



*Research Conference*

**Transparency  
and  
Accountability  
in Law and Governance  
15 MARCH 2019**

**9AM - 6PM**

**KA113 U-BUILDING**

**[DUBLINLAWANDPOLITICSREVIEW@GMAIL.COM](mailto:DUBLINLAWANDPOLITICSREVIEW@GMAIL.COM)**



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## Dublin Law & Politics Review

### Venue

DCU is located a short distance from Dublin city centre, Dublin Airport and the M50 and M1 motorways. The campus is bordered by Ballymun Road and Collins Avenue.

### Public Transport

DCU is serviced by the following buses which stop outside the University at the Ballymun Road and Collins Ave entrances, or near to the university with stops on the Swords Road and Glasnevin Avenue. Routes servicing DCU include: 3, 4, 11, 11A, 11B, 13, 13A, 16, 16A, 17A, 19A, 33, 41, 41B, 41C, 46X, 103, 104 and 105.

### Bus Numbers

- 3, 4, 11, 11A, 11B, 13, 13A, 16 and 19A – to and from city centre
- 17A – from Kilbarrack to Finglas via Glasnevin Avenue
- 103 to and from Clontarf Dart Station via Collins Ave
- 105 – to and from Malahide via Collins Ave (operates during semester time only)
- 33 – to and from Balbriggan via Swords Road
- 41, 41B and 41C – to and from Swords via Swords Road
- 104 – from Clontarf Dart station to Cappagh Hospital via Swords Road
- 16A – from lower Rathfarnham to Dublin airport via Swords Road
- 46X comes from Dun Laoghaire (7.30am) via Donnybrook, Leeson Street and Drumcondra.

The following buses stop on O'Connell Street: 3, 4, 11, 11A, 11B, 13, 13A, 16, 16A and 19A.

### From the city centre

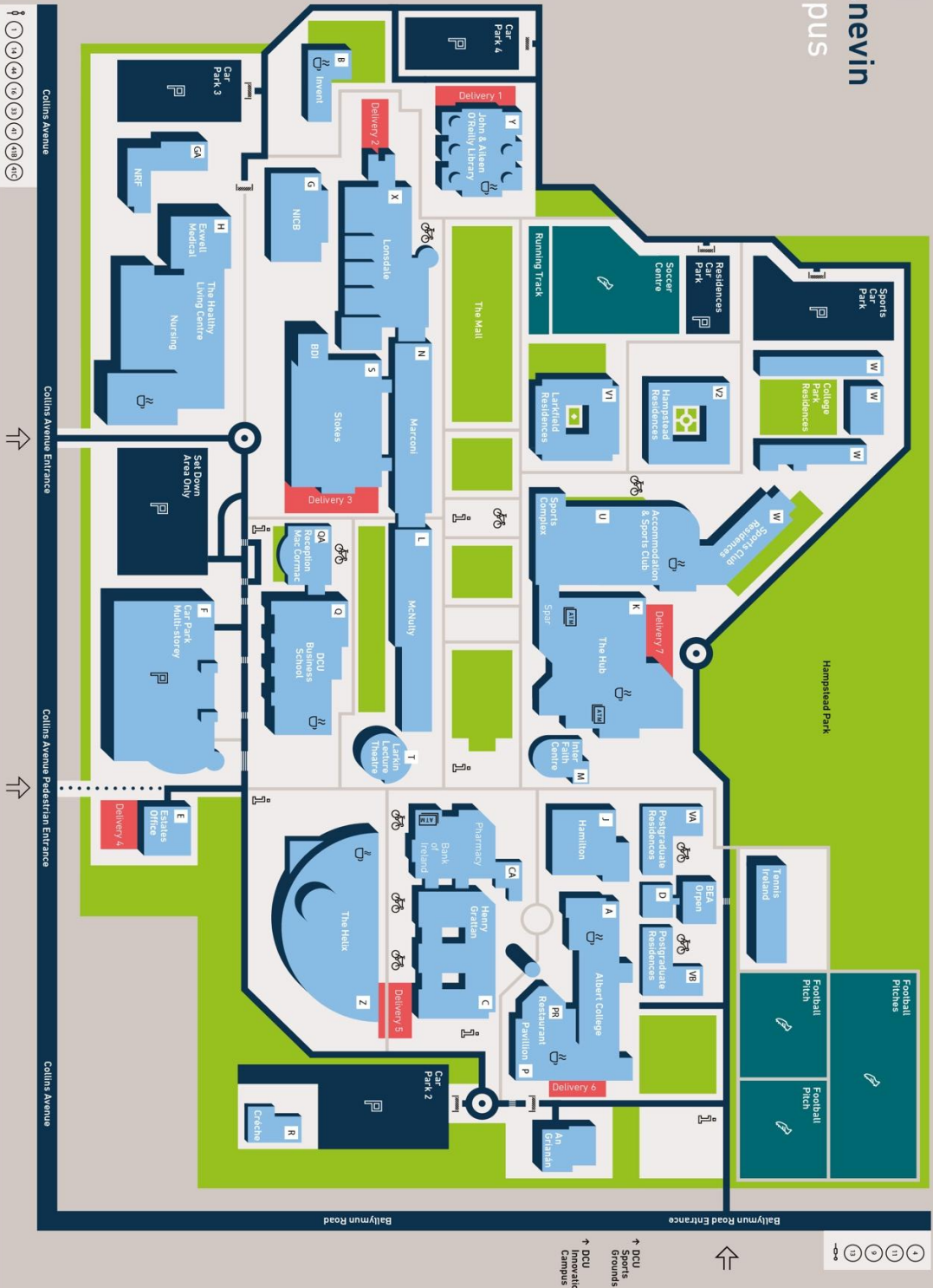
Follow the airport road which takes you through Drumcondra along the N1, towards the M1. Continue past the junction for Griffith Avenue until you reach the junction at Whitehall. At this crossroads turn left onto Collins Avenue. DCU is 500 meters on the left-hand side.

The main entrance of the U-Building is at the Hub as shown in the map below:



# Dublin Law & Politics Review

## DCU Glasnevin Campus





Dublin Law & Politics Review  
**Conference Schedule**

<b>Time</b>	<b>Activity</b>	<b>Location</b>
09:00 – 9:30	Registration	First-floor U-building
09:30 – 10:15	Welcome & keynote speech	KA113
10:30 – 11:30	Session 1: Corruption as a Challenge to Governance	KA113
11:30 – 11:12	Coffee break	KA113
12:00 – 13:00	Session 2: Human Rights	KA113
13:00 – 14:45	Lunch	KA113
14:45 – 16:00	Session 3: Transparency in Democratic Institutions	KA113
16:00 – 16:30	Coffee break	KA113
16:30 – 17:15	Session 4: Policies of Tension	KA113
17:30	Closing remarks and reception	KA113



Dublin Law & Politics Review

## Keynote Speech

### Democracy, Press Freedom and Corruption

Associate Professor Michael Breen



Dr. Michael Breen is an Associate Professor at the School of Law and Government. His research is focused on the study of international political economy, particularly the politics of finance, the role of international organisations in the global economy, and the International Monetary Fund. He has written many articles on these topics, including recent articles in *International Studies Quarterly*, *European Union Politics*, and the *European Journal of International Relations*. His recent book, [The Politics of IMF Lending](#), was published by Palgrave Macmillan in 2013.

In 2014-15, he was Principal Investigator of POLSENT (Policy, Sentiment and Financial Markets), a project funded by the Irish Research Council. The project used new methods from computer science to help us understand the relationship between the media and financial markets. In 2016-17, his new work on this topic was funded by Enterprise Ireland.

He is a member of the Royal Irish Academy's International Affairs Committee and an External Associate of the Centre for the Study of Globalisation and Regionalisation at the University of Warwick. He was Secretary of the Political Studies Association of Ireland (2014-5) and Programme Chairperson of DCU's MA in International Relations and MA in International Security and Conflict Studies (2012-2017).

He has supervised several PhD students and postdoctoral fellows to completion and welcomes applications from prospective students and researchers interested in international relations, international political economy, and international organisations.



## Dublin Law & Politics Review

### Session 1: Corruption as a Challenge to Governance

#### **Capacity Building for the Nigerian Navy: Eyes Wide Shut on Corruption?**

Authors: Brady, Sheelagh; Østensen, Åse Gilje; Schütte, Sofie Arjon

Corresponding author: Sheelagh Brady

PhD student at the Dublin City University, Ireland

#### Biography

Sheelagh has approximately 20 years of experience in policing and security. She began her career with An Garda Síochána (Irish Police Force), where she worked for 14 years. She then moved to the international security arena, holding positions such as, Mission Security Analyst with the European Union Border Assistance Mission in Libya, Senior Security Information Analyst, with UNDSS in Abuja Nigeria, and Analyst with the European Union Police Mission in Bosnia Herzegovina (BiH). Since 2014, she has provided security related research and risk management consultancy services for international organisations and corporations in fields such as Organised Crime, Terrorism and Corruption. She is currently undertaking a PhD at Dublin City University (DCU). She already holds a number of academic qualifications, including a MS in Crime Science, from the Jill Dando Institute at University College London, and an MA in Criminal Justice from John Jay College of Criminal Justice, New York.

#### Abstract

Corruption is pervasive in the Nigerian maritime security sector and facilitates the very crimes that the Navy should be countering, such as smuggling, piracy, and oil theft. Due to the fragile situation in the Gulf of Guinea, there is considerable international support for the Nigerian security sector in the form of equipment and capacity building, including through the United States Africa Command (AFRICOM). In respect to security and defence, military assistance and capacity-building programmes have become a preferred approach to peace operations, stability operations, and development programmes, rather than addressing power and incentive structures. This can have detrimental side effects if such capacity building initiatives are provided to weak states where corruption is pervasive. For one they can stimulate corrupt or even criminal activity, which may result in more of the insecurity that they intended to reduce. Two key AFRICOM programmes involved in Nigerian maritime security are the Africa Partnership Station (APS) and Africa Maritime Law Enforcement Partnership (AMLEP). While AFRICOM safeguards procurement processes and other aspects of its programme finances, it does not otherwise address corruption in the Nigerian maritime security sector. By building capacity while ignoring corruption, foreign partners risk professionalising corrupt actors and thereby aggravating corruption in the sector. Corruption is not treated as a critical concern at the top level of foreign and security policy across countries, but this is imperative if the international community is to apply the political pressure necessary for development approaches to work.

*This submission is based on a research piece of research that was conducted by U4 Anti-Corruption Resource Centre <https://www.u4.no/publications/capacity-building-for-the-nigerian-navy-eyes-wide-shut-on-corruption>*



## Dublin Law & Politics Review

### **Western Balkans' SME**

Anastas Djurovski

Associate Professor at the State University St Clemens of Ohrid Bitola

#### Biography

Anastas Djurovski holds a PhD in Law and one in Economics from the State University St Cyril and Methodius of Skopje. He is assistant professor at the faculty of law at the University St Kliment Ohridski, Bitola, and previously worked as a project assistant to the United Nations Development Programme (UNDP).

#### Abstract

The paper will focus of Western Balkans state spending and its effectiveness towards SME support and it will contribute to the dilemma whether key for SME policy success is institutional capacity and vulnerability towards corruption or effective public spending towards relevant regions and sectors that are resource intensive. It will research whether there is a clear relationship among the two variables - public spending and number of newly opened businesses as well as their growth in underdeveloped countries such as the Western Balkans regions. Paper will make comparative analysis on the effectiveness of 1 EUR spent within the SME policy implementation in the European union and 1 EUR spent in the Western Balkans for the same reason, drawing conclusion on the reasons as well as drawing conclusion what needs to be changed in the terms of basic factors for more successful SME development and support policy in the A) phase of market entrance and B) phase of SME growth.





## Dublin Law & Politics Review

### **Amoral Investments: The Case of FDI in Kazakhstan**

Gian Marco Moisé

PhD student at the Dublin City University, Ireland

#### Biography

Gian Marco is a first-year PhD student at the School of Law and Government. His research is on the relationship between the multinational corporations of oil and the political elite in Kazakhstan. He has a background on international relations with a special focus on the Former Soviet Union and Former Yugoslavia. His expertise ranges from politics to political economy. He writes on Eastern Europe for Italian newspapers.

#### Abstract

According to the Corruption Perception Index of Transparency International, Kazakhstan is one of the most corrupt countries in the world. The Business Anti-Corruption Portal reveals that companies operating in Kazakhstan complain of high-corruption risks in licensing, registering, applying for public utilities, and they expect to give gifts to officials to “get things done”. This condition is believed as one of the main constraints to do business in the country, because makes unpredictable the outcome of investments. In addition, Harms and Ursprung’s (2001) analysis on the effect of civil and political liberties on foreign direct investments (FDI) proved that multinational corporations are discouraged from investing in countries with lower degrees of freedom. The present study aims to test these theories in the case of Kazakhstan, where the lack of civil and political liberties and high levels of corruption have characterised the life of the country since its independence. The research tailored for this workshop is a short statistical analysis based on regressions of the net inflows of FDI, as measured by the World Bank, three different indicators of corruption and three indicators of civil and political liberties of the country, as measured by Freedom House, the World Bank and the PRS Group. In conclusion, the case of Kazakhstan partially confirms the literature on the topic. A possible explanation is that the expected high-levels of profit generated by investments in the energy sector of the country, which account for half of the total FDI every year, seem to overcome any issue related to corruption and civil liberties, privileging political stability as a sufficient measure for the security of the investment.



## Dublin Law & Politics Review

### Session 2: Human Rights

#### **The Birth Certificate as a Historical or Aspirational Document?**

Claire O'Connell

PhD student at the University College Cork, Ireland

#### Biography

I am a civil law graduate from the National University of Ireland Galway and also a graduate of the Child and Family Law Masters programme from University College Cork. I am currently studying for my PhD on a part time basis from University College Cork while working as a legal researcher previously for the Law Reform Commission and currently for the Director of Public Prosecutions. In addition, I am currently acting as an assistant lecturer in children's rights in Technological University Dublin. My PhD is based on the child's right to identity in assisted human reproduction and the extent to which third party donors and surrogates should be included or excluded in the child's life, especially where they have developed a social relationship with the child.

#### Abstract

The law in relation to donor assisted human reproduction has posed some difficult legal and policy questions for the Irish legislature. This remains evident given that the relevant parts dealing with donor assisted human reproduction under the Children and Family Relationships Act 2015 have yet to be commenced nearly four years after its enactment. At the core of assisted human reproduction is the state mandated separation of children from their biological parents. This paper shall explore the issue of transparency in terms of the child's right to identity and the concerted effort to conceal the true biological parentage of a child through the proactive registration of parents who are not biologically related to the child on the child's original birth certificate. This sees a paradigm shift in terms of the nature and purpose of a birth certificate. Whereas up until this point, a birth certificate may have been seen as a historical document, accurate as of the date of one's birth - with such policy considerations such as issuing gender recognition certificates, adoption certificates and the proposed surrogacy certificates instead of amending original birth certificates reflecting this - the knowing circumvention of the child's right to know their biological origins is a true reflection of the State's inability to grapple with assisted human reproduction and the separation between registration, parentage and guardianship. This paper shall discuss the tension currently at play between legal certainty and certainty of identity, taking into consideration registration provisions such as the availability of registration upon a statutory declaration and the presumption of paternity. It shall also explore the extent to which there is a positive duty on the State to disclose the biological history of the child and the circumstances of their conception.



**Reclaiming Democracy in the Acoustics of Our Schools and Society: Listening and Responding to Children's Voices**

Dr. Emer Ring

Head of the Department of Reflective Pedagogy and Early Childhood Studies at the Mary Immaculate College of the University of Limerick, Ireland

Biography

Dr Emer Ring is Head of the Department of Reflective Pedagogy and Early Childhood Studies at Mary Immaculate College (MIC), [University of Limerick]. Emer lectures across a wide range of programmes in primary and early childhood education and supervises research from undergraduate to doctorate levels. Emer previously worked as a primary mainstream class teacher, a learning support teacher, a resource teacher and a senior inspector with the Department of Education and Skills. Emer has been principal investigator on a range of national research projects and her research interests include children's rights; democracy and education; child voice; the teacher education continuum; early childhood education, inclusion, pedagogy and autism. Emer has published widely and is co-editor and co-author of *'Autism from the Inside Out: A Handbook for Parents, Early Childhood, Primary, Post-Primary and Special School Settings'* published recently by Peter Lang, Oxford, UK.

Abstract

Article 12 of The United Nations (UN) Convention on the Rights of the Child (1989), ratified by Ireland in 1992, states that children have the right to have their opinions taken into account and their views respected in decision-making that affects them (United Nations 1989). However, it is a well-recognised principle that too often principles embedded in human rights and articulated in international conventions don't always translate into practice on the ground (Ring 2018). Parallel to the human rights discourse on including children's voices, research globally continues to confirm that prioritising children's 'participation' impacts positively on their overall development, self-esteem, confidence, autonomy, social competence and resilience and understanding of democracy (Lansdown 2005; Turner and Ring 2019). In Ireland, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (Department of Children and Youth Affairs (DCYA 2014, p.vi) articulates a commitment to creating a society: *'where the rights of all children and young people are respected, protected and fulfilled; where their voices are heard and where they are supported to realise their maximum potential...'* However, research indicates that we may not always be convinced that the child's contribution matters and believe that encouraging children to express their views has the potential to undermine adult authority. This paper suggests that children now have a non-negotiable right to have their views valued and responded to, and that therefore as a society, we are obliged to find ways to ensure that children's voices are a central element in the acoustics of our schools and wider society. Research on the potential contribution of children's voices conducted by the author is explored and its importance in embedding democratic principles in our schools and society interrogated.



**A Principled-Based Human Rights Approach to Protecting Electoral Integrity and Preventing Online Disinformation: How Campaigning Transparency and Accountability Can Improve the Electoral Process in the Age of “Fake News”**

Ethan Shattock

PhD student at the Maynooth University, Ireland

Biography

My name is Ethan Shattock, and I am a first year PhD candidate in Law, studying at Maynooth University. My PhD project is entitled ‘Applying a Theoretical Framework to Facilitate Democracy and Veracity as a Legal Response to the Fake News Phenomenon’. My supervisor is Dr. Maria Murphy. After completing a B.C.L International with Chinese, I completed an LLM master’s in international Business Law. I completed my LLM thesis entitled “The Surveillance State in the United States and Europe: An Analysis of the Legislative Impact Arising from the 2013 Revelations by Edward Snowden.” My thesis received a first class honours, as did my master’s degree overall. I was able to build on this with practical experience at internships with Transparency International Ireland and the Irish Council of Civil Liberties. I am interested in the democratic threats posed by online disinformation, especially as it affects electoral outcomes and may conflict with individual human rights.

Abstract

The democratic threat of “Fake News” is an increasingly discussed topic that permeates political and civil society discourse. In addition to empirical data showing a denuded public trust in online news, elections in Brazil and the United States show us the negative democratic impact that false news stories on digital platforms can have. While E.U. steps currently involve soft law approaches, member states such as Germany have already initiated harsh punitive measures on social media companies who fail to remove hate speech and disinformation on their platforms within a stipulated time frame. This approach has been criticized by human rights groups as a rushed, blunt legislative tool. Article 10 of the European Convention on Human Rights guarantees the right to free expression, while Article 9 protects the right to freedom of religion, and Article 3 of Protocol 1 guarantees the right to free elections. These rights are intrinsically linked to the environment in which citizens can engage with electoral politics and therefore should be at the heart of policy making that addresses online disinformation. It is argued that principles of transparency and accountability should be enshrined into the requisite legal framework as a way to aid such a human rights-based approach. It is ultimately argued that a more open and transparent funding process must be ensured for political campaigning on social media platforms. In addition to this, accountability should be inculcated into the electoral system for political campaigns that facilitate or spread online disinformation. In critiquing existing proposals, as well as existing legislation, it is argued that the current system is incongruent with the high-level threat posed by political disinformation online, and that transparency and accountability are essential principles which can assist in framing an appropriate multi-stakeholder response.



## Dublin Law & Politics Review

### **The Conflict Between the Principle of Mutual Trust and the Respect of Fundamental Rights Within the Common European Asylum System**

Daniele Grippo

PhD student at the Dublin City University, Ireland

#### Biography

Daniele Grippo is a qualified lawyer who held a master's degree in Law at the Alma Mater Studiorum University of Bologna (Italy). In 2014, in order to pursue an international career he moved to Lithuania and in 2018 he got a second master's in international law from the Mycolas Romeris University in Vilnius. He is currently a first year PhD student at the Dublin City University at the Faculty of Law and Government.

#### Abstract

The international principle of non-refoulement establishes that a State cannot transfer a person to another State where there is a serious risk that his life or freedom could be threatened. The EU, nevertheless, authorizes Member States to transfer asylum seekers to other Member States, based on the presumption that all each EU State is considered as a "safe country". In fact, the Dublin III Regulation states: "Member States, all respecting the principle of non-refoulement, are considered as safe countries for third country nationals". This presumption is built on the principle of mutual trust; in other words, on the confidence that all EU Member States comply with EU law and in particular with fundamental rights. These two principles set themselves as a guarantee not to violate the principle of non-refoulement. In fact, if all EU countries respect fundamental rights, a State can transfer an asylum seeker to another Member State without the risk of violating such principle. In recent years, however, it has been demonstrated that there is not an equivalent level of protection of fundamental rights within the EU. This disparity of the standard of fundamental rights protection among EU countries have given rise to a conflict between mutual trust and the duty to respect the principle of non-refoulement by Member States. In fact, on the one hand, mutual trust requires EU States to not check whether other Member States respect fundamental rights. Thus, if a State transfers an asylum seeker, as indicated by the Dublin III Regulation, to the one responsible for examining his or her application, it may violate the principle of non-refoulement if the State of destination does not respect asylum seeker's fundamental rights. On the other hand, if a State, before transferring an asylum seeker controls, whether the State of destination respect his or her fundamental rights, the first State may violate the principle of mutual trust.



## Session 3: Transparency in Democratic Institutions

### **Transparency and Accountability of the European Central Bank**

Annelieke Mooij

PhD student at the Dublin City University, Ireland

#### Biography

Annelieke Mooij is a PhD student at Dublin City University in the school of Law and Government. Her focus is on the impact of the euro-crisis on the mandate of the European Central Bank and how this fits within the international perspective. She is interested in how complex decisions are made that are separated from the law maker and how these institutions fit into the democratic system. In addition to her work as a researcher she is a legal counsel and the director of the Dublin Law and Politics Review and has various short-paper publications and publications in peer-reviewed journals.

#### Abstract

This paper will discuss the transparency and accountability at the European Central Bank. There are different types of Central Bank mandates, the most important aspect of which is to determine monetary policy. When the European Central Bank (ECB) was established the trend was to design Central Banks as independent institutions. Article 127(1) Treaty on the Functioning of the European Union (TFEU) confers the European System of Central Banks (ESCB) with the task to maintain price stability. The second section of this article then gives the ESCB the freedom to define, determine and execute monetary policy. It is given these powers under full independence as bestowed upon the Bank in article 130 TFEU. To give high-levels of independence to policy-making institutions seems contradictory with a European Union functioning on representative democracy. Despite this controversy the concept of an independent central bank is not without reason. Elected representatives are considered to have a dual mandate, looking both at social policy and inflation. The theory of Central Bank Independence suggests that by aiming to increase social welfare inflation can rise. Inflation and certainly hyper-inflation causes many social issues. The ECB has however been granted previously unknown levels of independence. The Bank has to appear in front of Parliament but Parliament has no power to punish or prevent policy actions. In order to change the structure of the Bank a treaty change is necessary which requires the consent of all Member States. Though it is argued that the Bank does not operate in a political vacuum accountability of the ECB is limited. Its governors are appointed for 8-years and cannot be fired. Recent reports have argued that this lack of political accountability creates possibilities for private influence. The influence of lobbying firms has been denied by the banking industry. For a long time, however, the diaries of Central Bank governors have been undisclosed and till this day the ECB is not registered with the transparency registry. It is, however, unlikely that the banking industry does not lobby the ECB. This is furthermore strengthened by the fact that the banking lobbying industry's headquarters are in Frankfurt. This paper will therefore examine the exact nature of transparency and accountability at the ECB.



## Dublin Law & Politics Review

### **Legislations ensuring safety and quality of Food Contact Materials**

Shubham Sharma

PhD student at the Technological University Dublin, Ireland

#### Biography

Shubham Sharma is a Ph. D. second year student in the School of Food Science and Environmental Health in Technological University Dublin (TUD). She is working on the formulation of natural surface coatings for the food contact surfaces. For the development of a surface coatings a thorough study of the legislation is required. She had worked as a Research Assistant in the Indian Environmental Society for 18 months. She did her masters from Amity University Noida (India) in the field of Biotechnology and her bachelor's from Amity University Rajasthan (India). During her course of bachelors and masters she had undergone through several internships and research assistantships.

#### Abstract

Food Contact Materials (FCMs) are the material which comes in contact with the food such as chopping board, utensils, storage containers, packaging etc. These materials could become a reason for cross contamination or leaching of chemicals in the food. Companies around the world are progressively using standard quality assurance systems to improve and maintain the quality and safety of the food. A legal EU framework provides the fundamental postulates for the safety and inertness for all FCMs. To ensure safe food they are required at each step in the food production process and to show compliance with regulatory and customer's requirements. Legislations have an important role in providing regulatory guidance on the most appropriate quality assurance systems and verifying/auditing their implementation as a means of regulatory compliance. A synchronized legal EU Framework is provided by Regulation (EC) No 1935/2004. It regularizes some fundamental postulates for the safety and quiescence for all FCMs. Regulation (EC) No 1935/2004 demands for the material that do not change the constituent, odour and taste of food in any unsuitable way or it should not release its components in the food to the level which harms human health. Compliance with the standard specification for the manufacturing process of FCMs is given by Regulation (EC) No 2023/2006. It ensures the fitness of the site and the awareness of the staff for the vital production steps. It also assures the quality documentation and the maintenance of the system for quality control at the premises. Additionally, it provides framework to set the special rule on the active and intelligent materials. Specific EU legislations are declared to produce certain FCMs like plastics materials, regenerative cellulose film, ceramics, active and intelligent materials, glass and many more to ensure safety of the consumers.



## Dublin Law & Politics Review

### **Automated journalism and new models for newsrooms**

Samuel Danzon-Chambaud

PhD student and Marie-Curie fellow at the Dublin City University, Ireland

#### Biography

Samuel Danzon-Chambaud is a PhD student at Dublin City University's School of Communications and Institute for Future Media and Journalism (FuJo). His research focuses on how media practitioners and artificial intelligence can complement each other. He holds a Master of Journalism from the University of British Columbia in Vancouver and an M.A. in History from Pantheon-Sorbonne University in Paris. Before joining the JOLT project on a Marie Skłodowska-Curie fellowship, he worked for CBC/Radio-Canada where he specialized in online news and new formats.

#### Abstract

Automated journalism, i.e. the use of software and algorithms to automatically generate news stories without human intervention (Graefe, 2016), takes up an increasing role in the production of news (Dörr, 2016). According to scholars, automated journalism can profoundly disrupt journalistic labour (e.g. see Lemelshtrich-Latar, 2015), but currently presents flaws that may limit its spread (Clerwall, 2014). Our research explores the rising strategies that involve automated journalism in selected news organizations. Through a literature review, we will lay out the scenarios envisaged by media scholars. Then, in a first research phase, we will determine if the current developments and future plans of selected news organizations match these scenarios, or if other strategies are involved. Finally, in a second research phase, we will look at the implementation of the strategies we mapped out, the rationale behind them, and the reactions they trigger among key actors (i.e. managers, editors, journalists).





## Dublin Law & Politics Review

### **The Gate Keepers: The Influence of Executive Legal Advisors on Executive Power**

Conor Casey

PhD candidate at the Trinity College Dublin, Ireland

#### Biography

Conor Casey is a Ph.D. candidate in Trinity College, Dublin supported by an Ussher Fellowship. Conor's thesis engages in a comparative constitutional analysis of the place of the executive branch in Ireland, the United Kingdom, and the United States; examining the forces and trends which helped facilitate executive predominance in each system. Conor graduated from Trinity College, Dublin in 2015 with a first class honours LL.B. degree. During his time in Trinity he was elected a non-foundation scholar. In 2017 Conor graduated with an LL.M degree from Yale Law School, where he was awarded a Walter W. Oberreit Memorial Fund Scholarship and a Robert L. Bernstein International Human Rights Fellowship. He takes seminars in Constitutional Law and Legal skills at Trinity College, Dublin School of Law. Conor has had work published on constitutional law and theory in the *Irish Jurist*, *Dublin University Law Journal* and *International Journal of Constitutional Law*. His work has been cited by the Irish Supreme Court and Irish Court of Appeal.

#### Abstract

Executive branch lawyers play a Janus-faced role in respect of executive power. Across many divergent constitutional orders and traditions, legal review is structured in a manner where the executive binds themselves to advice tendered by its legal advisors, despite there being no rule of law requiring this. The processes and substantive norms governing their work is of not insignificant importance to the allocation of public power in constitutional democracies, and to the legitimation of the expansive authority of the modern executive. Legal advisors function as both a powerful source of constraint and empowerment for the executive. On the one hand, executive advice has been presented as an internal constraint on the executive in the pursuit of its policy preferences. Conversely, executive legal advice has also been closely linked to the empowerment of the executive branch, providing legalistic credibility to executive action which might shore up a policy's political credibility as well. This makes legal advisors the effective gate-keepers of executive action; and an important variable to consider when assessing the power of the modern executive. Despite cultural, political and structural differences in many legal system - on balance - executive legal review frequently provides a useful mechanism helping to legitimise executive constitutional and political predominance. However, a notable theme in many jurisdictions is the intense level of secrecy permeating the provision of legal advice to the executive. This paper argues that transparency of executive legal advice is a paramount virtue; both over the process and substantive norms that underpin its manufacture, and the content of the advice itself. This is a vital safeguard against executive manipulation of legal advice, whether that be hiding behind lax or tendentious advice to justify politically contentious action or relying on a conservative or crabbed reading of advice to justify policy inaction by 'hiding behind the constitution'. I build this argument through critical examination of executive legal advisors in Ireland, the United Kingdom and the United States.



## Dublin Law & Politics Review

### **The citizens' army in media surveillance**

Dimitri Bettoni

PhD student and Marie-Curie fellow at the Dublin City University, Ireland

#### Biography

Dimitri is a Marie Skłodowska Curie Early stage researcher at the Dublin City University's School of Communications and Institute for Future Media and Journalism (FuJo), where he is investigating journalism, security and surveillance. He holds a bachelor's degree in Linguistics from the Statale University of Milan (Italy) and a master's degree in journalism from the University of Verona (Italy), which included a full year at the Marmara University (Istanbul, Turkey). He worked as a correspondent for the Italian think tank Osservatorio Balcani e Caucaso Transeuropa and as a contributor for the Italian daily *Il Manifesto*. He writes regularly for the online magazine *Atlante*, an encyclopedia institute Treccani's publication. He is also a founding member of the Foreign Media Association, a representative and advocacy organization created by and for international journalists based in Turkey.

#### Abstract

Are journalists and the public being actively involved in media surveillance? How? This research argues that the technological means that allowed the development of citizen journalism can be redirected towards journalists themselves. It investigates the surveillance capacity that resides in the hands of citizens, and the extent to which this potential is being used. It also argues that the existing power structures can attempt to coopt the public into the surveillance apparatus, recruiting the citizens as proxy-agents of surveillance. In the light of contemporary developments such as the rise of populism, authoritarian drifts, increasing levels of distrust in media, and polarisation within democratic and semi democratic societies, citizens/journalists can become one of the first targets of censorship, harassment and repression not only from above, on behalf of the institutions of power, but also from below. The recent political and technological developments are challenging both the idea and the application of concepts like transparency and accountability. The distinction between the citizen and the watchman, between the controller and the controlled, has been blurred. State and private actors are spearheading an era of Digital Authoritarianism (Freedom of the Net 2018 report by Freedom House) within a very frail normative and ethical framework. Governments from any part of the political spectrum are developing or acquiring unprecedented surveillance capabilities. Surveillance technology is becoming increasingly pervasive and, more importantly, cheaper. The range of surveillance tools, softwares and equipment available to citizens and journalists today is more powerful than ever. The surveillance industry is one of the fastest growing business in the world and moves around millions of dollars, quite often with the leniency or the complicity of state and regulatory authorities. The theoretical foundations of this research draw the concepts of surveillance (veillance from above) and sousveillance (veillance from below) from the academic tradition started by M. Foucault and continued by scholars like J.G. Ganascia and D. Allen, furtherly expanded by M. Andrejevic (lateral surveillance), D. Lyon (liquid surveillance) and J. Cascio (participatory panopticon). It intends to move beyond the idea of surveillance and sousveillance as competing forces and argues that the two are in fact merging in unexplored ways. Media system studies, as developed by D. C. Hallin and P. Mancini and later by scholars like M. Brüggemann, offer key concepts to analyse the media landscape from a surveillance perspective through the lenses of the media systems and political dimensions, with newer ones like media freedom and, of course, technological development. The research aims at generating new guidelines for surveillance detection/evasion for media organizations and journalists under threat of surveillance, and at offering recommendation for policy development aimed at empowering journalism.



## Session 4: Policies of Tension

### **Strengthening Interreligious Dialogue in the Framework of Pancasila of Indonesia: Opportunities and Challenges**

Gugun Gumilar

PhD Student at the Dublin City University, Ireland

#### Biography

Gugun Gumilar is a PhD student in Philosophy and Theology at the Faculty of Social Sciences and Humanities, at the Dublin City University. He holds a Master of Art in Religious Studies at Hartford Seminary, Connecticut and an Undergraduate degree from State Islamic University of Sunan Gunung Djati Bandung, Indonesia.

#### Abstract

This paper is to examine Pancasila, state ideology Indonesia, has been firmly claimed as the foundation of the state. It obviously becomes the source of law enforcement and the official state ideology. It was put into the preamble of the constitution of 1945. This study intends to give constructive suggestions regarding how the state strengthens interreligious dialogue in the framework of Pancasila of Indonesia. The idea of tolerance evolves as a liberating force in Indonesian public affairs within the framework of Pancasila because the idea of unity in diversity is highly compatible with the nature of Pancasila. This study maintains that only within the sphere of civil society as the implementation of the first principle of Pancasila namely “Belief in the One and only God” can religion avoid seeking the hegemonic control of social, political, and intellectual life in the public sphere of Indonesia. The idea of Pancasila offers the opportunity for strengthening interreligious dialogue is to promote religious tolerance, human rights, nationalism, democracy, and social justice which are the other four principles in the life of society, nation, and state.



## Dublin Law & Politics Review

### **A JobBridge to Nowhere: The National Internship Scheme as Fast Policy Leading to Bad Policy**

Jonathan Arlow

PhD candidate at the Dublin City University, Ireland

#### Biography

Jonathan Arlow is a PhD candidate in the school of law and government, Dublin City University. His research interests include libertarianism, the anti-fascist movement, Irish politics, the radical left and public policy (on drugs and unemployment).

#### Abstract

JobBridge, the Irish national internship scheme, was a labour activation measure launched in July 2011 during a period of economic crisis and was marketed as a chance for young people to gain career experience in quality work placements. Over 60 per cent of participants found employment afterwards but it suffered from high deadweight losses and was widely criticised as exploitative during its existence. This was quite predictable, which leaves the puzzle as to why JobBridge was designed without more regulations to protect the entry level jobs market and the interests of the unemployed? This paper will trace the processes behind this sub-optimal decision making. First, it will show the institutional factors influencing poor policy decisions on labour activation. Then it will explain the main incentives behind an under regulated programme, which were the need to develop a workable scheme as quickly as possible and to do this without significant funding. Finally, it will show how the decision-making process prioritised the interests of the Labour party, government, business and the concerned parents of unemployed youth over the interests of the unemployed.



## Dublin Law & Politics Review

### **An investigation into the Irish legal approach and reactions to emerging cybercrime regulation and related technology use.**

Catherine Friend MSc, Dr Lorraine Bowman, Dr Jennifer Kavanagh

#### Abstract

Cybercrime legislation in Ireland is still in its infancy and needs an effective and consistent constitution and framework to ensure effective accountability and action. Cybersecurity today faces difficulties and controversies that go beyond technology capabilities; the normalisation of cybercrime, personal and international communication and trade obstruction, information validity concerns and purposeful misuse by. Therefore, defining cybercrime legislation through a legal review of current Irish legislation of technology related crimes and understanding the experiences of digital security practitioners with relevant legislation is important for civil, criminal and national security. This research in progress and addressed professional experiences and opinions of security practitioners in the field of cybercrime legislation through qualitative surveys [n= 24] and interviews [n=16]. Primary emergent themes were professional and public awareness and education, perception of seriousness and prioritisation of resources for more “serious” crimes, jurisdiction, technology use and accountability. Secondly, this research has explored current legislation in Ireland under data access and harmful communication. A thematic analysis identified the following aspects of cybercrime in Irish legislation: Deceptive methods of legal data access, scope of data access, scope of legislation, corporate responsibility, perception and scope of victimisation via once-off [online] events and different offender motivations. This cross-discipline research will contribute to Irish psychological and legal understandings of cybercrime regulation and technology use today and ultimately, who is accountable for digital safety today.



## **Prolonging the Conflict? Evaluating Language Policy in Both Moldova and Transnistria**

Keith Harrington

PhD candidate at the Maynooth University, Ireland

### Biography

Keith Harrington is a PhD candidate in Maynooth University, supervised by Dr John-Paul Newman and Professor John O'Brennan. Keith began his PhD in 2017 and was awarded a scholarship from the History Department to support his research. In 2018, Keith was awarded the prestigious NUI Travelling Studentship in Humanities and Social Sciences and was ranked the strongest applicant in the contest. Keith has given lectures in Maynooth University on numerous topics, including the Transnistrian Conflict. Keith has a working knowledge of both Russian and Romanian and has conducted multiple research trips to both Moldova and Transnistria and has worked in a number of repositories. Since 2018, he has published several commentaries on contemporary issues affecting the countries of the former Soviet Union with *Balkan Insight* and *Eurasia Review*. As of 2019, Keith has one peer-review journal in press with the Irish Association for Russian, East and Central European Studies.

### Abstract

Since 1992 the conflict between Moldova and the separatist region of Transnistria has remained unresolved. Despite the fact that some minor goals have been achieved, the conflict seems as unresolvable today as it did in 1992. Both academics and international mediators have tended to focus on the economic aspects of the dispute, both interrogating how the desire to retain control over local industry caused the conflict and how this desire has continued the conflict. This paper will provide a fresh understanding of both the causes of the conflict and its continuation, by arguing that the language policy pursued by Moldova and Transnistria both facilitated the initial conflict and prolonged it. This paper will evaluate the language policy pursued by the Moldovan and Transnistrian authorities, showing how both have been mutually antagonistic towards one another. It will discuss the passing of the 1989 language laws, which made Moldovan the sole official language of the republic and adopted the Romanian alphabet for the language. How these laws started the initial conflict with the Russophone region of Transnistria will be discussed. Following on from this, how Moldova's refusal to recognise Russian as a second official language or even regional language has prolonged the conflict will be discussed. How Transnistria's language policy has aggravated the Moldovan authorities and derailed the negotiations will also be discussed, most notably, Transnistria's aggressive policy toward Moldovan language schools using the Romanian alphabet on their territory, which has varied from not granting schools long term licences to using the local army to forcibly close them. This paper will demonstrate that aggressive language policies have prolonged the conflict and that linguistic minorities have suffered, on both sides of the border, as a result.



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