Plan Overview

A Data Management Plan created using DMPonline

Title: OVerlapping Jurisdictions and a Theoretical Framework for Interdependence between International Courts and Tribunals

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Template: University of Manchester Generic Template

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Project abstract:

The project seeks to develop a structural framework through which both negative and positive strands of overlapping jurisdictions, all interrelated through conflict and cooperation can continue to interact and help each other through interdependent relationships. Competition, conflict and cooperation all interplay between international courts and tribunals with competition influencing negative overlaps on the one hand, whilst conflict and cooperation on the other hand tend to influence positive overlaps. There are many different types of negative overlaps within international legal scholarship with fragmentation being the most talked about as a result of the proliferation of international courts and tribunals. Through a binary opposing approach, the negative overlapping strand of fragmentation is directly contrasted by interdependence and the aim of the project is to show the binary structures of positive and negative overlaps as interdependence and fragmentation. In the relationship of positive and negative overlapping relationships, the positive strands tend to provide remedy to conflicts and negative overlaps whilst the negative strands help in defining the positive strands from a structuralist perspective. Contrary to attempts to managing conflicts and negative overlaps by prohibition through regulation with traditional regulatory tools, this study applies the same traditional regulatory rules - lis pendens, res judicata, electa una via ILC technique (lex specialis), which are often seen to prohibit interaction thereby enhancing negative overlapping to illustrate their positive character which will balance the negative character when these rules are used. Analysing a number of disputes with multiple parallel proceedings will show a binary structure of positive and negative overlapping strands in which the positive strands are used to solve problems of negative conflicts and overlaps. These traditional regulatory rules will be applied alongside traditional positive tools like comity, precedents, consolidation and agreements(jus positivum) which are normally seen to constitute positive strands of the binary oppositions of negative and positive overlapping jurisdictions. The study combines and applies binary oppositions theory, Jacque Derrida's deconstruction and Ferdinand de Saussure's structuralism which have been previously applied by leading international legal scholars like David Kennedy of the Harvard School and author of "International Legal Structures" and Martti Koskiennemi - author of "From Apology to Utopia" which all mirror binary oppositions and relationships of meaning are made within the international legal system. Applying this format in the analysis and development a structure

of interdependence will illustrate how overlapping jurisdictions evolve into positive and negative overlaps in which the positive overlaps help a better understanding of the negative overlaps and to better tackle problems of conflict and negative overlapping jurisdiction like fragmentation.

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OVerlapping Jurisdictions and a Theoretical Framework for Interdependence between International Courts and Tribunals

Manchester Data Management Outline

1. Is this project already funded?

- Yes

Will you be applying for funding from any of the following sources? If your funder isn't listed, please enter in the free text box provided.

Project is already funded by the University of Manchester.

3. Is The University of Manchester the lead institution for this project?

- Yes - only institution involved

4. What data will you use in this project (please select all that apply)?

- Generate textual supporting information only

Existing scholar works in books, journals, case reports, court decisions, analytical indexes in overlapping jurisdictions of international courts and tribunals.

5. Where will the data be stored and backed-up during the project lifetime?

- University of Manchester Research Data Storage Service (Isilon)

6. If you will be using Research Data Storage, how much storage will you require?

- Not applicable

7. If you have a contractual agreement with a 3rd party data provider will any of the data

associated with this project be sourced from, processed or stored outside of the institutions and groups stated on your agreement?

- Not applicable

8. How long do you intend to keep your data for after the end of your project (in years)?

- > 20 years

For a life time in the University of Manchester Data Vault

Questions about personal information

Personal information or personal data, the two terms are often used interchangeably, relates to identifiable living individuals. Special category personal data is more sensitive information such as medical records, ethnic background, religious beliefs, political opinions, sexual orientation and criminal convictions or offences information. If you are not using personal data then you can skip the rest of this section.

Please note that in line with data protection law (the General Data Protection Regulation and Data Protection Act 2018), personal information should only be stored in an identifiable form for as long as is necessary for the project; it should be pseudonymised (partially de-identified) and/or anonymised (completely de—identified) as soon as practically possible. You must obtain the appropriate ethical approval in order to use identifiable personal data.

9. What type of person identifying information will you be processing (please select all that apply)?

None

10. Please provide details of how you plan to store, protect and ensure confidentiality of the participants' information as stated in the question above.

Not applicable

11. If you are storing personal information will you need to keep it beyond the end of the project?

- Not applicable

12. Sharing person identifiable information can present risks to participants’ privacy, researchers and the institution. Will the participants’ information (personal and/or

sensitive) be shared with or accessed by anyone outside of the University of Manchester? This includes using 3rd party service providers such as cloud storage providers or survey platforms.

Not applicable

13. If you will be sharing personal information outside of the University of Manchester will the individual or organisation you are sharing with be outside the EEA?

- Not applicable

14. Are you planning to use the personal information for future purposes such as research?

Not applicable

15. Who will act as the data custodian or information asset owner for this study?

The University of Manchester

16. Please provide the date on which this plan was last reviewed (dd/mm/yyyy).

02/05/2019

Project details

What is the purpose of your research project?

The purpose of the research is to develop a theoretical framework for interdependence or a structure of interdependence between international courts and tribunals.

What policies and guidelines on data management, data sharing, and data security are relevant to your research project?

The following policies are relevant to my research project:

The University of Manchester Research Data Management Policy
http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=33802%20
The University of Manchester Records Management Policy
http://documents.manchester.ac.uk/display.aspx?DocID=14916
The University of Manchester Intellectual Property Policy
http://documents.manchester.ac.uk/display.aspx?DocID=24420

The University of Manchester IT policies and guidelines
http://www.itservices.manchester.ac.uk/aboutus/policy/

Responsibilities and Resources

Who will be responsible for data management?

I as the PI is responsible for data management with supervisors Professor Yenkong Yodu and Dr Shavana Musa.

What resources will you require to deliver your plan?

The University of Manchester
Office Space
Computer, printer and stationery. All the above have been provided.

Data Collection

What data will you collect or create?

Scholarly materials from published books, journals, primary legislation, international conventions, agreements, case reports analytical indexes would be used to generate data.

How will the data be collected or created?

Through library and desktop research.

Documentation and Metadata

What documentation and metadata will accompany the data?

Question to be revisited upon completion of project.

Ethics and Legal Compliance

How will you manage any ethical issues?

There are none

How will you manage copyright and Intellectual Property Rights (IPR) issues?

I will own authors rights. The university will have the right for third party usage.

Storage and backup

How will the data be stored and backed up?

Data will be stored by the University of Manchester Research Data Storage

How will you manage access and security?

There are no access and security concerns or restrictions. However, care is taken to make sure no one else publishes my work before it is published.

Selection and Preservation

Which data should be retained, shared, and/or preserved?

Not applicable

What is the long-term preservation plan for the dataset?

The project is meant for future researchers. So it is up to the university to preserve it for the longest term possible.

Data Sharing

How will you share the data?

No intention to share any data. All data will be accessible through the university which is out of my control.

Are any restrictions on data sharing required?

Not applicable