

Pisgah to Mile End: musings from then, now and continuing

I write what I like - Bantu Stephen Biko

Bantu Stephen Biko, simply known as Steve Biko, was a South African anti-apartheid activist, who led the grassroots *Black Consciousness Movement*. He commenced the study of medicine at the University of Natal in 1966, and could have become a doctor without the stress of making an impact for the benefit of others. Instead, Biko immersed himself in the struggle against apartheid and was killed at age 30 in 1977. Like Biko, albeit without a history of life threatened involvement in any struggle, I tend, or have by now evolved, to write what I like.

Woe to lawyers

My recollection of Sunday Catholic Church school from a time when I was very young include learning that the Bible speaks of woe to lawyers and doctors. Then, I knew that I wanted to taste milk and honey in heaven, a desire I still have, though I do not drink milk nor eat honey. In my young mind, without rationalising in quite that way, of course, I then also resolved that I would never become a lawyer or doctor and consequently a deprived absent from heaven in the end soul.

The mind of a child can indeed be a dangerous place in which to plant a complex concept, and the Sunday school 'woe to lawyers' teaching has since been a source of implicit bias in how I relate to the discipline of law. Over the last 20 or so years, I have, in circumstances that might even appear contradictory to others, shouted from the mountain top that I never wanted to become a lawyer, even while not knowing what then if not law. In that period, I have pursued studies that ended in a terminal degree in law (PhD), taught law to others, practised at the Bar and counselled young persons to become lawyers, while sharing with them that a career in the law is ideal. Without thinking, it appears that the jealous calling of law has made an imprint that I cannot now avoid. I must really appear to be a contradiction on show, but not quite.

My saving grace from a contradiction on show label is that I do consider the law to be the ideal foundation for what I do and am most interested in – work in the field of sustainable economic development. With more specific reference to law, my area of specially developed competence, perhaps better represented as interest, is economic law and development. In this vein, legal aspects of banking and finance (including financial market(s) regulation and compliance), trade and investment (focusing on the needs of developing and emerging economies), regional integration and economic development, and disputes management (focusing on arbitration and ADR more so than litigation) have captured my imagination, while creating space for me to innovate and work.

Over time, I have come to realise, notwithstanding my oftentimes joked about double woe – lawyer who has the title of doctor – that the law is indeed a noble profession, and that the skills developed along the way from "Snob Hill" to now are invaluable. Those skills can be leveraged, and I have leveraged them, for good in many ways and across disciplines. On another occasion, not here, I will speak about how the analytic skills that I have developed in my learning of the law enabled me to analyse medical research data

and then write a paper concerning a discrete area of practical medicine that was published, albeit not under my name, in a prominent international medical journal.

Snob Hill

During my time at Cavehill, and perhaps still, the Faculty of Law, perched on a high point as it is, was referred to by some students from other faculties as “Snob Hill”. The reference might have been pseudo grudgeful, as many of those who called us snobs were happy to share the facilities of the Faculty and had friends among us. There is a lesson in that – negative criticism is not always reflective of resentment. Oftentimes, it reflects an underlying desire for engagement without prejudice and for open dialogue in which problems or perceived ones can be identified and collaborative solutions arrived at.

At Cavehill, my learning in the law continued after year one at Mona. It was at Cavehill that my deeper understanding of, and devotion to, the Caribbean as a region developed. There, I was able to engage in regional dialogues with regional people speaking from their grassroots experiences, while being also able to travel the region and then be exposed to a world I had read about but not experienced in living colour. Relationships forged at Cavehill are still relied upon, or capable of being relied upon, today. My Caribbean journey since then is continuing, and has included that my PhD, lead supervised by “The Professor” – Joe Norton, was awarded for research done at CCLS that examined financial market regulation in the Commonwealth Caribbean and the implications for sustainable economic development.

Spokes to Dallas

When I enrolled in the Centre for Commercial Studies, Queen Mary University of London (CCLS), the focal point was at Mile End. There have been movements since, and the CCLS is now located at Lincoln Inn Fields in Central London.

Prof Joseph Jude Norton – “The Professor” – is in Dallas, and he was based there even while at CCLS as the Sir John Lubbock Professor of Banking Law and at the same time, among other professorships held across the globe, the James D Walsh Distinguished Faculty Fellow at the Dedman School of Law, Southern Methodist University, Dallas. How I have developed, including to the point of recognising myself to be a practitioner-academic, is a testament to lessons learnt and opportunities presented to me by The Professor.

It was The Professor who got me admitted into a PhD programme, and with a scholarship, without even an application submitted, he who underscored that an eagle cannot discover new heights without engaging the unknown, and he who developed a network of scholars from across the globe, still kept together by our connection to The Professor, that continues to nurture and present new opportunities to me. With the avenues opened, I have been able to explore, and continue to benefit from, empowering relationships, beyond those in the region and outside of Europe and North America, in Kuala, Cairo, Delhi, Singapore, Durban, Kigali, Nairobi, Dubai, Doha, Accra, Mexico, Bogota, Manila, Lusaka, Tokyo and Beijing, among other places.

The spokes to the hub of Dallas continue to bear good fruit. Even so, I always recall that the foundation in the law on which it all rests refers back to The UWI, and in particular to the Faculty of Law at Cavehill.

CCLS in a word

My academic journey did not begin at the CCLS, but my terminal degree in law was attained there. It was there, more so than anywhere else, that my appreciation for the law and its impact beyond the pale developed and was nurtured.

Besides the significant, and here spoken about, impact of Prof Norton, the wealth of CCLS influencers on my personal and professional development have included Profs George Walker, Chris Reed, Ian Walden, Lukas Mistelis, Janet Dine, Rosa Lastra, and Julian Lew, as well as Drs Mamiko Yako-Aria and Heba Shams.

The nature of this note would not permit me to delve into the teaching and other distinct impact that each of these persons has had on me, even without them knowing. Perhaps, for completeness, I must, however, on another occasion and in another way, comprehensively chronicle the amazing journey that I had at the CCLS.

Caribbean Polymath

My dear departed friend, mentor and giving to a fault resource to be relied upon, Maurice Stoppi, died a few months shy of 92 years young in July 2022. Maurice was very deliberate and he could be brutally honest in what he said about persons and things. He was transparent and would say to your face what he could say behind you. One of the most important lessons that I learnt from Maurice was to “be careful not to take advice from those who do not know their arses from holes in the ground” – discrimination is not always a bad thing, and the power of discernment should not be minimised. Polite behaviour and diplomacy will, of course, intervene at one level or another, and getting to be as frank as Maurice was is a standard few will ever achieve or even have as an aspiration.

Maurice wrote about me to say that I am a ‘Caribbean polymath’. Notwithstanding what Maurice thought about me, and while not doubting the genuineness of the process by which he arrived at his assessment, I received his commendation not to mean that I have distinguished myself in any particular manner, but instead to mean that I have exhibited real appreciation for ‘multi-disciplinarianism’ in how I approach the work that I do. Increasingly, that work has been in the field of arbitration and ADR, and my experience at the CCLS, from Mile End to Lincoln inn Fields, which was enabled by the foundation established at The UWI, is to be credited.

Forward March – Derrick Morgan

Learning the law is empowering, and the practice of it can be transformative. As I continue to reflect on my own experience, while admiring the achievements of my colleagues, I must, however, note my observation that while our individual accolades are spectacular we have perhaps not accomplished a lot together or supported each other enough when able to. I do not, for example, see enough to show that we have collectively transformed the sustainable economic development landscape of the region or collaborated to foster deeper integration across borders.

Moving forward, coming out of our 25th Anniversary Reunion, we could commit to working closer across borders, set out to identify areas of developed competence in our ranks, be more supportive, wherever

possible, of each other in the referrals that are made and in how we “big up” and embrace the achievements of our peers.

The journey continues, as will my musings, and I wholeheartedly now say that reluctant as I have been to see myself as a lawyer, and even while holding myself out as a disputes management practitioner and not as a lawyer, I am happy to be numbered among the class of 1997 and am a proud beneficiary of the learning that I have received along the way.

Forward march I say, as the blessings continue to rise.

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