



NEWSLETTER Annual Conference Edition



Director's Notes

The Institute at the United Nations! In the past month members of the Institute have been organisers and participants in meetings at the UN in New York. Jeffrey Jowell and Lucy Moxham of the Bingham Centre were involved in two events: one a meeting of states and delegations about the rule of law; and then co-organising a side-event on the rule of law with the Open Society Initiative. Earlier,

I chaired a high-level meeting on protecting education in insecurity and armed conflict based on an Institute research project that had been authored by Kristin Hausler, Nicole Urban and me. This was organised with the Qatari based Education Above All foundation and included talks by Her Highness the Sheikha of Qatar, as well as the Prosecutor of the International Criminal Court and the Assistant Secretary-General to the UN High Commissioner for Human Rights.

These meetings are just some of the ways that the Institute has been gaining an increasing public profile for its activities. Its own events continue to deal with contemporary issues, with the Annual Conference on 25 October being on 'International Law, Rule of Law and Constitutional Change', which enables an informed consideration of these issues in the context of the changes in the Middle East and North Africa. This is complemented by the Grotius Lecture on the same evening in which the eminent Professor Cherif Bassiouni, who has been involved in legal aspects of these changes, will be posing the question: 'The Arab Spring, The Arab Awakening or The Ongoing Arab Revolution?'. This Lecture is followed by a Dinner, at which the Institute's Chair of the Board of Trustees, Sir Franklin Berman will speak. It should be an engaging, informative and stimulating day, which I warmly invite you all to attend.

The Institute's research continues strongly, with success in attaining competitive funding and the continuation of important applied research. As a consequence, we are very pleased to welcome Francesca Capone and Lara Blecher as new Research Fellows, working on projects on reparations in education, and on climate change and security respectively. We are also advertising for a new Research Fellow in Comparative Law and a Marketing Manager, the latter being a successor to the energetic and hard-working Katherine Eden-Haig and Jane Nicholson-Biss. We also have a large number of interns – including the first one from the Melbourne Law School as part of our Arthur Watts Senior Research Fellow funding – who add considerably to the Institute's research environment.

I do hope that you enjoy reading about the activities of the Institute set out in this Newsletter. Please also look at our website or contact us if you want to know more.

*Professor Robert McCorquodale
Institute Director*

British Institute of International and Comparative Law

Annual Conference 2012:

"International Law, the Rule of Law and Constitutional Change"

25 October 2012

BMA House, Tavistock Square, London, WC1H 9JP

Timetable for the day's events

12.30 - 13.00 Registration

13.00 - 13.05 Welcome Address

By Dame Rosalyn Higgins DBE QC,
President, British Institute of International and Comparative Law

13.05 - 14.30

Panel One: Rule of Law

14.30 - 14.40 Short Break

14.40 - 16.10

Panel Two: Public International Law

16.10 - 16.30 Tea Break

16.30 - 18.00

Panel Three: International Investment Law

18.00 Conference Closes

18.30 - 19.00 Registration Grotius Lecture

Tea and Coffee will be served during registration

19.00 - 20.00

Grotius Lecture

'The Arab Spring, the Arab Awakening or the Ongoing Arab Revolution?'

A lecture by **Professor Cherif Bassiouni,**
Emeritus Professor of Law at DePaul University

Introduction by:

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

20.00-20.30 Registration for the Grotius Dinner

20.30 Grotius Dinner

Please note the Grotius Dinner is now fully booked.

The 2012 Annual Conference

Kindly sponsored by:



FRESHFIELDS BRUCKHAUS DERINGER

The dramatic events of the last eighteen months in the Arab world form the focus of this year Annual Conference entitled: **“International Law, the Rule of Law and Constitutional Change”**

The half day conference will consider the impact of 'Arab Spring' through three panels of expert speakers.

The Rule of Law panel will address issues of lawyering in the Arab Spring; the rule of law in fragile and conflict-affected states; and transitions of the Arab Spring.

The Public International Law panel will deal with the topics of Islamic tradition and universality of human rights; massive violations of human rights and the use of force; and non-proliferation of nuclear weapons.

The final panel of the day will consider international investment law addressing the feasibility of re-structuring of investments in the region; the challenges of working with transitional regimes and the risks for investors; and the imposition of international sanctions for political risk insurance coverage.

For further information and bookings please visit our website: www.biicl.org/events

STAFF NEWS



Lara Blecher has been appointed a Research Fellow on the Climate Change and Security research project, which is funded by the Commonwealth Secretariat and examines issues such as the consequences of climate change on access to water and displacement of people in small island developing states. Lara is a US lawyer, who has studied and worked in the UK for many years. She has expertise in codes of conduct and environmental regulation, as well as on business and human rights, where she has recently completed a research project for the Institute.

Francesca Capone joined the Institute as Research Fellow on the Reparations Project in June. She earned her LLB and LLM in International Law from the University of Naples Federico II, and she is enrolled in a joint PhD Program between the Sant'Anna School of Advanced Studies in Pisa and the International Victimology Institute in Tilburg. She will shortly defend her thesis on the right to reparation for child-victims of armed conflicts.



Visiting Researchers

Professor Malcolm Forster

Professor Malcolm Forster has joined us as a Visiting Fellow for one year. He is a member of the PIL advisory panel and has been extremely helpful with the Climate Change research project. Professor Forster was a partner and is currently a Principal Consultant at Freshfields Bruckhaus Deringer LLP. In addition, he is a Visiting Professor of International Law at UCL.

Dr Antonios Platsas

Dr Platsas is a visiting fellow from the University of Derby where he is Reader in Comparative Law and Member of the Governing Council, lecturing on various areas including Comparative Law and Comparative Jurisprudence. He holds a PhD from Trinity College/ University of Dublin on Convergence of Legal Systems Methodology and prior to this he attained an LLM in International Business Law from the University of London and an LLB in European Law from Coventry University and the University of Potsdam, and has also tutored Comparative Law at Trinity College Dublin. Antonios is a qualified Advocate in Greece.

Professor Sabine Schlemmer-Schulter

Professor Schlemmer-Schulte joins us from the McGeorge School of Law of the University of the Pacific in Sacramento, California. Her research focuses on the reform of the legal framework for capital markets, financial services, trade, and foreign investment in the global economy. Her career spans many well-known institutions, such as the Max-Planck-Institute for International Law in Heidelberg, and the World Bank in Washington DC where she acted as Special Advisor to the Senior Vice President and General Counsel. She is also a member of many international Committees such as the Committee on Sustainable Development of the International Law Association (ILA), and acts as a consultant for international financial institutions. She has also authored or co-authored 8 books and over 30 law review articles.



First Arthur Watts Research Intern in Public International Law

The Institute is delighted to announce the appointment of Rafael Plaza as the first Arthur Watts Research Intern in Public International Law. The Watts internship programme has been established as part of the collaboration between the Institute and Melbourne Law School, made possible by the generous donation of Mr. Allan Myers AO QC of Melbourne, Australia to the Arthur Watts Fellowship fund.

Rafael Plaza is an experienced legal adviser in environmental, natural resources and energy law, currently conducting a PhD on international transmission networks and renewable sources of energy at the Law School of the University of Melbourne. He is JD/Grad Dip of the University of Chile, LLM of the University of Melbourne and LLM in International Taxation of New York University. He is also Associate to the Melbourne Academy for Sustainability & Society (MASS) and to the Centre for Resources, Energy and Environmental Law (CREEL) in Melbourne. Before joining the Institute, he was Visiting Scholar at the Lauterpacht Centre of International Law of the University of Cambridge.

RECENT INSITUTE EVENTS

10th Anniversary of the International Criminal Court: Achievements to Date and Prospects for the Future

On 21 June the British Institute of International and Comparative Law held a conference on international criminal justice in co-operation with the University of Nottingham Human Rights Law Centre, the Foreign & Commonwealth Office and Temple Garden Chambers.

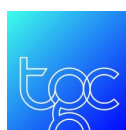
The event brought together 25 distinguished speakers with expertise in international criminal law and more than 100 delegates to mark the 10th anniversary of the creation of the International Criminal Court on 1 July 2012. The program included theoretical and practical perspectives on the achievements of the court in its first decade and reflected on prospects for the future.

Participants, including legal practitioners, ICC staff, NGOs, members of the academic community, and government representatives, engaged in constructive debates which provided many insights and suggestions for the Court on how to move forward. Further information is available on our website and www.biicl.org/news

With thanks to:



Foreign &
Commonwealth
Office



temple garden
chambers

**Human Rights
Law Centre**

The New Face of Brussels I

On 27 June the Institute hosted a seminar on the Brussels I Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, one of the key instruments of European Private International Law which is currently being reviewed.

The evening event examined the various changes which have been suggested by the European Commission in the Review Proposal, some of which have been subsequently amended in the legislative process. This event focused on the latest news from Brussels on the text of the recast. Following the seminar the Institute launched its new publication on the Brussels I Review Proposal, which is available to buy on our website: <http://www.biicl.org/publications/view/-/id/142/>

Forthcoming Events November 2012

Piracy, Terrorism and War: Clarifying the Concepts Involved - 6 November

The event will attempt to identify existing distinctions and overlaps in legal terminology and ideas related to piracy in its various forms. International law experts will clarify the concepts involved and provide additional practical and theoretical insights from perspectives of the law of the sea, maritime law and criminal law. **Speaker: Dr Douglas Guilfoyle**, Senior Lecturer, University College London, Faculty of Law

Out of the frying pan into the fire? The UK's rejection of the new EU Regulation on international successions - 8 November

Speakers from the continent and the UK will present Regulation (EU) No 650/2012 and its main advantages and shortcomings. They will then focus on the difficulties which arise in a cross-border context involving UK citizens and discuss the need for law reform.

36th F A Mann Lecture - 19 November

Keynote speaker: Dame Hazel Genn of University College London

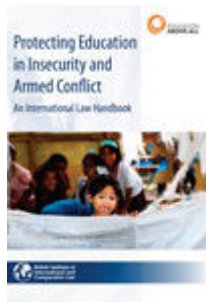
UNCLOS at 30 - 22/23 November, Belfast

The United Nations Convention on the Law of the Sea (UNCLOS) often referred to as the "the constitution of the sea" sets out the legal framework for all matters concerning the world's oceans, including navigation, piracy, maritime jurisdictional boundaries, continental shelf, living and mineral resources and protection of the marine environment. Over 160 State parties have subscribed to the convention and it is still attracting new ones.

This important event to be held in the historic maritime city of Belfast will bring together legal specialists from Sweden, Greece, Turkey, and Japan, and a number of UK experts in a one and half day conference examining both recent developments and current challenges for UNCLOS.

Institute Research

Protecting Education In Insecurity and Armed Conflict



'Protecting Education in Insecurity and Armed Conflict: An International Law Handbook' authored by Kristin Hausler, Nicole Urban and Robert McCorquodale of the Institute, was formally launched on 21 September 2012 in New York City. The event launching the Handbook was organized by Education Above All (EAA), a Qatar-based policy research and advocacy body concerned with the protection of education in insecurity and conflict. Chaired by Professor McCorquodale, the Institute's Director, the meeting gathered many high level representatives of governments, UN bodies and international NGOs to identify opportunities and priorities for enhanced communication, engagement, and collaboration between a range of actors for whom the protection of

education is of concern. In particular, the discussion focused on three core themes derived from the Handbook's conclusion: the need for increased implementation of relevant international law, for strengthened co-ordination and coherence within and between each legal regime and associated supervisory and/or monitoring mechanisms, and for appropriate remedies for violation of that law. The panel included Her Highness Sheikhha Moza bint Nasser, Chair of EAA, Fatou Bensouda, the...

...Cont...

...International Criminal Court Prosecutor, and Ivan Šimonović, the Assistant Secretary-General of the UN Office of the High Commissioner for Human Rights.

The Handbook, widely applauded by participants of the event, is a significant step within the longer process towards ensuring the protection of education during insecurity and armed conflict. Dame Rosalyn Higgins DBE, QC considers this publication to be "an unusual and important Handbook ... [offering] depth and conceptual clarity". This new publication fills a gap in the legal literature through examination of how international human rights law, international humanitarian law, and international criminal law intersect to protect education during situations of insecurity and armed conflict. In so doing, it also highlights how other provisions of international law protect students and educational staff, as well as educational facilities. EAA and the Institute hope that this publication will be widely utilised by those in the legal community with an interest in protecting against education-related violations of international law.

The Handbook is accompanied by a concise Summary written specifically for non-legal audiences. Electronic and downloadable copies (in PDF) of the Handbook and the Summary are available on our website at: <http://www.biicl.org/research/education/>



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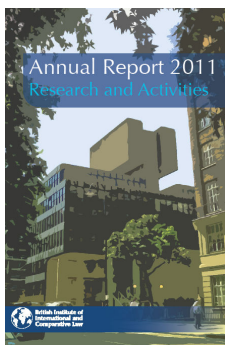
Nicole Urban (BIICL); Sarah Green (EAA); Robert McCorquodale (Director, BIICL); Courtney Erwin (EAA); Reem Al-Khalifa (EAA); Kristin Hausler (BIICL); John Gregg (Director, EAA).

New Publication by Institute Staff - Duncan Fairgrieve & Eva Lein have just published the book "Extraterritoriality and Collective Redress" with OUP. The aim of this book is to examine the extraterritorial impact of collective redress litigation.



This book abandons the approach taken by most traditional analyses which focus on the comparative and socio-legal aspects of collective redress litigation in order to engage with the transnational aspects of the phenomenon. Cross-border collective litigation poses challenges to the traditional approach to conflict of laws issues. This book seeks to identify those challenges, consider the impact that these may have, and examine the solutions that may be available. The editors of this volume have brought together commentary by distinguished academics and practitioners from Europe, the U.S. and Canada. Offering both practical solutions and suggestions on legislative reform, the volume will be of interests to practitioners, academics and legislators.

Publications



The Annual Report 2011

The Annual Report for 2011 was published earlier this summer and is available to download as a pdf now on our website.

International & Comparative Law Quarterly

Volume 61 Part 4 October 2012 issue is out now, and available to Members for free on our website.



The Bingham Centre for the Rule of Law

Bingham Appeal Board - Appointment of Co-Chairs

We are delighted to announce the appointments of Guy Morton, former senior partner at Freshfields Bruckhaus Deringer and Guy Beringer QC, non-executive Chairman of UK Export Finance and formerly a senior partner of the law firm Allen & Overy, as Co-Chairs of the Bingham Appeal Board.

Workshop on Setting Standards for the Rule of Law in Africa

On 29 May 2012 the Bingham Centre for the Rule of Law hosted a closed workshop on 'The Impact of Regional African Courts in Setting Standards for the Rule of Law in Domestic Jurisdictions in Africa'. The workshop was organised by Dr. Mia Swart and attended by a group of academic experts and practitioners in the field of African human rights law. The workshop forms part of an in-depth study of the impact of regional courts that the Bingham Centre is carrying out.

The Rule of Law and Immigration Detention

The Bingham Centre for the Rule of Law was awarded a grant from the Nuffield Foundation to fund its study on 'The Rule of Law and Immigration Detention in Europe'. This project will consider the problems and challenges of immigration detention and the question of appropriate rule of law standards considering law and practice from domestic, regional (EU and ECHR), international and comparative sources. The product will be clear, practical and effective Guidelines identifying necessary standards within a single, accessible document. The Bingham Centre is fortunate to have the expertise of Michael Fordham QC to guide this project, working with Justine Stefanelli, the Maurice Wohl Fellow in European Law.

Director of Bingham Centre Chairs UN Event on the Rule of Law

On 27 September, the Bingham Centre hosted a side event at the United Nations Headquarters in New York (together with the Open Society Foundations and the Republic of Senegal) on the 'The Rule of Law and the Post 2015 Agenda'. Sir Jeffrey chaired an outstanding panel of speakers, which included the Hon. Ms. Aminata Touré, Minister of Justice of Senegal; Mr. Magdy Martinez-Soliman, United Nations Development Program; and Mr. Abdul Tejan Cole, Open Society Foundations' Africa Regional Director. The panelists explored the prospects for promoting a strong rule of law perspective in the UN's post-2015 development agenda. The side event came at a timely moment – earlier that week saw the first ever High-Level Meeting on the Rule of Law in the UN General Assembly and also the first meeting of the High-Level Panel on the Post-2015 Development Agenda.



Bingham Centre and the New Libyan Constitution

The Bingham Centre for the Rule of Law has prepared a series of training materials for a new campaign called *Destoori*, which means 'My Constitution' in Arabic, that has recently been launched by the non-governmental organisation, Lawyers for Justice in Libya (LFJL). LFJL is using these manuals to hold discussions and conduct surveys in Libya about the constitution. LFJL says that *Destoori* "aims to educate Libyan citizens on the constitution making process, to gather public opinion, and to create a connection and sense of ownership between the Libyan people and their constitution". It is hoped that the results of the discussions will be delivered to the Constitutional Drafting Committee in Libya. In September, Naina Patel, the Bingham Centre's new Director of Training and Education, participated in sessions designed to "train the trainers", providing guidance to those who will carry out the campaign on the ground. The Centre would like to extend its thanks to White & Case LLP for their support in printing the training materials. This project follows the Bingham Centre's previous involvement in providing constitutional options to the Libyan Progress Initiative, another body working to promote the rule of law in Libya.

Bingham Centre Team

The Bingham Centre for the Rule of Law welcomes Naina Patel, a barrister at Blackstone Chambers, as our new Director of Education and Training. Naina will be responsible for developing the Centre's training programme in rule of law matters in the UK and internationally, and has already worked with the Centre on a number of projects. We would like to thank outgoing Director of Training and Education, Jonathan Cooper, for his contribution to the Centre's work.