



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



Clockwise from top left: BBC World climate watch; Hugo Grotius portrait, Collection Frits Lugt, Institut Néerlandais, Paris; Legal Books; Office centre; Business people walking; European Parliament (Strasbourg).

Introduction

Issues of international law and justice are at the forefront of public debate to a greater degree than ever before. The advance of globalisation and technology have brought about huge changes and with them increasingly complex problems, such as climate change, rising poverty, the social and economic impact of international trade, the movement of peoples, terrorism and the aftermath of internal and international conflicts. Open dialogue and a sound legal framework within which to conduct political and economic relations, and to address common threats, are needed more than ever. These problems require rigorous thinking and cross-boundary approaches in order for effective and sustainable solutions to be achieved.

The British Institute of International and Comparative Law is an independent research organisation, established in 1958. It is a unique body in the United Kingdom and one of very few in the world. It brings together scholars and practitioners, serving as an invaluable focal point and network for both its members and others who participate in its work.

The diversity of the Institute's membership and its ability to engage with a wide variety of international and comparative issues ensure that it remains a relevant and essential institution. It provides an excellent environment for valuable and helpful



discussions between those advising governments, corporations and others, and with the academic community. It works with some of the leading scholars, judges and practitioners in their fields, and its research ensures that many contemporary issues are carefully examined and analysed.

Over the last 50 years, the Institute has been promoting the rule of law through all its activities. The same core principle will continue to inspire and inform the work of the Institute in the years ahead.

**The Rt Hon Lord Bingham of Cornhill KG
Chairman, British Institute of International and
Comparative law**

From the Director

The Institute is one of the leading independent research centres for international and comparative law in the world. Its record of achievement over 50 years in promoting the understanding of the rule of law in international affairs and comparative legal systems through its research, publishing, training and advisory activities is as wide-ranging as it is distinguished. Its high-quality research projects and seminars encompass almost all areas of international law (both public and private) and comparative law, and it is at the forefront of discussions on the many contemporary issues of international and comparative law.

For 50 years the Institute's work has been based on the core principle that the rule of law is an essential framework for international and national systems. The rule of law is vital for many reasons, including:

- for the creation and good functioning of international and national institutions, including those that administer the law;
- for effective cooperation in trade, investment and financial activities;
- for the establishment and protection of civil society, good governance and human rights;
- for ensuring respected guidelines for societies in conflict and post-conflict;
- for supporting capacity-building; and



- for the assurance of a just order determined and enforced by law rather than by other means.

Above all, the rule of law is a key requirement to enable peace and justice for all people, organisations and governments within international and national societies.

The Institute has been vitally important in enabling greater understanding of the changes in the international community and in international and comparative law. I am confident that it will continue to grow and develop dynamically throughout the 21st century to ensure that the rule of law across the world is strengthened and more deeply embedded.

Professor Robert McCorquodale
Director, British Institute of International and Comparative Law

What is the Institute?

The British Institute of International and Comparative Law was founded in 1958. It was created by the merger of the Society of Comparative Legislation (founded in 1894) and the Grotius Society (founded in 1915 and named after the 16th-century Dutch jurist Hugo Grotius, regarded as one of the founders of international law). This merger created an independent research body, unaffiliated to any university, which is committed to the understanding, development and practical application of international and comparative law.

Its membership comprises lawyers from the academic community, from legal practice (including judges, solicitors and barristers), and from government

and non-governmental organisations, as well as non-lawyers who are interested in the many aspects of international and comparative law. In fact, the Institute is one of the oldest and most prestigious organisations of its kind, and its membership over the last 50 years reads like a Who's Who in the law. It engages with all these members and with non-members who recognise the broad impact of the law on many activities, not least on commercial and government actions, and the need to promote the rule of law in international affairs. The Institute, as a centre for public debate and information on international and comparative law, based in London, is uniquely placed to interact with these varied constituencies, as well as its growing international membership.



Left to right: Grotius Library at the Institute and Charles Clore House



Through its established research programme, events series, publications, and Visiting Fellowship and internship programmes, the Institute aims to:

- clarify, apply and extend the international rule of law in global problem-solving;
- foster a comparative understanding of national legal systems;
- assist developing States through legal capacity-building and training;
- encourage and support the best scholarship and talent in this legal field.

The Institute promotes its work globally through its website, events, papers on special topics, its widely respected journal, the *International and Comparative Law Quarterly*, and the *Bulletin of International Legal Developments*. It publishes a wide variety of books on a range of contemporary legal issues, and continues

actively to commission new writers. It is both a limited company under UK law, and a registered charity. In its governance it brings together the expertise of some of the most senior academics and practitioners in the field of international and comparative law.

The Institute's Russell Square home at the heart of Bloomsbury, in a striking modernist building designed by Sir Denys Lasdun, is the focus for all of its activities, providing a friendly and collegiate atmosphere for the work of its more than 30 international research, editorial and support staff, and a congenial central London meeting place for members and visitors.

The Institute contains the Grotius Library, a pleasant space for study and meetings, and it is situated in the same building as the Institute of Advanced Legal Studies, which is attached to the University of London and houses one of the best law libraries in the UK.

The Institute's research programme

The principal areas of research of the Institute are public international law, private international law, comparative law, and international and comparative aspects of European law. It enhances this activity through a number of specialist groups, called forums, which currently include a Competition Law Forum, an Investment Treaty Forum and a Product Liability Forum.

The Institute's research programme is funded primarily through sponsorship and through obtaining competitive grants. Over its 50 years, this sponsorship has included funding by law firms, professional organisations, corporations, industry, charities, UK Government departments, the European Commission, non-governmental organisations, and independent donors. Some of the Institute's recent research activities and achievements are set out at the end of this brochure (and see www.biicl.org/research).



Clockwise from top left: BIICL Conference, December 2007; European Commission in Brussels; London Eye and Horse Guards

Future directions

The shape of the Institute's research programme is informed by its overall aim of being an independent and authoritative voice in contemporary debate and policy-making on international and comparative legal issues. Its priorities for research evolve each year in line both with contemporary global developments and concerns, and the changing needs in legal practice, in the context of its overall focus on the rule of law. Some of the major topics that the Institute would seek to address in the future, given appropriate sponsorship, include:

- **Climate Change:** the international legal aspects of this important issue and a comparative analysis of national laws.
- **Energy and Natural Resources:** the requirement for a clear and settled international system for dealing with disputes over resources and environmental and other impacts.
- **Legal Responsibilities of Transnational Corporations:** the need for an effective rule of law both to enable these corporations to operate within the international system and to protect those with whom they interact.
- **The Relationship Between International Law and Islamic Law:** considerations of issues such as environmental law, domestic implementation of international law and the contribution of Islamic law to the development of international law.
- **Financial Services:** harmonising financial regulation across borders – this is needed in an unsettled financial market and could also include considerations of changing financial markets in a comparative transatlantic/EU context.
- **Security and Liberty:** the relationships between security and liberty are found not only in responses to terrorism but also in interactions between governments and corporations that concern financial investments and in concerns over the use of data, movement of people, increasing armed conflicts, and the role of global and regional institutions. They are often brought into sharpest relief through the operation (or lack of operation) of the rule of law.



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. The Institute seeks to build sustainable income to enable it to:



Supreme Court, Washington DC

Attract the highest level of scholarship

- recruit senior researchers of the highest calibre
- encourage talented junior researchers at the outset of their careers

Promote awareness of our work and encourage partnerships

- invest in a high-quality events, publications and communications programme
- provide a professional research environment and a welcoming space for researchers and visitors at our Russell Square premises

Generate new activities

- provide appropriate training courses for government and non-government officials around the world
- provide short courses and summer schools
- enable the Institute to plan for the longer term and to respond to opportunities as they arise

Advance the rule of law

- advance legal knowledge to affect policy development, provide technical assistance, and promote best practice
- assist developing States in strengthening the rule of law
- develop more networks of comparative research information, including databases



What does it cost?

The Institute is ambitious in its wish to expand its activities but its growth is dependent on the financial assistance it receives. It is currently supported through membership subscriptions, its publications and events programmes, research grants, donations and sponsorship.

Research projects can run for anything between one and five years, with research staff and administrative support allocated on a case-by-case basis, depending on the work involved.

Examples of possible funding

- To fund a Senior Research Fellow for one year **£85,000**
- Support for a Senior Research Fellowship for 5 years **£450,000**
- Endowment of a Senior Research Fellowship **£1,750,000**

- To fund a Research Fellow for one year **£50,000**
- Support for a Research Fellowship for 5 years **£275,000**
- Endowment of a Research Fellowship **£1,000,000**

- To fund a research project for one year **£250,000**

- Sponsorship of conferences, publications and other activities **£5,000–£20,000**

- An endowment of **£10 million** would enable the Institute to support the core research team
- An endowment of **£15 million** would free up funds to disseminate research work and enable us to do more



*From top: City Hall and Tower Bridge;
a London street; The Honourable Society
of Gray's Inn*

How to support the Institute

Make a gift to the 50th anniversary campaign

- Foundation Fellows
For major donations to the Campaign
- Anniversary Patrons
For gifts from £10,000 up to £20,000
- Anniversary Benefactors
For gifts from £5,000 up to £10,000

We welcome all gifts, of whatever size

While major gifts are important to the Institute, smaller gifts also add up and make a considerable difference to what we are able to achieve. All donors to the campaign will be acknowledged in the BIICL Annual Review and other published material (unless you inform us otherwise) and kept informed of campaign progress.

If you are a UK taxpayer there are tax-efficient ways of making a gift, and you can choose to make a one-off donation or a regular gift: see the donation form enclosed with this brochure or visit www.biicl.org/support to download the form or to make a secure payment online with your debit or credit card.

Become a member

By becoming a member of the Institute you will be joining a worldwide community of leading lawyers, scholars, advisers to governments and companies, members of the media, and NGOs who seek to promote the rule of law in international affairs. We offer individual, corporate and academic membership, with a special rate for students and pupil barristers. There is a range of benefits for each type of membership. To find out more, contact the Institute membership team on +44 (0) 207 862 5151 or visit www.biicl.org and click on Membership.

Join a forum

Enquiries about any aspect of the work of each forum, including membership, are welcomed. For more information just contact the forum coordinators:

Competition Law Forum: p.marsden@biicl.org
Investment Treaty Forum: n.gallagher@biicl.org
Product Liability Forum: d.fairgrieve@biicl.org

Alternatively, visit the Institute's website at www.biicl.org and go to the research section, where you will find full details of each forum, together with information on how to join.

Recent activities and achievements

Competition Law Forum

The Institute's Competition Law Forum (CLF) is a centre of excellence for competition policy. It produces cutting-edge applied research, analysis and recommendations on the content, methodologies and application of competition policy at all levels of governance – national, European and global.



Notable achievements have been:

- **Consumer welfare**

To test to what extent consumer welfare is pursued in practice by the competition authorities, the CLF carried out a detailed study on consumer welfare and its application to EC and UK competition law.

- **Building expertise within EU consumer organisations**

The CLF undertook a major project for the European Commission Directorate-General for Health and Consumer Protection to increase the capacity and expertise of EU consumer organisations.

- **Linex Legal**

The CLF has worked with Linex Legal to offer this brand new pan-European competition law information service to practitioners.

- **European Competition Journal**

The Director of the CLF launched this authoritative biannual publication, which provides in-depth consideration of the law and economics of European competition policy.



Left-right: Quotes at the Stock Exchange; products in warehouse

Investment Treaty Forum

The Institute has long been a major centre for discussion and research in public international law and international commercial arbitration. It enjoys unrivalled participation in its activities by lawyers and academics. In a field of law that is rapidly evolving, the Institute has built up an impressive reputation for serious research and debate through the activities of the Investment Treaty Forum (ITF). The Forum has:

- established a series of highly successful public conferences and regular seminars;
- carried out major research projects on key issues;
- encouraged dialogue with State representatives with a view to clarifying their rights and responsibilities under bilateral and multilateral investment treaties, producing greater legal certainty both for investors and practitioners;
- facilitated, through appropriate experts, assistance

to States when negotiating treaties or when ultimately faced with a dispute.

Product Liability Forum

The Institute's Product Liability Forum (PLF) has been a trailblazer in this area. With the expectation that the products we all use on a daily basis will not cause us harm, in recent years product liability has seen major growth and now involves numerous products – prominent examples being asbestos, electricals, and pharmaceuticals. The PLF is an independent forum which has:

- aimed to serve the different interest groups in a balanced way;
- promoted debate on how this field of the law can be dealt with in an equitable and fair fashion; and
- been recognised by the European Commission, which requested its participation in the ongoing review process of the EU's Product Liability Directive.

Recent research projects

Evidence before international courts

The Institute has undertaken a major study in the law of evidence before the International Court of Justice, representing the most comprehensive examination of the subject in over 60 years. This has been funded by The Leverhulme Trust and the UK Department of Constitutional Affairs (now the Ministry of Justice).

Citizenship

The Institute has carried out an independent study on the Rights and Responsibilities of Citizenship, part of the wider review of Governance in Britain being conducted by the Ministry of Justice. This study included considerations of relevant international and UK law and a comparative analysis of the laws in a range of States.

Access to justice and reducing poverty

Together with Advocates for International Development, the Brooks World Poverty Institute, and the School of Law and Institute for Development and Policy Management at the University of Manchester, the Institute developed a tailor-made pilot training course for lawyers on Trade and Economic Law and Developing States. The aim of the course was to give legal practitioners a deeper appreciation of the core legal, social and economic issues involved in international trade, debt and development.

Death penalty in African states: promoting human rights standards

The Institute carried out a major European Commission-funded project, together with the



Left-right: Peace doves to celebrate 2007 International Peace Day in Afghanistan; Namibia; an African township

Nuffield Foundation, under the Initiative for Democracy and Human Rights, Support for the Abolition of the Death Penalty, which focused on 13 African States which had retained the death penalty. The project aimed to address the urgent need for support expressed by lawyers in these States. Through extensive research, coupled with training and capacity-building and the creation of an active network of lawyers, judges and other decision-makers, the Institute assisted in promoting international human rights standards and the rule of law in the target States, giving substantial help to local practitioners.

Dialogue with Iran

The Institute plays a key part in the dialogue between the European Union and the Islamic Republic of Iran, in undertaking a three-year project (funded by the European Commission and the UK Foreign & Commonwealth Office) aimed at contributing to the mutual understanding of human rights in Islamic and non-Islamic cultures. This is an ongoing dialogue, with particular focus on women's rights, juvenile justice and freedom of expression, as well as media monitoring.



Clockwise from top left: Valley in Afghanistan; Esfahan, Blue Mosque complex in Iran; UN Photo by Eskinder Debebe, internally displaced persons in Sudan



Pain relief: addressing Afghanistan's opium situation

The Institute has carried out an examination of the existing international law framework in relation to the trade in narcotic drugs, with a view to exploring future export opportunities for Afghan morphine and codeine. The report, funded by the Senlis Council, was an important tool in advancing progress towards establishing a sustainable system of legal opium-for-morphine production and promoting greater security in this vulnerable region.

Insider dealing and money laundering

The way in which EU financial services directives are implemented in Member States has come under increasing scrutiny in recent years. The Institute has produced two key reports for the City of London Corporation, examining insider dealing and money laundering. The first report examined the key provisions of the 1989 Insider Dealing Directive and the corresponding provisions of the 2003 Market Abuse Directive, as implemented by Germany, France, the Netherlands, Spain and the UK. The second report investigated the implementation of

the Second Money Laundering Directive in Greece, Italy, Lithuania, Poland, Spain and the UK, and identified wide variations in practice. Both reports highlighted the importance of consistent and coherent implementation in achieving a level playing field in the area of financial services regulation, which is vital if a single market in financial services is to become a reality.

Regulation of life offices

As part of its inquiry into the crisis at the UK life office, Equitable Life, the European Parliament commissioned a comparative study from the Institute on the conduct of business regulation of life offices in Germany, Ireland, Spain and the UK between 1989 and 2001. The study was confidential to the Parliament, whose final report was adopted in June 2007.

Free movement in the EU

A major EU-wide comparative study carried out by the Institute revealed that EU citizens and companies face considerable difficulties when they have to rely on foreign documents (such as diplomas, birth and marriage certificates, licences, tax returns, articles of incorporation and goods certificates). A lack of trust between Member States means that more stringent conditions apply before foreign official documents are accepted. The study carried out by the Institute goes beyond uncovering barriers; it suggests practicable solutions to address the situation by fostering mutual trust between EU Member States.

Governance

President of the Institute

The Rt Hon Lord Goff of Chieveley
DCL FBA

Vice-Presidents of the Institute

The Rt Hon Sir David Edward
KCMG QC
Lady Fox CMG QC
HE Judge Rosalyn Higgins DBE QC

Chairman of the Institute

The Rt Hon Lord Bingham of
Cornhill KG

Director

Professor Robert McCorquodale

Board of Trustees

Chairman: Alexander Layton QC
David Anderson QC
Sir Franklin Berman KCMG QC
The Rt Hon Lord Bingham of
Cornhill KG
Jeremy Carver CBE
Professor Christine Chinkin
Diana Good
Ian Hobbs FCA
Michael Hutchings OBE
The Rt Hon Sir Francis Jacobs
KCMG QC

Professor Vaughan Lowe QC
John Merrett
Martin Paisner CBE
The Rt Hon Lord Justice Rix
Peter Roth QC
Professor Philippe Sands QC
Sir Michael Wood KCMG

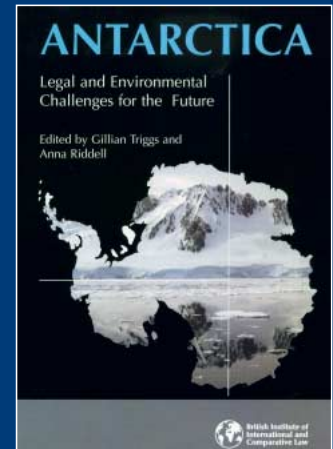
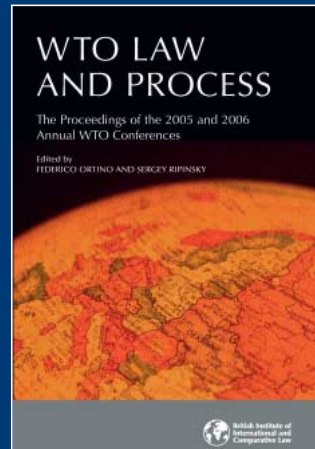
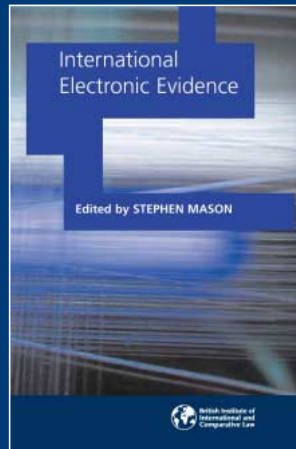
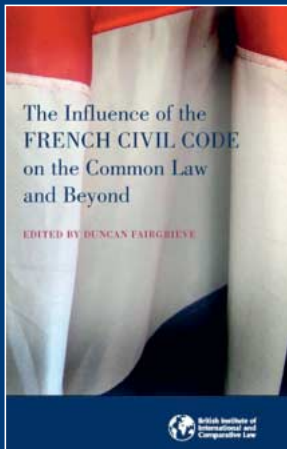
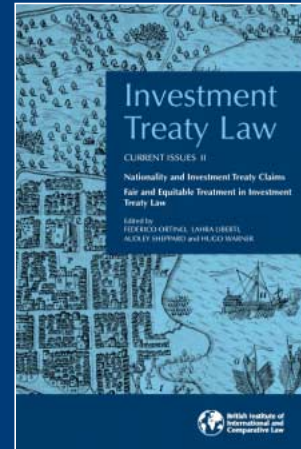
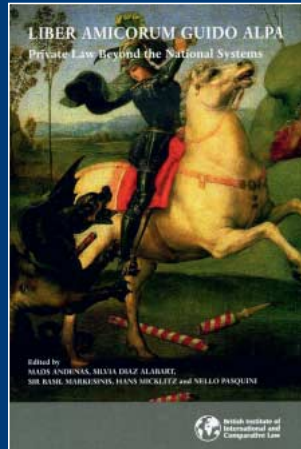
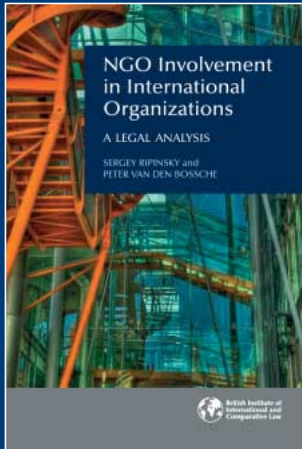
Advisers to the Board of Trustees

The Rt Hon Lady Justice Arden DBE
Professor Stephen Weatherill

Advisory Council

Dapo Akande, Judge David Anderson
CMG, Sir Christopher Bellamy
QC, Sir Franklin Berman KCMG
QC, Daniel Bethlehem QC, The
Hon Mr Justice Blair QC, Professor
Alan Boyle, The Hon Sir Nicholas
Bratza, Professor Ian Brownlie CBE
FBA DCL QC, The Rt Hon Lord
Justice Carnwath CVO, Victoria
Cochrane, The Rt Hon Lord Justice
Lawrence Collins, Tim Cowen, The
Hon Mr Justice Cranston DCL QC,
Professor James Crawford SC FBA,
Clare Dyer, The Rt Hon Sir David
Edward KCMG QC, Professor Piet
Eeckhout, Professor Malcolm Evans,
Helen Fletcher Rogers, Lady Hazel

Fox CMG QC, Dr David Freestone,
Professor Sir Roy Goode CBE LLD
FBA QC, The Rt Hon Baroness Hale
of Richmond, Professor Jonathan
Harris, HE Judge Rosalyn Higgins
DBE QC, The Rt Hon Lord Hoffman,
The Rt Hon Lord Hope of Craighead,
Alan Jenkins, Judge Koen Lenaerts,
Sir Elihu Lauterpacht CBE QC, The
Hon Mr Justice Lloyd Jones, Paul
Lomas, John Louth, The Rt Hon
Chief Justice Beverley McLachlin,
The Rt Hon Lord Mance, HE Judge
Thomas Mensah, The Rt Hon Lord
Neill of Bladen QC, Sir Peter North
CBE DCL FBA QC, The Rt Hon
Lord Phillips of Worth Maltravers,
The Rt Hon Lord Justice Richards,
Professor Jonathan Rickford CBE,
Joshua Rozenberg, Judge Sir Konrad
Schiemann, The Rt Hon Lord Justice
Sedley, Advocate-General Eleanor
Sharpston QC, Professor Malcolm
Shaw QC, Judge Bruno Simma, The
Rt Hon Lord Slynn of Hadley, Judge
Christiaan Timmermans, Andrew
Trollope QC, Stephen Walzer,
Professor Colin Warbrick, Dame
Juliet Wheldon DCB QC.



For more information on BIICL publications go to www.biicl.org/publications

Get in touch

Publications opposite:

NGO Involvement in International Organizations: A Legal Analysis. Sergey Ripinsky and Peter Van den Bossche

Liber Amicorum Guido Alpa: Private Law Beyond the National Systems. Mads Andenas et al (eds)

Investment Treaty Law: Current Issues Volume II (Nationality and Investment Treaty Claims and Fair and Equitable Treatment in Investment Treaty Law). Federico Ortino et al (eds)

The Influence of the French Civil Code on the Common Law and Beyond. Duncan Fairgrieve (ed)

WTO Law and Process: Proceedings of the 2005 and 2006 Annual WTO Conferences. Federico Ortino and Sergey Ripinsky (eds)

Antarctica: Legal and Environmental Challenges for the Future. Gillian Triggs and Anna Riddell (eds)

International Electronic Evidence. Stephen Mason (ed)

Photo credits page 8:

Top left: Photo by kind permission of the Honourable Society of the Inner Temple

Centre, bottom row: Mark Garten, 2008; Institutional Investor summit on climate risk. 2008 (UN photo)

Brochure designed and printed by Cambridge University Press. www.cambridge.org/printing

British Institute of International and Comparative Law

Charles Clore House
17 Russell Square
London WC1B 5JP

Tel: +44 (0) 207 862 5151

Fax: +44 (0) 207 862 5152

E-mail: info@biicl.org

www.biicl.org

Registered Charity No. 209425

A Company Limited by Guarantee registered in England No. 615025

