

NEWSLETTER SPRING

5  **British Institute of
International and
Comparative Law**
2008 Promoting the rule of law for 50 years, 1958-2008

Director's Notes



This is an exciting year for the Institute, as we celebrate 50 years since its establishment. Over those 50 years the Institute has had many staff, research projects and events, yet it has always maintained its aim of promoting the understanding and application of the rule of law in international and comparative law. Its high quality research projects and seminars encompass almost all areas of international law (both public and private) and comparative law, and it aims to be at the forefront of discussions on the many contemporary issues of international and comparative law.

This Newsletter continues the Institute's record in innovation in its methods of disseminating its activities and engaging in international affairs in the most effective ways possible. For example, it has an excellent, up-to-date and readily accessible website (www.biicl.org), a fortnightly Bulletin of International Legal Developments available in both hard copy and electronically, regularly publishes its research, and, more recently, it has held a series of rapid response briefings on current international issues.

The last four months have been very hectic for me since I commenced as Director in January. I am



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impressed with the dedication and hard work of the staff, and the very positive engagement and expertise of the Board of Trustees and the many members of the Institute. I look forward to meeting more of you as the year progresses.

Raising funds remains a priority, as is continuing to publish high quality research (an example of which is the project undertaken by Anna Riddell and Brendan Plant which is summarized in this Newsletter), and seeking to attract eminent and informed speakers to the Institute's events. This Newsletter aims to provide a snapshot of some of the many activities of the Institute. We all hope that you find it interesting and we welcome your feedback.

*Professor Robert McCorquodale
Institute Director*

50th Anniversary Campaign

In 2008, the Institute celebrates 50 years of promoting the rule of law in international affairs. If it is to continue to play a leading role in stimulating debate, providing authoritative practical research and setting legal standards internationally, the Institute needs to advance and be fully capable of undertaking fresh initiatives in response to emerging needs. For this reason we are embarking upon a major development campaign to coincide with our 50th Anniversary

*Helen Bright
Development Director*

Click [here](#) to view more information on the 50th Campaign



Lord
Goldsmith
QC

Citizenship
Review



The Institute was asked by the former Attorney General Lord Goldsmith to undertake research on a project on the Rights and Responsibilities of Citizenship. His independent study formed part of a wider review of Governance in Britain conducted by the United Kingdom's Ministry of Justice. Specifically, Lord Goldsmith's task was to generate discussion with regard to what it means to be a British citizen in order to promote its meaning and significance. In order to accomplish this, Lord Goldsmith commissioned five pieces of research, one of which was completed by the Institute.

Justine Stefanelli

The Report is available for download in [PDF](#) format.

Click [here](#) to view the full story

Annual Grotius Lecture

The Rule of Law in the International Order

We are delighted to announce that **The Rt Hon Lord Bingham of Cornhill KG** will give this year's Annual Grotius Lecture on Monday 17 November 2008, 1800 to 19:30
Location: The Great Hall, The Honourable Society of Lincoln's Inn

Evidence in the International Court of Justice

Several fact-intensive cases have recently brought fact-finding in the International Court of Justice into the spotlight. BIICL's major study on the issue of evidence before the International Court of Justice, due to be published in July 2008, has examined the Court's relationship with facts in detail, from the recently refined procedure for submitting late evidence, to the hearing of live witness testimony in the Peace Palace.



Anna Riddell, Research Fellow in Public

Click [here](#) to view the full story

Staff News

- We are very pleased to announce that **Sarah Williams** will be joining the Institute as the new Dorset Fellow. Sarah was previously at Durham University, where her teaching and research interests included public international law, international criminal law, legal responses to terrorism and international human rights. During 2006, Sarah was a Legal Researcher at the Foreign and Commonwealth Office. In this role Sarah appeared before various United Nations committees and commissions, and advised the British Government on issues of international, foreign and domestic law. From January to March 2008 Sarah was a Visiting Fellow at the Sydney Centre for International Law.
- **Norah Gallagher** has joined the Institute as Director of the Investment Treaty Forum and Senior Research Fellow. Norah Gallagher took over the role of Director of the Investment Treaty Forum at the British Institute of International and Comparative Law in January 2008. Before joining the Institute, she worked in the International Arbitration Group of Herbert Smith where she advised on a wide range of issues relating to international arbitration (under all of the main institutional rules: ICC, LCIA, AAA ICDR, Stockholm and ICSID), from drafting valid arbitration agreements (including bifurcated, multi-tiered and multiparty arrangements), procedural issues and interim relief, to enforcement of awards.
- The Institute congratulates **Dr Philip Marsden** on his appointment by the Office of Fair Trading to its Board as non-executive director for a four-and-half-year term from 1 October 2008. Philip is a Senior Research Fellow at the Institute and Director of its Competition Law Forum.
- **Jacob van de Velden** has left the Institute to become a Lecturer in European Law at the University of Groningen, and a member of the International Law Association Committee on International Civil Litigation (Netherlands). Although Jacob will be based in The Netherlands, he will continue to be closely involved with the Institute's Private International Law programme.
- The Institute congratulates **Brendan Plant**, Research Fellow on the Institute's Evidence Project, who has been accepted into the PhD programme at the University of Cambridge, where he will commence

research into dispute settlement in the World Trade Organization in October 2008.

- The Institute congratulates **Adineh Abghari**, Research Fellow on the Institute's Human Rights in International Law and Iran project, who has been awarded a full scholarship for the PhD programme in International Law at the Graduate Institute of International and Development Studies in Geneva.
- **Adineh Abghari**, Research Fellow on the Institute's Human Rights in International Law and Iran Project, has been awarded a fellowship to participate in the 44th session of the International Law Seminar to be held at the United Nations Office at Geneva from 7 to 25 July 2008.
- **Monica Sanchez** will be completing her time as a research fellow at the Institute on 6 May 2008. She has made a most positive contribution to the Institute.
- **Ndanga Kamau** joined the Institute in July 2007 as an intern on the Damages Project. She has recently been working as the Administrative Coordinator and will leave in the summer to do the Bar Vocational Course at the Inns of Court School of Law, for which she has been awarded a partial scholarship by Middle Temple.

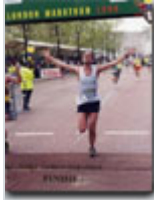
The views and news of our members are important to us. If you would like to inform us of your news please email newsletter@biicl.org

Philip Marsden, Senior Research Fellow and Director of the Competition Law Forum at the Institute ran the 2008 London Marathon in a personal best time of 3 hours and 16

Members News

Does International Law mean Business—A Partnership for Progress

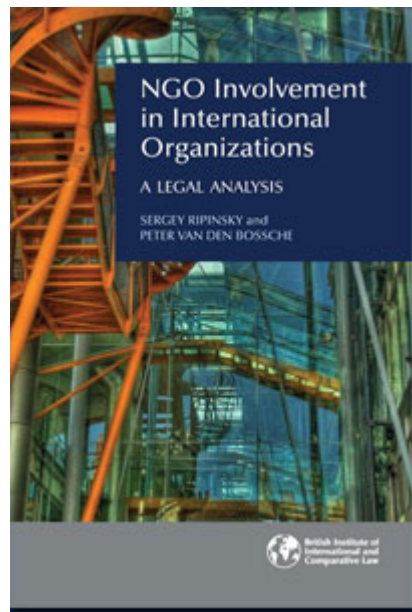
minutes,
raising over
£5,000 for the
charity Save
the Children.



Latest Publications

NGO Involvement in International Organizations: A Legal Analysis

The Institute has recently published *NGO Involvement in International Organizations: A Legal Analysis*. Written by Sergey Ripinsky, Research Fellow on the Damages Project at the Institute, and Peter Van den Bossche, Professor of International Economic Law at Maastricht University, the book investigates the arrangements for NGO involvement in the activities of a range of international institutions, and examines and compares relevant rules and practices. The analysis focuses in particular on the legal basis for NGO involvement, forms of involvement, NGO participatory rights, applicable accreditation criteria and procedures, and rules on subsequent monitoring of accredited NGOs. International institutions, each covered in a separate chapter, include: the United Nations Economic and Social Council (UN ECOSOC); the United Nations Conference on Trade and Development (UNCTAD); the International Labour Organization (ILO); the World Intellectual Property Organization (WIPO); the World Health Organization (WHO); the United Nations Environment Programme (UNEP); the United Nations Development



Programme (UNDP); the World Bank; the International Monetary Fund (IMF); and the World Trade Organization (WTO). The final chapter provides a comparative analysis of the examined systems. Pertinent documents are reproduced in the appendices. Offering a systematic presentation of the relevant material, this book is a timely and valuable resource for NGOs wishing to learn more about opportunities for engagement with prominent international organizations. The study will also be a helpful tool in assessing the relative effectiveness of the different modalities for engagement with NGOs and in considering improvements to the existing systems.

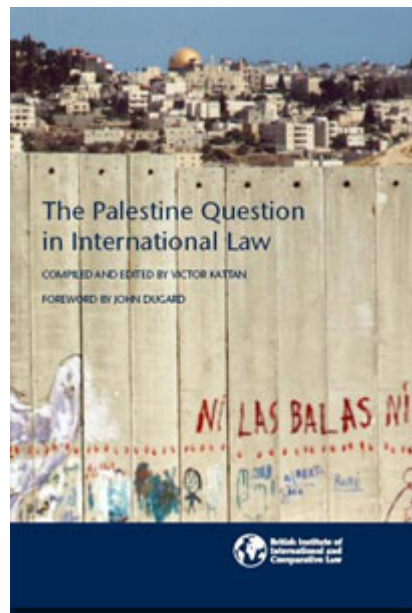
Click [here](#) for further details on this book

The Palestine Question in International Law

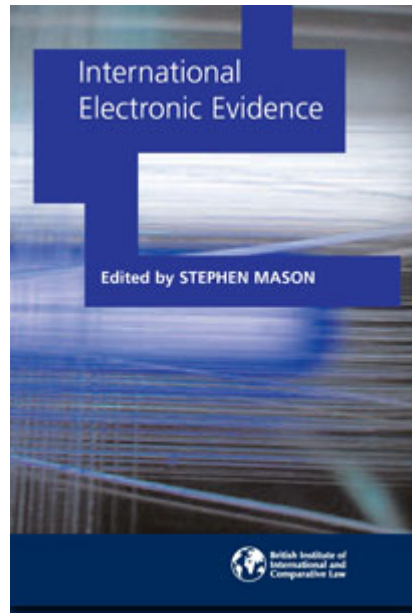
Victor Kattan, Research Fellow on the Human Rights in International Law and Iran Project at the Institute, has compiled and edited *The Palestine Question in International Law*, to be published by the Institute in May. The book reproduces in one complete volume essays on some of the most important questions relating to the Israel–Palestine conflict, to coincide with the 60th anniversary of the creation of Israel and the demise of the British mandate of Palestine. The book will be launched at the Institute on 21 May.

Click [here](#) for further information on this book

Click [here](#) for further details on the book launch



An increasing number of civil and criminal proceedings involve the use of digital evidence across jurisdictional boundaries. Digital evidence now affects every aspect of law, including contract, employment, family, crime, intellectual property and land law; in effect, no area of law is excluded, and digital evidence has become of greater importance now the Internet and World Wide Web have become ubiquitous. It is increasingly apparent that criminals and terrorists target the electronic environment to steal, carry out extortion and abuse children across jurisdictions. Additionally, both public and commercial organizations now rely on the digital environment to such an extent that it has become critical to business and, perhaps, the survival of the State. This new title, edited by Stephen Mason, Visiting Research Fellow at the Institute, provides an outline of the substantive law of evidence, admissibility, disclosure and procedural requirements in respect of digital evidence for the jurisdictions covered, which include: Argentina, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand and Turkey.



Click [here](#) to view more information on the Institute's publications

Events
May–June 2008



TENTH INVESTMENT TREATY FORUM PUBLIC CONFERENCE

Brunei Gallery, The School of Oriental and African Studies, University of London, Thornhaugh Street, Russell Square, London, WC1H 0XG
Friday 9 May 2008 09:15–15:30

GATS AND FINANCIAL SERVICES SEMINAR

British Institute of International and Comparative Law, Council Chamber, Charles Clore House, 17 Russell Square, London, WC1B 5JP
Monday 12 May 2008 13:30–17:45

EIGHTH ANNUAL WTO CONFERENCE

The School of Oriental and African Studies, Brunei Gallery, University of London Thornhaugh Street, Russell Square, London, WC1H 0XG
Tuesday 13 May 2008 09:00 to
Wednesday 14 May 2008 17:00

EIGHTH ANNUAL WTO CONFERENCE DINNER

Coopers, 49A Lincoln's Inn Fields, London, WC2A 3PF
Tuesday 13 May 2008 19:00–22:30

THE EIGHTH ANNUAL TRANS-ATLANTIC ANTITRUST DIALOGUE

London House, Mecklenburgh Square, London, WC1N 2AB
Thursday 15 May 2008 09:30 to
Friday 16 May 2008 12:00

THE EIGHTH ANNUAL TRANS-ATLANTIC ANTITRUST DIALOGUE GALA DINNER

The Drapers' Hall, Throgmorton Avenue, London, EC2N 2DQ
Thursday 15 May 2008 19:00–22:00

THE PALESTINE QUESTION IN INTERNATIONAL LAW: BOOK LAUNCH AND DISCUSSION

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

Wednesday 21 May 2008 18:00–20:00

ABUSE OF DOMINANCE: REFORM OR RETREAT AFTER MICROSOFT?

British Institute of International and Comparative Law, Charles Clore House, 17
Russell Square, London, WC1B 5JP
Monday 2 June 2008 17:30–18:30

ISLAM, THE APPLICATION OF SHARIA, AND HUMAN RIGHTS

British Institute of International and Comparative Law, Charles Clore House, 17
Russell Square, London, WC1B 5JP
Thursday 5 June 2008 09:30–18:00

47TH LEIDEN–LONDON CONFERENCE—THE INTERNAL MARKET AFTER
THE ECJ RULINGS IN VIKING AND LAVAL; BALANCING ECONOMIC AND
SOCIAL OBJECTIVES

Former University Library (Oude UB), Rapenburg 70, Leiden
Saturday 28 June 2008 09:15–17:00

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