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### Abstracts e-Handbook

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and Politics– AICLEP 2018

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FLE Learning



# Boston Conference Series | 23<sup>rd</sup>-25<sup>th</sup> April 2018

## Martin Conference Center Harvard Medical School

### Conference Abstracts e-Handbook

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1-CG04-1367

## UNCONVENTIONAL JUDICIAL REMEDIES TO PROTECT EMPLOYEES FROM UNFAIR DISMISSAL: A COMPARATIVE ANALYSIS OF AMERICAN AND TURKISH EMPLOYMENT LAW

**Dr. Hande Bahar Aykac<sup>1</sup>**

Having a job and not losing it arbitrarily is indispensable to earning a livelihood and protecting workers' mental, physical, emotional health since it also constitutes a part of many workers' identities. The conventional way to restrict employers' rights to terminate employment contracts is to set forth a job security system in a statute, collective bargaining agreement, or employment contract provision. Additionally, there are some narrowly-implemented judicial remedies to ensure this protection inferred from the surrounding circumstances of the case and the idea of establishing justice even where there is no clear contractual or statutory restriction in the case. Some courts in the United States, for example, have found an implied-in-fact exception to the "employment-at-will" rule in certain conditions considering the totality of the facts, such as past practices of the employer, hiring letters, oral statements/assurances of the employer, longevity of the service, turning down another job offer to remain with an employer, pre-employment negotiations, employees' promotions, or the custom of the industry.

In Turkey, on the other hand, there is another judicial exception, which has a similar function as to the restriction of employer's dismissal right within the context of the specific circumstances of each case. Accordingly, the employer is considered to be under an obligation to treat his/her employees equally and not to create unrealistic or unfair differences in case of the termination of employment contract in certain limited situations. The Court of Cassation of Turkey, for example, found that the dismissal of a long-term employee was unjust and invalid where a second employee started a fight with him, and the employee who started the fight was not terminated.

Although their scope and content are quite different, the idea and function of both judicial limitations are same: to protect employees' reasonable expectations not to be dismissed arbitrarily, and to declare the dismissal unfair by entering into the fine details of cases independently from clear and written regulations. They also have common functions to resolve the conflict between employees' right to job security and employers' right to fire by the judicial balancing of competing equities, and therefore to seek to real justice beyond the written rules.

The objective of this study is to examine and compare the conditions of these progressive interpretation tools by presenting some case samples from the case law of the United States and Turkey.

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\*\* Postdoctoral Research Fellow at Harvard Law School, Labor and Worklife Program (2016-2017/ 2017-2018 academic years) and Research Assistant at Gazi University, Labor Economics and Industrial Relations Department, Turkey.

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2-CG06-1345

## THE UNQUALIFIED RIGHT OF ACCESS TO COMPANY RECORDS BY NON-SHAREHOLDERS UNDER SOUTH AFRICAN COMPANY LAW

**Mr. Vela Madlela<sup>2</sup>**

Section 26(2) of the Companies Act of 2008 gives a person who holds no beneficial interest in the securities issued by a profit company, or who is not a member of a non-profit company, the right to inspect or copy the securities register of a profit company, or the members register of a non-profit company that has members, or the register of directors of a company. Such person must pay a fee for the inspection. The person may exercise the right of access to such company records for a reasonable period during office hours, by making a direct request to a company either in person or through an attorney or other personal representative, or in accordance with the Promotion of Access to Information Act of 2000 (“the PAIA”). A failure by a company to accommodate a reasonable request for access (or an unreasonable refusal of access by the company) to the company’s records constitutes an offence. It is also an offence to impede, interfere with, or attempt to frustrate the reasonable exercise by any person of the right to access.

Notably, section 26(2) is in addition to the information that is accessible to the public from the Companies and Intellectual Property Commission, including a company’s Memorandum of Incorporation. Furthermore, section 26(7) makes it clear that the rights of access to information in section 26 are ‘in addition to, and not in substitution for’ the rights of access to information under section 32 of the Constitution of the Republic of South Africa (“the Constitution”), the PAIA or any other public regulation.

An important issue that arises in the context of the right of access to company records by non-holders of the company’s securities relates to the proper interpretation of section 26(2) of the Companies Act, that is, the nature and ambit of the right that this section confers. There has been conflicting decisions by the High Court on the correct interpretation of this provision, particularly on the question of whether the right enshrined in section 26(2) is qualified or unqualified. This issue was considered by the Supreme Court of Appeal in *Nova Property Group Holdings Ltd and Others v Cobbett* 2016 (4) SA 317 (SCA) (“Nova”), in view of the appellants’ contention that section 26(2) did not confer an absolute right to inspection of a company’s securities register, and that the court had a discretion to permit or refuse access to a company’s securities register.

In this paper I, therefore, discuss the Nova case with a focus on the approach of the court regarding the proper interpretation and the ambit of the right of access to a company’s records by any person as conferred by section 26(2) of the Companies Act of 2008. I provide critical comments on the main issues that this judgement raises, including the impact of the Constitution in this area of South African company law, the interpretation of section 26(2) in light of the role and impact of companies in society, the interpretation of section 26(2) in light of the purposes of the Companies Act of 2008, the interface between section 26(2) and the PAIA as well as the potential for abuse of the right of access to company records enshrined in section 26(2). This is followed by some concluding remarks.

3-CE16-1347

## THE DEVELOPMENT OF ISLAMIC COMMERCIAL AND SOCIAL FINANCIAL SYSTEM THROUGH ISLAMIC HOUSE FINANCING IN PAKISTAN

**Mr. Sanaullah Ansari<sup>3</sup>**

Pakistan is a developing country, the importance of house financing is very high as majority of the people don’t have their own houses. Due to the limited resources of Government, conventional banking sector is providing house financing on interest basis. As 97% population is Muslim in Pakistan, a large number of needy people do not avail this facility due to the

<sup>2</sup> Mr. Vela Madlela, Senior Lecturer, University of South Africa.

<sup>3</sup> Mr. Sanaullah Ansari, Assistant Professor, Shaheed Zulfikar Ali Bhutto Institute of Science and Technology (SZABIST).

prohibition of Riba (Interest). Instead, they wish to avail house financing facility which should be Riba-free. Islamic banking started in Pakistan in 2002 and at present, there are 5 full-fledged Islamic banks and 16 conventional banks with Islamic Banking Divisions are providing Islamic House Financing according to the principles of Sharia'h. According to State Bank of Pakistan (SBP), by the end of December 2016, Islamic banking sector (Islamic banks & Islamic banking divisions of conventional banks) is playing its leading role in house financing by providing Pak Rupees 31.25 billion out of total house financing of Pak Rupees 69.26 billion by all banking sectors. This includes House Building Finance Company Limited (HBFCL) which shares 23% of the total gross outstanding amount. Similarly, NPLs of Islamic banks is only 5.98% of gross outstanding amounts as compare to 27.63% and 18.93% of conventional Public and Private sector banks respectively which shows the seriousness and sincerity of Islamic bank customers towards the return of their house financing amounts. These indicators show that Islamic banks are imparting their positive role in the development of Islamic commercial and social financial system through Islamic House Financing as more and more people are getting their own houses in Pakistan.

4-CE15-1432

## UNDERSTANDING UNDERGRADUATES LEVEL OF DIVERSITY ENGAGEMENT THROUGH CAMPUS DIRECT AND INDIRECT INTERACTION

**Ms. Yit Phing Loh<sup>4</sup>; and Ezhar Tamam**

Campus based diversity experience research has been carried out to understand level of diversity engagement in campus. This survey examines the relationship of curriculum diversity, co-curriculum diversity and informal interaction diversity with civic responsibility among students in three public research universities in Malaysia. A total of 606 final year students voluntarily participated in a self-administered survey. Results of the multiple linear regression and Pearson product moment coefficient suggested that the level of diversity involvement relates differently to civic responsibility, at significant and low magnitude.

5-CE04-1310

## ISLAMIC BANKING AND FINANCE EDUCATION: AN ACADEMIA-INDUSTRY MISMATCH

**Prof. Muhammad Mahmood Shah Khan<sup>5</sup>; and Rahmat Ullah, Fatima Jamil**

The industry of Islamic Banking and Finance (IBF) is on fast growth track for a decade and also presents very lucrative future potential. The education sector as a human capital source to this emerging field is responding in terms of research and development and supply of competent qualified Islamic Bankers. However the education sector in the field IBF is much behind the industry and facing the challenge of relevancy too. The current study conducts a quantitative inquiry in 50 branches of Islamic Banking by posting a literature based semi structured questionnaire and asking two responses from one branch. The questions were closed ended asking multiple inputs on various dimensions of IBF education from IBF industry perspective. The study achieved more than 50% response rate and analysis was done using SPSS software covering descriptive and inferential hypothesis testing. The study presents a theoretical framework of five IBF gaps between education and industry. The IBF Gaps include conceptual clearance, employability skills, exposure/experience, communication and technical skills. The study findings are very helpful for practitioners and policy makers to more align IBF education with industry and contribute in growth.

**Key words:** Education, Islamic Banking, Islamic Finance, Banking Industry, Gap Study, Gap Analysis, Quantitative Research

<sup>4</sup> Ms. Yit Phing Loh, Professor, University Putra Malaysia.

<sup>5</sup> Prof. Muhammad Mahmood Shah Khan, Assistant Professor, University of Management and Technology.

6-CG20-1426

## GLOBAL ENTERPRISE HUBS: INCUBATORS FOR INTERNATIONAL ENTREPRENEURSHIP

**Mr. Bradley Morabito<sup>6</sup>; and Peter Gonzales, J.D., President & CEO Welcoming Center for New Pennsylvanians**

Innovation hubs provide collaborative spaces that promote entrepreneurship, a key driver of economic growth. The value of these hubs is evident in the reduction of initial costs for businesses and the potential they create for sharing of new knowledge. Firms, governments, research institutions and non-profits have seen the benefits of investing in such spaces for some time. In a global economic system, innovation hubs have even greater potential when their benefits are extended to the context of immigration – becoming “soft-landing” spaces that attract foreign direct investment and promote synergies between international entrepreneurs. Initiatives such as the Welcoming Center for New Pennsylvanians’ Global Access Program provide an example of how innovation hubs can serve as transnational spaces for entrepreneurship suited to a global economy.

7-CG05-1316

## SOLIDARITY IN CONTRACTS: A COMPARATIVE ANALYSIS FROM AN AFRICAN CUSTOMARY LAW AND COMMON LAW PERSPECTIVE

**Ms. Contilia Hlamalani Bayi<sup>7</sup>**

Solidarity in contracts: a comparative analysis from an African customary law and common law perspective. African legal systems are traditionally oral and informal in nature. There are no formal categories of law classification; like the one you will find in common law such as public and private law. Private law is further divided into different categories such as family law, law of contract, law of succession, etc. For instance in the common law of contract, in order for a contract to come into existence there are clear outlined offer and acceptance requirement that have to be complied with. While in the African customary legal system, there are no formal general outlined requirements for a contract to come into existence. Consequently, there has always been this misconception by foreign ideals that African customary law systems lack substantial stance and are inferior in comparison to other legal systems. As a result, African customary law is described and interpreted subject to common or civil law in South Africa. This paper seeks to demonstrate that prior to foreign influences such as colonialism; although there were no written down authorities on African customary law systems. There is sound evidence suggesting that African customary law systems were systematic and well acknowledged among its users. In addition, to put emphasis on the fact that as much as there are dissimilarities between African customary law and common law systems, there are also remarkable similarities. In the African customary legal system there are obligatory customary performances to signify the conclusion of a contract, such as the slaughtering of an animal, in most instances if not all it will be a cow. In order to understand African customary law systems, one needs to trace their source of origin. There is this worldview validating that all African customary law systems find their roots in the ubuntu philosophy. The concentration of this paper will be on African customary law systems of contracts in comparison to common law of contract with solidarity at the core of both contracts. Under African customary legal systems, customary contracts will be discussed. Specific attention will be drawn to the lobola contract whereas some contracts if mentioned will be in passing to highlight the differences or emphasise a point. The issue which requires investigation is to ascertain whether a contract such as the African customary contract of lobola qualifies as a relational contract. Hawthorne has drawn attention to this distinction, which has been generally accepted in modern contract law. Under common law of contracts, long term contracts specifically the relational contracts will be the essential point of focus. The paper seeks to ascertain whether solidarity in the African customary legal

<sup>6</sup> Mr. Bradley Morabito, Masters Student, The Pennsylvania State University.

<sup>7</sup> Ms. Contilia Hlamalani Bayi, Lecturer and Phd Student, University of South Africa.

systems is the same one echoed in the common law of relational contracts. To also find out if they have similar characteristics or and if there are any differences which one are those.

**8-CE10-1370**

## **LOOKING AT THE SOURCE FOR SOLUTIONS TO FOOD INSECURITY**

**Ms. Fiona Purkiss<sup>8</sup>; and Dr. Sara Cumming, Professor**

Current strategies that address food insecurity across Canada are out-dated and fail to address individual needs effectively and appropriately. This qualitative research study, in partnership with several not-for-profit food bank program providers, incorporated participatory methodologies with food program users aimed at uncovering barriers to access and consequences of food insecurity by food bank client users in Halton Region.

The methodology for this project entailed a two step qualitative data collection strategy. The first step was through group interviews with people involved in food service programs. The second step was the incorporation of a problem tree analysis. Problem tree analysis is used often for project planning among development agencies and was used here for its effectiveness in mapping out the cause and effect around issues. This methodology has several advantages, the problem can be broken down into manageable and definable chunks. The benefit of which enables a clearer prioritization of factors and helps focus objectives. By focusing on the overlying factors it allows for an in depth understanding of the problem as well as its interconnected and even contradictory causes. This qualitative method is often the first step in finding solutions that are positive for all individuals involved as every voice is taken into account and a solution is communally agreed upon.

With the goal of creating meaningful, innovative and systemic changes to food services and programs clients explored food security hurdles and discussed creative, practical and sustainable solutions to the ever growing gaps in food services.

**9-CE12-1390**

## **ASSOCIATION BETWEEN DISPOSITIONAL MINDFULNESS AND MATERNAL CORTISOL REACTIVITY**

**Ms. Zoë Dodge-Rice<sup>9</sup>**

Dispositional mindfulness has been proposed as an effective method for coping with stress, and has been associated with lower cortisol reactivity during stress tasks (e.g., Brown et al. 2012). However, little is known about how dispositional mindfulness relates to stress during the postnatal period. The present study examines the relationship between 60 mothers' scores on the Five Facet Mindfulness Questionnaire (FFMQ; Baer et al. 2006) and their cortisol reactivity during the Strange Situation stress task (Ainsworth et al. 1978) at 12-months postnatal. We hypothesized that mothers' overall levels of dispositional mindfulness, as well as their scores on specific mindfulness facets (i.e., Acting with awareness, Non-judgment, Non-reactivity, and Describing) would be negatively associated with maternal cortisol reactivity, whereas scores for the Observing facet of mindfulness would be positively associated with cortisol reactivity. In order to test these hypotheses, we conducted multiple regression analyses with mindfulness (both overall and at the facet level) predicting maternal cortisol reactivity. Although the associations were not statistically significant, the data serve to expand our knowledge on the relationship between maternal postnatal stress and dispositional mindfulness.

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<sup>9</sup> Ms. Zoë Dodge-Rice, Student, University of Illinois.

10-CE08-1312

**ATTACHMENT PSYCHOEDUCATION FOR FOSTER CARE PARENTS: A PILOT STUDY****Ms. Gina Rossitto<sup>10</sup>**

Attachment theory was originally developed by John Bowlby (1983) and has been the subject of extensive empirical validation. Insecure attachment styles have been correlated with negative outcome variables such as maladjustment (Goldner & Scharf, 2013; Holt, 2014; Laible et al., 1999; Smojver-Ažić et al., 2015), lower perceived social support (Florian et al., 1995; Green et al., 2011; Shahyad et al., 2011), behavior problems (Easterbrooks et al., 2008; Lacasa et al., 2005; Muris et al., 2003), lower physical wellbeing (Picardi et al., 2007; Puig et al., 2013; McWilliams et al., 2000; McWilliams & Bailey, 2010), and lower psychological wellbeing Consedine & Magai, 2003; Diehl et al., 1998; Kafetsios & Sideridis, 2006; Kobak et al., 1991; Yang, et al., 2008). Within the community of foster care children, insecure attachment styles and attachment disorders are likely to develop, particularly given the inconsistent nature of foster care placement. If foster care children are at risk for attachment insecurity, then, by extension, they are also at risk for the negative correlates of such insecurity. Current training procedures of foster care parents do not seem to formally and regularly include attachment education. Given the significance of attachment formation and the lack of security among foster care children, this current training is evidently inadequate. The current research seeks to aid in this difficulty by providing a psychoeducation module for foster parents focused on attachment styles and disorders, attachment correlates, and attachment insecurity within foster care children. By way of a pilot study, this module was presented in an online format to university faculty and staff along with pre-, post-, and follow-up test questions measuring knowledge attainment and maintenance. It was hypothesized that participants would receive higher post-test scores as compared to their pre-test scores and that participants would maintain higher post-test scores at two-week follow-up. Results showed that knowledge was increased from Pre to Post administration but that this knowledge was not retained at Follow-up. Increased emotional content within the module along with additional module and questionnaire alterations may improve knowledge retention in future studies. Based upon the results obtained via this pilot study, the psychoeducation module will be modified as appropriate and ultimately presented to the population of interest: foster care parents.

11-CE18-1438

**VISITING FRIENDS AND RELATIVES (VFR) TOURISM: A CAMEROONIAN CASE STUDY****Prof. Tembi Maloney Tichaawa<sup>11</sup>**

VFR has been an important niche focus of tourism research in Africa. This aspect of tourism is ever present in many destinations globally, and mainly linked to domestic tourism. If well promoted by relevant stakeholders, VFR can make a substantial contribution to local economic development and job creation. Despite its potential and prominence, VFR has not been recognized within certain economies in Africa, with most rather focusing their resources in attracting international leisure or MICE tourists. This study focuses on analyzing VFR in the Cameroonian context, an under researched paradigm within the country's tourism research endeavor. Through a series of surveys with 320 domestic travellers in four major cities (Douala, Yaoundé, Buea and Bamenda) in Cameroon, the study reveal differences in terms of purpose of visit. While the vast majority of respondents from rural to urban areas travelled for the purpose of visiting family and friends and also to look for business and work opportunities, those travelling from urban to rural areas were mostly visiting their traditional homes for purposes including traditional ceremonies and festivities, funerals and cultural events as well as for family meeting. Additionally, rural to urban visits tend to be longer and with more spending on local provisions, souvenirs and entertainment. Furthermore, most of the respondents are repeat visitors who tend to travel at least once a year for the same purpose. The findings point to the existence of a strong potential for the development of VRF as a way to promote domestic tourism in Cameroon. **Keywords:** Tourism development, VRF, domestic tourism, Cameroon

<sup>10</sup> Ms. Gina Rossitto, PsyD Student, Marywood University.

<sup>11</sup> Prof. Tembi Maloney Tichaawa, Associate Professor, University of Johannesburg.

12-CE03-1332

## **IMPROVING EFL TEACHER-SUPERVISOR INTERACTION AND RELATIONSHIP IN THE SAUDI ARABIAN CONTEXT: A GULF TO BE BRIDGED.**

**Dr. Ayedh Almohanna<sup>12</sup>**

Educational supervision is an important element in teacher education and development. It plays a significant role in developing and improving the quality of practice of teachers. Trends in teaching/learning English as a foreign language is an essential area where the supervisors of English can play a significant role. According to the literature, the need for supervision as an element of teacher education and development is widely accepted. Therefore, this study is set to explore the status of supervision and the role of supervisors in TEFL context in Saudi Arabia. It is an attempt to improve this important aspect which, in turn, would improve ELT in Saudi Arabian context.

The data for the study are collected through intensive interviews with a total of 30 EFL teachers and 10 EFL educational supervisors at different elementary, intermediate and secondary state schools in Riyadh city-the capital of Saudi Arabia. The data collected is analyzed qualitatively as the research approach used for this study is the qualitative approach to research.

The analysis of the data indicates that the EFL teachers lack the proper contact and interaction with their EFL educational supervisors. They also lack the proper support and guidance from them. The data also shows that the EFL educational supervisors face some obstacles or difficulties that hinder them from doing their jobs effectively. Among these are their heavy work-load, lack of appropriate preparation, lack of sufficient experience and shortage of specialized training courses.

The study concludes with a brief discussion of some of the developmental implications needed to bridge the gap between EFL teachers and their educational supervisors.

13-CE13-1378

## **POLITICAL POLARIZATION AND THE DYNAMICS OF POLICY-MAKING PROCESS**

**Ms. Da Hyun Lee<sup>13</sup>**

The purpose of this study is to explore the relation between the internal dynamics of standing committees and legislative productivity of the Korean National Assembly using statistical methods. Studies on legislation in South Korea have been largely revolved around political parties due to the uniqueness of its political context including strong party cohesion and party's nomination right. However, as standing committees have been at the center of legislatures since the 6th National Assembly, there is a growing need for studying the operation and effectiveness of standing committees in legislation process. Thus, through panel data analysis for the sixteen standing committees across the four terms of the Korean National Assembly-from the 16th to the 19th-this article attempts to reveal that legislators' bill passing rate is not a sole function of factors pertaining to political party as the existing studies have believed. By measuring the ideological distribution within a committee and the bill passing rate, this article provides differentiated interpretation from established theories of standing committees and presents compelling evidence describing complex interactions and independent operation of the standing committees with the subsequent legislative results.

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<sup>12</sup> Dr. Ayedh Almohanna, Associate Professor, King Khalid Military Academy.

<sup>13</sup> Ms. Da Hyun Lee, Graduate Student, Ewha Womans University.

14-CE20-1389

**MANGA, OTAKU, AND THE SHIFTING LANDSCAPE OF ESCAPISM****Ms. Se Eun Kim<sup>14</sup>**

Otaku are individuals known for their copious consumption of anime and manga; that is, Japanese animated show or movies and comic books. In this article the evolution of what defines an otaku is explored by examining various research on what it means to be an otaku and the changing public perspectives on it. In addition, it is hypothesized that the high rate of consumption by otaku can be explained as an escape mechanism from their daily reality from which they feel estranged. By tracking the sales of two different types of anime and manga, world-type and battle royal type, an attempt was made to correlate sales with the specific way in which otaku are disconnected from the world around them. Although the findings weren't a strong indicators, they do seem to suggest that otaku use anime and manga as an escape tool.

15-CE06-1328

**RATIONAL EGOISM AND ALTRUISM IN AYN RAND'S THE FOUNTAINHEAD: A STUDY****Ms. Pankti Desai<sup>15</sup>**

Ayn Rand's *The Fountainhead*; is a reflection, a literary depiction of her own philosophy of Objectivism, aimed at transcending a norm that is Collectivism. Describing reason as man's only absolute, Rand pits two contrasting ideologies; namely Rational Egoism and Altruism, against each other. She diversifies her characters into different kinds of Altruists and Rational Egoists, an attempt at portraying a more holistic, and a more varied experience at understanding these ideologies. Rand, in her book *The Fountainhead*, essentially places these characters in a societal setting, addressing their function in a society through character development. Being a passionate individualist, she has written in praise of "the men of unborrowed vision," who live by the judgment of their own minds, willing to stand alone against tradition and popular opinion; thereby giving her readers an insight to her own narrative of an 'Ideal Man'. Identifying and analysing the four major characters, distinctly exhibiting the attributes of Altruistic and Egoistic individuals, namely Catherine Halsey, Peter Keating, Ellsworth Toohey and Howard Roark, the paper aims at compartmentalising these characteristics into sub-altruistic and sub-egoistic behaviours with an attempt at understanding why they do what they do. Through this exercise, an ulterior motive of the paper is to examine an Objectivist society, governed by a rather more individualistic behaviour as observed and propagated in the West; as compared to a more Collectivist society, dominated by a collective identity that could evidently be seen in the East.

**Keywords-** Ayn Rand, *The Fountainhead*, Rational Egoism, Altruism, Objectivism, Individualism, Collectivism

16-CG19-1403

**EMPLOYMENT DISCRIMINATION BASED ON AGE****Mr. Antonio Sorela Castillo<sup>16</sup>**

This research assists job discrimination on the basis of age, which violates the human right of non-discrimination and the right to work. We can observe that this type of practice is exercised both by private companies and government institutions; one of its main criteria is to demand as a requirement that a particular applicant has an age to get or keep a job, which is a way to make a distinction for reasons that have nothing to do with the abilities and skills that are required for play true employment.

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While there are rules of internal law, as well as international instruments which prohibit the discriminatory treatment, these acts are still being practiced. The first problem that can be identified is the lack of mechanisms to sanction the breach of such rules, under which laws only prohibit discriminatory acts, and convictions are purely social.

Job discrimination by age cannot be allowed, it should be avoided since the call, the hiring, during and after the employment relationship. Also, sanctions to condemn the behavior of employers must be instituted and a secondary norm that establishes measures to enforce the non-discrimination employment must be designed, that is to say, a simple, immediate and expedited procedure.

This research is structured in the following way: the first chapter discusses the elementary concepts of the right to work and meanings related to issues of research, such as the concept of worker, employer, discrimination, young man and elder. The second chapter analyses the legal system in Mexico and abroad, which safeguard the human right of the work of young people and older adults, and also guarantee the human right to equality and non-discrimination. In the third chapter the job discrimination by reason of age is addressed specifically. Here is reflected the discrimination faced by people since the call for employment, recruitment, until the access to a better job position and salary, for the simple fact of being a young man or an elderly adult person.

The work was developed within an epistemic integrator model; different methods were used for its development, such as the deductive, parting from general concepts to learn the basic ideas of the subject of research. In the second chapter applies the analytic method, which was of vital importance to know the legal foundation from a national and international perspective. In the third chapter, approaches the method legal and analytical, since we conducted a doctrinal, legal and social analysis, both the right to work —the Mexican legal system— as well as international instruments, not to mention the study of the discrimination in employment on grounds of age, where the real problem is exposed; finally, also the empirical method was a support with surveys and interviews targeting people who fit with research.

17-CG09-1344

## **WOMEN PARTICIPATION AND DECISION MAKING IN HARGIESA SOMALILAND**

**Ms. Fadumo Muse Yusuf<sup>17</sup>**

I am here summarizing by abstract of my call paper so this follow my research thesis which I did four years ago but I reviewed and based on today situation in Somaliland. This paper is talking about women participation and decision making in Somaliland. So Women's participation has been recognized internationally as an important measure of the status of women in any particular country. Hence, in recent years, women's participation in politics and decision-making has received significant attention across the world. However, women remain seriously underrepresented in decision-making positions. The study further revealed that political participation allow women to address their basic problems and needs in their community and ensures the openness, real fight against rent-seeking, accountability, political commitment, political leadership, and responsiveness of the existing national, regional, districts, and local levels. So that women's equal participation in decision-making and politics is not only a demand for simple justice or democracy, but a necessary precondition for women's interest to be taken into account. The study concludes that women face serious challenges in their political careers of decision making governance and state building in Hargeisa Somaliland. I recommends that the government, civil society and women activists need to work towards sensitization and awareness creation among the community to realize the need of the women to participate in politics and governance. The men need to realize the women's need for political power and change the way they look at the women and the government should embark on activities which support women's political initiatives.

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18-CE19-1434

## LEARNING FROM THE MUD TALK: CONTINUUM UNDERSTANDING OF SEASONAL MIGRATION IN SOUTHWEST COASTAL BANGLADESH

**Mr. Md. Mostafizur Rahman<sup>18</sup>; and Mahmud Uz Zaman**

Migration seems to be a natural process for many cities around the world, and Khulna, the 3rd largest city in Bangladesh is not an exception on that, because it also holds economic potentials and smooth connectivity with the adjacent small cities and satellite towns. As to explain the theoretical link between migration and development, this paper conceptualizes that seasonal migration offers compartmental development, which is a step-by-step and/or a section-by-section 'priority accomplishing activities' ranging from the fulfilment of primary needs to the upliftment of social status. In exploring the dynamics of seasonal migration linked with the three zones namely i) zone of influence-questioning the 'why' aspects of seasonal migration, ii) zone of involvement-questioning the 'how' aspects of seasonal migration, and iii) zone of investment-questioning the 'what' aspects of seasonal migration, this paper adopts a qualitative research design guided by the case study approach which uses the seasonally migrated workers in the brickfields of southwest coastal Bangladesh as the unit of analysis. The thematic analysis based on 15 face-to-face in-depth interviews with brickfield workers produced with NVivo (a qualitative data analysis software) shows that the seasonal migrants who are migrating due to push factors are prone to fulfil their basic needs and to release their unmanageable debt pressure usually occurred during marriage or treatment of the family members. Interestingly, two third of the seasonal migrants have highlighted that seasonal migration holds opportunities to earn extra amount of money which is impossible to earn at their place of origin because of limited working opportunities in rural areas of southwest Bangladesh, and to offer simply their physical labour in brickfield sites which do not require any specific sets of skills; therefore, the pull factors play higher contributing role in seasonal migration than push factors. In terms of decision-making and priority-settings for the investment and/or expenditure, 13 out of 15 seasonal migrants have stated that they could get large amount of money both at the beginning and ending of a season, and the amount depends on their types of activity and period of engagement. Though the 'immediate-gain payment system' attracts the seasonal migrants that can be further reflected through the compartmental development addressing the different priorities of the family members, it can become detrimental if the informal and verbal agreements have been broken between the contractors and seasonal workers. Finally, this paper reveals that seasonal migrants utilize their financial gain immediately at their place of origin and social gain in the next season at their place of destination, in particular finding more profitable and consistent working opportunities in the brickfield sites of southwest coastal Bangladesh.

Keywords: Seasonal migration, brickfield workers, compartmental development, thematic analysis.

19-CG21-1424

## DEFERENCE OR DE NOVO REVIEW OF ARBITRAL AWARDS AND IMPLICATIONS FOR INVESTOR-STATE RELATIONS IN BRICS

**Prof. Muruga Perumal Ramaswamy<sup>19</sup>**

The finality of arbitration award, albeit being hailed as the corner stone of international arbitration mechanism is still acquiescent to a range of post-award challenges. Among various post-award remedies available like seeking interpretation, revision or annulment of awards, one of the key questions facing a tribunal or a court where the remedy is sought is the standard of review to be adopted. The proposed paper aims to examine how differing standards of review impacts arbitration as an alternative dispute resolution mechanism in general and as a key feature in settling investment disputes. As there is a growing skepticism over Investor-State Dispute Settlement (ISDS) mechanism, a categorical assessment of how different standards of review could impact international arbitration is crucial in restoring confidence on the mechanism. The proposed paper will first examine the review process done with deference to the determination by the arbitral tribunal and distinguish

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it from the de novo review done without regard to the approach of the arbitral tribunal. The paper will initially examine the differing standards of review in the context of general arbitration awards with reference to some key jurisdictions to highlight the scope and limitation the powers of review by national judicial bodies and the impact on the finality of awards. The paper will then shift its focus on the implications of differing standards of review of investment awards, especially under the auspices of the International Center for Settlement of Investment Disputes (ICSID) Arbitration and in the context of some specific BRICS member states. The paper will finally conclude with an analysis of the importance of the need to harmonize the standards of review of investment arbitration awards among BRICS member states in order to ensure that they remain competitive in attracting international investments.

20-CE21-1398

## **NURSE MIGRATION AND GOVERNMENT EFFECTIVENESS: A CASE OF A PACIFIC COUNTRY**

**Mr. Gyanendra Sisodia<sup>20</sup>; Melania Louey, Ministry of Health Fiji; Wainkiti Soqolala, Ministry of Health; Apisai Tuiloma, FSC Fiji; and Waisele Latianara, The University of the South Pacific Fiji**

Migration has been associated to the development of humans. However, migration is also linked to the brain drain issues. The influences of migration are perceived to be more complex. Historical, contemporary and future perspective and due to the increasingly economic instability conditions in Fiji, many nurses have left the country to obtain employment elsewhere apparently increasing the rate of migration. This study focusses on identification of factors linked to the migration of Nurses from the Fiji Islands. We studied the effect of variables such as salary, limited education, marriage and government effectiveness on the nurses' migration. We used time series data analysis over the 20 year-period, from 1995 to 2015. This study propose the two models, and results of both were analysed and compared. The results suggest that government effectiveness, salary and limited education are significantly associated to the migration of nurses. We have also proposed a policy recommendation through this study. Governments and international financial institutions must work together to ensure informed macroeconomic decision-making that creates enabling fiscal environments supportive to workforce development and well-functioning, responsive health systems.

Key-words: migration, salary, education, government effectiveness

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