

**British Institute of
International and
Comparative Law**

Advancing legal knowledge for 60 years

Annual impact report 2017/18



1718



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With thanks to all of our members, volunteers, partners, donors, sponsors and funders for their support and engagement.

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Foreword

This year's annual impact report spans the first part of our 60th anniversary year, a time of celebration, change and new developments for BIICL.

Not the least of these was the appointment of a new BIICL Director when Robert McCorquodale decided to step down at the end of 2017, after ten very successful and transformative years. Following an extensive recruitment process, we were delighted to appoint Professor Spyros Maniatis as our new Director, who will be joining us full-time from September 2018.

Since 1958, BIICL has made many important contributions to the development and understanding of international and comparative law, and of the rule of law. While the organisation has grown and evolved considerably, we have consistently maintained our mission to advance knowledge and understanding in our areas of expertise through our applied research, publications, training and events, all underpinned by academic rigour and our independent status. International law provides a vital framework for dealing with the conflicts and global challenges we all increasingly face, and, we strongly believe, in helping to make the world a better place for everyone. We submit that this matters as much now, if not more than, it has always done.

In this year's report, we highlight some of the key impacts and achievements of our work over the last year. Alongside these, we also feature some historic examples of BIICL's work that still resonate with many of our interests and activities today.

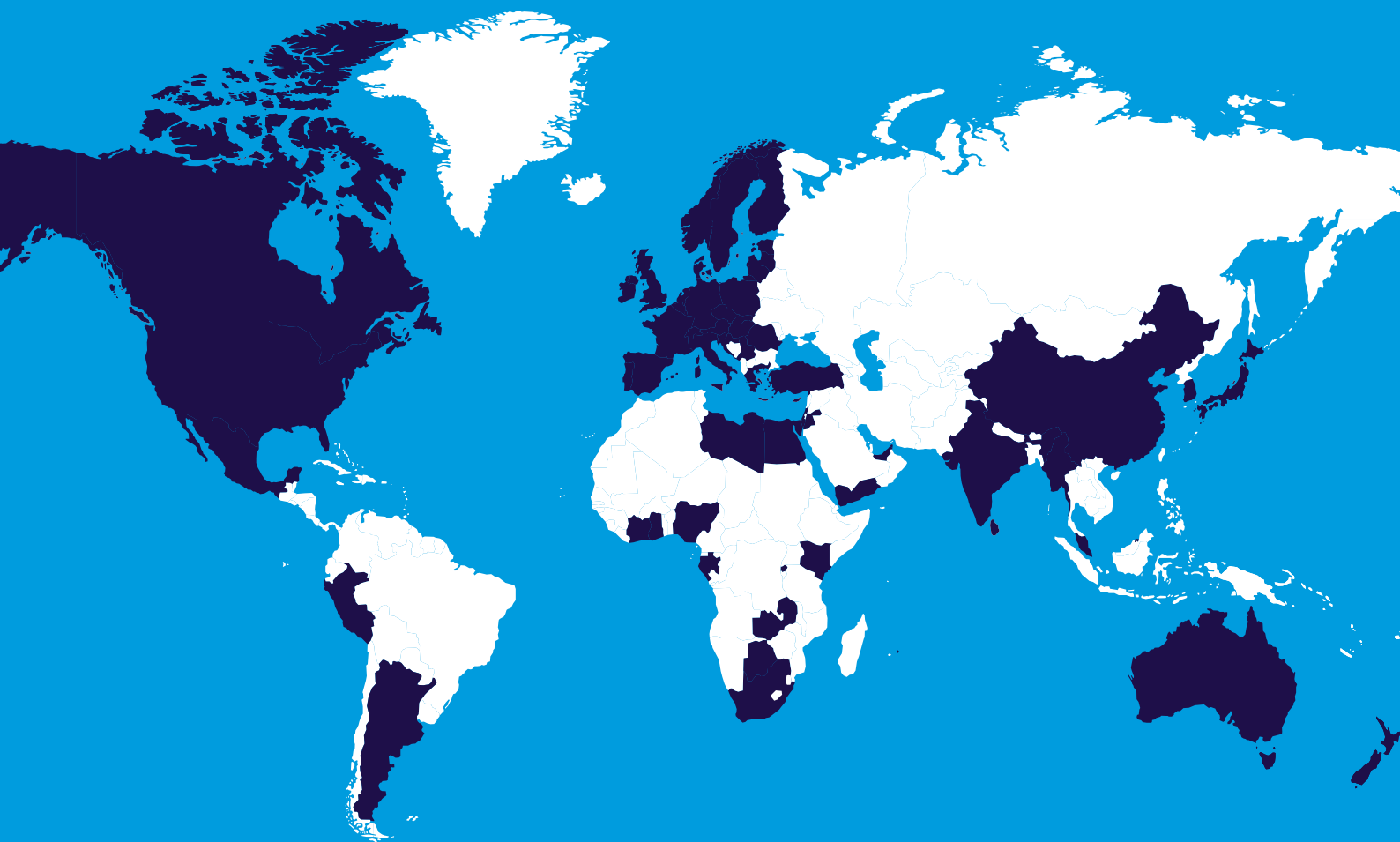
A major challenge for BIICL over the next couple of years will be the refurbishment of our long-standing home within Charles Clore House, alongside the Institute of Advanced Legal Studies. The building requires an extensive uplift of its services and infrastructure, which have been largely untouched since it was built in the 1970s. It will also give us the opportunity to improve our public events space and the working environment for our staff, ensuring that BIICL's vital work is able to continue in a modern and accessible way. We are delighted that Lord Neuberger has agreed to lead our anniversary appeal, (see p 25), which aims to make a substantial contribution to the significant costs of this work. We very much hope that you will consider supporting us in this.

Keith Ruddock, Chair of BIICL Board of Trustees

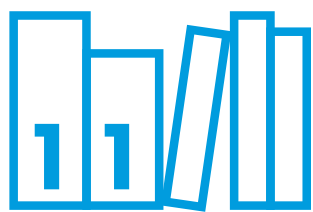
BIICL around the world

Our work has covered the following countries:

All EU countries, plus:	Libya
Argentina	Malaysia
Australia	Mauritius
Botswana	Mexico
Burma	Moldova
Canada	Montenegro
China	New Zealand
Cote de Ivoire	Nigeria
Dubai	Norway
Egypt	Peru
Gabon	Serbia
Ghana	Singapore
India	South Africa
Israel	Sri Lanka
Japan	Switzerland
Jordan	Turkey
Kenya	USA
Korea	Yemen
Kosovo	Zambia



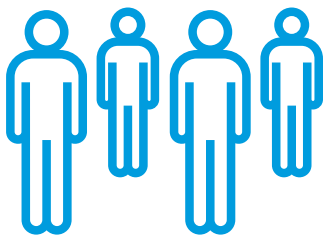
Overview of our work and activities



11 research reports and books



93 media mentions, articles and blogs



458 members



34 journal articles and book chapters



86 presentations



78 events



7 Brexit FAQs and podcasts



Over 4,500 event attendees



16 submissions to consultations

Promoting international peace and security



In 2017/18, we undertook new research on international territorial disputes and the extent to which these are effectively regulated under international law. Our collaborative project on cultural heritage law entered its third, and final, year against the backdrop of a new UN resolution which regards attacks on cultural heritage on a similar level to other threats to international peace. We made submissions on modern slavery issues to the UK and Australian governments. A long-running international humanitarian law project with the British Red Cross was also completed which saw the production of a handbook and a user-friendly field guide for media professionals reporting from conflict areas.

Territorial disputes

There are disputes over territory in almost every region of the world, sometimes leading to escalations and violence between States and threatening international peace and security. International law requires States to refrain from the threat or use of force and to attempt to settle their disputes by peaceful means in such a manner that international peace, security and justice are not endangered. Our new project on this topic builds on BIICL's established scholarship in maritime and territorial disputes. The research considers the rules regulating the threat or use of force between States in international law and examines how these rules operate specifically in the context of territorial disputes. The project analyses a wide range of territorial disputes to clarify the legal obligations binding upon States involved in such disputes and the consequences flowing from a breach of these obligations.

An international expert conference for the project was held in London in March 2018. Over 40 leading international law experts attended the event for an animated and wide-ranging discussion on the questions raised by the jurisprudence and State practice on this issue. Dapo Akande (University of Oxford), Nicholas Tsagourias (University of Sheffield), Robert Volterra (Volterra Fietta) and Judge David Anderson, CMG (Former Judge, International Tribunal for the Law of the Sea), acted as Panel Chairs, each providing reactions to the presentations and comments on the research team's discussion paper.

The final project report is due for publication later in 2018.

See www.biicl.org/sovereignty-disputes-over-land-territory

Constantinos Yiallourides, Markus Gehring, Jean-Pierre Gauci, Anna Khalfauoui and Matthew Clare.

Modern slavery and labour market submissions



During 2017 there were a number of global developments targeted at addressing the phenomenon of modern slavery. The introduction of the UK's Modern Slavery Act in 2015 has influenced the consideration of similar legislative proposals in Australia, Hong Kong and New Zealand.

Based on our research in business and human rights, BIICL made submissions to the UK Director of Labour Market Enforcement to inform the 2018/2019 Labour Market Enforcement Strategy. The final strategy cites BIICL's submission on a number of key issues, including the extent of exploitation risk in UK supply chains; the power of public procurement; the problems with simplistic solutions, such as limiting the length of supply chains; and on the force of joint liability as an incentive for compliance.

BIICL also made a submission to the Australian Government on the design of the proposed Australian Modern Slavery Act. In particular, our submission highlighted the importance of a public list or registry of the entities required to comply with the reporting requirement, which is absent from the UK's Modern Slavery Act regime. This public registry will be a feature of the Australian legislation.

Robert McCorquodale, Lise Smit and Gabrielle Holly

**"Grotius would be grateful
we are still fighting,
standing up for his
international society..."**
Zeid Ra'ad Al Hussein,
Grotius lecture, June 2017



**In 2017, we published
34 journal articles and
book chapters**

Protection of cultural heritage



On 24 March 2017, the United Nations Security Council unanimously adopted Resolution 2347, the first to focus exclusively on the destruction and trafficking of cultural heritage in situations of armed conflict, in general, and at the hands of terrorist groups, in particular. Attacks against cultural heritage are thus now considered on a similar level as other threats to international peace, such as the proliferation of weapons of mass destruction or arms trafficking. BIICL's involvement in an EU project on right to cultural heritage continued into its third year, with our research on this topic being used as a resource for training participants in armed conflict on the rules applicable to the protection of cultural heritage.

As a key actor in the art market, the UK also has a crucial role to play in the fight against antiquities trafficking. With Brexit looming, BIICL has considered the potential impact on the legislation regarding the import of cultural goods. In addition to presenting some of the key questions in an FAQ briefing, we also hosted a workshop for cultural heritage stakeholders to discuss the issues arising out of Brexit, amongst others.

See www.biicl.org/culturalheritagelaw

Kristin Hausler and Camila Adach

Marking International Justice Day

On 17 July 2017, BIICL marked International Justice Day with an event at the Foreign and Commonwealth Office to discuss the current challenges faced by international criminal justice, in particular with regard to the situation in Syria. The event included the screening of *Syria's Disappeared: the Case against Assad*, a Channel 4 documentary which presents a haunting account of the torture suffered by thousands of detainees under the Syrian regime, allegedly for having taken part in the revolution movement. The fate of many detainees remains unknown, despite ongoing attempts by their relatives to obtain information.

Participants at the event included the former Attorney General, the Rt Hon Jeremy Wright QC, and the then President of the International Criminal Court, Judge Silvia Fernández de Gurmendi, who reflected on the successes and shortcomings of the ICC on the day of the 19th anniversary of the Rome Statute signature and the 15th anniversary of the Court itself. This event was hosted in association with Temple Garden Chambers and Debevoise & Plimpton LLP.

See www.biicl.org/event/1260/international-justice-day-event

Kristin Hausler

“BIICL’s reputation for combining rigorous research and analysis with the practical application of the law, and the respect in which it is held by important stakeholders, made them an obvious partner for us.”
Michael Meyer, Head of International Law, British Red Cross

Global threats to international human rights law

United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, delivered BIICL’s annual Grotius lecture in June 2017. He spoke compellingly on the threat to human rights law internationally in a climate of increased nationalism. He warned how the struggle against terrorism may be exploited by governments around the world to close down democratic space and roll back human rights advances.

See www.biicl.org/event/1248/annual-grotius-lecture-2017

Robert McCorquodale

Media professionals and international humanitarian law

A project on the legal rights and responsibilities of media professionals in armed conflict areas, commissioned by the British Red Cross, was completed in Spring 2018. This research examined how international humanitarian law (IHL) protects the media in conflict zones and also considered the IHL responsibilities of media professionals who report from armed conflict areas. The project builds on the ongoing work of the British Red Cross aimed at increasing awareness and understanding of IHL among media professionals.

A handbook and a user-friendly field guide for media professionals on dangerous professional missions have now been finalised and will be launched later in 2018.

See www.biicl.org/research-mediaandihl

Nicole Urban (former Research Fellow), Andraz Zidar (former Senior Research Fellow) and Robert McCorquodale



Advancing legal knowledge
in global affairs for 60 years

The principal event of 1973 was an international conference on *New Directions in the Law of the Sea*. This was “one of the most satisfying major conferences so far mounted by the Institute; it was concerned with urgent topical problems, was genuinely inter-disciplinary in approach, and was attended by some two hundred delegates, who included representatives from Governments, international lawyers from the Universities, business concerns in a large number of maritime countries, together with economists, geologists, biologists, fisheries experts and conservationists”.

BIICL annual report 1973

Engaging with business

This year saw the first Business Network-funded project on business and human rights issues which has produced valuable recommendations for companies working in environments where human rights may be under threat. We also continued to engage with the international business community through the Bingham Centre's Global Rule of Law Exchange Programme, supported by global partner, Jones Day. Other emerging areas of work included the development of FinTech regulation in emerging nations and potential challenges for the regulation of artificial intelligence and big data in the UK.

Artificial intelligence, big data and the rule of law



Artificial intelligence and big data offer many opportunities and significant challenges for the Rule of Law. In October 2017, the Bingham Centre, in partnership with The Law Society, organised an event where leading experts explored: the use of algorithms in decision-making; the human rights implications of automated decision-making, including the occurrence of algorithmic discrimination and bias; the Rule of Law and the principles of fairness, predictability, transparency and accountability; and emerging good practice and possibilities for regulatory oversight in this field. Speakers included representatives from the Information Commissioner's Office, academia and civil society.

See www.biicl.org/event/1280/artificial-intelligence-big-data-and-the-rule-of-law

Lucy Moxham

Competition in Financial Services

In February 2018, BIICL held its inaugural conference on *Competition in Financial Services*. At a time when Brexit is looming, FinTech innovation is rapid and regulators are highly active, the conference considered the practical implications of the interplay between antitrust and other conduct rules. The expert panel also examined information exchange in financial services with a focus on lessons learned from the insurance sector and syndicated lending investigations.

See www.biicl.org/event/1301/competition-in-financial-services

Liza Lovdahl Gormsen

The Global Rule of Law Exchange Programme

The Global Rule of Law Exchange (GROLEX) seeks to explore and address key challenges posed by global development and its relationship to the Rule of Law. Among other things, the Exchange considers the place of the Rule of Law in emerging economies, including such issues as access to justice, administrative justice and corruption.

This year the GROLEX Programme has undertaken research on civil asset forfeiture mechanisms in developing countries, and organised a range of outreach activities, training and events. These included a roundtable discussion on the international prosecution of bribery in the US and the UK; an event in Brussels on the implications of Brexit for doing business; and the second Exchange annual conference on legal and regulatory challenges for SMEs in Africa.

The Global Rule of Law Exchange Programme continues to be supported by Jones Day.

See <https://binghamcentre.biicl.org/ruleoflawexchange/index>

Mat Tromme and Justine Stefanelli

“Companies crave legal certainty when making business decisions. This report identifies the ambiguity surrounding the topic and helps frame a path forward out of these difficult situations. It will be really useful for companies as they look to draw up their own processes and codes of conduct.”

Mark Gregory, General Counsel at Rolls-Royce and member of the Business Network

Business Network research on business and human rights

The Business Network is comprised of leading companies who have pledged their commitment to supporting and advancing the Rule of Law. The Network provides a forum for members to raise and discuss Rule of Law challenges.

This year saw the launch of the Network’s first project, which explores the issues for business when national law conflicts with international human rights standards.

The *UN Guiding Principles on Business and Human Rights* expect business enterprises to respect human rights wherever they operate. Where the local legal context contradicts international standards, companies are expected to “seek ways to honour” the principles of internationally recognised human rights. To date, there has been little guidance on how business can seek to respect international human rights standards when national laws or practices are in conflict with them.

The report provides practical recommendations to businesses on how to address these kinds of conflicts through their human rights due diligence processes. It categorises eight types of conflict that companies face, and sets out a range of approaches to address these.

See www.biiicl.org/conflicts-between-human-rights-law-and-nat-practice

Lise Smit, Arianne Griffith and Robert McCorquodale

Human rights due diligence in supply chains

After a successful project with Norton Rose Fulbright on human rights due diligence (HRDD) in 2016, BIICL and Norton Rose Fulbright undertook a follow-up project in 2017/18, focusing on HRDD in supply chains. The study analyses the rapidly evolving global regulatory framework, as well as current business practices. It covers questions such as addressing human rights impacts beyond first tier suppliers, how to use leverage in the absence of a contractual relationship, and how to undertake HRDD when information about human rights risks is not readily available.

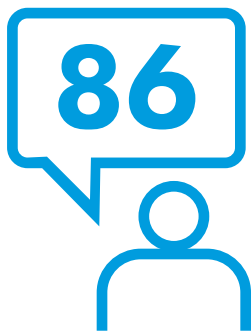
As part of this project, BIICL and Norton Rose Fulbright co-hosted a session at the 2017 annual UN Forum on Business and Human Rights in Geneva, with support from Hogan Lovells and Foley Hoag, on “Human rights remedies up and down the value chain – legal innovation and its practical impact”.

See www.biiicl.org/duediligence

Lise Smit, Gabrielle Holly and Robert McCorquodale

“Global supply chains continue to increase in complexity and it is vital that companies build a complete picture of the impacts that their activities have on human rights, local communities and the environment”

**Milana Chamberlain,
Partner, Norton Rose
Fulbright**



**In 2017, we gave
86 presentations on
our work**

Regulatory challenges underlying FinTech in Kenya and South Africa

Technological innovation in finance (FinTech) is rapidly changing the way that financial markets operate, as new technological solutions compete with traditional banking products and services across the world.

In preparation for the second annual Global Rule of Law Exchange conference, the Bingham Centre prepared a conference paper with the Good Law Foundation, on FinTech regulation in Kenya and South Africa.

In Sub-Saharan Africa, FinTech presents opportunities that have not existed before. The introduction of mobile money has played an important role in reducing the number of people without access to bank accounts in Kenya and Tanzania. At the same time, growth in highly successful FinTech businesses across the region remains low because new technologies are not adopted evenly.

Fintech also presents challenges for the regulators as such solutions often do not fit into existing regulatory frameworks. Domestic regulation can be more difficult to apply when financial services are delivered in this way.

Following on from this report, the Bingham Centre will continue to be involved in the various working groups set up by the Good Law Foundation to engage policy-makers and take forward policy recommendations.

**See [www.biicl.org/
documents/1814_regulation_of
fintech_in_kenya_and_south
africa_v_1.pdf?showdocument=1](http://www.biicl.org/documents/1814_regulation_of_fintech_in_kenya_and_south_africa_v_1.pdf?showdocument=1)**

Anton Didenko



**Advancing legal knowledge
in global affairs for 60 years**

In July 1964, BIICL held a two-day conference, in co-operation with the Ditchley Foundation, on *The Expansion of World Trade: Its Legal Problems and Techniques*. The conference brought together “between 30 and 40 leading experts on international economic law from the United States, the European Continent and the United Kingdom”.

BIICL annual report 1964

Proposing legal reform

The legal and rule of law consequences of Brexit have been a major focus for much of our UK-based work during the year. The Bingham Centre's involvement in the debate over withdrawal from the EU has helped parliamentarians to consider the rule of law implications and to generate informed debate about the issues raised. The Centre has also continued to provide an expert resource for the All Party Parliamentary Group for the Rule of Law. Other work has included research for the Ministry of Justice to inform decisions on the new Personal Injury Discount Rate. The Bingham Centre, in partnership with the University of Cape Town, has seen further dissemination of its work on the Cape Town Principles, which provide practical guidance for States on how to secure judicial independence.

The rule of law and parliament

The EU (Withdrawal) Bill provides the framework for the UK's separation from the EU legal order and poses a number of challenges to the rule of law. The final terms of the Bill will have an impact on everyone from lawyers, parliamentarians and judges to businesses and the general public. In 2017, the Bingham Centre, in partnership with University College London's Constitution Unit, provided support to an *Expert Working Group on the EU (Withdrawal) Bill and the Rule of Law* consisting of academics, parliamentarians and members of civil society. Its work was intended to assist parliament in performing its important role of ensuring that the legislation it passes is compatible with the requirements of the rule of law, and to inform wider public discussion of the Bill's implications for the rule of law.

A number of reports and briefings for parliamentarians were prepared by the Centre and the Constitution Unit as a result of the regular meetings and discussion among the Group members. Briefing papers were distributed to parliamentarians ahead of debate, identifying key questions and issues.

During debate in the House of Lords in early 2018, a report produced by the Centre was cited by several members, including Lord Goldsmith speaking on whether the EU Charter of Fundamental Rights should be retained in UK law after Brexit:

"The [Government's] proposition is that the Charter does no more than codify existing rights and principles, so it is not necessary to bring it in. It has been said, for example, by the very distinguished and independent Bingham Centre for the Rule of Law that that proposition is demonstrably not correct. It sets that out in a detailed report that I commend to noble Lords..."

See <https://binghamcentre.biicl.org/withdrawalbillworkinggroup>

Justine Stefanelli and Murray Hunt

Review of the personal injury discount rate

The personal injury discount rate (PIDR) is the percentage used to adjust compensation awards for victims of serious personal injury, according to the amount they can expect to earn by investing it.

BIICL was commissioned by the Ministry of Justice to produce a comparative Briefing Note on the *Discount Rate applying to Quantum in Personal Injury Cases*. The paper was referenced in several places by the Justice Select Committee in its review of the proposed legislation. BIICL's research influenced the measures to change the way compensation pay-outs are calculated which were unveiled by the then-Lord Chancellor, David Lidington, in September 2017.

See www.gov.uk/government/news/reforms-to-compensation-payouts-announced

Duncan Fairgrieve and Jean-Pierre Gauci

“The Cape Town Principles provide welcome guidance ... which should in turn contribute to the enhancement of the rule of law and independence of the judiciary across the Commonwealth.”

**Justice Kate O’Regan,
Director, Bonavero
Institute of Human Rights,
University of Oxford**

Securing judicial independence



Since 2014, the Bingham Centre has been involved in an international research project with the University of Cape Town, examining the judicial appointment and selection bodies that operate in leading Commonwealth jurisdictions. Such bodies are important for judicial independence and also have responsibility for designing and maintaining a selection process that will recruit judges of the highest integrity and professional excellence and be reflective of the diversity of their society.

From this research the *Cape Town Principles on the Role of Independent Commissions in the Selection and Appointment of Judges* were created. The Principles provide practical guidance to constitution-makers, legislators and existing judicial appointment commissions or equivalent bodies, identifying ways in which processes for the selection and appointment of judges can strengthen the independence of the judiciary and the rule of law, while preserving sufficient adaptability to suit national legal systems. Governments and judicial bodies have requested permission to translate the Principles with versions so far available in Spanish, Portuguese, Bulgarian and Burmese (and a version in Ukrainian is in progress).

In November 2017, the Cape Town Principles were cited in an analysis of controversial recent reforms of the Supreme Court in Poland by the Organisation for Security and Co-operation in Europe. They are also referred to in the Rule of Law Checklist of the Venice Commission.

In 2017, the research group also published *Securing Judicial Independence: The Role of Commissions in Selecting Judges in the Commonwealth*, a volume of essays on judicial selection practices in Canada, England and Wales, Kenya, Malaysia, Nigeria and South Africa. Jan van Zyl Smit, Bingham Centre project lead, gave presentations about the project on a number of platforms, including a symposium on Strengthening Judicial Institutions hosted by the Justice Sector Training, Research and Coordination Program (JSTRAC) of the US State Department, and a panel discussion on judicial appointments and integrity at the launch of the UN Office on Drugs and Crime (UNODC) Global Judicial Integrity Network.

See www.biicl.org/binham-centre/projects/capetownprinciples

**Jan van Zyl Smit with Hugh Corder
(University of Cape Town)**

The All Party Parliamentary Group (APPG) for the Rule of Law

Parliamentarians are central to upholding the rule of law in the UK's constitutional system, holding the government to account and ensuring that the legislation it produces does not offend rule of law principles. However the rule of law is not regularly used as a reference point in the legislative work of the House of Commons or the Lords and, it is seldom used as an analytical tool for the analysis of government decision making. As a result, the role of the chambers in preserving related concepts such as judicial independence and human rights can be compromised.

The Bingham Centre provides the secretariat for the All-Party Parliamentary Group (APPG) on the Rule of Law, with funding support from the Legal Education Foundation. During 2017, APPG meetings covered a range of topics including: parliamentary accountability of the security and intelligence services; the UK's risk of complicity in unlawful acts; the role of the UN universal periodic review in assessing the UK's human rights record; and EU law, the investigatory powers act and UK-EU cross-border crime and security cooperation. In addition the APPG for the Rule of Law organised a discussion with the UN Special Rapporteur on the independence of judges and lawyers, in partnership with the APPG for Human Rights.

These meetings, along with the Centre's regular briefings to members, work to improve parliamentarians' understanding of the rule of law and help them to apply the concept in their work.

See <https://binghamcentre.biicl.org/appg-rule-of-law>

Michael Olatokun, Murray Hunt, Justine Stefanelli with Swee Leng Harris (Legal Education Foundation)



Advancing legal knowledge
in global affairs for 60 years

In 1999, BIICL was engaged in a Judicial Support programme for Russia, funded by the Know How Fund, and in partnership with the British Council and the College of Law. The programme's objectives covered judicial training and retraining, court administration and enforcement of judicial decisions. In November 1999, BIICL organised a successful one week course on the role of the judge in society, as part of the programme.

BIICL annual report 1999



In 2017, we achieved
93 media mentions,
articles and blogs

Clarifying access to justice



Access to justice remains a critical issue for many people around the world. This year, we produced a new report on access to justice for people with disabilities, highlighting challenges and examples of international good practice. We also led two important studies on collective redress, analysing the extent to which the EU Recommendation on this topic has achieved its policy objectives including enhanced protection of consumers, more efficient justice systems, and an effective right to compensation. Other work included expert input into a review of the justice system in Kosovo and assistance with an international consultation on access to legal aid.

Collective redress

During 2017/18, BIICL extended its expertise in collective redress via two important projects. Firstly, we undertook a study for the European Commission, analysing the state of collective redress in the EU in the context of the implementation of Commission Recommendation (2013/396/EU) on common principles for injunctive and compensatory collective redress mechanisms in the Member States. BIICL led the study on behalf of a research consortium comprising Civic Consulting and Risk & Policy Analysts (RPA), and supported by the Office for Economic Policy and Regional Development (EPRD).

According to the Recommendation, Member States should have collective redress mechanisms available to achieve EU policy objectives, such as better enforcement of EU law, protection of consumers, improvement of access to justice, better efficiency of justice systems, avoidance of abusive litigation and an effective right to compensation.

The study carried out a first assessment of progress which has assisted the Commission in evaluating whether the Recommendation has led to: the introduction or development of efficient collective redress regimes in the Member States; whether these regimes coherently take into account the principles set out by the Recommendation; and whether the Recommendation has achieved its policy goals.

BIICL also worked with the German public body, the Gesellschaft für Internationale Zusammenarbeit (GIZ), on a second collective redress project during the year. As part of this project, BIICL undertook comparative law research on a selection of six key European Member States (Belgium, France, Germany, the Netherlands, Sweden and England & Wales). This drew upon prior BIICL research, and

enabled further updating of our collective redress web resources on relevant legislation, reform initiatives and case law.

See www.collectiveredress.org/collective-redress/

Eva Lein and Duncan Fairgrieve with Rhonson Salim, Andy James and colleagues from Civic Consulting, RPA and EPRD

Judicial cooperation in a wider Europe

The fact that the UK will no longer participate in EU measures in the area of civil justice cooperation after Brexit will leave a large legislative gap, as this area comprises an important number of EU Regulations. This year, BIICL's private international law team began work on a project on post-Brexit perspectives of judicial cooperation in a wider Europe. The project is funded as part of Herbert Smith Freehills' continuing support for our Private International Law programme.

The project is producing a detailed analysis of different models for future UK-EU civil justice cooperation. This includes assessments of: the Hague 2005 Convention and ongoing judgment project; the EU's relationships with Denmark and Lichtenstein; and an analysis of issues that currently arise in civil justice cooperation with the non-EU Lugano States (Iceland, Norway and Switzerland).

Eva Lein and Hayk Kupelyants

“We wanted to research the issues concerning access to justice for people with disabilities around the world, so the report looks at examples from various jurisdictions. It is clear that more needs to be done to breakdown some of the additional barriers to access to justice often faced by those with disabilities. We hope this report will raise awareness of these issues and ultimately lead to enhanced access to justice for some of the more vulnerable in society.”

**Andrew Mackenzie,
Co-Vice Chair of the IBA
Access to Justice and Legal
Aid Committee**

Access to justice for persons with disabilities: from international principles to practice

People with disabilities face disproportionate socio-economic marginalisation, resulting in poorer health and medical treatment, lower quality of education, limited employment prospects and broad-ranging restrictions on their community participation. Access to justice, as a fundamental right in itself and as a precondition for the enjoyment of all other rights, is especially crucial for this category of vulnerable people, and provides a unique tool to counter the discrimination (and often disrespect, lack of dignity or even violence) that they face. Paradoxically, however, those who need effective access to justice most are the ones who most frequently encounter barriers.

The Bingham Centre for the Rule of Law conducted an international study, commissioned by the International Bar Association’s Access to Justice and Legal Aid Committee, on access to justice for people with disabilities and the challenges they face, whether as accused, victims, witnesses, or bearers of other interests.

The study identifies barriers to access to justice for persons with disabilities; gathers examples of solutions used to overcome those barriers; and provides insights into how examples of good practice may be transferable internationally to inform future practices. It explores how a rights-based approach grounded in effective access to justice could help to ensure that justice policy, planning and implementation take appropriate account of the input and needs of people with disabilities.

The report was launched at the IBA Annual Conference in Sydney and is publicly available online on the IBA and Bingham Centre websites.

The research team also produced two short pieces for specialist disability and mental health blogs, bringing together best practices on disability and criminal justice drawn from the report.

See: <https://binghamcentre.biicl.org/bingham-centre/accesstojustice-iba2017-disability>

**Julinda Beqiraj and Lawrence
McNamara with Victoria Wicks**

Access to Legal Aid

Over 2017/18, the Bingham Centre provided expert support to an International Bar Association (IBA) consultation on access to legal aid in civil, administrative and family justice systems. The first step of the process was a very successful Legal Aid Roundtable in May 2017 in Belfast.

For Phase 1 of the project, the Bingham Centre prepared the initial consultation document, taking into consideration the findings of the May 2017 roundtable. The IBA then managed the consultation process and sought responses from both its members and non-members from July 2017 to January 2018.

For Phase 2 of the project in 2018, the Bingham Centre carried out a full analysis of the consultation responses received.

See www.biicl.org/bingham-centre/projects/accesstolegalaid

**Lucy Moxham, Lawrence McNamara
and Olivia Percival**

“Kosovo needs accurate data and updated statistics. This is one of the recommendations of the report. I encourage you to take into account these recommendations.”

**Nataliya Apostolova,
Head of EU Office in
Kosovo/EU Special
Representative**



**In 2017, we published
11 research reports and
books**

Strengthening the Quality and Efficiency of Justice in Kosovo*

Since its Declaration of Independence in February 2008, Kosovo* has undertaken important steps to improve and guarantee the efficiency and quality of its justice system. However, such reforms may take a long time to implement and impacts can often only be seen and measured several years' later.

Analysing the ways justice sector reforms operate and their overall impact on the different components of the justice system is essential to improving access to justice and promoting timely and high quality outcomes. Continuous monitoring and evaluation is equally vital in identifying trends and pitfalls, understanding the reasons behind them and selecting the right tools to address them.

In the framework of an EU/Council of Europe (CoE) joint programme on *Strengthening the Quality and Efficiency of Justice in Kosovo*, the CoE Commission for the efficiency of justice (CEPEJ), with the support of the Bingham Centre, produced an in-depth assessment of the judicial system in Kosovo.

The report provides a relevant diagnosis of the judicial system through scientific data collection, processing and analysis. Main interlocutors and stakeholders in Kosovo were involved and consulted in the collection of data. The report is an essential first step towards the identification and implementation of efficient solutions for improving the quality of justice as a public service and includes 19 practical recommendations.

See <https://binghamcentre.biicl.org/justicekosovo>

Julinda Beqiraj

* All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.



**Advancing legal knowledge
in global affairs for 60 years**

In 2004, BIICL's Commonwealth Legal Advisory Service provided advice on "a variety of practical matters, including a comparative analysis of contempt of court proceedings in several European States and possible conflict with the European Convention on Human Rights; lawyer-client (legal professional) privilege; implementation of the UN Convention on the Rights of the Child and the UN Convention on Transnational Crime; licensing and assignment rights; and immunity of legislative bodies".

BIICL annual report 2004

Building legal capacity and understanding



Our work in building legal capacity and understanding has included regular courses in public international law and the rule of law, as well as bespoke training for UK government officials and the publication of new materials for young people on international law and human rights. Our wide-ranging events programme continued to promote legal understanding, while new FAQ briefings and podcasts highlighted more of the legal challenges around Brexit. During the year, we also worked with the Centre for International Governance Innovation (CIGI) to produce a series of detailed papers on Brexit-related issues.

New skills for the UK government legal service

UK government lawyers often have limited knowledge about certain areas of international law, which have been dealt with by Brussels for the last 40 years, including international trade law and international investment law. To deal with the legal challenges for the UK in leaving the EU, it is important to equip government lawyers with this necessary knowledge.

During 2017, BIICL experts conducted specially tailored seminars on international public law, international trade law and international investment law for government officials. Sessions were attended by lawyers working for the Prime Minister, Ministry of Justice, Home Office, the Department on Exiting the European Union and the Department for the Environment, Food & Rural Affairs, among others. These practical seminars involved case studies linked to various Brexit scenarios and will equip those attending with the essential knowledge of areas critical to successful transition to the post-Brexit legal regime.

Robert McCorquodale, Yarik Kryvoi and Markus Gehring

BIICL events for debate and information

The BIICL events programme in 2017 provided an opportunity to hear the commentary of experts and to discuss many topical issues. Events also provided a platform to disseminate and refine BIICL's research at its final stage before publication. During the year seminars and conferences at BIICL were hosted in tandem with law firms, universities and agencies such as the Competition and Markets Authority, the Foreign and Commonwealth Office and the Arts and Humanities Research Council.

See www.biicl.org/events

CIGI-BIICL Brexit Papers

Brexit: The International Legal Implications is a series of papers published on the BIICL and CIGI websites during 2017 which examines the political, economic, social and legal consequences of the UK's 2016 referendum vote and the government's response to it. The series features contributions from international law practitioners and academics from the UK, Canada, the US and Europe, explaining the challenges that need to be addressed in the diverse fields of trade, financial services, insolvency, intellectual property, environment and human rights. The papers are also available as a book, entitled *Complexity's Embrace*.

See www.biicl.org/brexitresearch/cigibiiclbrexithpapers

Eva Lein with Oonagh Fitzgerald (Centre for International Governance Innovation (CIGI))

“Assessors felt that the [Bingham Centre] resource was exemplary and met all the learning objectives that it set out to.”

Citizenship Foundation assessor



Developing legal capability in young people



The lack of legal capability in Britain means that a substantial proportion of the public do not possess the skills and confidence to deal with legal issues that arise in everyday life. The Bingham Centre’s educational resources for young people enable school students to learn about the fundamental aspects of the justice system and the international legal order, with the aim of creating a generation of adults with the capabilities to resolve legal problems in everyday life and to participate actively in their democracy.

Since the project’s inception, over 400 schools across England have used the Bingham Centre’s citizenship materials. In June 2017 new resources for Key Stage 4 students were launched covering international law and human rights; these were awarded the Citizenship Foundation’s SmartLaw Quality Mark. The Bingham Centre Research Fellow for Citizenship also spoke to a wide range of student groups about current Rule of Law challenges.

See <https://binghamcentre.biicl.org/schools>

Michael Olatokun, Xiao Hui Eng (former Research Fellow) and Lawrence McNamara

Frequently Asked Questions

Throughout 2017/18, BIICL has monitored the changing regulatory environment and provided updates on the possible impact of Brexit on individuals, business and the justice system.

We have published FAQ briefings on the impact of Brexit covering a diverse range of topics, including EU non-discrimination law in the UK, financial disputes, international education and EU criminal justice rights in the UK. In addition, BIICL began a series of Brexit podcasts which looked at the impact of Brexit on competition law, business and human rights and international education.

See www.biicl.org/brexit

Justine Stefanelli, Julinda Beqiraj, Jean-Pierre Gaudi, Markus Gehring, Arianne Griffith, Kristin Hausler, Liza Lovdahl-Gormsen, Michael Olatokun, Rosie Slowe and Lise Smit

Research Assistants’ Programme

BIICL’s Research Assistants’ Programme continues to provide structured paid opportunities for those in the early stages of a research career, with opportunities to gain valuable experience in our areas of expertise. During 2017, BIICL employed 14 Research Assistants across a diverse range of legal areas and projects including public international law, business and human rights, cultural heritage law, competition law and the rule of law.

We are currently funding the majority of these posts each year from our own Strategic Initiatives Fund, but would welcome donations to support and extend this programme.

See www.biicl.org/researchassistants

“Excellent – extremely helpful, comprehensive overview of PIL. I would highly recommend the course to others.”

Public International Law in Practice course attendee, April 2017



During the year over 4,500 people attended events at BIICL

Short courses

BIICL's popular Public International Law in Practice course continues to provide training across a broad range of public international law areas and to enable debate on topical issues. In addition to our regular programme, the Bingham Centre offered a one-day training course on Brexit and the Rule of Law. The course covered specific rule of law aspects of withdrawal, including the foreseeability and accessibility of the EU (Withdrawal) Bill, the extent to which EU migrants in the UK might receive effective access to justice, and the impact of Brexit on the border between Northern Ireland and the Republic of Ireland. Alongside Bingham Centre staff, the course benefited from input from other experts including Professor Catherine Barnard, University of Cambridge, and Professor Paul Craig from the University of Oxford.

Participants on our courses included those working in private practice, industry, academia and government.

See www.biicl.org/training

Course leaders: Yarik Kryvoi, Robert McCorquodale and Justine Stefanelli



Advancing legal knowledge in global affairs for 60 years

In 1977, BIICL offered its then annual programme of summer courses in Modern English Law, European Community Law, Modern German Law and Advanced Modern German Law. Courses were open to “students from any country ... with over two hundred students registered”. A further training course in French Law for early career British lawyers was organised in collaboration with the British Council, the Institut Français du Royaume-Uni and the University of Aix-Marseille.

BIICL annual report 1977

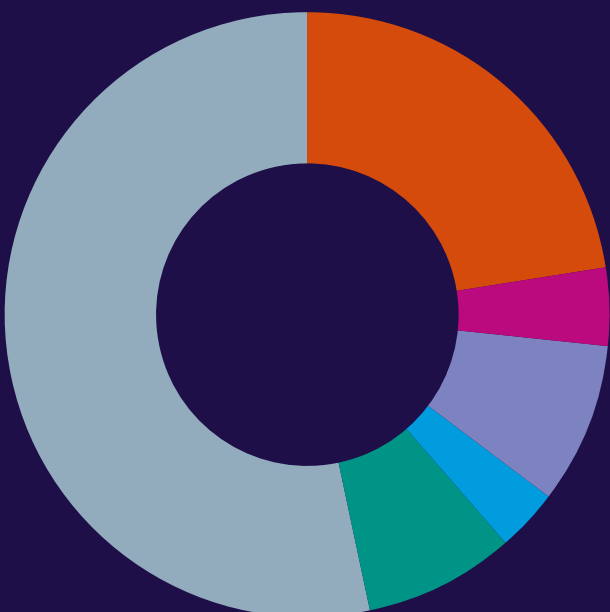
Financial summary

2017 income



Donations and legacies	15.7%	£335,413
Member services	11.3%	£241,465
Publications and journals	13.3%	£283,749
Conferences and seminars	10.0%	£212,558
Research programmes	41.6%	£888,782
Other	8.1%	£173,607
TOTAL		£2,135,574

2017 expenditure



Support and governance costs	22.4%	£471,388
Member services	8.6%	£181,189
Publications and journals	3.4%	£72,469
Conferences and seminars	8.1%	£171,409
Research programmes	53.3%	£1,121,780
Raising funds	4.2%	£88,068
TOTAL		£2,106,303

How you can help



**In 2017 we worked
with 458 members**

Our ability to address emerging legal issues and respond to the most pressing global challenges depends on the ongoing support of our members, donors, funders and sponsors.

60th Anniversary Appeal

To mark BIICL's 60th anniversary year, we have launched a special appeal to raise funding for the much-needed refurbishment of our public event and office space. We are delighted that Lord Neuberger has agreed to lead this appeal which aims to raise at least £500,000 over the next 12 months.

BIICL's offices are located in Charles Clore House, a Grade II* listed building, which has become a hub for legal academics and practitioners. However, the building has had no major infrastructure improvements since its construction in 1976, meaning significant work is required to improve the functionality of office areas. Refurbishment will also provide a new public event space for BIICL with enhanced facilities and increased capacity.

The total refurbishment cost is estimated to be in the region of £1.5 million. We are inviting individuals and organisations to support our anniversary appeal and welcome donations at all levels.

Please contact us to discuss how you or your organisation could support BIICL.

Sarah Taylor, Development Director
+44 (0)20 7862 5433
s.taylor@biicl.org

UK taxpayers can increase the value of their donation by 25% by signing a Gift Aid declaration which allows BIICL to reclaim the basic rate of tax on a gift.

You may wish to leave a legacy to BIICL in your will. In the UK the value of your gift will be deducted from your estate before inheritance tax is calculated.

US donors can donate through BIICL's affiliate, The International Rule of Law Project Inc. which is a 501(c)(3) public charity (www.irolp.org).

Membership

Membership of BIICL is open to all and provides an opportunity to participate in a diverse community of practitioners, scholars and others with an interest in international and comparative law, and the rule of law. Members are kept informed of BIICL's latest research and developments, and are able to engage in debate and discussion through our programme of topical events, seminars and conferences. Our membership includes judges, lawyers and barristers, government officials, regulators, international civil servants, academics and students, and many non-lawyers.

A range of individual and organisation membership packages are available. All members receive a substantial 40% discount on relevant events and BIICL publications, plus access to our renowned journal, *International and Comparative Law Quarterly*.

We continue to operate three specialist Forums in Competition Law, Investment Treaty Law and Product Liability. In 2017 we launched a new roundtable on the UN Guiding Principles on Business and Human Rights.

More about individual and organisation membership:
www.biicl.org/membership

More about Forum Membership:
www.biicl.org/forums

More about the UNGPs Roundtable series: **www.biicl.org/ungps**

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We would like to thank all those who support our work, including the following:

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Business and Human Rights Resource Centre
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Centre for International Governance Innovation
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Council

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and Humanities Research
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Professor Robert McCorquodale
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Professor Spyros Maniatis (from
April 2018 part-time &
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– April 2018)

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Law

Dr Constantinos Yiallourides
Arthur Watts Research Fellow
on the International Law of
Territorial Disputes

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(to August 2017)

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ICLQ Assistant Editor

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(Acting Director from Dec 2017
to Mar 2018)

Anna Brandenburger
Development Administrator
(to June 2017)

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Anna Nowak

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Kelly Shuttleworth

60 years of BIICL

1958

Founding of BIICL

1960

**Director
Norman Marsh**

First professional staff at BIICL Institute is based in 32 Furnival Street

1961

Vienna Convention on Diplomatic Relations adopted



1965

International Convention on the Elimination of All Forms of Racial Discrimination adopted

**Director
Prof Kenneth Simmonds**

1969

Vienna Convention on the Law of Treaties adopted

1976

BIICL moves to Charles Clore House



1979

Convention on the Elimination of All Forms of Discrimination against Women adopted

1982

**Director
Lady Hazel Fox**

UN Convention on the Law of the Sea adopted



1984

Convention against Torture adopted

1986

Rt Hon Lord Denning becomes the first President of BIICL having previously chaired the BIICL Council of Management

1989

Convention on the Rights of the Child adopted



1990

**Director
Piers Gardner**

1997

Adoption of the Kyoto Protocol



2000

**Director
Prof Mads Andenas**

Rt Hon Lord Goff of Chieveley, Senior Law Lord, becomes BIICL President

2002

50th anniversary of the ICLQ

Rome Statute enters into force and the International Criminal Court begins operating

2003/4

BIICL establishes specialist Fora in Competition Law, Investment Treaty Law and Product Liability

Dorset Fellowship in Public International Law is established

2005/6

**Director
Prof Gillian Triggs**

Creation of the Human Rights Council



2008

**Director
Prof Robert McCorquodale**

Rt Hon Lord Bingham of Cornhill, Senior Law Lord, becomes BIICL President

2010

BIICL establishes the Bingham Centre for the Rule of Law

BINGHAM CENTRE FOR THE RULE OF LAW

2011

Guiding Principles on Business and Human Rights endorsed by UN Human Rights Council

Dame Rosalyn Higgins, former President of the International Court of Justice, becomes BIICL President

2013

Arthur Watts Fellowship in Public International Law is established

2015

Paris Climate Agreement adopted

2016

Rt Hon Lord Phillips of Worth Matravers, former President of the UK Supreme Court, becomes BIICL President

2017

BIICL begins a programme of Brexit research and events



The British Institute of International and Comparative Law (BIICL) exists to develop and advance the understanding of international and comparative law in the UK and around the world, and to promote the rule of law in national and international affairs. Through our work we seek to improve decision-making which will help to make the world a better place and have a positive impact on people's daily lives.

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