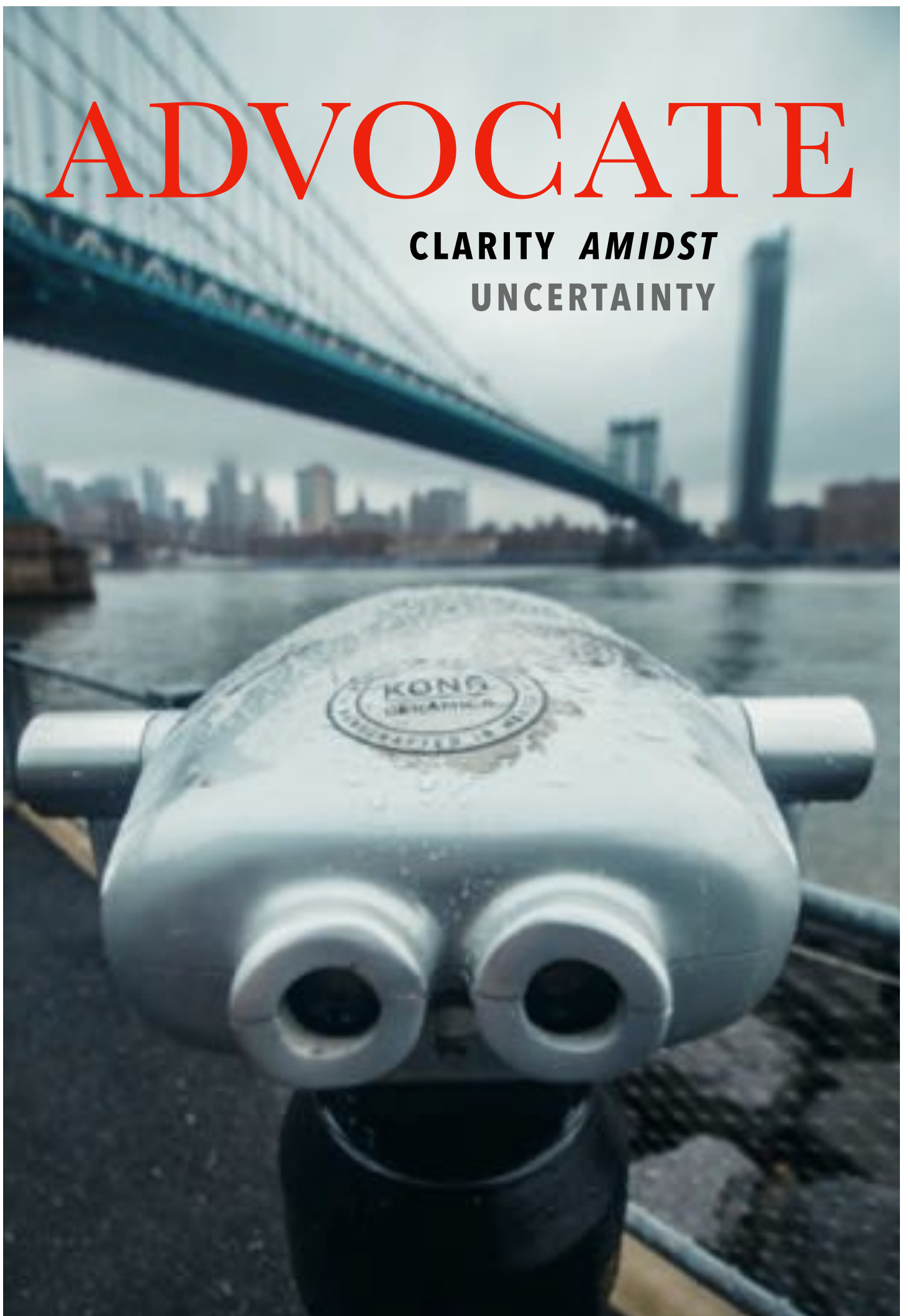


ADVOCATE

**CLARITY *AMIDST*
UNCERTAINTY**





EDITOR'S NOTE

Greetings! Lavinia Fernandez here, Head Content Editor of Advocate Magazine. Our team has been working on an array of issues that have been posing challenges to our generation over the past 6 months. Uncertainty and fear have been ever present in facing the pandemic, combatting systemic racism and the continuous fight to save our planet. Taking into consideration all we have experienced, our team curated this edition of Advocate Magazine, 'Clarity Amidst Uncertainty'. Our intentions are plainly to provoke thoughts and spark conversations, which are common goals we have worked towards over the last few months. We have produced an issue that is compact with immensely interesting articles regarding a wide variety of topics ranging from law and politics, to the coronavirus and even AI! Our team of committee members, journalists and writers have worked tirelessly to produce this issue under immensely challenging circumstances, from disparate time zones across continents. It has been a true privilege to work with such talented, inspiring individuals whom I am now fortunate enough to refer to as my friends. We do hope you enjoy reading this edition as much as we enjoyed producing it.

Thank you.

Lavinia Fernandez
Head Content Editor
2020

BLM STATEMENT

Dear All,

Advocate Magazine has been listening. We stand in solidarity with the family, friends and community of George Floyd and we are speaking out through what we know best and what unites us as a society - written words.

We will not assume understanding of the systemic racism that the Black community has gone through and we will not invalidate their experiences with our own. Instead, we will continue to listen, learn and support everyone's experience to spark conversations about racism. We will not be afraid to fight against all forms of oppression, and more importantly to be a better friend, family and society to the Black community.

We have gathered resources that are important to us and links to others that have collected their own resources. While this collection of resources is not complete, we hope this will become a meaningful and educational source for everyone to learn more on racism and prejudice, and how we can do better as individuals and as a community. This can be found at <http://advocate-magazine.co.uk/2020/07/staying-actively-anti-racist>.

We also wish to extend our support to all who have experienced bereavement regardless of the circumstances. There is a bereavement support group provided by the university and appointments can be made at this link:https://exchange.nottingham.ac.uk/blog/bereavement-support/?dm_i=5IL5,1HIS,23BYE,5I4B,1

Finally, we will continue to provide a platform for our students to write on our online website at <https://advocate-magazine.co.uk/> to help magnify your voice and opinions as we hope to support your well-being, diversity within our community and other issues that matter.

Thank you for reading this and if you have any further enquiries or concerns, please email uonadvocate@gmail.com.

CONTENTS

06 Russia: A Media Frenzy or a Genuine Enemy?

10 GDPR: What happens to your data?

14 Fossil fuel divestment and the climate crisis

18 Will China's National Oil & Gas Piping Network Corp. Effectively Wheel in New Energy Market Reforms?

24 Bolstering Resilience to Fake News – the Finnish Blueprint.

28 Universities must do better to protect freedom of expression

32 U.S. uncertainty? Elizabeth Warren has a plan for that

36 The rocky road to prosecution for voyeurism





08 What Impact Will Leaving the EU Have on Women's Rights in the UK?

12 How the World Went mad

16 Strong and Stable? The Post-Brexit Search for International Trade

22 Women in Law and Politics; Why Does the Shoulder Matter?

26 Prejudice – A Dormant Phenomenon?

30 Amidst the Coronavirus Epidemic

34 Artificial Intelligence: Apocalypse or Innovation

RUSSIA: A MEDIA FRENZY OR A GENUINE ENEMY?

HAMZA STITAN

Anyone who lived in the UK or happened to follow the British news cycle during the early months of 2018 would have become aware of the negative portrayal of Russia. Leading up to the World Cup, the British media adopted a rampant campaign to lambaste the Russian government and its perceived wrongdoings, with every front page containing some mention of Russia in one negative light or another. Today, Russia's name is seldom mentioned in our newspaper headlines, which begs the question; was it all a nostalgic repeat of a Cold War-like frenzy, or did the British public have a genuine reason to fear their wintry friends?

The core issue that arguably caused this media uproar was the Skripal poisoning in March 2018. Sergei Skripal is a former Russian military officer who acted as a double agent for the UK's intelligence services some 20 years ago. On March 4, he was found slumped next to his daughter on a bench in the small English city of Salisbury. It turned out they had been poisoned with a Novichok nerve agent; a binary chemical weapon developed by the Soviet Union. Almost immediately, images of forensic scientists in full-body suits occupied the front pages, and a feeling of suspense took hold of the British public. Though the British Government took a few days to officially respond, their reaction consisted of expelling 23 Russian diplomats and ministers refusing to attend the World Cup in Russia – a somewhat rational response.

No doubt, no premise gives right for the undertaking of such an action on another

country's sovereign soil. This is especially elevated by the fact that Skripal had been involved in a spy swap, meaning the Russian government should have let go of grudges it held towards him.



The site of the 2018 Novichok poisonings in Salisbury.

However, the focus here is on whether the media's reaction could be said to have been reasonable and measured. Naturally, an outcry occurred, as this was interpreted to not only be an attack but also a mockery of British security intelligence. Although Russia continues to deny involvement, the successful infiltration of public safety with a nerve agent was more than enough reason to bring about an 'angry' national reaction. However, looking back, one could interpret the nation's elevated emotions as a cause for unnecessary fear. One article by Sky News quoted a Russian chemical scientist's warning that "hundreds could be at risk for years" to come. Today, we find that nothing even close to such a suggestion turned out to be true. A pattern in headlines at the time was that fearmongering was based on probabilistic claims and not confirmed facts, resulting in a frenzy-like and paranoid period lasting for weeks.

This method of journalism draws attention to McCarthyism. McCarthyism was a period of heightened media hysteria in 1950s America where Joseph McCarthy held a series of investigations in an attempt to uproot “communist infiltration” in the government. This has been mirrored in the post-2016 US Election period with the Trump administration but more importantly, we have seen reflections of such attitudes within the UK. The Conservative Party has been criticised for the amount of donations it has accepted from Russian oligarchs, amounting to more than £3.5 million since 2010. One headline that newspaper articles toyed with was Boris Johnson playing tennis with a Russian ex-minister’s wife in return for a £160,000 Tory donation. Furthermore, Jeremy Corbyn was criticised for refusing to blindly blame the Russian government in the early stages of the Skripal poisoning, despite little evidence having had been presented at the time. Thus, we find that remnants of the ‘Red Scare’ continue to present themselves in the British press, where the notion “guilty before proven innocent” is often adopted.

It could be argued that, despite being wronged, the British government was keen to capitalise on the situation. The UK was able to get the European Union on board in its criticism of Russia, despite the lack of evidence required for such a widespread condemnation. This political point-scoring resulted in further sanctions on Russia, which is the world’s largest exporter of natural gas. Therefore, economic advantages in trade and political pressure should not be ignored. It is also important to note that tensions between the two nations had already been elevated following disputes over the World Cup bid, with the UK having previously stated that it would boycott the World Cup if it was held in Russia. Only two years prior, English and Russian fans had brawled in France, dubbed the Euro 2016 riots. Thus, the media was already fired up in its criticism of anything Russian, meaning the heightened media coverage during 2018 could indeed be said to have been a frenzy unconcerned with reporting fact for what it was.

A long history of misdemeanours between the two countries made the Skripal poisoning an all-the-more significant trigger. Britain’s working class was said to have nearly been toppled into a revolution in 1917 as a result of Russian influence, and a sceptical outlook has presented itself in numerous examples, such as the Profumo Affair. Having taken place in 1961, the British public was once again enticed, this time by the exciting story of a British minister forming sexual relations with a 19-year-old would-be model, only for her lover to be have been found to be a Soviet spy. The papers were determined to elevate this paranoia, and this helped to topple Harold Macmillan’s Conservative Party government. The Guardian dubbed this a “toxic relationship”, where Russian influence and investments in the country’s capital are kept largely under the radar, giving society a reason to remain suspicious and wary of Russian behaviour that affects Britain.



It would appear that history never fails to repeat itself, with more cases than not of Russia’s portrayal in British newspapers being exaggerated and causing no genuine concern for society. Whether it be sport, politics, or economic warfare, a never-ending feud appears to have gripped the two countries for years to come. How iconic a World Cup final between England and Russia would have been.

WHAT IMPACT WILL LEAVING THE EU HAVE ON WOMEN'S RIGHTS IN THE UK

AVA WOOD

After 47 years of being a member of the European Union, the UK is leaving. Many questions have been asked about what effect this will have on the economy and immigration, but what I want to know as a woman and as a feminist is what impact it will have on women's rights and gender equality.

To know what impact it will have, we have to look at the current state of gender equality in the UK. As of 2019, the gender wage gap is 17.3%.¹ In 2017, the EU carried out a report in which, at the time, the average gender pay gap of all EU Member States was 16%, with the UK being higher than this average at 20.8%.² Even two years later the UK still falls below the average EU standard, demonstrating that perhaps we aren't as progressive as we would like to believe.

In 2018, the Equality and Human Rights Commission (EHRC) produced a report on gender equality in the UK.³ The report demonstrated that the UK needed to focus on eliminating gender stereotypes. The Commission stated that 22% of the people polled said that they had experienced discrimination based on their sex in the past year. More significant findings were made by the World Economic Forum (WEF) in 2019⁴ in tests regarding the prominence of gender equality in countries globally. In the test conducted the UK fell 6 places in the world rankings from when the same test had been carried out a year prior, from 15th to 21st in the world. The WEF also ranked the UK 58th globally in regard to the economic gender gap. It was noted that whilst the recent general election resulted in a record number of 220 female MPs being elected to Parliament, male MPs are still being paid much higher on average, resulting in the gap widening and not closing.

The EU has a treaty obligation to pursue gender equality and due to this, much legislation has been passed by the EU that aims to advance it. The Recast Directive 2006 brought together various older directives on equal opportunities and equal treatment to provide a good base for rights.

A directive was enacted in 1997 to protect the rights of part-time workers, of whom the majority are women;⁵ directives have also been passed in regard to pregnant workers, parental leave and equal pay.⁶ This legislation has provided a plethora of rights to women which would not have existed otherwise.

There have also been prominent cases, such as *R v SS for Employment*, which have established that domestic law was discriminatory. Women are three times more likely to work in part-time jobs than men⁷, and this was taken into account by the Court of Justice when deciding whether recent UK legislation was discriminatory; it was held that it was. Due to the supremacy of EU law over domestic law, the Court was able to disapply the domestic legislation. Due to Brexit, these sorts of decisions will no longer be possible. However, some steps have been made in domestic law in regard to gender equality. In 2019 the 'upskirting law' was passed in the Voyeurism Act.⁸ Additionally, progress has been made in Northern Ireland after the Offences Against the Person Act 1861 was repealed, legalising abortion in the province. However, there is still issues with Britain's own abortion legislation, namely the fact that abortions have to be approved by two doctors⁹, which undermines women's agency over their own bodies.



Gina Martin, lead campaigner for the 'upskirting law'

It is evident from an examination of both EU law and UK law surrounding gender equality that the EU contributes significantly to equal rights in the UK. Past directives have provided many rights for women, and the EU currently has plans to expand this further with the European Pillar of Social Rights.¹⁰ This project has three main aims: equal opportunities and access to the labour market; fair working conditions; social protection and inclusion, all with a gender equality focus. UK citizens will not have access to any future legislation resulting from this project. In addition, recently the EU passed a Work-life Balance Directive¹¹, but it is unclear whether this will be implemented in the UK. It has been suggested that as there is a withdrawal agreement it is possible, but it is far from certain. As well as this, in 2017, the UK received €6.3 billion in funding from the EU¹² for various projects, including those that support women and their rights. This funding will continue until the end of 2020.

Arguably the biggest impact that Brexit will cause to women's rights is the loss of the European Court of Justice and the Charter of Fundamental Rights. As discussed earlier, the Court hands down judgments that are directly applicable and supreme in UK law, and in doing this can disapply domestic law that is incompatible with the Convention. After Brexit, the UK will be taken out of the Court's jurisdiction, and the Withdrawal Agreement states that the Charter will not be transferred into domestic law.¹³ Not translating the Charter into domestic law means losing a human rights instrument that can be relied on in UK courts, and leaving the Court's jurisdiction means it will be harder to hold the Government accountable for discriminatory legislation. The UK will still be accountable to the European Court of Human Rights and its Convention after Brexit as the institution is formed under the Council of Europe and not the EU. However, decisions from the Strasbourg Court are not directly enforceable in UK law, and so there will be a lesser degree of accountability. Additionally, there is no confirmation from the Government that the Human Rights Act (HRA) will not be repealed in the future.

The last nail in the coffin for women's rights in the future is perhaps the attitude of the current Government towards the subject. The Conservative Manifesto of 2019¹⁴ made little mention of women's rights, with such subjects being touched on briefly, if at all. Mentions of 'equal pay for equal work' are made without any clear policies for how this will be achieved. The voting history of key members of the Government is also worrying. Boris Johnson voted against retaining the EU Charter and was absent on votes on abortion in Northern Ireland. Additionally, both the Prime Minister and Elizabeth Truss, the Minister for Women and Equalities, voted against EHRC reporting. The latter also voted in favour of repealing the HRA.

Women stand to lose a lot from Brexit, from missing out on future EU equality regulations and some past directives, to no longer having an instrument to hold the Government accountable for discriminatory laws. This is especially worrying at a time when the Government does not appear focused on the issue of gender equality. The consequences are yet to fully form, but there is certainly a lot of issues that could slow down the progression of women's rights and potentially allow the UK to fall further behind on the global scale of gender equality.



Current Prime Minister Boris Johnson (right) and the Minister for Women and Equalities, Elizabeth Truss (left)

Sources:

- 1 <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/genderpaygapintheuk/2019>
- 2 https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Gender_pay_gap_statistics
- 3 https://www.equalityhumanrights.com/sites/default/files/womens-rights-and-gender-equality-in-2018-summary-update_report-short-version.pdf
- 4 <https://www.theguardian.com/world/2019/dec/16/uk-falls-six-places-in-gender-equality-rankings>
- 5 <https://www.equalitylaw.eu/legal-developments/16-law/76-key-eu-directives-in-gender-equality-and-non-discrimination>
- 6 <https://www.bestforbritain.org/10womensrights>
- 7 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/821889GEO_GEEE_Strategy_Gender_Equality_Roadmap_Rev_1__1_.pdf
- 8 <https://www.gov.uk/government/news/upskirting-law-comes-into-force>
- 9 <https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=45a5a7f5-ffbd-4078-b0b7-4bfccab159d>
- 10 https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en
- 11 <https://ec.europa.eu/social/main.jsp?catId=89&furtherNews=yes&newsId=9438&langId=en>
- 12 <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7847>
- 13 <https://www.gov.uk/government/publications/new-withdrawal-agreement-and-political-declaration>
- 14 <https://vote.conservatives.com/our-plan>

GDPR: WHAT HAPPENS TO YOUR DATA?

IMOGEN WESTWOOD

Before downloading an app, accepting website cookies, or ordering our online shopping, how many of us stop to examine what we're doing? Who knows what our data is being used for? Who actually reads through the terms and conditions? A study conducted in 2017 shows that 97% of 18-34 year olds agree to conditions before reading them. There's a generational disparity, here; in older generations, the internet is unfamiliar and a non-essential part of life. Contrariwise, it seems that we members of 'generation Z' are nonchalant when it comes to our online privacy; we're digital natives, raised with information at our fingertips. As a result, the majority of us are apathetic; why should we care?

And that's a fair enough question - when it comes to privacy, the idiom "if you've nothing to hide, you've got nothing to fear" comes to mind. However, since the Snowden disclosures in 2013, we've become increasingly aware of how deeply we're able to be tracked online. And while we may have become indifferent to our predicament, more recently Edward Snowden made the observation that "arguing that you don't care about the right to privacy because you have nothing to hide is no different than saying you don't care about free speech because you have nothing to say." While it may be easy - and preferable - the natural desire to maintain peaceful ignorance does not sit well with the fact that a large majority of people regularly use mobile devices capable of gathering personal data. The trouble is that we often don't acknowledge the choice to participate in data tracking - clicking 'agree' rarely gives us any understanding of substance, no consequence beyond granting us access to an app or service. Even those of us that have concerns in theory, in practice often value the use of our apps far more than our privacy. The obfuscation of consent allows us to feel like none of us have a choice. More and more, acceptance is our only option as mobile technology and the internet are now so integrated in our society that forgoing them is crippling. We're forced to tacitly endorse this system where our data is left behind like residue everywhere, forced to believe that it is inevitable that we will leave a traceable data trail behind us.

There are, however, some steps being made towards data safety by legal means. The European Union modernised its data privacy regulations through the General Data Protection Regulations (GDPR) in 2018. This replaced the Data Protection Directive 1995 that was implemented when the internet was at its infancy. As a member state, the UK was under an obligation to adopt this new legislation. Thus, Parliament passed the Data Protection Act 2018 to migrate the current EU laws on data protection and E-privacy into UK national law. In preparation for Brexit, this English law is largely known as the UK GDPR. Once the transition period has ended, the EU GDPR will cease to be effective in the UK and our privacy will instead be governed by the national legislation. These regulations can provide the natural person with a sense of clarity and control amidst the glaring uncertainty surrounding personal information in the digital age as they grant a significant number of rights to the individual and prerequisites to data collection.

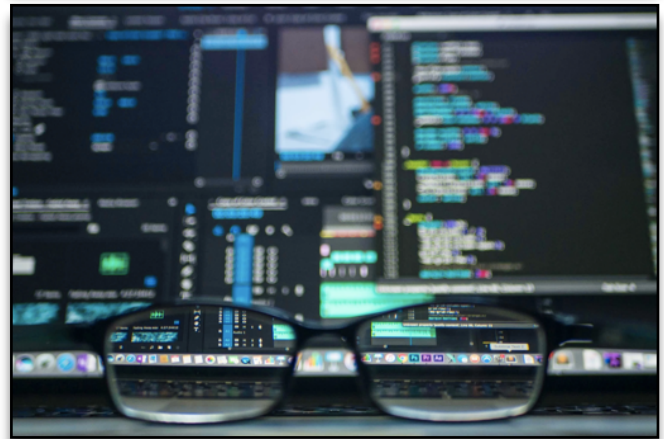


For example, under the right to erasure (article 17), the right of access by the data subject (article 16) and the availability of remedies under article 82 for anyone who has suffered material or non-material damage as a result of an infringement of this Regulation. The act also requires a body to have a procedure in place where a person's data can be provided to them upon request. MCMS Secretary of State, Matt Hancock, says that this “gives people more control over their data, supports businesses in their use of data and prepares Britain for Brexit”. Furthermore, under these regulations data must be processed by data controllers according to a specific set of data protection principles, including:

- Processing be lawful and fair
- Purposes of processing be specified, explicit and legitimate
- Personal data be adequate, relevant and not excessive
- Personal data be kept no longer than is necessary

However, GDPR is “an evolution, not a revolution” and there is still significant uncertainty surrounding this subject. Despite the obstacles in place to prevent unlawful retention of information, they are easily bypassed by notions of consent and reasonable notice. But by far the most glaring issue with the new data protection laws is the apparent lack of governmental scrutiny. In a rather Dystopian scenario, what stops Parliament from legislating in such a way that they gain surveillance rights in the same way as Google or Apple? It would be illegal, not to mention morally outrageous, for the Government to acquire this amount of data, yet we are nonchalantly giving it away to these companies. This could be explained by the fact that many individuals do not fully comprehend what they are sharing. If they did, they probably wouldn't be comfortable sharing such data with the companies either. Other companies, such as advertising companies, can pay mere millions for this information. Our private data is being used as bargaining chips and once your data has been released it can be “resold, copied, pirated and abused. There's no way you can ever retrieve it”. Are we okay with this just for some more relevant advertisements?

For example, there is a common understanding that location data is anonymised. Say we use Google maps to find our way to the local library, that data is now stored in Google's databases. There is a presumption that this data is anonymous, and that anonymous means unidentifiable. While Google “[doesn't] share information that personally identifies you with advertisers, such as your name or email”, if one continues to delve into their terms and conditions you find that Google uses a series of “unique identifiers” that can be used to uniquely identify a browser, app or device. Of course, Google utilises this information in a way that benefits us as consumers, such as to assist you in planning your journeys or suggesting local



restaurants. This may lead us to say that this is a reasonable interference with our private information because it confers a benefit onto us in return. But these unique identifiers are essentially tags that make us recognisable; traceable without a name, age or address explicitly stated. So is this not simply surveillance? The New York Times said that it is “child's play” to connect the data to the owner once the patterns of behaviour of an individual are compared to the data trails of the unique identifiers. Private companies can, and do, buy and trade this data within milliseconds. Therefore, is your data, your location, truly secure?

Once we come to the end of the transition period we will officially be withdrawn from the European Union. From then onwards our data privacy laws will be in the hands of our Parliament with no restrictions, in relation to supremacy, on legislating more data protecting legislation. The UK GDPR has created a dialogue that will hopefully be expanded on in the coming months to ensure our data is properly secured, particularly in relation with communication with the remaining Member States. The threats to our privacy through breaches of our private information are real and serious. Arguably, there should be even further regulation around these modern technologies. In conclusion, is all of this surveillance and risk worth it merely so we can be served slightly more relevant advertisements?

HOW THE WORLD WENT MAD

BIEL SCHREUDER

Over recent years, politics has been defined by an almost constant stream of shocking events. Events that nobody anticipated or can properly understand. From the 2008 financial crisis to the Grenfell fire, politicians, journalists and the public are all asking: how did this happen? Nobody can provide a definitive answer. Politics today does not make sense. Politicians lie openly. We know they are lying, and they know that we know they are lying, yet it continues. The only thing that is clear is that everyone is uncertain about what is going on and what is even true.

Catastrophic events that nobody foresaw have happened and nobody has been held satisfactorily accountable. The root of the problem stems from liberal ideas of progress which leads liberals to seek to 'get politics out of politics' (Waltz 2012:29). Liberalism believes that progress is best achieved through scientific and material improvement. The best way to achieve this is to depoliticize these issues and take them out of democratic control. This idea has led politicians to decentralize all things that affect material well-being, which just about encompasses everything, to independent bodies of experts who make logical decisions because they are immune from all democratic considerations or to the rational forces of the market. (Beck 1992:183-185). Polanyi (1957) shows us that even liberalism of the 19th century demanded a separation of society into economic and political spheres. This led government bodies and private corporations to manage what was previously in the realm of the state. This de-politicisation was evident in both the financial crash and the Grenfell fire.

There are numerous explanations as to why the 2008 financial crisis occurred. Firstly, Deregulation during the 1980s allowed financial institutions to take greater risks.¹ Secondly, low-interest rates created cheap credit, allowing more people to borrow, which in turn created the illusion that there was more demand in the economy than there actually was.²

In addition, the system of earnings tied to performance incentivized stock traders to make riskier short term loans and lie about the fundamentals of the stock and bonds in order to make more money for themselves, creating a financial system that appeared to be doing better than it was in reality.³ Finally, Government regulators forced banks to give mortgages to people who couldn't afford them in order to meet social justice quotas.⁴

The validity of each claim is neither here nor there.

Yes, I am suggesting that some claims may not be true. However, the system is so complex that people don't have a full set of information. Conspiracy theories are more common and easier to create. However, the fact that over ten years later, there is still no consensus as to what caused the financial crisis means that nobody can be held responsible for the consequences that succeeded it. Although 47 bankers went to prison, no CEO was found responsible.⁵ This de-politicisation is evidently the cause of the widespread confusion as to what and who is responsible for the 2008 financial crash. Control of the financial system was largely delegated to independent bodies like the federal reserve, the IMF and the European central bank, all of which were immune from political scrutiny.

Another example is the Grenfell fire. Two and a half years on, nobody has been made accountable. Numerous bodies have been accused. From the cladding company which made the material that allowed the fire to spread, and the architectural company, Studio E (that chose the cladding), to Kensington and Chelsea council which approved the plans made by the architectural company. There was also the London fire brigade for its 'stay put' policy that advised residents not to leave the building,⁶ excessive regulation which made inspections much harder,⁷ and deregulation which allowed inadequate cladding to be used in the first place.⁸

The consequence of this ambiguity is that most likely, nobody will be made answerable for what happened.

The result of a lack of coherent and accepted narrative of what is going on and why it is happening is that people will begin to believe in whatever they want. Because there is widespread confusion as to what is truly happening, people may as well choose whichever narrative they prefer. The result of this is that politicians seemingly hold illogical and paradoxical positions and are still given support. An obvious example is the rhetoric of Spanish political leaders with regards to politicians that support Catalan independence. They claim that the independence movement must be stopped because they are subverting the rule of law. They then use this as a justification to imprison the main leaders of the independence movement and force others, including the former president, to seek asylum in other European countries. When the European Court of Justice ruled that the imprisoning of Catalan politicians is in itself illegal, the Spanish state refused to comply and parties that pursued the policy of imprisoning did not lose support despite having undermined the very institution that they sought to defend. To disregard the undermining of the rule of law by Spanish politicians because it prevents Catalan politicians from undermining the very rule of law is paradoxical unless concern for the rule of law was never a real concern. The real concern was, in fact, stopping Catalans from becoming independent and using support for the rule of law was just a narrative that best allowed them to achieve this intention.

Another obvious example of politicians making openly known disingenuous arguments is Boris Johnson requesting the longest proroguing parliament since 1930 in the autumn of 2019. Whilst he claimed he did this to allow for the government to set out a new legislative agenda, it was common knowledge that it was really to stop Remain-supporting MPs from scrutinizing the government. Even Johnson's Defense Secretary admitted that it was really about Brexit.⁹ But Johnson's supporters still defended the prorogation despite its blatant dishonesty and abuse of executive power because it helped improve the chances of making Brexit happen.¹⁰ What made the Eurosceptic position even more paradoxical was that their justification for leaving the EU was to increase the accountability of the government for the decisions they make whilst simultaneously supporting the usurpation of government scrutiny by the Conservative government.

Sources:

- 1 www.thebalance.com/what-caused-2008-global-financial-crisis-3306176.
- 2 <https://mises.org/library/austrian-business-cycle-theory-and-global-financial-crisis-confessions-mainstream-economist>.
- 3 <https://youtu.be/nSVIPInB8wI>. 4 <https://youtu.be/FzN0bVvKmQI>. 5 <https://ig.ft.com/jailed-bankers/>.
- 6 <https://www.theguardian.com/uk-news/2018/jun/05/grenfell-tower-cladding-firm-denies-responsibility-for-fire-spread>.
- 7 <https://www.spectator.co.uk/2019/11/toxic-regulations-not-the-fire-brigade-are-to-blame-for-the-grenfell-deaths/>.
- 8 <https://www.theguardian.com/uk-news/2019/oct/26/grenfell-tower-inquiry-edward-daffern-remember-us-for-change-we-bring+&cd=2&hl=en&ct=clnk&gl=us>.
- 9 <https://www.independent.co.uk/news/uk/politics/boris-johnson-suspend-parliament-brexit-ben-wallace-video-prorogue-a9083851.html>.
- 10 <https://www.spiked-online.com/2019/08/26/a-battle-of-two-evils/>.

Grenfell tower fire: Photo by Natalie Oxford. Licensed under the Creative Commons Attribution 4.0 International



Widespread uncertainty about why events are happening that are seemingly no one's fault is making people indifferent about truth and higher principles and hold contradictory principles if it favours the political desires that they want.

Politics no longer has the power to change anything anymore as everything has been de-politicised. The inevitable consequence of this is that people will support populists, who will violate democratic norms, such as Johnson when he prorogued Parliament, and tell lies and simultaneously hold paradoxical positions because that is the only mechanism to bring about the change they want.

It has become clear the pursuit of creating a rational form of government is creating an overly complex system where people are uncertain as to who is responsible. The consequence of this is a disillusionment with the status quo so much so that people are voting for options that are destabilising and create uncertainty, like Brexit and Trump. As an effect, people are supporting their lies and contradictory statements because it is the only mechanism to bring about any form of change.

FOSSIL FUEL DIVESTMENT AND THE CLIMATE CRISIS

TOVA OSTLUND

Fossil fuel divestment is a growing movement that has bedazzled headlines in the last decade. In simpler terms, fossil fuel divestment is when investors (whether private individuals or massive pension funds) sell their stocks in fossil fuel companies. Divestors may either sell every fossil fuel related asset they have, or they may restrict their divestment to certain fossil fuels such as tar sands, coal or specific companies like BP or Shell. The fossil fuel divestment movement is primarily associated with environmental activism and there are substantially good reasons for that.

According to its founders, the main purpose of the movement is to “rob” fossil companies of their social license. Some advocates argue that by “robbing” companies of their social licenses, it indirectly attacks the profitability of these companies through the degradation of their reputation. In the long term, this subsequently leads to a reduction in carbon emissions. It’s also defensible that divestment may affect the share price of the company as it takes more forms than that of traditional investments. As referenced previously, since divestment takes more forms than traditional investments, an extremely vital aspect of this movement includes the initiative by the banking sector to refuse loans for fossil fuel extraction and exploration. This scheme may also include governments who choose to reduce or entirely remove fossil fuel subsidies. In essence, the main goal of the fossil fuel divestment movement is to reduce emissions regardless of its round-about execution.¹



There are numerous factors attributable to the increasing popularity of the movement. One quite rational yet less idealistic factor is that fossil fuels have become less profitable. Over the last years, funds that contain no fossil fuel stocks have consistently outperformed those that do.

Blackrock, one of the world’s largest asset managers has reported a loss of over USD\$90 Billion in the last decade due to underperforming fossil fuel stocks.

In consequence, the growth of the movement is largely attributed to simple personal interest rather than the traditional capitalist mentality in the financial sector. When shares are no longer profitable, companies scramble to get rid of them to reduce the risk of losses, and as public support for the fossil fuel industry has dwindled, other alternative fuels continue to rise to prominence.

In 2019, more money was invested in solar power than the combination of all types of fossil fuel. Government policies, the rising costs of running coal plants and the rapidly decreasing costs of renewables has created something of a perfect storm. In relation to the point on unprofitable shares, it makes sense to sell fossil fuel stocks that aren’t doing any financial justice for the company, therefore, the movement has grown not only due to a sense of moral obligation but due to the fact that the economic theories behind it are no longer justified. This is mostly the case, at least in the west.²

In the east, a more nuanced picture emerges. Although certain banks, pension funds and governments in Asia are proactively taking measures to divert from fossil fuels or discourage new investments, many of the Asian economies haven’t yet reached a point where investments in coal are no longer viable. This can be connected to the comparatively lower cost of coal plant construction, government policies and the continuous emphasis on fossil fuel.

In general, although fossil fuel divestment remains a relatively small movement, there are positive signs that it's picking up speed in Asia. In 2018, Nippon Life Insurance became the first major Japanese company that pledged to halt the financing of coal power plants.³

Even though we can largely account the movement to economic theories, public pressure and ethical obligation shouldn't be discounted. The first organisations and individuals to divest did so for ethical reasons, and protests spurred by an increasing sense of moral obligation of environmental awareness has played no small part in increasing the number and scope of divestments. Financial incentives may have accelerated the process, but undeniably, moral reasons have still remained the core of the movement.⁴

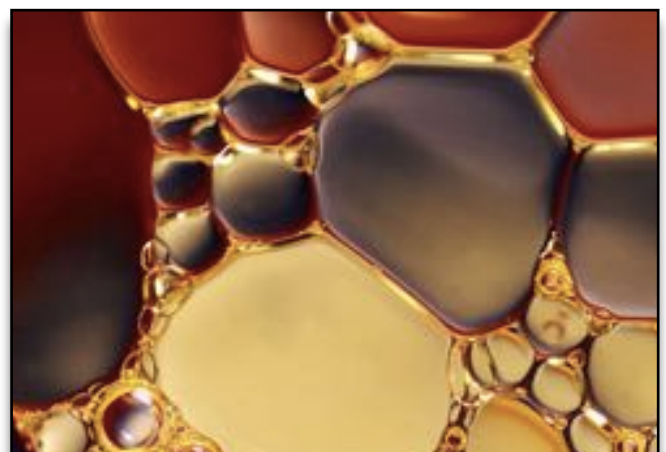
There is very much a positive relationship between the increased urgency for climate change which has increased public awareness and the growth of the movement. Divestment is usually seen as a method of damaging companies' reputation and profits, but the actual effectiveness of divestments as a means of reducing emissions is debatable. After all, when shares are sold at a lower price, there is always a possibility of a buyer who disregards the potential downsides and this, in essence, continues to drive the purchasing of fossil fuel shares which results in profit for some investors. This therefore has the potential of undermining the movement and has zero effect on share prices and those who hold this perspective argue that divestment makes no direct difference because it doesn't harm companies.⁵

This perspective definitely holds some merit, but there is evidence that divestments have direct financial impacts. When coal giant Peabody filed for bankruptcy protection, they cited divestments as a contributing factor to their predicament. Shell has also stated that divestment may prevent them from raising funds for expansion in the future.⁶

In conclusion, divestment is in no way a silver bullet solution, but it is undeniably a valuable aspect of a broader strategy. Fossil fuel divestment has reduced the funds available to fossil fuel companies, raised social awareness and robbed them of their social license. All these factors hand in hand with other measures could have a very significant impact in the transition to a sustainable economy.

Sources:

- 1 <https://gofossilfree.org/divestment/what-is-fossil-fuel-divestment/>
- 2 http://ieefa.org/wp-content/uploads/2018/07/Divestment-from-Fossil-Fuels_The-Financial-Case_July-2018.pdf
- 3 <https://ieefa.org/fossil-fuel-divestment-takes-hold-in-japan/>
- 4 <https://gofossilfree.org/divestment/what-is-fossil-fuel-divestment/>
- 5 <https://www.newyorker.com/business/currency/does-divestment-work>
- 6 <https://www.theguardian.com/commentisfree/2018/dec/16/divestment-fossil-fuel-industry-trillions-dollars-investments-carbon>



STRONG AND STABLE? THE POST-BREXIT SEARCH FOR INTERNATIONAL TRADE

JACOB DEAN

“Get Brexit done”. A catchphrase the British public have grown accustomed to hearing from PM Boris Johnson throughout his clear drive in delivering the EU exit no matter what. However, in this fervour created by discussions around ideas of sovereignty and national identity, the slightly less exciting aspects of Brexit have been pushed to one side. One of these, absolutely crucial to the UK’s future after the Brexit transition period ends on the 31st of December 2020, is trade. The international trade deals that the UK Government have made and are yet to make will be crucially important in deciding the UK’s geopolitical power and the health of our domestic economy in the very near future, (especially given that in 2018, the total value of UK trade was £1.3 trillion, with almost half being with EU nations.¹) This is why close scrutiny by both the media and an informed public is important in ensuring that when these deals are closed, their terms will have the best possible knock-on effects for the British population. This article will consider the deals Johnson’s government is currently undertaking, their potential impact on UK trade and the strength of the justification those negotiating them are giving. On the UK’s side, said justifications are that deal on British terms will best serve our democratic right to decide the future of our economy and not be made subject to the wills of foreign powers. The EU seeks a deal respecting the interests of the remaining Member States and its regulations that would ensure the UK is kept on a level playing field in the international markets.

On the face of it, the Government appears to be doing reasonably well at negotiating the UK’s new place on the international stage. At the time of writing, they have agreed trade deals with 20 countries or blocs and are currently negotiating with a further 16 where there are existing EU trade deals.² Boris Johnson seems determined to achieve a deal with the EU using “Britain’s newly recaptured powers”³ to force a concession on the European end in favour of Britain. This will undoubtedly please the mainly Eurosceptic base of the current government.

This sentiment of a country independently making trade decisions without interference was confirmed in a recent speech by chief Brexit negotiator David Frost. His retort, “to think that we might accept EU supervision on so-called level playing field issues simply fails to see the point,”⁴ gave any who supported EU-prescribed rules in the UK’s trade agreement with them a firm answer. In particular, the Government seems to have a fixation on the fishing industry, with the PM promising to “take back control” over the country’s “spectacular maritime wealth”⁵, a move sure to gain the Conservative Party and its approach to Brexit an increase in support from coastal areas where fishing forms the backbone of the local economy. This seemingly ‘strong and stable’ stance on trade has the effect of allowing the PM and his Government to keep up the high morale created by his party’s win in the recent general election, thereby proving to those who voted for him that he is indeed the man to “get Brexit done”.



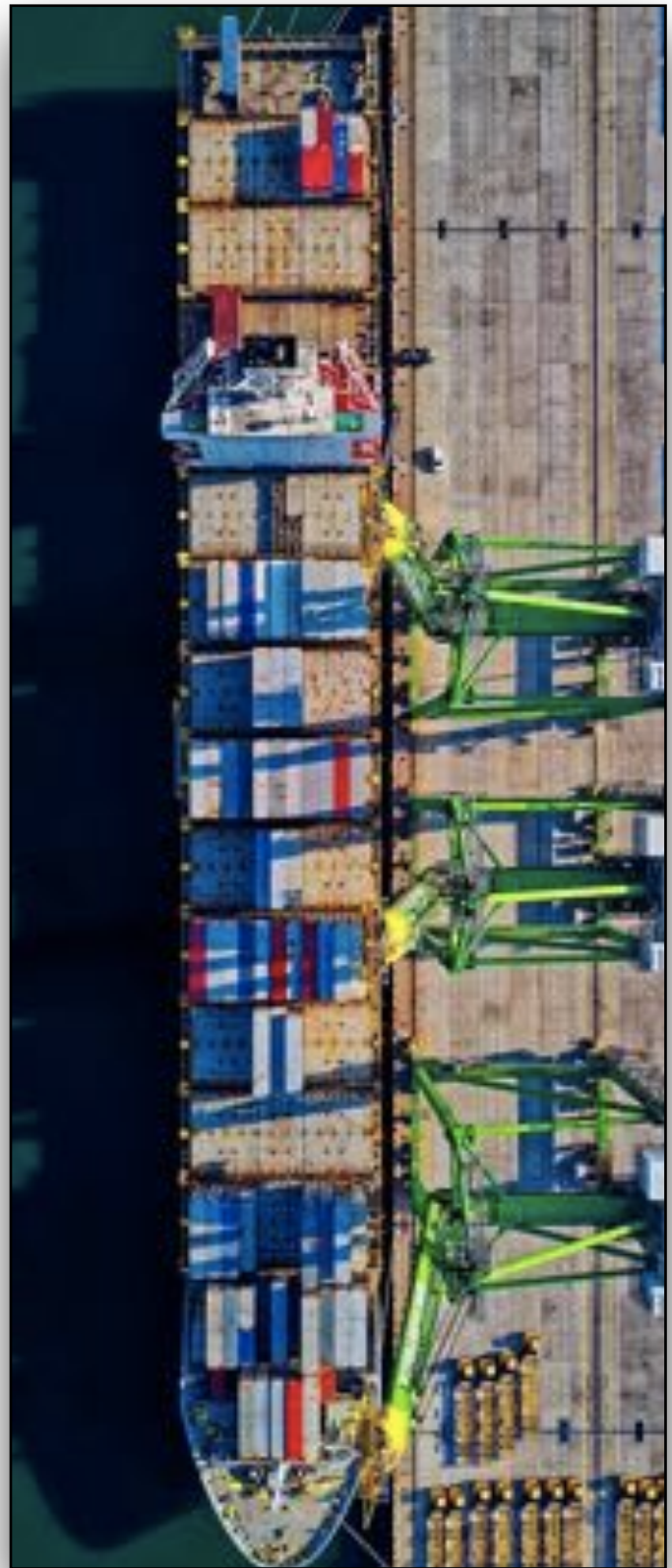
Of course, as anyone who keeps up with political developments is aware, posturing and slogans very rarely accurately reflect the often uncertain, nuanced reality that is international economic relations. For starters, the apparent impossibility of a trade deal that both the UK and EU are willing to accept is a major roadblock to the country having a confident position to trade from in the wake of Brexit. The UK is adamant that “we are not asking for a special, bespoke or unique deal” and have made it clear that “[w]e want a Canada-style free trade agreement, which the EU has frequently said is on offer”, as a Government spokesperson put it.⁶

This ‘negotiation’ (if it can even be referred to as that anymore) has descended to the level of the UK and EU arguing over the content of different PowerPoint slides made by the European Commission supposedly proving each side’s claim to their preferred deal.⁷ The long-standing post-colonial criticism of the British appropriation of the Elgin Marbles also made a surprise guest appearance in the EU’s trade proposals at the behest of Greece, met with quintessential British stubbornness, indicating perhaps that pride is more valuable to this Government than the future of our economy.⁸ As for the substantive content of the proposal, Michel Barnier, the EU’s chief trade negotiator has emphasised a deal where both the UK and EU are on a “level playing field” and reminded the UK of its promise to adhere to the EU’s rules on subsidies and standards.⁹ Johnson, unsurprisingly, responded that there is “no need for a free trade agreement to involve accepting EU rules on competition policy, subsidies, social protection, the environment or anything similar”¹⁰, making it unequivocally clear to them that concessions to anything not laid out by the UK are not on the table, at least not in the near future. To break this seemingly never-ending deadlock between these warring sides, a significant change of direction from one or both parties is urgently needed.

In summary, the Government’s unambiguous stance that this country must make its own laws on its own terms is definitely appropriate as an appeal to a generally patriotic voter base. However, when trying to renegotiate complex trade agreements before an ever-impending deadline of the end of the Brexit transition period, it becomes little more than an empty catchphrase.



Current Prime Minister Boris Johnson (left) and the EU’s Chief trade negotiator Michel Barnier.



Sources:

- 1 Tom Edgington, Brexit: What trade deals has the UK done so far? BBC Reality Check, 20 February 2020 <https://www.bbc.co.uk/news/uk-47213842>
- 2 Department for International Trade, UK trade agreements with non-EU countries, Published 29 January 2020. Last updated 4 February 2020 <https://www.gov.uk/guidance/uk-trade-agreements-with-non-eu-countries>
- 3 Heather Stewart, Daniel Boffey and Rowena Mason, *UK and EU set out contrasting goals for post-Brexit trade deal* The Guardian, 3rd of February 2020 <https://www.theguardian.com/politics/2020/feb/03/uk-and-eu-set-out-contrasting-goals-for-post-brexit-trade-deal>.
- 4 Adam Payne *Boris Johnson’s chief Brexit negotiator says Britain will never sign up to EU rules in a blunt warning to Brussels*, Business Insider, Feb 18, 2020 <https://www.insider.com/brexit-eu-rules-david-frost-boris-johnson-government-2020-2>.
- 5 Jim Brunsden *et al.*, *Brexit: why fishing threatens to derail EU-UK trade talks*, Financial Times, January 28 2020 <https://www.ft.com/content/96ebfb1a-3ea6-11ea-a01a-bae547046735>.
- 6 Jim Brunsden, Laura Hughes *Brussels and UK trade accusations ahead of Brexit talks*, The Financial Times, February 19 2020 <https://www.ft.com/content/f81c7bde-5306-11ea-8841-482eed0038b1>. 7 *ibid*
- 8 Adam Payne *The EU will tell Britain to give back the ancient Parthenon Marbles, taken from Greece over 200 years ago, if it wants a post-Brexit trade deal* Business Insider, Feb 20 2020. <https://www.businessinsider.com/brexit-eu-to-ask-uk-to-return-elgin-marbles-to-greece-in-trade-talks-2020-2?r=US&IR=T>
- 9 Heather Stewart *et al.*, *UK and EU set out contrasting goals for post-Brexit trade deal* The Guardian, 3rd Feb 2020 <https://www.theguardian.com/politics/2020/feb/03/uk-and-eu-set-out-contrasting-goals-for-post-brexit-trade-deal>.



WILL CHINA'S NATIONAL OIL & GAS PIPING NETWORK CORP. EFFECTIVELY WHEEL IN NEW ENERGY MARKET REFORMS?

MALAIKA CORNELIO

The Chinese Energy industry pours oil on its troubled waters in trying to bring about reforms through a major asset consolidation, forming a new state-owned enterprise (SOE) which is amongst some of China's largest.

As a Country undergoing late industrialization, establishing an oil security has been one of China's most pressing concerns,¹ especially since recently overtaking the US as the world's largest net importer of oil and gas.² Inaugurated last year in Beijing after years of planning, the National Petroleum and National Gas Pipeline Network Group Co. Ltd. is the product of a merger combining the long-distance pipeline assets of the country's state-owned energy companies. The state-owned enterprise (SOE) aims to satisfy a range of aims which Li Keqiang, the Premier of the State Council listed during its December 9 inaugural meeting after highlighting the establishment of the company as being a "major measure to deepen the reform of the oil and gas industry and ensure the safe and stable supply of oil and gas".³

The National Development & Reform Commission (NDRC) has been contriving measures to overhaul the energy industry for years and has had merger plans on its drawing board since 2014.⁴ These were finally formulated three years later in the course of reviewing China's natural gas system in line with its plan to reduce

coal-dependency by switching to gas.⁵ Lin Boquiang, the Director of the Energy Economics Institute at Xiamen University and independent member of PetroChina's board of directors, commented on the slow-moving period of reform, "that is why it's taking so long to happen. The reform means the big oil companies losing part of their competitive edge".⁶

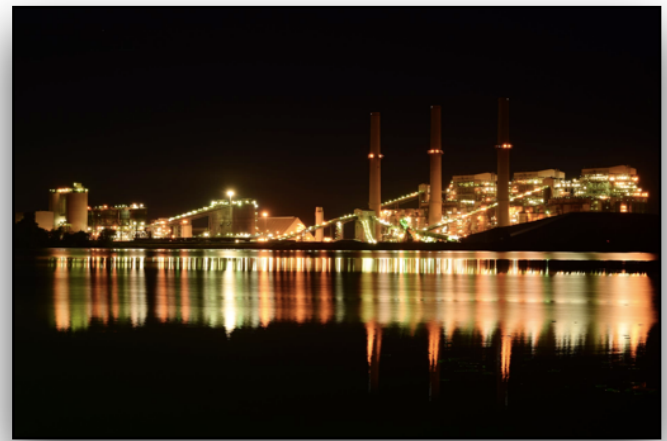
The ¥500 billion merger⁷ combines the pipeline assets of the Nation's three energy giants: China National Petroleum Corporation (CNPC) holds a 30% stake, Sinopec with 20% and China National Offshore Oil Corporation (CNOOC) with 10%. The supervisory institute overseeing the company, known as the State-owned Assets Supervision and Administration Commission (SASAC) holds the remaining 40%.⁸

This major industry reshuffle mirrors the 2014 merger in the Chinese telecommunications industry which formed what would become the world's largest telecommunications tower infrastructure service provider.⁹ The telephone and data transmission towers of the Nation's three major state-owned phone companies - China Mobile, China Unicom and China Telecom - were combined under an umbrella corporate entity, China Tower.¹⁰

Known informally as China Oil & Gas Piping Network Corp., the merged entity manages most of the nation's pipeline infrastructure which spans 130,000 kilometres, including 90,000 kilometres previously operated by the three state giants. The network is set to expand by about 80% by 2025, which is seen as a necessary step as the Country's long-distance oil and gas pipeline network is less than one-fifth the size of the United States' according to Reuters, which was recently the world's largest oil and gas importer before China overtook them.¹¹

What historical demand and supply trends have been like in China relative to the global oil and gas market

Most comprehensive market overviews would point towards the 1973 oil crisis as the "first oil shock". This was succeeded by the 1979 oil crisis (creatively associated as the "second oil shock"), and the 1980s oil glut



(foreseeably a result of downward spiraling demand from the antecedent 1970s energy crisis). A decade later, the comparatively less severe 1990 oil price shock arose from the Iraqi invasion of Kuwait, and the oil price spike from 1999-2008 attributed by rising demand from economies like India and more relevantly, China. Most recently, the more famous price slump occurred in the 2008 Financial Crisis, so clearly, the global oil market has taken a lot of hits spanning the last four decades.¹² The winding list of geopolitical tensions and supply and demand shocks go on, producing the declining oil prices markets yield to date. Nevertheless, China's staunch role as a major importer is one consistency amidst the inordinate volatility of the global oil industry.

The historical rise in the demand for oil and gas is characterized by the economic ascent the Nation was launched into since opening markets to foreign trade and investment through trade liberalisation reforms in 1979.¹³ Correspondingly, this is also why the industry is one of the 'pillar' industries of a quick industrialiser like China.

Additionally, declining oil prices incentivise customers to favour more oil-&-gas-based products such as diesel-consuming cars, stimulating overall consumer demand.

China's 2018 per capita energy consumption more than tripled India's and 70% of the 2017 EU average, although growth has been decelerating.¹⁴ This highlights the importance of achieving energy security. This is primarily enhanced through diversifying supply sources further to increase domestic supply, which is where China Oil & Gas Piping Network Corp. steps in. Energy security has achieved paramount importance ever since US oil sanctions forced China to continue importing despite restrictions.¹⁵ Another major governmental strategy that guarantees supplementing the expansion of the Chinese energy industry is the 'Belt and Road' initiative which targets the development of infrastructure and channelling of investments while utilising Chinese energy technologies.

However, some recent changes in demand patterns pose a threat to the smooth sailing of China's strategy to increase supply independence. National concerns over oil security has led to a sweeping movement across the transportation industry towards electric transportation. The complete transition to electric transportation is likely to occur by 2030 according to Wang Chuanfu, founder and chairman of BYD Co Ltd., China's largest maker of battery-powered cars. Therefore, low domestic demand for oil could impede the government's efforts to direct oil supply opportunities to domestic producers as well as reducing import dependency. Chuanfu justifies that the switch to electric vehicles is

"not only because of environmental pollution and traffic congestion issues" and cites "China's oil safety and security" as a core rationale.¹⁶

Will China Oil & Gas Piping Network Corp. be able to take on the unforeseeable future?

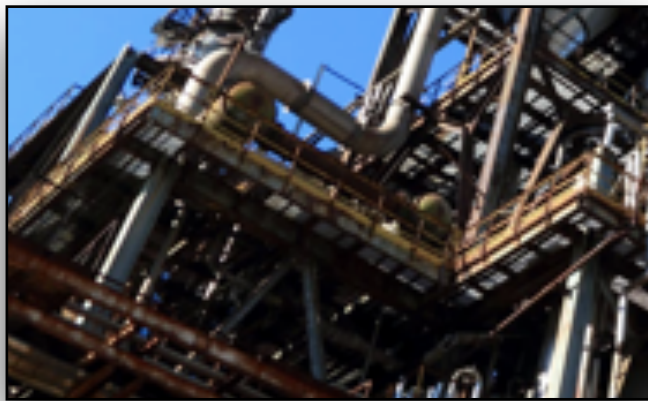
"It's the largest-ever step in (the oil and gas) sector reform. At the core of it, it's about removing a key bottleneck in the market and allowing producers and consumers equal access to infrastructures,"

says Dong Xiucheng, Director of energy policy research at University of International Business and Economics in Beijing.¹⁷ This is in line with state planners' goals which includes promoting access to independent firms and encouraging oil discovery in order to expand the national resource base, while concomitantly driving investments in the industry through this greater access. Market entry of non-governmental firms should concurrently improve market competition. Additionally, the new SOE will benefit from an ease in exploration through the asset consolidation which, at length, will tangibly contribute in strengthening the domestic oil and gas supply.

Oil and gas analyst Soorya Tejomoortula from GlobalData Plc indicates that the formation of the SOE is part of China's strategy "to [stimulate] the country's slowing economy". Tejomoortula also highlights the importance of the SOE to China's shift from coal to gas: "[it caters] to the growing natural gas demand through new gas pipeline infrastructure".¹⁸



However, the newest sharp fluctuations in demand pose a challenge to the SOE's efficacy and forecasted success. The shutdown of several Chinese industries due to Covid-19 could result in market imbalances, given China's large role in the plummeting global oil demand. The looming presence of this crisis presages transportation bottlenecks across the nation due to large-scale quarantines. Yet nevertheless, as is argued, 'prevention is better than cure' and China Oil & Gas Piping Network Corp. may just be the salve to the inflamed economy enduring plunging productivity, as under state control, the SOE can be operated in favour of public welfare, especially as major shareholders will be made to bear greater social responsibility while enhancing operational efficiency.



Sources:

- 1 <https://www.tandfonline.com/doi/full/10.1080/09512740500162949>
- 2 <https://www.forbes.com/sites/judeclemente/2019/10/17/china-is-the-worlds-largest-oil--gas-importer/#7c246f185441>
- 3 http://www.gov.cn/premier/2019-12/09/content_5459776.htm
- 4 <https://www.scmp.com/business/china-business/article/3041244/china-combines-three-oil-pipeline-networks-single-operator>
- 5 <https://www.reuters.com/article/us-china-energy-pipeline-reform/china-plans-new-state-pipeline-company-in-massive-energy-reshuffle-idUSKCN1QG0PE>
- 6 <https://www.reuters.com/article/us-china-energy-pipeline-reform/china-plans-new-state-pipeline-company-in-massive-energy-reshuffle-idUSKCN1QG0PE>
- 7 <https://www.scmp.com/business/china-business/article/3041244/china-combines-three-oil-pipeline-networks-single-operator>
- 8 <https://www.euronews.com/2019/12/09/china-sets-up-national-oil-gas-pipe-firm-in-drive-to-boost-competition-xinhua>
- 9 <https://ir.china-tower.com/en/about/profile.php>
- 10 <https://apnews.com/12373f1077454f788d80116dfdfc41fd>
- 11 <https://www.reuters.com/article/us-china-energy-pipeline-reform/china-plans-new-state-pipeline-company-in-massive-energy-reshuffle-idUSKCN1QG0PE>
- 12 https://en.wikipedia.org/wiki/Price_of_oil#Early_history_of_oil_price
- 13 <https://fas.org/sgp/crs/row/RL33534.pdf>
- 14 <https://estore.enerdata.net/energy-market/china-energy-report-and-data.html>
- 15 <https://thediplomat.com/2019/09/china-iran-thwarting-u-s-oil-sanctions/>
- 16 <https://www.ft.com/content/e7d52260-a1e4-11e7-b797-b61809486fe2>
- 17 <https://www.reuters.com/article/us-china-energy-pipeline-reform/china-plans-new-state-pipeline-company-in-massive-energy-reshuffle-idUSKCN1QG0PE>
- 18 <https://www.lawyer-monthly.com/2019/12/chinas-new-state-oil-pipeline-company-heralds-major-energy-reform/>

Women in Law and Politics; Why Does the Shoulder Matter?

CERI SILVA

Bias has been worked into our brains from a young age, from restrooms in schools to employees suffering from unequal pay. Men have always been regarded superior from a societal perspective. In 1882 the English Professor Henry Morley adopted the view that women should finally be entitled to be examined alongside men at University College of London. He celebrated,

*“Traditions of the bygone days
Are cast aside, old rules are undone:
In Convocation Woman sways
The University of London.”*

Shortly after, in 1888, Eliza Orme became the first woman to earn a law degree. Where do women currently stand? How far have women advanced in the legal profession? Notwithstanding the events and movements of the late nineteenth and twentieth centuries, it was only in the twenty-first century that legal reforms began to take place in this area. It was only in 2002 that the Sex Discrimination Act was introduced, and it was only in 2004 that the European Union recognised a self-employed woman to be entitled to equal pay rights under Article 141 of the Treaty of the European Community in coalition with the Equal Pay Act 1970. However, women in the legal and political industry are not unfamiliar with a lack of equality. Despite society adopting innovative and different models, the foundations, and therefore the developed structures around it remain mostly the same. Thus, it means law firms are historically structured in a way that promotes male dominance.

In February 2020, Labour frontbencher Tracy Brabin made the audacious, and frankly surprising decision, to wear an outfit in which her left shoulder was visibly naked in the House of Commons for a briefing of Boris Johnson's Brexit arrangements. Uproar and criticism incurred because a woman choosing an attire that exhibits any part of her skin in a court room is unequivocally horrendous.



Labour frontbencher Tracy Brabin

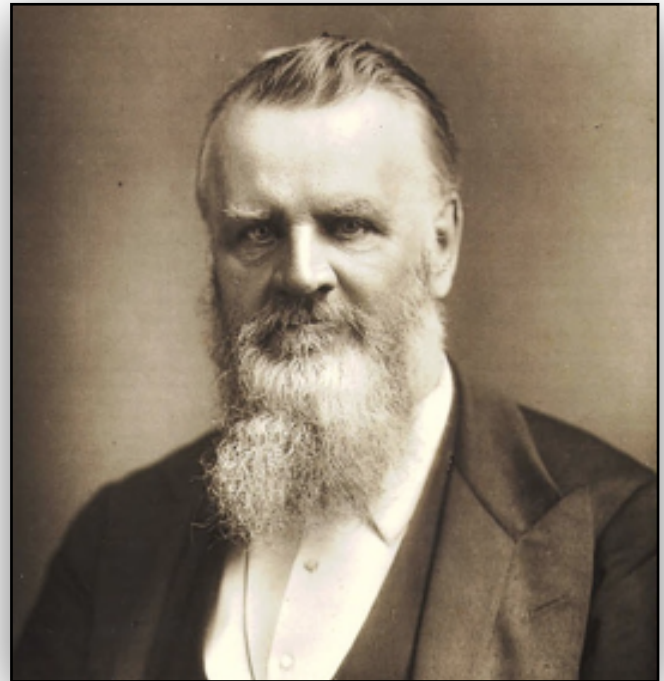
Derogatory and sexist insults including the words 'slag', 'hungover', 'tart' and 'slapper' were avalanched upon this female MP across various social media platforms. In the face of adversity, Brabin responded with a simple tweet where she cited, "Who knew people could get so emotional over a shoulder..." and in riposte, decided to auction off the originally £35 taboo ASOS dress. She donated the proceeds from the winning bid to Girlguiding UK. Following a starting price of £10 and 180 bids, the dress sold for a staggering total of £20,203.48 at 6.41pm at the end of the auction. Brabin declared that it was "extremely humbling" to be able to commit an act of kindness in the midst of a rather overwhelming sexist uproar. Although legal reforms have been introduced, women are still subject to the uncertainty of never truly feeling safe from criticism based on the differences between femininity and masculinity.

Although it was commendable that Brabin felt it was her responsibility to take action against this seemingly regular sexism, she believed that it was "part of the territory" for a female politician to receive this criticism and she was able to brush it off. Arguably, this is a realist perspective, however, our society should not be accepting demeaning comments about what they choose to wear as a given in our current stage of advancement in gender equality.

In this case, amidst the negativity, the MP is encouraging our impassioned females of the future to look outwards instead of inwards because realistically how can they be expected to have an impact in the future and create change when they are focusing on their weaknesses, as opposed to trying to better themselves and the world around them. This raises the question, “how vocal must women be about misogyny?”. Not every circumstance has an outcome as positive as this one.

Thankfully, it is not all bad news, and it is important at this juncture to highlight two remarkable women in the legal industry. The first is Alison Eddy, who is a managing partner at Irwin Mitchell’s London Office. She was named ‘Champion of the Year’ in the fifth edition of the ‘Inspirational Women in Law Awards 2019’. The reason for this was her influential role in the promotion of a healthy-work-life balance and flexible working. In 2004 Alison became the first partner at Irwin Mitchell to implement a scheme that encouraged the members of her team to perform their roles flexibly. Now, 43% of their employees work flexibly. The ‘Solicitor of the Year’ award was given to the commendable Legal Director of the Howard League for Penal reform, Dr Laura Janes. She obtained a doctorate in youth justice and she has experience representing children and young people in penal detention. Laura was the driving force behind a children’s book titled ‘Equal to Everything’ which is inspired by the life of Lady Hale. She has previously remarked “kindness often comes with bravery: daring to persevere through adversity when it would be easier to give up.” This is in reference to being prosperous in your profession despite evident male dominance. Women have made progress. The momentous journey of women in the legal industry has led to a current percentage of practising female solicitors of 50.8%. Our destination is still yet to be reached as only 30.1% of partners in private practise are women. Flexibility is clearly a significant step for women to gain equality, but what else can be done? The way forward is to increase accessibility to women with mentoring and sponsorship from senior staff and other colleagues, propose more networking opportunities and ensure that there are female role models in senior positions. It is not only women that need to be encouraged to act to achieve equality. As a society we must encourage men to participate in the equality debate too, in order for them to recognise their role in achieving gender equality.

If more women in positions of political and legal influence retort using innovative methods, perhaps our daughters will live in a more inclusive industry than we do. But for now, aspiration has been restored in young girls with an ambition to become a politician or lawyer because Brabin and women alike have demonstrated that vilification of women on the basis of looks, as opposed to actions, will not be tolerated and that oppression is not acceptable.



Professor Henry Morley (professor of English literature at University College London from 1865 to 1889).



Eliza Orme. The first women to earn a law degree in England from University College London in 1888.

BOLSTERING RESILIENCE TO FAKE NEWS – THE FINNISH BLUEPRINT.

MARYAM ZAFAR

Propaganda, lies and disinformation are a historical phenomenon used by governments, military powers, politicians and corporations alike to gain a comparative advantage against one's adversary, otherwise, colloquially known as fake news. Whilst there is much hype and hysteria amongst democratic countries about this new and dangerous phenomenon, there is nothing new about fake news. It's a phenomenon as old as mankind. Nonetheless, when placed into the context of a polarised global society and with populist sentiment gaining political power in global democracies, it is more dangerous today than it was in previous centuries.

The advent of social media in the 21st century has allowed certain actors to weaponize fake news in a way we have not seen before. From deep fakes being used as means of revenge to ruin somebody's life, to foreign intervention in elections to compromise the democratic process, the consequences are severe. The 2016 Cambridge Analytica scandal, where the use of disinformation played a significant role in Donald Trump's election highlighted the extent to which social media could be used in manipulating the democratic process. Whilst fake news has always been mischievous, it is clear that amidst today's hyper-globalisation the situation has greatly worsened. The result: the alarmist tone used in regards to fake news is not an irrational one to adopt.

In terms of larger, structural concerns, foreign intervention through the dissemination of fake

news in a country's democratic process is of paramount importance. Although Russia claims it does not intervene in sovereign states' domestic affairs, accounts of Russian intervention in the electoral process are plentiful, the most notable being during the 2016 iteration of the US Presidential Election.



One country is fighting back, and successfully. Finland has an 832-mile border with Russia, which has made it a prime target of Kremlin backed propaganda. In recent years, Russian trolls have increased disinformation campaigns on a myriad of issues, ranging from Finland's full member status in NATO to immigration policies. The Kremlin's disinformation campaigns in Finland amongst other former Soviet and Baltic states have a common theme: discrimination against ethnic Russians. For example, accusations of Finnish authorities abducting children in disputes over custody battles in Russian-Finnish

marriages arose in 2012 by a Kremlin backed campaign (involving doctored photographs) in an attempt to create divides in society. The danger of false accusations that pit communities against each other is the fact that they cause sentiments to flare up. All of this occurs before fact-checking and an appropriate evaluation can be conducted.

Finland is not alone in its targeting of fake news by an arsenal of Russian trolls, however, the way it has combatted it has provided a successful case study for other countries to follow. Representatives from a number of EU Member States as well as Singapore have adopted the 'Finnish Blueprint' in the war against fake news.

It could be argued that as a fairly homogenous society with little ethnic fragmentation and as a country that rates highly on most positive indexes – gender equality, transparency and accountability, press freedom, social justice and happiness, Finland's success in the battle against fake news cannot be replicated. This is far from the truth.

Finland's attempt to combat fake news begins in the classroom. In 2016, the government began a restructuring of the nation's education curriculum to equip its upcoming leaders with the critical analysis skills, enabling them to question the legitimacy and authenticity of a piece of information in the news or social media. Children from a young age are taught how to distinguish fact from fiction in the classroom and are equipped with skills to identify fake news. Simultaneously, there have been similar awareness workshops held at adult education centres to equip Finnish citizens with the appropriate skills to understand fake news. The result of introducing such components as part of the national curriculum has played a significant role in Finland being rated as Europe's most resistant nation to fake news.

With sophisticated algorithms being able to target vulnerable sections of the population to fake

news, as was seen in the 2016 American general election with the Cambridge Analytica scandal, it is imperative for democratic nations to take immediate action. The rise of fake news is accompanied by a decline in public trust in the media, a trend that is dangerous for democracies. This distorts the manner in which a democratic political system operates for a myriad of reasons, from holding leaders accountable, to politicians winning elections on disinformation campaigns.

Whilst it can be argued that the Finnish resistance to fake news is, to a great extent a product of its high literacy, there is nevertheless an important lesson to be learnt from the example. With sophisticated disinformation campaigns now having the capability to disrupt governance in entire countries, it is vital for governments to start to improve digital literacy amongst citizens, beginning early on in the educatory process. Incorporating critical thinking skills amongst the population alongside a strong government narrative is the key to a country's resilience against foreign disinformation campaigns that aim to undermine faith in democratic institutions.



PREJUDICE- A DORMANT PHENOMENEN?

AL-FAYAD QAYYUM

November 2009: In response to the historic Presidential Election which gave America its first black president, the prominent conservative commentator Lou Dobbs said, “We are now in a 21st-century post-partisan, post-racial society”. Objectively speaking, it is true that, to an extent, we have moved past the awful and terrifying period of history plagued by the lynching of America’s black population in the South. Asians are no longer chased callously by English Defence League gangs in London. Nonetheless, Brexit and the election of Donald Trump to the highest office in the US have demonstrated that, implicitly, Western Society still harbours systematic prejudice, concealing the historic demonstrations of blatant racism.

It should be noted that there were a number of reasons that elicited the vote for Brexit and Donald Trump. People on both sides of the Atlantic felt ‘left behind’. This sentiment was particularly amplified by the Financial Crash in 2008 where errors made by big banks led to a global recession, with the hardest hit being working and middle classes. The votes cast in support of Brexit and Donald Trump were an attempt to strike back against the ‘metropolitan establishment’ who bailed out big banks and did not look out for the concerns and interests of the ‘left behind’ demographic. However, a 10% increase, recorded by The Guardian, in racial discrimination since the EU Referendum has called for the necessity to once again look at racial discrimination. To ignore doing so will be a deliberate act of disingenuity.

In the 1990s, when Francis Fukuyama declared the “end of history”, he spoke of the end of ethnic wars and a convergence of ideologies. For a period of that ‘post-history’ era, it appeared that he was not mistaken. Certainly, overt racism continued to exist, and in some cases, egregious acts such as the murder of Stephen Lawrence in London and the police’s insufficient response took prominence in the race debate. Nonetheless, there was a sentiment that the racial reality was improving. The election of Barack Obama was an evidential reality to affirm that feeling.

It appears, however, that Obama’s election was a mere smoke screen for the harsh reality that systemic racism continued to reverberate through society – only this time the perpetrators of racism could point towards a Black American President to assert that racism no longer existed. It is no surprise then, that the Black Lives Matter movement arose under a Black American President. Michael Brown was killed by the police in Ferguson, and many more Michael Browns continue to be killed by those enforcing the law. This is a historic and contemporaneous reality.



Michael Brown who was killed by the police in 2014

To assert that Britain’s departure from the EU and the election of Donald Trump are the causes of racial antagonism and not symptoms of it, is an exercise of naivety. Furthermore, to suggest that the racial situation had been improving in the UK before Brexit is an oblivious view of reality. Intolerance in Western Society has been a constant through history and has largely depended on the narrative adopted by Media. After the September 11 attacks in 2001, Muslims became the target of fierce Islamophobia which has thus far received limited coverage. Subsequent to the coronavirus Covid-19, people of East Asian ethnicity are facing a similar discrimination. In the context of the modern social enterprise, this has been notably felt by a cancellation of Uber requests if the order was placed by an individual of East Asian origin, commonly referred to as ‘Chinese’ without consideration of geographic origin. There is a feeling that this sentiment is fuelled by innate tribalism.

Societies habitually need a villain to direct hatred towards, with that hatred historically being directed towards Jews and the Irish. That historic viewpoint informs us that Western Society will continue to have villains, old and new, in the future. The question then must be posed: was racial reality ever really improving, or was the same old sentiment merely bubbling up inside awaiting a new target to emerge?

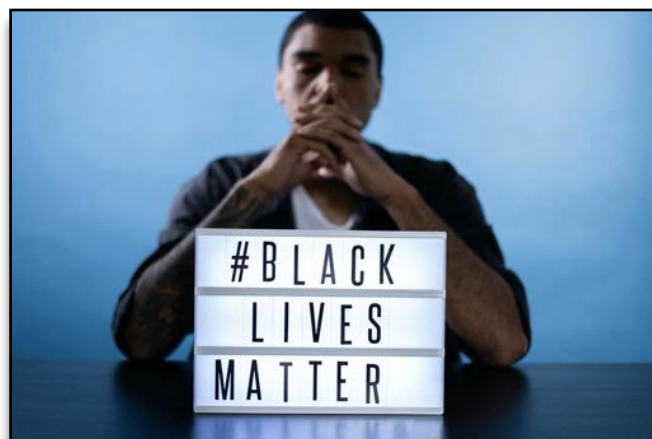
There is an argument that before Brexit, people's prejudices were more concealed. There is the old adage that most Islamophobes use: "I don't hate *Muslims*, I hate *Islam*", or "some of my friends are Muslims". However, Brexit has fuelled and given legitimacy to discriminatory views. During the build-up to the EU Referendum, the Leave Campaign used a poster to depict swathes of visually brown people 'infiltrating' the UK – reflective of a legitimacy to both harbour and air viewpoints in preventing the heterogeneity of the UK.

Media plays a large role in contributing to this legitimisation, with the most recent example being Meghan Markle's portrayal in the press. The Sussex's departure from the British Royal Family led many to blame Markle for leading Prince Harry astray and away from the Royal Family. The news coverage of Markle can be compared to that of Kate Middleton. On the issue of placing her hand on her baby bump, Markle received backlash for touching the baby bump too often. Kate Middleton, on the other hand, when doing the same, was depicted as a protective mother-to-be. This is a strong example for the difference in coverage of two racially different women. The 'biracial' Markle was portrayed as an infiltrator, contaminating the pure Prince Harry with her wicked ways. In many ways, the media attack on Markle appears to be a co-ordinated one. When her engagement was announced, she received unanimous praise for 'modernising' the British Royal Family. Immediately afterwards, she received a vicious backlash following her wedding. It appears the media was merely laying down their defence to the claim that their coverage was racist following the wedding.



The Sussex's Meghan Markle and Prince Harry.

The reality is that a major dimension of racial discrimination towards people of colour is the unconscious bias. There is endless polling on this matter, an example of which is an ICM poll, indicating that 38% of people from ethnic minority backgrounds have been falsely accused of shoplifting, compared to only 14% of White people over the period of the past five years. This fits the narrative that discrimination is more covert. However, to pin examples such as the aforementioned five-year trend on 2016 as a cause is nonsensical.



Unconscious biases need to be solved, and to do that, the role of Hollywood needs to be assessed. A blatant example of the industry negatively impacting pre-existing stereotypes is their rendition of the average Muslim – deranged, fundamentalist and primitive. The depiction of Muslims in this manner can be evidenced through a single season of the popular American TV show *Homeland*, viewed by over 2 million people. The non-deranged, non-fundamentalist and non-primitive Muslim is often depicted as a mere societal anomaly. In order to demonstrate the impact of Hollywood, we can look towards the shift in US opinion on gay marriage. Prior to the 1990s, gay marriage was not widely supported by the American public, however, TV shows such as *Ellen* (in particular, *The Puppy Episode*), helped to mould an intolerant society on that issue to a more tolerant one. *Ellen* was not depicted as a societal anomaly. In many ways, it is no longer a question of increased representation (although that would immensely help), rather, it is a question of better representation.

To rest blame on the election of Donald Trump and Brexit as the cause of discrimination and prejudice is obtuse. Sure, it could be asserted that the events have lent an increased legitimacy to discriminatory views, but to suggest that they were a root cause is ignorant of a political reality predating their occurrence. Blaming Donald Trump and Brexit would do no more than eradicate the years of horrific prejudice. The quicker we are honest about recognising this reality, the quicker we can move forward in the right direction towards harmonising society and eradicating racial antagonism.



Universities must do better to protect freedom of expression

DOMINIC ELLIOTT

IN pursuit of tackling the uncertainty many universities and their students face in relation to the right to freedom of expression on campus, Westminster has in recent years stepped up its efforts to clarify what is expected of higher education institutions across the country. Though, despite a recent codification of the rules, universities are still no-platforming external speakers for holding views which are purported to be ‘offensive’, under the serious misapprehension that these are legitimate grounds for doing so.

The term ‘no-platforming’ is used to describe the practice of students in denying a platform to external speakers “adjudged to be beyond the pale”.¹ The National Union of Students (NUS) established their no-platform policy in 1974 which sought to prevent a small number of individuals or groups with known racist or fascist views from speaking at Union events.² Perhaps only free speech purists would take great opposition at such a stance. Sadly, the practice of no-platforming has become more commonplace in 2020 than can ever have been envisioned by those NUS members who introduced the idea some 46 years ago. Many universities do not in practice have no-platform policies as such, but instead have codes of practice that lay out the requirements that must be met for external speakers to attend university-affiliated events.

The balancing act universities are expected to carry out in this area is by no means straightforward; free speech is plainly not an absolute right, as it is incumbent upon institutions to decide what forms of expression should not be allowed on campus. Problems will invariably arise, however, when decisions are taken by university officials to censor speech that is in fact lawful.

In January 2020, philosophy professor at Sussex University Kathleen Stock had her scheduled seminar at the University of East Anglia “postponed” by the University out of respect for the views of the transgender community following a threat of protest.³ A similar issue transpired in late 2019 at Oxford Brookes University, where feminist artist Rachel Ara

had her on-campus talk cancelled following complaints of her supposed transphobic views.⁴

The Universities in question did not proclaim to have officially no-platformed anyone—but to disinvite a guest who was scheduled to speak at the university has the very same effect. To deny a platform to individuals or groups based on an objection to their views is a clear contravention of the respective codes of practice which each University is obliged to follow.^{5 & 6}

No-platforming can also be rather more subtle. Instead of having their invitation formally revoked, speakers may face having to meet unnecessary conditions prior to scheduled appearances. Bill Etheridge, Member of European Parliament (MEP) for the United Kingdom Independence Party (UKIP), complained in 2017 to have been “effectively no-platformed” after the University of Sussex imposed a “prohibitive” list of restrictions on his speech and required it to have been approved by a panel in advance.⁷

What was once used exclusively to prevent known fascists from speaking at universities has arguably transformed into quite a prevalent practice of censoring speech that may cause offence to some of the student community. The question then follows: do universities have the legal authority to make such decisions? In short, the answer is no—but the issue is slightly more complicated than that.

Universities in the United Kingdom have a clear statutory obligation to protect free speech by virtue of the Education (No.2) Act 1986. University premises are not to be denied to any individual or body on any ground connected with their beliefs or views,⁸ or their policies or objectives,⁹ *as far as is reasonably practicable*.¹⁰ The codes of practice adopted by universities across the country vis-à-vis free speech and external speakers are often very similar and will all make references to their duties under law.

In some limited circumstances, it is clearly not ‘reasonably practicable’ for a university to guarantee

free speech absolutely, as other considerations may have to be prioritised, hence the caveat imposed by the statutory provision. It is then fair to assert that no-platforming may be justified in some particular instances; the institutions in question will invariably employ this line of argument in their defence.

Westminster kicked off its inquiry into the issue of free speech on campus in 2018 with the report by the Joint Committee on Human Rights (JCHR). In its opening remarks, the Committee makes clear that “[u]nless it is unlawful, speech should usually be allowed”, including utterances that “others may find disturbing or upsetting”.¹¹ In a conclusionary point later, the report rightly notes that universities must balance this general rule by placing restrictions on speech which “leads to unlawful harassment of individuals or groups protected by the Equality Act 2010”.¹²



Feminist Rachel Ara (left) and former MEP Bill Etheridge

It is well understood that free speech is not an absolute right—the problem for universities is in identifying where the line should be drawn between the lawful and unlawful, with the aim of ensuring consistency between what is deemed to be acceptable language in public life and what is allowed in higher education institutions. In other words, it would seem rational to assume that one’s lawful utterances or expressions do not cease to be tolerated the moment one steps foot on a university campus. The Public Order Act 1986 was amended by the Crime and Courts Act in 2013 to produce the outcome that there is no criminal sanction

against using insulting language that unintentionally causes someone to feel harassed, alarmed or distressed.¹³ The aim of the amendment was to improve the right to freedom of expression guaranteed under Article 10 of the European Convention of Human Rights.¹⁴ The legislature took a decisive step forward in 2013—in 2020, however, universities are still moving backwards.

Protestors at Oxford Brookes University described Rachel Ara as a ‘trans-exclusionary radical feminist’ in a letter signed by the presidents of the LGBTQ+ and student Labour Party calling for her speaking invitation to be withdrawn.¹⁵ Both Ara and Kathleen Stock hold controversial views that transgender women are not *real* women—or that biological men cannot become biological women.

Promoting transgender rights is undoubtedly an admirable and worthy cause—but however legitimate this aim may be, the ban of lawful speech on campuses is not a proportionate means of achieving it. Perhaps the law will yet again be revised in the near future to deem expressions of views held by those such as Ara and Stock as unlawful. Though, until such a time, what is tolerated on campuses across the country must reflect the legal status quo.

The Government Response to the initial report by the JCHR refer to what they see as a tendency towards a “mono-culture” on campus posing a real threat to genuine diversity of thought.¹⁶ It is hard to argue with this assertion if one looks beyond the incidents involving Ara, Stock, and even Bill Etheridge, to what can only be described as a clear trend of universities censoring perceived ‘offensive’ speech.

The Equality and Human Rights Commission recently published new guidance on free speech for higher education providers in England and Wales.¹⁷ Hopefully this latest and most pertinent step in clarifying what is expected of universities will help to adapt attitudes on campus. One may be forgiven, however, for feeling less than optimistic about the prospect of any significant change any time soon. Westminster has sought to provide clarity, the ball is now in the universities’ court.

Sources:

- 1 Anthony Martino, ‘Now, that’s what I call offensive!’ [2019] *Entertainment Law Review*, 30(8) 252.
 - 2 National Union of Students, *No Platform Policy: Key information, background and FAQs* (13 February 2017) <<https://www.nusconnect.org.uk/resources/nus-no-platform-policy-f22f>> accessed 12/12/2019.
 - 3 Camilla Turner, Ewan Somerville, ‘University cancelled seminar by feminist speaker following threats of protest from transgender activists’ *The Telegraph* (17 January 2020).
 - 4 Rosemary Bennett, ‘Oxford Brookes University cancels feminist speaker Rachel Ara after students accuse her of transphobia’ *The Times* (20 November 2019).
 - 5 University of East Anglia, Code of Practice Relating to Freedom of Speech and Activities Events and Meetings (2019/20) 1, 1.1.
 - 6 Oxford Brookes University, University Regulations/E Other Policies, Statements and Codes of Practice/E24 Code of Practice on Freedom of Speech (2013) 2, 1.5.
 - 7 Joint Committee on Human Rights (JCHR), *Freedom of Speech in Universities* (HC 589, HL Paper 111 2018) 22.
 - 8 Education (No.2) Act 1986 s 43(2)(a). 9 *ibid*, s 43(2)(b). 10 *ibid*, s 43(2).
 - 11 JCHR, n7, 3 First Principles. 12 *ibid*, 27 [54].
 - 13 Public Order Act 1986, s 5(1)(a)-(b) (as amended by Crown and Courts Act 2013).
 - 14 <https://www.cps.gov.uk/legal-guidance/public-order-offences-incorporating-charging-standard>. 15 Rosemary Bennet, n4.
 - 16 Joint Committee on Human Rights (JCHR), *Freedom of Speech in Universities: Government Response* (2018) <<https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1279/127904.htm>> accessed 25/01/2020.
 - 17 See generally, Equality and Human Rights Commission, *Freedom of expression: a guide for higher education providers and students’ unions in England and Wales* (2019) <<https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>> accessed 28/02/2020.
- Rachel Ara Photo. Author: Jazz6529. Licensed under the Creative Commons Attribution-Share Alike 4.0 International license.
- Bill Etheridge Photo. Author: Derek Bennett. Licensed under the Creative Commons Attribution 2.0 Generic license.

AMIDST THE CORONAVIRUS EPIDEMIC

JULIA SULLIVAN

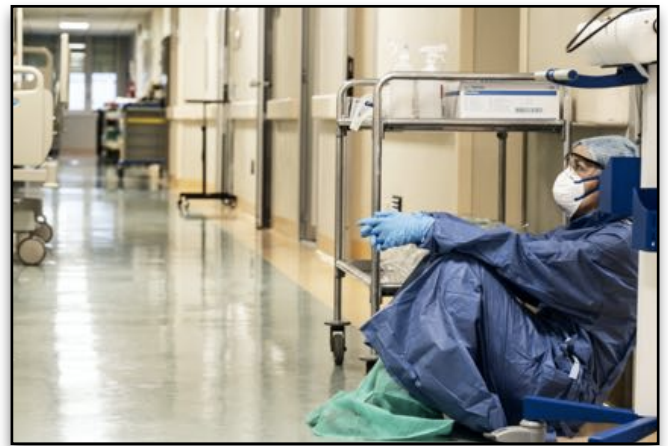
Over the past week, thousands of public sector healthcare workers in Hong Kong have gone on strike demanding for the closure of the border between Hong Kong and China.¹ Many Chinese citizens have found themselves subject to harassment and racism, with Chinese businesses struggling to make ends meet, and all around the world, there seems to be endless unrest and tension, with uncertainty looming in the air.



Honk Kong, China

In the past, when neighbouring areas were faced with similar epidemics which resulted in deaths, it was natural to fear and panic, but this was accompanied with sadness, with people lamenting the futility and fragility of life. Now it seems that, in addition to panic, people demand accountability, as they have sought to place blame on the Chinese for the epidemic. This has been the most prominent issue so far — the xenophobic and hostile attitude towards China and its citizens. Let us consider several issues.

There have been claims that the coronavirus outbreak resulted from the consumption of bat soup. There has however been no evidence linking the coronavirus to bat soup, although it is generally believed the virus was spread from animals to humans. Since there is no direct evidence, this begs the question — what is the source of the virus? If the virus is not man-made, then the only other plausible explanation would be that Covid-19 is a natural disease. If so, this



Doctor Annalisa Silvestri during covid-19 pandemic 2020 in Italy

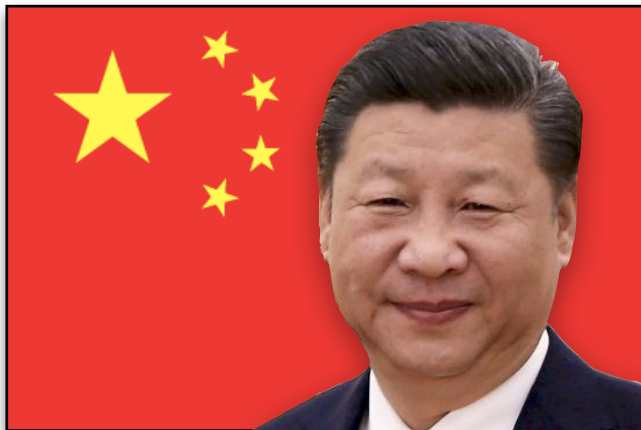
means that a similar virus may appear, and spread in the same way, at any time and place in the future. It is not difficult to see that there is no clear way to prevent such natural disasters from arising. The current situation in relation to the spread of Covid-19 is very unfortunate indeed, but it is altogether unfair to place blame on a country for something it is not responsible for creating.

If Covid-19 is a natural disease, then are the people upon whom blame is being placed not

victims themselves? There is no justification for the racism and inhumane behaviour that has been shown. Let us turn to an alternate but largely similar case. The type-B flu in the USA has killed thousands of people. Judging from the current pattern of events, should we turn against anyone we know to be American for fear that they might carry the disease? Surely this must be answered in the negative.

The spread of misinformation by the media has arguably caused more uncertainty. The Chinese government has already closed its borders and is doing everything within its powers to prevent the virus from spreading any further. Yet there has been a barrage of criticism from the media, claiming that the government ought to have closed its borders earlier, which leads to another question—what constitutes ‘earlier’? How much earlier is enough?

Furthermore, there have been reports claiming that the Chinese Government had knowledge of



Chinese President Xi

the disease and chose not to disclose it to the rest of the world.² It should be noted that any government tasked to tackle any unprecedented virus would require an appropriate amount of time and effort to understand its effects in order to be able to devise an effective strategy to approach it. Sadly, it seems that regardless of what the Chinese Government has done or will do, there is bound to be criticism from every angle.

Hong Kong’s medical practitioners’ decision to strike could be said to have been an action taken without consideration of work ethic which may have only served to increase public panic. The decision of Hong Kong to close its borders was arguably detrimental as the media rushed to comment on how ‘out of control’ the situation was for China, further causing widespread panic all around the globe.

Looking back in 2003, SARS was contained in the Easter as the virus could not survive the rise in temperature. This suggests that this particular strain of coronavirus may gradually fade away along with the rise in temperature, so whilst necessary precautions, understandably, must be taken, people ought to remain calm and vigilant during this difficult time.

Specialised units have already been created in China to provide care for those infected with Covid-19. Hospitals are being made to ensure the protection of its workers, through the use of personal equipment and work-place sanitization to minimise the overall risk of infection. Steps should be taken to ensure the education of preventative measures, such as washing hands and avoiding crowded areas, are taken in schools, the workplace and the general media. These are well-understood public health practices which were used during previous pandemics.

The rise in number of reported instances where victims of Covid-19 have successfully recovered suggests that the current measures adopted by healthcare professionals are effective to a certain extent.³ This provides some hope and clarity amidst the current situation. It must be remembered that the spread of Covid-19 is the fault of no one. People ought not to rush to conclusions in the face of the unknown and should stick to the facts. Harassment and hostility is beneficial to no-one, and it is in times of such uncertainty that we must curb the spread of misinformation and unite together as a global community.

Sources:

¹ <https://www.bbc.co.uk/news/world-asia-51349154>.

² <https://qz.com/1801985/the-changing-coronavirus-outbreak-narrative-pushed-by-china/>.

³ <https://www.who.int/docs/default-source/coronaviruse/who-china-joint-mission-on-covid-19-final-report.pdf>.

Photo of Doctor Annalisa Silvestri by Alberto Giuliani. Licensed under the Creative Commons Attribution-Share Alike 4.0 International

U.S. UNCERTAINTY? ELIZABETH WARREN HAS A PLAN FOR THAT

SAM BYRNE

Since the election of Donald Trump, the future of the USA and its international relations have been shrouded in uncertainty. Regarding domestic policy, America has been thrown into chaos by the Trump Administration's work to overturn the progress of women's reproductive rights and LGBTQIA+ rights. This has left Americans in the dark about the protections they'll have to ensure their freedom.

In terms of foreign policy, President Trump has diverged from American traditions held under previous presidents and this is especially evident through his attacks on close allies and fondness for authoritarian leaders such as Putin and Kim Jong-un. To top of all the uncertainty, the Democrats are currently engaged in a drawn-out primary process with no clear frontrunner to face Trump in the general election. Despite this disarray, one candidate stands out, one with a plethora of plans that seek to set the USA back on track whilst promising to make more progress than any other administration. This candidate is Senator Elizabeth Warren.



Senator for Massachusetts, Elizabeth Warren

First elected as the senator for Massachusetts in 2012, Warren has demonstrated herself to be a populist firebrand, albeit not as extreme as Trump or her fellow progressive Senator Bernie Sanders. With her scathing interrogations of Wall Street CEOs in congressional hearings and more recently her takedown of billionaire and former New York City Mayor Michael Bloomberg in the 2020 Nevada Democratic Presidential Debate, she is a force to be reckoned with. Furthermore, Warren's prior work in creating the Consumer Financial Protection Bureau (CFPB), a federal organisation designed to protect consumers following the 2008 financial crash is indicative of her desire to fight for the struggling middle class. Warren's basis of her presidential campaign is her consistency in uniting societal issues alongside the corruption of congress which holds significant influence over politicians.

Rhetoric alone isn't sufficient to tackle the uncertainty that the USA faces from Trump and the decades of Republican and Democratic politicians that partake in corruption. In this fashion, Warren presents herself as a particularly impressive candidate as her campaign includes numerous plans which aim to tackle the uncertain future of the middle class and marginalised groups as a result of said corruption and the possibility of Trump's re-election.

Following the tradition of Franklin D. Roosevelt, Warren promotes regulated capitalism through her clear belief that when the correct and appropriate rules and regulations are practised, it can work for everyone. In comparison to the other democratic candidates, Warren boasts a range of plans that target the systemic economic problems plaguing American families. To name a few, they include fixing the bankruptcy system, expanding social security and providing paid family and medical leave. Each plan contains explicit details on their execution and validation with extreme emphasis on Warren's anti-corruption legislation as a vital instrument to rid congress of the influence of money.

More than anything, these detailed plans are the most ambitious economic policies ever seen since Roosevelt's 'The New Deal', and they offer clarity that is rarely seen in other political campaigns.

Throughout Trump's presidency, the rights of women, LGBTQIA+ people and people of colour have been under attack. Numerous states have been emboldened to pass anti-abortion laws following Trump's Supreme Court appointments and proposals to allow federally funded housing shelters to deny access to LGBTQIA+ people have been introduced. Additionally, Education Secretary Betsy DeVos has rescinded guidance aimed to prevent disciplinary bias against black students. In contrast, Warren has worked with activists within marginalised groups to create policies addressing both the harm inflicted by the Trump administration while securing further protections to counteract discrimination. Warren's social justice agenda is made up of diverse plans which are transparent in their efforts to combat prejudice. They include congressional action to protect reproductive healthcare while levelling the playing field for entrepreneurs of colour and expanding federal protections for the LGBTQIA+ society. Warren's willingness to listen and learn from activists of underrepresented groups has been emphasised in the endorsements she's received from LGBTQIA+ activists such as Raquel Willis and Black Womxn For. Electing a president who is open to learning from different people would serve as an important shift from Trump's inability to accept critique and make the presidency more representative of the people in a time of chaos.

Uncertainty has nowhere been more prevalent than now for foreign policy in the USA. Trump may be commended for his rhetoric on ending the USA's failed global interventions. However, it is indisputable that his execution is nothing less than flawed as shown by his order of a swift withdrawal of US troops from Northern Syria which left their Kurdish allies to be slaughtered by Turkish forces. His military decisions paired with his intimate relationships with authoritarian leaders present far more uncertainty for the USA's global standing. Under Trump, what was once a global leader on foreign policy and multilateralism is now reduced to exclusion from important international discussions and distrust from its allies. On the other hand, Warren's emphasis on working with allies and putting diplomacy at the forefront of foreign policy is a stark contrast to the current administration, and in this sentiment, Warren is clear on her vision.

Despite these qualities, it cannot be said that Warren is a perfect candidate and this article doesn't seek to argue that there is certainty in her candidacy. A significant problem that arose in Warren's campaign is her previous claim to Native American heritage despite not being a tribal citizen.

Her undertaking of a DNA test to prove her claim was received negatively by tribal groups for perpetuating racist falsehoods. Though Warren has since apologised and is endorsed by Rep. Deb Haaland, one of the first Native American congresswomen, this controversy certainly raises concerns about Warren's judgement.

Once a frontrunner for the nomination, Warren's decline in the polls aligns with her evasiveness on her healthcare plan. Although Warren doesn't plan to raise taxes on the middle class, her initial refusal to answer on the topic has portrayed her to voters as a typical politician – an image that is the very antithesis to her campaign. She's since struggled to achieve the success her campaign once enjoyed but her strong presence in the Nevada debate suggests that she shouldn't be counted out, especially given her motto 'Nevertheless, she persisted'.

Warren's 3rd place in the Iowa caucus and 4th place finish for the New Hampshire primary highlight that her vision may not appeal to voters. With her waning candidacy, it appears that her plans and clear vision for America are not convincing voters that she should be president. It's critical to note that these states don't represent the diversity of the US and provide only a limited portion of delegates required to become the nominee, however, the results are indicative of what could be a possible trend in her candidacy.



In conclusion, like any other candidate, Warren is undoubtedly flawed. In spite of this, her persistent work ethic and willingness to listen to the public alongside her clear vision for America is the answer to the uncertainty and chaos enflamed by Trump. She has proven that she's the best candidate in the democratic field to morph America into a more equitable and just society that strives for the perfect union imagined in the constitution. Elizabeth Warren is the clarity amidst America's uncertainty.

ARTIFICIAL INTELLIGENCE: APOCALYPSE OR INNOVATION?

JEEVNI SHARMA

The 21st century has seen many developments, the greatest however, speaking subjectively, will be its developments in technology. Certain technological developments have raised more eyebrows in legal circles than others. Namely, pieces of art produced by artificial neural network software (ANNS) and artificial intelligence (AI) being utilised in the field of medicine. This article will examine the legal concepts within these two fields to familiar products like smart devices and autonomous vehicles.

Artificial Neural Network Software

ANNS is a fairly new project that involves the processing of information in a way that mimics the human brain.¹ The result was a series of abstract and sometimes nightmarish images that seem to have the power to change the concept of art. A World Economic Forum article by Aaron Hertzmann², considers the problems concerned with establishing ownership of pieces of art created by systems using ANNS. The possible owners could be the person who uses the program, the programmer, the artists whose art was fed into the machine and finally and perhaps most absurdly for most, the machine itself. This last contender does not seem plausible, but could one day become a reality. Especially, considering the advances made with the life like robot Sophia who is able to imitate facial expressions, hold conversations and is now a citizen of the Kingdom of Saudi Arabia.³ In a short commentary by Fenwick & West LLP⁴ they outline that current American law only allows protection under intellectual property (IP) to people, not companies. However, these advances have led some to believe there should be changes to the law. Ryan Abbott a professor from the University of Surrey, argues that AI has the potential to profoundly disrupt IP systems.⁵

Consider, first, the artist who uses the program. If they use DeepDream, they will be using technology that is open access. Open access technology does not require users to pay to use it. Essentially, it works like the stationary you can borrow in an exam. You can use it and make a gain from the use without having to 'give' something back. As a result, DeepDream has no ownership over the product. Nonetheless, the uniqueness of the images produced from the software make the origins of the art very obvious. Consequently, the key question lies in whether the art produced is owned by the people whose art was fed into the machine or the people who fed the art. In most situations, artists will be careful not to break intellectual property laws and copyrights. Therefore, they will provide the machine with images they themselves have created or captured. In the event that they have used an image that they do not own they would be open to a claim under copyright law.

Artificial Intelligence in Medicine

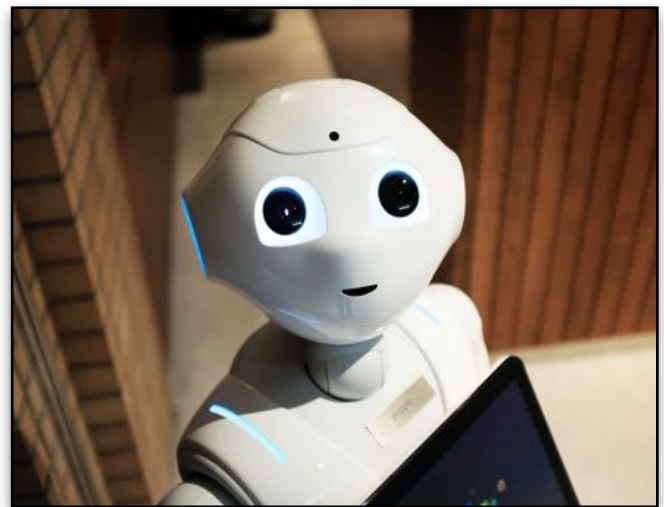
AI in medicine covers a wide range of areas, the latest achievement is the detection of breast cancer by an AI collaboratively programmed by researchers at Google Health and Imperial College London.⁶ They were able to train the AI to detect breast cancer with greater accuracy than one lone doctor, but on par with the dual-detection system the National Health Service (NHS) currently uses. As the AI can detect breast cancer without the patient's medical history and without the need of two doctors, the NHS will be able to redistribute the extra workload into other areas. The way the machine is able to detect the cancer is by simple problem identification. It was fed a plethora of data which illustrated to it the difference between a healthy body and one infected with breast cancer. This technology may seem as impressive as JARVIS from the Iron Man movies but it is significantly behind that software. The key difference is JARVIS was able to actively solve



problems. The system for breast cancer detection however, can only do what it was programmed to do. It is aware of what a cancer of this type looks like and can run a simple comparison test. If it was presented with an image of another body part there is no guarantee that it would be able to identify any disease in it. Nonetheless, the software is remarkable and helps pave the way for a future where more machinery can be relied upon for more accurate identification of diseases.

A key question in this area of AI is who would bear the burden of a wrongful diagnosis. The prima facie answer is that it would become a case of vicarious liability and so the hospital, using the machine, would be liable for any damages. However, the corollary question is who would bear the costs of a wrongful diagnosis if the software behaved more autonomously than it currently can. If the technology was able to actively solve problems and provide fact specific feedback, would it be responsible for its prognosis? A strong argument for vicarious liability could, again, be made. This is especially in light of recent litigation in *Various Claimants v Institute of the Brothers of the Christian Schools*⁷, *Armes v Nottinghamshire County Council*⁸, and *Barclays Bank Plc v Various Claimants*⁹ where the Supreme Court and Court of Appeal were prepared to establish vicarious liability in cases where relations akin to that of employment could be found. There are nevertheless many opposed to the notion of holding the AI liable by giving it a form of citizenship. In an open letter to the European Commission, a number of specialists advocated against providing robots with a form of legal status, which would allow them to be held liable for any damage they may cause. They argued mainly that the Commission will not be able to derive this legal right from any standing legal principles.¹⁰ Theoretically, there should be no need to view robots as legal entities since compensation can be justified through vicarious liability. Especially since, at the moment the technology has not reached the level where robots are actively able to behave at a level where their actions can be set so far from the original coding. I would promote the argument of robotic liability only when it is factually proven that the robot's actions were a consequence of its autonomous development and not that of the original coding. Reaching this standard would be extremely difficult and so in most cases compensation would be provided by the rules of vicarious liability.

Although this article has barely scratched the surface of the legal concerns and debate on technology in the aforementioned contrasting fields, the general discussion helps raise some concerns on technology that have become a subconscious part of everyday life. Namely, smart security systems, autonomous vehicles and even smart speakers. Concerns of liability can be raised with autonomous vehicles, if the machinery were to malfunction, or with security systems if the machine was easily undermined. Similarly, concerns of possible invasions of privacy could be raised with smart speakers, programmed to respond to voice activated commands. These exciting developments will undoubtedly raise some very stimulating questions for lawyers, judiciaries and parliaments in the near future, on the law's relationship with technology.



Sources:

- 1 <http://www.neurosolutions.com/>, <https://searchenterpriseai.techtarget.com/definition/neural-network>
- 2 <https://www.weforum.org/agenda/2019/03/new-ai-art-has-artists-collaborators-wondering-who-gets-the-credit>
- 3 <https://www.wired.co.uk/article/sophia-robot-citizen-womens-rights-detriot-become-human-hanson-robotics>
- 4 <https://www.fenwick.com/news/pages/patent-law-at-the-ai-crossroads.aspx>
- 5 https://www.wipo.int/about-ip/en/artificial_intelligence/news/2019/news_0007.html
- 6 <https://www.bbc.co.uk/news/health-50857759>
- 7 [2012] UKSC 56.
- 8 [2017] UKSC 60.
- 9 [2018] EWCA Civ.1670
- 10 <http://www.robotics-openletter.eu/>

THE ROCKY ROAD TO PROSECUTION FOR VOYEURISM

JAKUB MIKULSKI

The CPS has struggled to adapt to new changes in anti-voyeurism legislation. Since April 2019 and the passing of the Voyeurism (Offences) Act 2019, they proudly affirmed that 10 men were successfully convicted of 16 upskirting offences. On a surface level, this number may appear very modest, unfortunately, it is unlikely that this statistic represents any significant proportion of actual voyeurism or upskirting in the UK. Upon closer inspection, this result is suggestive of a minor error at the legislative stage in conjunction with a tentative willingness of the CPS to surrender to that error at the prosecution stage.

Firstly, the change in legislation bears some significance. In the past, the struggle to prosecute those who committed upskirting and similar offences was borne by s67 of the Sexual Offences Act 2003. On the other end of the spectrum, the common law offence, Outraging Public Decency was just as ineffective. Therefore, with public pressure and extensive campaigning, the 2019 Act was introduced to amend the previous statute, which eventually resulted in the creation of two new categories of offences per s67A(1) and s67A(2), with the former regarding inappropriate operation of equipment and the latter being the actual recording of the images. The first problem encountered by the CPS was in regards to the (b) part of both

provisions: specifically that the offence only existed if this conduct was carried out “in circumstances where the genitals, buttocks or underwear would not otherwise be visible”.

Emily Hunt, 39, was a victim not only of voyeurism but through the misapplication of the CPS prosecution guidelines. The context of the situation involves further allegations by Ms Hunt of rape and drugging yet the CPS refused to prosecute the man who filmed her sleeping naked as she had just slept with the man. This apparently thereby limits an expectation of privacy.



Emily Hunt.

This is undoubtedly unjust and under the sheer pressure of a judicial review challenge against the CPS, they finally instilled a change in the application of the guidelines. Finally, in January 2020, Tony Richards, the man responsible for filming Ms Hunt faced prosecution.

The director of the Centre of Women's Justice, Harriet Wistrich, was still unsatisfied that the whole process took an immensely long period of time. Seeing as the CPS is a publicly funded body, they have a "duty to act consistently and in the public interest".¹ The point on consistency is more poignant when it is considered during the five year battle for justice led by Emily Hunt as the CPS used her exact argument to prosecute a case on the same issue. Perhaps it was the merit of the legal argument or the cross-party political support to prosecute the perpetrator and a general appeal to common sense that persuaded them to change their minds and resolve the matter promptly.

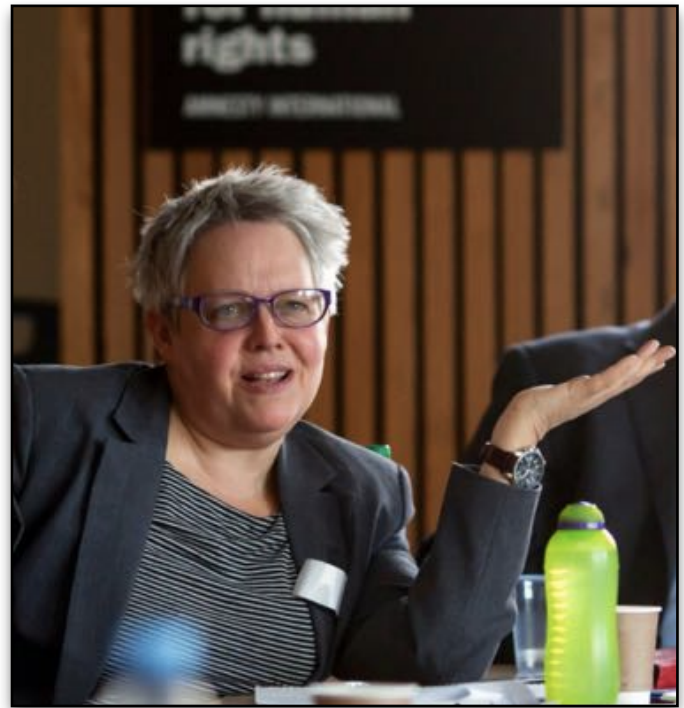
Emily Hunt has suffered PTSD as a result of the whole ordeal, despite that, she remarkably managed to see this lengthy legal complication until the very end, which hopefully provided her with a somewhat satisfying justice. It is deeply regrettable and distressing that the prosecution service took an extremely prolonged period of time to act on the issue, but this demonstrates the last-resort reliance on legislation to intervene and clarify the public position, which should've been fairly obvious. The only positive note in this whole debacle is now that Ms Hunt has broken through the reluctance of the CPS to prosecute such cases, it's now extremely likely that they will not fail to prosecute regarding similar offences in the future.

Sources:

¹ <https://www.thejusticegap.com/cps-to-reconsider-decision-not-to-prosecute-the-man-who-filmed-naked-and-unconscious-woman-without-her-consent/>

Photo of Harriet Wistrich by Maina Kiai. Licensed under the Creative Commons

Attribution 2.0 Generic license.



Director of the Centre of Women's Justice,
Harriet Wistrich



President

Ariana Ng

Vice President

Udita Shome

Treasurer

Anna-Maria Poku

Head Content Editor

Lavinia Fernandez

Deputy Head Content Editor

Smrithi Sadasivam

Legal Affairs Editors

Jasmine Shergill

Andrew Chow

International Affairs Editors

Alaa Ahmed

Shuvern Lim

Domestic Affairs Editors

Zain Tiwana

Aaron Mall

Online Editors

Etienne Seymour

Remi Clark

Head Design Editor

Theo Westrip

Deputy Design Editor

Lavinya Yeke

Journalists:

Julia Sullivan

Hamza Stitan