



British Institute of  
International and  
Comparative Law

BINGHAM  
CENTRE FOR  
THE  
RULE  
OF  
LAW

# Programme of Events

## Autumn 2015

A programme of events organised by the  
British Institute of International and Comparative Law  
and the Bingham Centre for the Rule of Law

# Programme of Events

## Autumn 2015

The British Institute of International and Comparative Law (BIICL) provides informed, independent and practical legal ideas for a global community. Its high quality and respected work involves analysis and debate about contemporary issues on every continent, from its base in the heart of London's energetic and multicultural legal network.

BIICL has been making an influential impact since its foundation in 1958, and it can trace its history even further back to 1894. It is one of the very few independent legal bodies of its type in the world, as it is unaffiliated to any university, is a charity/not-for-profit organisation and is nonpartisan. BIICL receives no substantial on-going core funding from any government or private body and welcomes both members and non-members.

BIICL includes within it the innovative **Bingham Centre for the Rule of Law**, which has a particular focus on the many rule of law issues world-wide. Find out more about the Bingham Centre at [www.binghamcentre.biicl.org](http://www.binghamcentre.biicl.org)

### BIICL Events

BIICL runs a dynamic and topical programme of events throughout the year, reflecting the Institute's research work and the interests of its wide constituency of members. Our events attract high profile speakers, many of whom are leaders in their field. Events are generally open to all Institute members and the public. Our events offer the chance to engage in information sharing and networking with your peers.

Many of our public events are accredited for CPD purposes by the Solicitors Regulation Authority (SRA) and The Bar Standards Board (BSB).

BIICL members benefit from a **40% discount on events**. Find out more about becoming a member of BIICL at [www.biicl.org/membership](http://www.biicl.org/membership)

Further details on all our events  
can be found on our website at  
[www.biicl.org/events](http://www.biicl.org/events)

## September

**Arthur Watts Public International Law Seminar Series sponsored by Volterra Fietta:**

**International Law in Domestic Courts: A Global Perspective**

**Thursday 24 September, 17:30-19:30 – 2 CPD points**

British Institute of International and Comparative Law

Charles Clore House, 17 Russell Square, London WC1B 5JP

### Speakers

- **Professor Cheryl Saunders**, Melbourne Law School
- **Donna Chapin**, Office of Foreign Litigation for the United States Department of Justice
- **Professor Dan Sarooshi**, University of Oxford and Essex Court Chambers, London

### Chair

- **Robert Volterra**, Volterra Fietta and University College London

The conditions of globalisation have sparked considerable speculation about the internationalisation of domestic law, often with particular reference to domestic public law. One significant effect is that the rate of recourse to public international law by domestic courts is increasing around the world and is likely to continue to do so. It thus deserves attention by both domestic and international lawyers and would benefit from mutual understanding. From a global perspective, however, the development is distinctly patchy. The panel will substantiate this claim, examine how and why it is so and reflect on the drivers of continuing change. In doing so, it will contrast the position in Australia, the USA and the UK with that in selected countries elsewhere.

The seminar will consider public international law as a principle of statutory construction in domestic courts in the USA, UK and Australia, by examining limitations on the authority of States to exercise jurisdiction in circumstances affecting the interests of other States. Reference will be made to US cases such as *Hoffman-La Roche v. Empagran*, 542 U.S. 155 (2004) and *Kiobel v. Royal Dutch Petroleum Co.*, 133 S.Ct 1659 (2013) and to cases on State immunity in the UK and Hong Kong courts.

Find out more at [www.biicl.org/domesticcourts](http://www.biicl.org/domesticcourts)

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**Freedom of Information: Extending Transparency to the Private Sector**

**Monday 28 September, 17:30-19:00 - 1.5 CPD points**

Baker & McKenzie LLP, 100 New Bridge Street, London EC4V 6JA

### Keynote speaker

- **Rosemary Agnew**, Scottish Information Commissioner

### Speakers

- **Steve Goodrich**, Open Governance Researcher, Transparency International UK
- **Heather Rogers QC**, One Brick Court
- **Martin Rosenbaum**, Freedom of Information Specialist, BBC News
- **Dr Ben Worthy**, Lecturer in Politics, Birkbeck College, University of London

### Chair

- **Timothy Pitt-Payne QC**, 11 King's Bench Walk

This event will consider the current legal framework and the range of private sector organisations that have been brought within its scope. It will explore differences in transparency requirements for private contractors, and proposals to further extend the FOI regime to private companies providing public services. The event will provide opportunity to hear both sides of the debate surrounding this important topic and the practical implications of reforms in this area.

Find out more at [www.biicl.org/freedomofinformation](http://www.biicl.org/freedomofinformation)

## October

### International Economic Agreements and the Rule of Law - the case of the Transatlantic Trade and Investment Partnership (TTIP)

#### Global Rule of Law Exchange Evening Discussion

Tuesday 13 October, 17:30-19:00 – 1.5 CPD points

Jones Day, 21 Tudor Street, London, EC4Y 0DJ

#### Panellists

- **Ruth Bergan**, Coordinator, The Trade Justice Movement
- **Andrew Coop**, Senior Legal Adviser, EU and International Trade, Department for Business, Innovation & Skills
- **Dennis Novy**, Associate Professor, Department of Economics, University of Warwick, UK
- **Baiju Vasani**, Partner, Jones Day

#### Chair

- **N. Jansen Calamita**, Director, Investment Treaty Forum

Panellists will convene to discuss TTIP as it relates to the rule of law, and will consider among other things:

- Rule of Law and Accountability in the negotiation of economic agreements - what is the role of parliaments in overseeing TTIP, and what kind of national accountability mechanisms are in place? What redress mechanisms are built-in within these agreements generally, and how do these relate/not to the rule of law?
- The effect of Investor-State Dispute Settlement (ISDS) and ad hoc arbitral tribunals on rule of law, and the place of the Judiciary in dispensing justice.
- Costs and benefits, winners and losers, and implications for the UK.
- The impact of treaty-based ISDS on developing countries with which Europe is also presently negotiating economic agreements that include investment chapters.

Find out more [www.biicl.org/event/1128](http://www.biicl.org/event/1128)

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### This Way, That Way, The Other Way? Directions for Human Rights in the UK

Monday 19 October, 18:00-19:30 – 1.5 CPD points

Bindmans, 236 Gray's Inn Road, London WC1X 8HB

#### Speakers

- **Helena Kennedy QC**, Baroness Kennedy of the Shaws
- **Martin Howe QC**, 8 New Square
- **Anthony Speaight QC**, 4 Pump Court
- **Professor George Williams AO**, University of New South Wales, Australia and IAS Fellow, Durham University from October - December 2015

The event will offer an opportunity to hear leading voices reflect on the future of human rights protection in the UK. In its 2015 general election manifesto, the Conservative Party pledged that "The next Conservative Government will scrap the Human Rights Act, and introduce a British Bill of Rights" and stated that "This will break the formal link between British courts and the European Court of Human Rights, and make our own Supreme Court the ultimate arbiter of human rights matters in the UK". The Government is expected to announce a consultation on the subject in the autumn. This event will provide an assessment of the arguments for and against repeal of the Human Rights Act and possible withdrawal from the European Convention on Human Rights. The event will consider the rule of law implications of the proposed reforms, in particular of changes to the UK's relationship with the European Court of Human Rights.

Find out more at [www.biicl.org/event/1130](http://www.biicl.org/event/1130)

# November

## A More Literal and Predictable Approach for the Court of Justice of the EU?

Monday 2 November, 17:00-19:00 - 2 CPD points

British Institute of International and Comparative Law

Charles Clore House, 17 Russell Square, London WC1B 5JP

### Speakers

- **Marie Demetriou QC**, Brick Court Chambers
- **Ben Ray**, Cabinet Office European Law Group
- **Judge Sinisa Rodin**, Court of Justice of the European Union
- **Derrick Wyatt QC**, University of Oxford and Brick Court Chambers

### Opening Remarks

- **Graham Child**, Fellow, Lincoln College, Oxford

The Court of Justice of the European Union (CJEU) has achieved very much since its inception. However, some have argued that it may be time for the Court to consider reforming its interpretative approach. For example, the CJEU has been criticised for being too ready to depart from the text of EU rules, and for unpredictability and lack of clarity in its decision-making. This event will consider whether the CJEU is in need of a new judicial approach for the 21st century which shows greater deference to the wording of EU law, and to the political process at EU and national level. It will also examine the principle of subsidiarity and discuss whether the Court should give greater prominence to respect for national identity. The chairman and speakers will offer short presentations aimed at facilitating a discussion likely to be of interest to legal practitioners, judges, academics, and non-lawyers with an interest in the role of the CJEU.

Find out more at [www.biicl.org/event/1124](http://www.biicl.org/event/1124)

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## Procedural Reform in International Courts and Tribunals: Feasible? Desirable?

### Temple Garden Chambers Seminar Series in International Adjudication

Tuesday 17 November, 17:30–19:00 – 1.5 CPD points

British Institute of International and Comparative Law  
Charles Clore House, 17 Russell Square, London WC1B 5JP

#### Speakers

- **Dr Filippo Fontanelli**, University of Edinburgh
- **Dr Arman Sarvarian**, University of Surrey
- **Professor Hélène Ruiz Fabri**, Director of the Max Planck Institute for International, European and Regulatory Procedural Law, Luxembourg
- **Judge Ineta Ziemele**, Judge at the Constitutional Court of Latvia and former Judge at the European Court of Human Rights

#### Chair

- **Rodney Dixon QC**, Temple Garden Chambers

There has been a discernible growth in the number and prominence of procedural challenges in the practice of international courts and tribunals. Fresh examples in pending cases include the alleged leaking of confidential information via secret communications between an arbitrator and an agent in the Croatia v. Slovenia arbitration and the numerous challenges in the ConocoPhillips v. Venezuela arbitration. Although procedural fairness is not a well-explored concept of international law, we are witnessing an energetic expansion of the international judicial function. This includes a remarkable build-up of international courts and tribunals, a steep increase in the number of cases before them and an unprecedented development of their powers.

This seminar discusses the key findings emerging from an edited volume entitled Procedural Fairness in International Courts and Tribunals published by the British Institute of International and Comparative Law in September 2015. These findings will be presented by two of the book editors, Dr Arman Sarvarian (and Dr Filippo Fontanelli), with Judge Ineta Ziemele and Professor Hélène Ruiz Fabri as external commentators. The Institute welcomes all to discuss and debate the role of procedural justice in the work of the international judicial system and the case for and against procedural reform.

Find out more at [www.biicl.org/event/1131](http://www.biicl.org/event/1131)

For further details on all our events and to book online visit

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If you have any queries, please contact the BIICL Events team at  
[eventsregistration@biicl.org](mailto:eventsregistration@biicl.org)

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