future of cross-border families: a path through coordination* (Hart Law Publishing, 2020) 203–222.
 - o Źupan, M., Drventić, M., “Maintenance obligations - the Scope of Application” in: Viarengo I./Villata F. (eds.) *Planning the future of cross-border families: a path through coordination* (Hart Law Publishing, 2020) 71–92.
 - o EUFam’s Policy Guidelines, Carmen Azcárraga Monzonís, Maria Caterina, Baruffi, Diletta Danieli, Mirjam Escher, Rosario Espinosa, Calabuig, Amandine Faucon Alonso, Caterina Fratea, Arantxa Gandía Sellens, Filippo Marchetti, Marta Requejo, Isidro, Philippos Siaplaouras, Lenka Váľková, Ilaria Viarengo, Josef Wittmann, Mirela Źupan, in: Viarengo I./Villata F. (eds.) *Planning the future of cross-border families: a path through coordination* (Hart Law Publishing, 2020), 799-841;
- A chapter on Croatian Investment Arbitration published in [Arbitration in Central and Eastern Europe, Elgar Arbitration Law and Practice series](#), 2019, edited by Csongor Nagy, Department of Private International Law, University of Szeged, Hungary.

Upcoming events

1st Postgraduate Law Conference of the Centre for Private International Law

The Centre for Private International Law (CPIL) is pleased to announce that on 17 November 2021, it will host the 1st Postgraduate Law Conference of the Centre for Private International Law. The Conference is an opportunity for early career scholars working in the

private international law field or at the intersection of European Union law and private international law to come together and present their research before esteemed peers.

The Conference will include panels on Private International Law aspects of International Family Law, International Commercial Law and Alternative Dispute Resolution as well as European Union Law and it will be enriched by the expertise of the Members and Associate Members of the CPIL and external scholars. For a full list of the participating scholars and further information please click [here](#).

CONTACT INFO

Dr Katarina Trimmings, Director of the Centre for Private International Law, at k.trimmings@abdn.ac.uk – Any queries about the work of the Centre;

Dr Patricia Živković, Associate Director of the Centre of the Private International Law and Chief Editor of the Newsletter, at patricia.zivkovic@abdn.ac.uk – Any queries regarding the content of the newsletter and submissions to the next issue;

Konstantina Kalaitsoglou, Editor of the Newsletter, at konstantina.kalaitsoglou@abdn.ac.uk – Any queries regarding submissions to the next issue of the newsletter.

University of Aberdeen
King's College,
Aberdeen,
AB24 3FX

Tel: +44 (0)1224 272000



Please note if you unsubscribe and later apply to the University you will need to contact us to re-subscribe to ensure you receive communications regarding your application.