



**British Institute of
International and
Comparative Law**

Annual Report 2014–15

Research and Activities



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Director's Report



The range of activities and the scope of areas dealt with by BIICL over the period of this Annual Report have continued to expand. Our research projects, training, events and publications remain high quality and in demand, as well as making clear impacts on policy and law around the world.

This year, the activities of the Bingham Centre for the Rule of Law deserve special mention. It is almost 5 years since the Bingham Centre was founded, and 7 years since the first funding

was sought for my idea of a research centre within BIICL focussing on the rule of law and celebrating the contribution of Lord Tom Bingham. We are immensely fortunate to have Professor Sir Jeffrey Jowell as the founding Director of the Bingham Centre. His knowledge, enthusiasm and experience have done much to ensure that the Bingham Centre has such a high, positive public profile.

In the past 5 years, the Bingham Centre has grown in size. It now has two Senior Research Fellows (including the Centre's indefatigable Deputy Director, Lawrence McNamara), three Associate Senior Research Fellows, two Research Fellows, a (part-time) Director of Education and Training, and a Research and Training Coordinator. They are supported by the Centre's invaluable Manager, Sandie Homewood, and administrators, as well as by BIICL's small Development Team, Finance team, Events and Marketing team, and by the BIICL Deputy Director.

Some of the achievements of the Bingham Centre over these 5 years have been:

- The wonderful financial and other support of the Bingham Centre by the leading law firms, barristers and judges, as well as by some companies, individuals, trusts and foundations. They recognise the immense value of the rule of law worldwide and the threat to the rule of law, and have provided medium-term unrestricted funding, which makes an immense difference to the ability of the Bingham Centre to respond to issues effectively.
- Breadth and impact of the research projects undertaken, from immigration detention to appointment of judges, from closed materials in cases before the UK courts to corporate decision-making in foreign direct investment, and from security issues to rule of law and development. All these are enhanced by engagement with those working in the areas, including the work done by the Bingham Centre to persuade the United Nations to pass a resolution on the Rule of Law.

- The importance of training to support education, capacity building and legal reform around the world. The work of the Bingham Centre in Myanmar/Burma has been ground-breaking, as has its work in other places, such as Libya and Nepal, and includes rule of law issues in BIICL's International Law in Practice course.
- Innovative projects, such as the teaching in schools of programmes on Citizenship and the Rule of Law. This is a project that has such potential for a really significant change in understanding of the importance of the rule of law (and the need for its protection) for a core group of the population and could be replicated elsewhere.
- Exciting events, including the annual Bingham Lectures, with excellent, eminent speakers on a wide range of issues. These are enhanced when the events are sponsored by law firms, barristers chambers and others.
- The assistance provided by the Bingham Fellows and interns in enabling the Bingham Centre to undertake what it does. Without their support, it would be difficult to do as much as is done. We hope that some donor will be prepared to enable us to pay these interns for their time.
- The international cooperation and engagement around the world with the Bingham Centre. Its high international profile is amazing in such a short space of time.

These are just some of the areas in which the Bingham Centre has made important contributions over the past 5 years in the UK and worldwide. I am confident that they will develop further in many different ways in the years ahead. This is a fitting tribute to Tom Bingham.

Of course, the rest of BIICL has also undertaken fascinating, ground-breaking, impact-making and important work in the past year, in an effective, professional and organised way. This is set out throughout this Annual Report.

The work of BIICL is supported by the Board of Trustees, who are immensely supportive, offer constructive and insightful comments, and help devise key strategies. They are expertly led by Sir Frank Berman, with the support of our President, Dame Rosalyn Higgins. We are also supported directly and indirectly by our members, donors and others who participate in our activities.

I warmly thank them all, and my excellent staff, for their continued support. I feel honoured to be the Director of BIICL.

Professor Robert McCorquodale
Institute Director

Impacts of BIICL Activities 2014-2015

Many of BIICL's activities have a direct or indirect impact on policy and law, as well as more generally on the responses of others to our work. This is primarily in regard to our research and publications, yet it is also found from the engagement in our events and training. These also have a wider public benefit in terms of information and education about contemporary issues.

Some examples of this impact are given here and others are referred to in specific research projects or activities elsewhere in the Annual Report.

UK Impacts

- UK Parliament's Joint Committee on Human Rights quoted our evidence in its report on the implications for access to justice of the Government's proposals to reform legal aid, drawing on that evidence in its conclusions and recommendations.
- Our submission to the International Development Select Committee was quoted several times in the Committee's Report on Democracy and Development in Burma.
- Our submissions to the Parliamentary Inquiry into the use of Immigration Detention in the UK were quoted in the final report.
- Our research on litigation in London courts by non-UK commercial entities formed a key part of a UK Ministry of Justice's report on the implications of fee charging for courts.
- Our research on access to judicial remedies for transnational corporations' abuse of human rights was one of three documents that were the basis for the government's consideration of its review of its National Action Plan on Business and Human Rights.

International Impacts

- Our research on the protection of education in insecurity and armed conflict was a primary source, and received significant attention, at the Jordan Forum on the protection of education in insecurity and conflict, organised by the UN Office of the High Commissioner for Human Rights for the Middle East and North Africa Region. The research was also endorsed by UNICEF and cited by the Office of the Special Representative of the Secretary for Children and Armed Conflict.
- Our research on whether the draft Kenyan Fair Administrative Action Bill gives adequate effect to the constitutional right to fair administrative action. This work is informing the Katiba Institute's meetings with other Kenyan stakeholders.

- Our research on business and human rights was discussed and included in deliberations of the UN Forum on Business and Human Rights. It was also considered by the International Council for Mining and Metals (a trade body for the extractive industry), as part of submissions by NGOs to European parliaments, and as part of the creation of conferences on this topic in across Europe.
- Our research on Hong Kong and democracy had wide-spread impact in Hong Kong, the US and the UK.
- Our research and drafting proposals were directly part of the proposed legislation to establish an International Commercial Court in Djibouti.
- Our training on constitutional issues and the rule of law in Myanmar/ Burma has been crucial to the on-going debates in that country.
- Our training in Business and Human Rights in Sudan had an effect on private enterprise consideration of this issue.
- The UK Attorney-General referred to our work as an example of an independent body that has provided assistance in capacity building in foreign countries, citing our work in the West Bank as an example.

Case law

- We were successful before the First Tier Tribunal in a freedom of information request concerning the disclosure of independent advice by the UK Home Office.
- Our comparative research on Commonwealth countries' application of colonial laws assisted in the settlement of the Bodo Community claim before the UK courts.
- Our research on open justice was cited by the South African Court of Appeal in its decision holding that all court records are public documents open to public scrutiny and that any departure from that principle is an exception that must be justified: *City of Cape Town v South African National Roads Authority Ltd & others* [2015] ZASCA 58.

Other impacts

- Lawrence McNamara's terrorism and security research project was published by the UK's Economic and Social Research Council as one of its featured impact case studies.
- Our staff have been appointed to important roles in international and national bodies, including to groups that are part of the United Nations Conference on Trade and Development.

Chairman of the Board of Trustees Report

- We have published blogs on a diverse range of contemporary issues.
- Our event concerning imprisonment for public protection was mentioned by the UK's Justice Minister in the House of Lords:

'At a recent meeting convened by the Bingham Centre, where the noble and learned Lord, Lord Lloyd, spoke, those issues were thoroughly discussed. Although I was unable to attend myself because of parliamentary duties, he was good enough to send me a copy of his remarks there, so the Government do not pretend to be unaware of the full range of anxiety that has been expressed about the issue.'
(Hansard HL Deb, 27 March 2014, c696).



The Board of Trustees had a recent opportunity to review the activities of the Institute over the past year, and concluded with satisfaction that it was a year of consolidation and achievement. The Institute finished the year in good financial shape with a small but welcome budgetary surplus attributable to sound and careful management by the Director and his staff. The Finance and Audit Committee continues, under its new Chairman, Philip Haberman, to represent an essential part of the system of financial control, to the benefit of management and Trustees alike.

One of the most striking aspects of the year has been the notable growth of the Bingham Centre for the Rule of Law, both in its reputation (which is now world-wide) and in the scope and range of its activities. Notable, too, has been the corresponding increase in its staff. The Board is keenly aware of the pressures that can arise from the combination of greater staff numbers and limited office space, and will keep the accommodation needs of the Institute under constant review. In the meanwhile the Trustees commend the extraordinarily high morale and good working relationships among all Institute staff, and the way in which they make light of practical problems of this kind.

Hand in hand with the growth of the Bingham Centre has come a welcome improvement in its financial position, which is due on the one hand to steady achievement by the Centre in winning grants to fund research, and on the other to a number of particularly generous responses to the Appeal from charitable foundations and the legal sector. Our warm appreciation goes to the Sigrid Rausing Trust and the David and Elaine Potter Foundation for their pledges of core support for the Bingham Centre's work. A similarly warm welcome is due for the establishment of a major Global Rule of Law Exchange funded by Jones Day, which we hope may become the pattern for similar deep relationships with law firms in other areas of the Institute's work. The Institute is at the same time deeply indebted to Allan Myers QC for a further substantial donation in support of the Sir Arthur Watts Fellowship in public international law, which has enabled us to declare the successful completion of Phase I of the Watts Appeal. Both Bingham and Watts Appeals have now entered into their second Phases, and will be pursued energetically. More information about our donors and funders can be found in the Opportunities for Partnership section at back of this report. The Institute expresses its deep gratitude to them all.

BIICL and Bingham Centre Staff 2015



Research funding applications in other areas of the Institute's work have scored some gratifying successes and, even in cases which were not in the end successful, the application has often been praised for its quality by the grant giving body. All this is testimony to the Institute's increasing skill and professionalism in this area.

It should finally be remarked that, as a result of resignations and the effect of the policy of fixed term Trustee appointments, there were deeply regretted departures from the Board during the year, with others to follow at the Annual General Meeting in July: Rabinder Singh, Bill Blair, Susan Bright, Paul Lomas, and Steve Weatherill. Their individual and collective contributions to the Institute are beyond praise, and have helped to create an atmosphere in which it has been possible to appoint successors of competence and enthusiasm drawn from all sectors of the Institute's wide and varied constituency. Many parting Trustees have commented to me on the particularly close and constructive working atmosphere on the Board, and their successors have said much the same on arrival. That is a feeling I can only endorse, and I do so with grateful thanks.

Sir Franklin Berman KCMG QC

Chairman of the Board of Trustees



Professor Robert McCorquodale Institute Director

Robert leads and manages BIICL, undertakes research, and provides advice and support to others. He has financial and development strategic responsibilities, as well as interacting with a wide number of external bodies and people. He was instrumental in the conception, creation and funding for the establishment of the Bingham Centre for the Rule of Law.

He has been involved as researcher, supervisor and in obtaining funding for a number of research projects across all of BIICL, especially in the business and human rights and public international law areas.

Robert has been an organiser, chair and panellist at BIICL events, especially the International Law in Practice course, and provides training in a range of areas to various organisations, including for young entrepreneurs in Sudan. He is also the Co-General Editor of the International and Comparative Law Quarterly.

Professor Robert McCorquodale has been the Director of the Institute since January 2008.

He is also a Professor of International Law and Human Rights at the University of Nottingham and a barrister at Brick Court Chambers, London. He has considerable experience as an academic and as a practitioner, as well as being an adviser on issues of public international law around the world.

Robert is on the FCO's Advisory Panel on Human Rights and the Death Penalty; Member of the Due Diligence Committee of the International Law Association; IALS Senior Associate Research Fellow; member of the Human Rights Consortium of the University of London's School of Advanced Study; and expert assessor for the Australian Research Council; editorial board member of a number of journals; lecturer at various Universities, including the University of Cambridge; and is a Bencher of Middle Temple.

Publications:

- Cases and Materials on International Law (with Martin Dixon and Sarah Williams) (OUP, 6th edition, 2015)
- 'Pre-Trial Detention and Human Rights in the Commonwealth: Any Lessons from Civil Law Systems?' (2014) 2 Journal of Human Rights in the Commonwealth 8-33 (with Kristin Hausler)
- 'International Human Rights Law Perspectives on the UN Framework and Guiding Principles on Business and Human Rights' in L. Blecher, N. Stafford and G. Bellamy, (eds) Corporate Responsibility for Human Rights Impacts: New Expectations and Paradigms (American Bar Association, 2014) 51
- 'The Individual in International Law' in M. Evans (ed), International Law (OUP, 4th ed, 2014) 280
- 'Rule of Law in Business and Finance: Development and Human Rights Issues' in J. Jowell, C. Thomas and J. van Zyl Smit (eds), The Importance of the Rule of Law in Promoting Development (Singapore Academy of Law, 2015).



Professor Sir Jeffrey Jowell
KCMG QC
 Director of the Bingham
 Centre for the Rule of Law

Jeffrey has delivered a number of talks and participated in several panel discussions on the rule of law. In April, he visited Washington to participate in the New York Review of Books' Annual Lecture on 'The Future of Human Rights'. He also addressed the Beyond Borders event in Edinburgh, the second Annual Stellenbosch Conference, the American College of Trial Lawyers and the IBA Conference in Tokyo.

In February 2015, Jeffrey chaired a plenary session at the Global Law Summit on economic development and the rule of law and he continues to participate in meetings of the Venice Commission.

Jeffrey has initiated a number of projects which include an FCO Arab Partnership funded project to contribute to nation-building, good governance and the rule of law in the Occupied Palestinian Territories (OPTs) in collaboration with the Slyn Foundation. He is also chairing a major Review of the implications of devolution as it is developing for the UK as a whole. Funded by the Gatsby Foundation, the Review Committee includes a number of practitioners and academics and the Committee's recommendations will be produced in May 2015.

Publications:

- Supplement to De Smith's Judicial Review, Woolf, Jowell et al, (7th ed, Sweet & Maxwell, 2014).
- 'The Rule of Law' in J.Jowell and D. Oliver (eds) The Changing Constitution (8th ed, OUP, 2015).
- 'Proportionality and Unreasonableness: Merger or Takeover?' M. Elliott and H. Dilberg, Substantive Judicial Review (CUP, 2015).

Jeffrey Jowell is a practising barrister at Blackstone Chambers. He is Emeritus Professor of Public Law at University College London (where he was twice Dean of the Law Faculty and a Vice Provost). He was knighted (KCMG) in the Queen's Honours List 2011 "for services to human rights, democracy and the rule of law".

One of the UK's leading public law scholars, he has authored numerous publications in the area of public law. He has honorary Degrees from the Universities of Cape Town, Ritsumeikan, UCL, Athens and the University of Paris 2. He has served on the Boards of public bodies in the UK and elsewhere.

He assisted with a number of national constitutions and acted as constitutional advisor to a number of governments in the Commonwealth, Asia and in the Middle East. From 2000—2011 he served as the UK's member on the Council of Europe's Commission for Democracy through Law (known as the 'Venice Commission') where he assisted with the constitutions and public law of a number of Central and East European countries.

Jeffrey is presently chairing an Independent Committee on Devolution within the United Kingdom.



Jill Barrett
 Arthur Watts Senior
 Research Fellow in Public
 International Law

Jill Barrett is leading a project on Law of the Sea, looking at UNCLOS as a "living instrument", and co-editing (with Richard Barnes) a book on this theme.

Her other main research projects are on "The Regulation of Non-Governmental Activities in Antarctica through international law and national legal systems" and on Treaty Law and Practice, jointly with the Centre for International Law, Singapore.

Jill manages the collaborative relationship with Melbourne Law School. Six MLS students have completed internships at BIICL and two MLS professors have been hosted here as Visiting Fellows. She is working with Professor Cheryl Saunders to organise a joint BIICL/MLS conference on themes at the interface of public law and international law, to take place in 2016.

Jill leads the Arthur Watts public international law seminar series, sponsored by Volterra Fietta.

Activities:

- "Legal issues relating to democratic participation in Hong Kong", Scoping report, 17 October 2014. Available on the BIICL website
- Delivered lecture on "The Antarctic Treaty System" at the Fifth Meeting Towards the Establishment of the Turkish Arctic & Antarctic Research Program on 13 November 2014 at the Institute of Marine Sciences, Mersin, Turkey.
- Gave presentation at seminar on "The ICJ Judgment in Australia v Japan (Antarctic Whaling): Implications for International Law and Litigation" on 6 May 2014, on the law of treaties aspects of the case.

Jill Barrett joined the Institute in 2010 from the Legal Adviser's team at the Foreign & Commonwealth Office where she was Legal Counsellor and has now been appointed the first Arthur Watts Senior Research Fellow in Public International Law.

During her FCO career she advised on public international law, EU and UK law on a wide range of subjects, and represented the UK at the United Nations and other international organisations and conferences. Most recently, she led the Government's work on creating a new statutory regime for parliamentary scrutiny of treaties.

She now leads the Institute's research and events programme in public international law, jointly with the Dorset Senior Research Fellow.

Jill has developed several new funded research projects for the Institute, including a review of the duties and powers of British consular officers and a comparative study on the treatment of sensitive information in civil litigation.



Dr Julinda Beqiraj

Research Fellow in the Rule of Law

In her first year at the Institute Julinda Beqiraj was involved in designing and managing a successful Bingham Centre project for the International Bar Association on “International Access to Justice” which commenced in March 2014. The report (written with Lawrence McNamara) was launched at the IBA Annual Conference in Tokyo, in October 2014.

Julinda is carrying out ongoing research and work on events related to the UN Post-2015 Development Agenda and is involved in two projects on these issues. The first is the organization of a Conference (on behalf of the Bingham Centre in partnership with A4ID) in New Delhi on “India and the Post-2015 Agenda” funded by DFID. The second is a project sponsored by the Open Society Justice Initiative on “Measuring Policy on Access to Justice and Taxation in the United Kingdom”. A report (with Justine Stefanelli and Naina Patel) has been completed and is shortly to be published.

Publications:

- ‘Indigenous Peoples’ Cultural Identity under EU Law and the ECHR: A Non-trade Interest or a Human Right?’ in F. Ippolito, S. Iglesias Sanchez (eds.) *Protecting Vulnerable Groups, The European Human Rights Framework*, (Hart Publishing 2015)
- The Rule of Law and Access to Justice in the Post-2015 Development Agenda: Moving Forward but Stepping Back (Bingham Centre Working Paper 2014/04) (with Lawrence McNamara).
- International Access to Justice: Barriers and Solutions (Bingham Centre for the Rule of Law Report 2014/02), International Bar Association, October 2014 (with Lawrence McNamara).

Before joining the Institute in February 2014, Julinda worked for several years in Italy as a research fellow in international law on projects relating to the social dimension of international and regional economic integration agreements, and on human rights and international criminal justice.

She has also lectured on international economic institutions, public international law and EU law. Julinda holds a PhD from the School of International Studies in Trento and her doctoral dissertation focussed on the international protection of the economic and social rights of migrant workers.

Julinda has published on topical issues of public international law and has carried out research in a series of projects, covering subjects including international migration, international economic law, regional human rights protection in Europe, European Union law, child labour issues, international humanitarian law and international criminal law.



N. Jansen Calamita

Director of the Investment Treaty Forum and Senior Research Fellow

In 2014, Jansen convened two public meetings of the Investment Treaty Forum, bringing together leading figures in the field from practice, academia, government and non-governmental organizations: *Investor-State Arbitration and Beyond*, London (8 May 2014) and *Can International Investment Law be Restated? Or is Jurisprudence Constante the El Dorado of Investment Treaty Lawyers?*, London (12 September 2014).

Another component of Jansen’s work is engaging with sovereign governments and international organizations on the formulation of international investment policy and international dispute settlement strategies and legislation. In 2014 Jansen’s work involved consulting with governments engaged in the process of reviewing international investment treaty policy, revising domestic legislation on international commercial arbitration and considering accession to multilateral dispute settlement conventions. In some instances these consultations are confidential, in others they are public.

Publications:

- Editor (with M. Sattorova), *The Regionalization of Investment Treaty Arrangements: Developments and Implications* (British Institute of International and Comparative Law, 2015).
- *International Commercial Arbitration in Iraq: Commercial Law Reform in the Face of Violence*, 32 *Journal of International Arbitration* 37-64 (2015).
- *Dispute Settlement Transparency in Europe’s Evolving Investment Treaty Policy*, 15 *Journal of World Investment & Trade* 645-678 (2014).

N Jansen Calamita is Director of the Investment Treaty Forum and Senior Research Fellow. Jansen has been a member of the Faculty of Law at the University of Oxford and George Mason University, as well as a visiting fellow at Mansfield College, Oxford, and the Department of European, International and Comparative Law at the Law Faculty of the University of Vienna. Presently he lectures on international investment law and international commercial arbitration at the University of Birmingham School of Law.

Prior to becoming a fulltime academic, Jansen served in the Office of the Legal Adviser in the U.S Department of State (International Claims and Investment Disputes), representing the United States in investment treaty matters and before the Iran-U.S. Claims Tribunal. Jansen has also served in the Office of Legal Affairs at the United Nations in Vienna as a member of the UNCITRAL Secretariat. He is a graduate of the Boston University Law School (J.D. summa cum laude) and the University of Oxford (BCL). He is admitted to practise in the State of New York.



Xiao Hui Eng

Research Fellow in Citizenship Education and the Rule of Law

Xiao Hui Eng has been the Research Fellow in Citizenship Education and the Rule of Law since February 2014. She is leading a Legal Education Foundation-funded project to introduce rule of law concepts in schools through examining topical debates relating to the justice system within the framework of the national citizenship studies curriculum.

In 2014, in conjunction with the Project Directors, she developed resources aimed at Key Stage 3 students (12-14 year olds) introducing them to the justice system through a rule of law lens. The resources teach students about their rights and responsibilities as members of society as well as introducing the ties between good citizenship and its roots in constitutional traditions, democracy and justice that are reflected in the British justice system.

In 2014 several schools across the country signed up to participate in the project, with trials of the rule of law resources starting in the Autumn Term of 2014 onwards. The Bingham Centre is currently seeking further funding to roll these materials out more widely across the country as well as to develop further materials for Key Stage 4 students (15-16 year olds.)

Activities:

- Xiao Hui participated in the Association of Citizenship Teaching conference in June 2014.
- She gave a guest lecture for the Open University on extra-territorial human rights obligations in July 2014.
- She responded (with Lawrence McNamara) in November 2014 to the Department for Education consultation on GCSE and A-level content relating specifically to Citizenship Studies.

Xiao Hui previously worked at a variety of NGOs and international organisations including research on equality and non-discrimination law and practice at the Equal Rights Trust and on Security Council practice and decisions at the UN Department of Political Affairs. She recently held a post at UNESCO where she was responsible for briefing on political issues and carrying out country analyses in the Asia and Pacific section. Immediately prior to starting at the Bingham Centre, she worked at the Bar Council, managing some of its international projects.

Her professional interests include, broadly, public international law, human rights law, and international development issues. She has previously conducted research on international criminal responsibility culminating in a dissertation on legal and practical barriers to prosecuting peacekeeping crimes. She currently teaches public international law part-time for the Open University's LLM course.

Xiao Hui read law at the University of Cambridge and then completed a Master's degree in International Human Rights Law at the University of Oxford.



Dr Duncan Fairgrieve

Director of Product Liability Forum and Senior Research Fellow in Comparative Law

Duncan has been responsible for a variety of projects at the Institute, including the Product Liability Forum, a major project on Collective Redress funded by the European Commission (with Dr Eva Lein), as well as heading up a project on reparations in international law, leading to the BIICL publication *Law of Reparations in Insecurity and Armed Conflict* (with Dr Francesca Capone and Kristin Hausler).

Duncan has also been involved in many transnational academic projects, such as the Common Core project on Product Liability, the EGTL group on public authority liability and most recently as a member of the ELI Project on Collective Redress. He has spoken at many events this year, including a Yale Conference on Comparative Administrative Law in March 2014, and lecturing at the prestigious French judges' school, *Ecole Nationale de la Magistrature*. He delivered a keynote speech at the *Juris Diversitas Annual Meeting* at Aix en Provence.

Publications:

- *Courts and Comparative Law* (Oxford University Press, 2015) with M. Andenas (eds).
- "Etat de Droit and Rule of Law: Comparing Concepts" [2015] *Public Law* 40 - 58.
- "Écrire les décisions de justice... une comparaison franco-britannique" *Revue du droit public et de la science politique en France et à l'Étranger*, 01 mai 2014 n° 3, P. 759 with A. Antoine.
- "Suing the military : the justiciability of damages claims against the armed forces" (2014) 73 *Cambridge Law Journal* 18.
- 'Simply a matter of style? Comparing Judicial Decisions' (2014) *European Business Law Review* 361.

Dr Fairgrieve is a well-known comparative lawyer, with research interests spanning both comparative private and public law. He has published many books and articles in leading journals worldwide, and his work has been extensively cited by the Courts.

He edited the *festschritts* for Lord Slynn and Lord Bingham and has also jointly authored or edited books with French judge Guy Canivet (then the Lord Chief Justice of France), and Bernard Stirn (now president of the judicial committee of French *Conseil d'Etat*).

In addition to his work at the Institute, Duncan Fairgrieve is also *Professeur Associé* at *Université de Paris - Dauphine*, and a Visiting Professor at the *Institute of Law, Jersey*.

Dr Fairgrieve is a qualified French *avocat*, practising in the field of civil and commercial litigation in Paris. He is also a door tenant at *One Crown Office Row*, and appeared in two cases before the UK Supreme Court during 2014 - 2015.



Dr Jean-Pierre Gauci

Research Coordinator in Public International Law

Jean-Pierre manages the project on British influences on international law between 1915-2015, funded by Martinus Nijhoff/BRILL.

In so doing he liaises with various members of staff at BIICL as well as individuals external to the institute for the selection of materials to include in an anthology of British contributions to international law and in commissioning authors for the various books resulting from the project.

Jean-Pierre also convened, together with Andraz Zidar, a conference on the role of Legal Advisers in International Law.

He is currently involved in seeking funding for work around international migration law issues.

Publications:

- Forced Migration(s): Current Challenges in Refugee Law; (Edited with M. Giuffre and E. Tsourdi) (Brill, 2015).
- A Liberal Tide: Trends in Latin American Migration Policy (Edited with D. Cantor and F. Freire (ILAS, 2015).
- "Irregular migration and the international obligation of nonrefoulement: the case of the MV Salamis from a Maltese perspective" (with P. Mallia), Journal of International Maritime Law Vol 2 Issue 1.
- "Why Trafficked Persons Need Asylum," in Gauci JP, Giuffre M., and Tsourdi E. (eds.) Forced Migration(s): Current Challenges in Refugee Law, (Brill, 2015).
- "And then what? Protecting Trafficked Persons Beyond Collaboration" in M. Nowak, T. Hofstätter and J. Hofbauer (eds.) The Role of the EU in UN Human Rights Reform ISBN: 978-3-7083-0901-9. (Intersentia, 2014).

Dr Jean-Pierre Gauci has been the BIICL research coordinator in Public International Law since July 2014.

He is also a director of The People for Change Foundation, a human rights think tank based in Malta.

He lectures International Migration law and Ocean governance at the University of Malta and runs two summer school programmes at King's College London on international law and international refugee law.

He has experience of research, lobbying and proactive action in the fields of migration and asylum law, human trafficking and anti-discrimination as well as teaching experience in various international and domestic legal issues.

He consults widely to national and international governmental and non-governmental organisations.



Kristin Hausler

Associate Senior Research Fellow in Public International Law

Over the past year, Kristin worked on various projects concerning the protection of education in times of conflict, cross-border disaster assistance, and human rights and the rule of law in Turkey. In January 2014, she was invited to provide a human rights training session at the Forum on the protection of education, organised by the OHCHR for the MENA region and Protect Education in Insecurity and Conflict (PEIC). Kristin also gave the international human rights law sessions on the BIICL International Law in Practice course.

Kristin was invited to present on 'Cultural Heritage in Armed Conflict' at the Human Rights Centre at Nottingham University in November 2014. She also spoke on 'Human Rights Perspectives on International Disaster Law' at King's College London. In addition, she participated in several expert meetings, such as an expert seminar on land rights and human rights at the University of East London, the ILA Cultural Heritage Committee meeting which took place in Washington DC, and the War Report review meeting in Geneva. As part of her research on human rights in Turkey, Kristin attended its Universal Periodic Review at the Human Rights Council in Geneva.

Publications:

- 'The Protection of Cultural Heritage in Armed Conflict', in S Casey-Maslen (ed), War Report 2013 (OUP, 2014).
- 'Import and Export of Cultural Material in the United Kingdom', with K Chamberlain, in J Nafziger et al, Handbook on the Law of Cultural Heritage and International Trade (Edward Elgar, 2014).
- 'Pre-trial Detention and Human Rights in the Commonwealth: Any lessons from Civil Law Systems?', Journal of Human Rights in the Commonwealth, Vol 2 (1), 2014.

Since joining the Institute in 2007, Kristin has secured funding and undertaken several projects in the area of public international law and human rights. She has also organised numerous events and workshops.

Previously, she worked for several years in Vancouver, Canada, on a repatriation project involving Indigenous communities. A graduate from the University of Fribourg (Switzerland) and the University of British Columbia (Canada), Kristin is also a member of the Cultural Heritage Committee of the International Law Association.



Dr Eva Lein

Herbert Smith Freehills Senior Research Fellow in Private International Law

Eva Lein directed and supervised the two year European Commission funded project “Focus on Collective Redress”, (with Duncan Fairgrieve). The project involved cooperation between BIICL and several partner organisations, consultants and experts in the UK and abroad, culminating in a website (www.collectiveredress.org/collective-redress) and in the book ‘Collective Redress in Europe: Why and How?’ which Eva co-edited.

Eva also directed a project for the Ministry of Justice on factors influencing litigants’ decisions to bring commercial claims to the London based courts (assisted by Robert McCorquodale and Lawrence McNamara). This study involved fieldwork engaging legal practitioners and litigants in the UK and abroad, and informed the Ministry of Justice in its consultation process on enhanced court fees.

Eva has also been working on a comprehensive commentary project on the Brussels I Recast Regulation (with Andrew Dickinson, Oxford).

Publications:

- (ed) ‘Collective Redress in Europe - Why and How?’ (BIICL, 2015).
- ‘The Brussels I Regulation Recast – Commentary’ Oxford University Press, forthcoming.
- ‘Die EU-Erbrechtsverordnung’, Beck 2015 (Arts. 4 ff), forthcoming 2015.
- ‘Rome Regulations’, Wolters Kluwer 2015 (Arts 8-11 Rome III Regulation), forthcoming 2015.

Since joining the Institute in 2009, Eva has worked on a variety of projects in private international law.

Her recent work includes international litigation, the Brussels I Regulation recast, collective redress, international successions and international family law. Recently, she also focused on the coherence of European private international law, by organising an international conference on the Evolution of European Private International Law - Coherence, Common Values and Consolidation (with Stavros Brekoulakis, QMUL) and speaking on “Synergies between instruments on conflict of laws and jurisdictions”.

Further topics explored in events concerned arbitration, insolvency, banking resolution and international child abduction.

Eva has also been teaching in the UK and abroad, as Honorary Senior Lecturer in international litigation at Queen Mary, University of London; conflict of laws at Queen Mary, Institute in Paris; European Business Law at ESCP, London; and German private law at the University of Bordeaux.



Liza Lovdahl Gormsen

Director of the Competition Law Forum and Senior Research Fellow

Liza Lovdahl Gormsen joined the Institute on 1 September 2014 as a senior research fellow and director of the Competition Law Forum. Her current research focus is on the burden and standard of proof in competition cases and other areas of law where the fines are of similar size. She is also carrying out some research on collective dominance across the European member states. Liza is currently preparing a policy briefing to the Court of Justice in Europe on *Intel v Commission* which is on appeal to the court.

Liza is preparing a bid for European Commission funding under Horizon 2020 on the EU’s role as a global actor. She is leading a team of partners from Africa, Holland, Sweden, Italy, Spain, Denmark and the UK.

Towards the end of last year, Liza submitted a proposal for competition law training of government officials and the judiciary in Swaziland. Prior to joining the Institute, she wrote a report on the new competition regime in Rwanda for the World Bank.

Liza continues to supervise two PhD students at the University of Manchester in international competition law.

Publications:

- European Merger Regulation in Gore-Browne EU Company Law (Jordan, 2014).
- ‘Competition Law and Pricing Mechanisms’ 10(2) Competition Law Review 2014, 119.
- ‘Collective Dominance in EU and National Competition Law’ Concurrences 2014.

Liza has a background in private practice at both national and international level and served as a Lawyer at the Office of Fair Trading (2004-2008).

She has a PhD in Competition Law from King’s College London supervised by Emeritus Professor Richard Whish QC and visiting Professor David Bailey (Brick Court Chambers).

She is still involved with King’s College London and acts as an external examiner for the LLM in European Competition Law, the Competition Law Diploma and the European Law Diploma.



Dr Lawrence McNamara
Deputy Director, Bingham
Centre for the Rule of Law
and Senior Research Fellow

This year Lawrence has worked on the study on access to justice (with Dr Julinda Beqiraj) commissioned by the International Bar Association (IBA) and the report was launched at the IBA's Annual Conference in Tokyo. He is involved in research on the UN Post-2015 Development Agenda and the sustainable development goals, with several publications in this area (with Julinda Beqiraj), and is project director on the Centre's schools projects (with Xiao Hui Eng and Naina Patel). He also worked on a study for the Ministry of Justice that examined factors influencing decisions to conduct commercial litigation in London.

Lawrence continues to research in a key area of his expertise – national security, transparency and accountability – speaking and publishing regularly on these issues. He has run events on writing proposals for PhD applications and on writing for publication. His research has attracted significant interest from policy-makers and his work was featured as an Economic and Social Research Council (ESRC) impact case study in December 2014.

Publications:

- International Access to Justice: Barriers and Solutions, Bingham Centre for the Rule of Law Report 2014/02 for the International Bar Association, October 2014 (with J Beqiraj).
- 'Factors influencing international litigants' decisions to bring commercial claims to the London based courts', Report for the Ministry of Justice, 2014 (with E Lein, R McCorquodale & others).
- Closed Material Proceedings Under the Justice and Security Act: A Review of the First Report by the Secretary of State (Bingham Centre Working Paper 2014/03) (with D Lock and L Hamzi).
- 'Secret Trials: A Little Transparency, A Lot to Worry About', UK Human Rights Blog (and republished widely), 12 June 2014.

Lawrence McNamara joined the Institute in April 2013. Prior to joining the Institute, Lawrence was a Reader in Law at the University of Reading.

His research interests lie primarily in the legal regulation of speech, especially as it relates to the media. His book *Reputation and Defamation* (OUP 2007) was shortlisted for the Birks Prize for Legal Scholarship.

Lawrence held an ESRC/AHRC Global Uncertainties Fellowship in Ideas and Beliefs (2009-2013) for his Law, Terrorism and the Right to Know research programme, exploring the relationships between democratic traditions of media freedom and the contemporary demands of national and international security.

Before coming to the UK, Lawrence was an academic in Australia, holding posts at the University of Western Sydney and Macquarie University.



Naina Patel
Director of Education and
Training, Bingham Centre
for the Rule of Law

Naina Patel has continued to lead the Centre's work in Myanmar, delivering a clinic and Symposium with Myanmar Parliamentarians to discuss issues of constitutional reform.

Naina has led the Centre's work in India around the Sustainable Development Goals, culminating in an event on law and development held in New Delhi in February 2015. Naina has also supervised the Centre's work on indicators around access to justice and taxation.

Naina has examined rule of law issues in non Western/European contexts, drawing on her experience in Afghanistan as Senior Justice Advisor to the Helmand Provincial Reconstruction Team. In 2014 she published a Bingham Centre Working Paper on these issues and spoke about them at an event with two of the Centre's International Visiting Fellows.

Naina also participated in a scoping mission to Nepal (May 2014) to consider options for legal training and capacity building on behalf of the Alliance for Lawyers at Risk.

Finally, Naina has continued to co-lead, with Lawrence McNamara, the Centre's work in schools as part of its Citizenship Education and the Rule of Law Project.

Publications:

- Building the Rule of Law in Helmand, Bingham Centre Working Paper 2014-05.

Naina is a barrister with Blackstone Chambers specialising in human rights and civil liberties, particularly cases with an international focus. She is recommended as a leading junior for Civil Liberties and Human Rights, Administrative and Public Law and Public International Law (Chambers UK 2015) and Administrative and Public Law, Civil Liberties and Human Rights and Immigration and Nationality (Legal 500 2014). She has also been profiled as Lawyer of the Week (2011) and awarded the Sydney Elland Goldsmith Bar Pro Bono Award for work on access to justice in Afghanistan (2008).

She has worked extensively overseas through various organisations. In 2010-2011, Naina was Senior Justice Adviser to the Provincial Reconstruction Team in Helmand, Afghanistan.

Naina has also taught Human Rights law and policy at the Carr Centre for Human Rights Policy at the Kennedy School of Government and trained UK government officials from DFID, FCO and the MOD in relation to the extraterritorial application of human rights obligations in overseas missions.



Justine Stefanelli

Maurice Wohl Associate Senior Research Fellow in European Law

This past year Justine's research has covered a variety of topics. She wrote a third report on unfair trading practices (UTPs) in the food supply sector which suggested features that national enforcement bodies should possess, and how they might cooperate with each other and the Commission in regulating UTPs. She co-wrote a comparative report on national disaster relief laws in six countries for the International Federation of the Red Cross. Justine also submitted written and oral evidence on immigration detention practice in Europe to a Parliamentary Inquiry into the use of detention in the UK. This year also saw Justine involved in a research project on foreign direct investment and the rule of law with the BIICL Investment Treaty Forum and Hogan Lovells LLP.

Justine has also been involved with the Council of Europe's Venice Commission on Democracy through Law in its preparation of a rule of law checklist for states, and has travelled to Venice to participate in meetings with the Commission members. In September, Justine organised an event on the role and independence of in-house counsel in the EU, which was hosted by Sidley Austin in Brussels.

Publications:

- 'Fair Relations in the Food Supply Chain Establishing Effective European Enforcement Structures' (Traidcraft, 2014).
- 'Rayner Thwaites, The Liberty of Non-Citizens: Indefinite Detention in Commonwealth Countries' (2015) 78 MLR 176.
- JN Stefanelli & L Moxham (Eds), Do Our Tax Systems Meet Rule of Law Standards? Conference Papers 20 November 2013 (Bingham Centre Working Paper 2014/06), Bingham Centre for the Rule of Law, BIICL, London, September 2014.



Dr Andraž Zidar

Dorset Senior Research Fellow in Public International Law

In April and May 2014 Andraž spoke on the issue of legal and human rights dimensions of the fight against infectious diseases at various conferences and workshops organised by Imperial College, the International Institute for Humanitarian Law and the Institute for Advanced Legal Studies. In June 2014 he participated in the UCL workshop leading to the report on 'Private Authority, Health Policy, Law and Regulation: a focus on the non-communicable diseases' in the context of discussions on the post-2015 Sustainable Development Goals. Andraž also lectured on the Institute's course on 'Public International Law in Practice'.

In the framework of the Institute's dynamic events programme Andraž led a series of seminars on international adjudication, sponsored by Temple Garden Chambers, which hosted prominent speakers, such as international judges, academics and practitioners. In addition, he organised and chaired the first Weinrebe Annual Memorial Lecture on Peace and Justice with the UN Special Rapporteur on counter-terrorism and human rights, Ben Emmerson, as a key-note speaker.

Publications:

- 'Interpretation and the International Legal Profession: between Duty and Aspiration' in Andrea Bianchi, Daniel Peat, and Matthew Windsor (eds.), Interpretation in International Law (Oxford University Press, 2015).
- 'WHO International Health Regulations and Human Rights: from Allusions to Inclusion' (forthcoming in the International Journal of Human Rights).

Dr Andraž Zidar joined the Institute in January 2012 as the Dorset Senior Research Fellow in Public International Law. He has degrees from the universities of Ljubljana (univ. dipl. iur.) and Padua (E.MA), and a doctorate in international law from the Graduate Institute of International and Development Studies in Geneva.

Before joining the Institute Andraž was Director-General (Legal Adviser) for International Law and Protection of Citizens at the Ministry of Foreign Affairs of Slovenia. In this capacity he headed the council on education of diplomats at the MFA, led negotiations on international legal issues, and participated at meetings of the UNGA 6th Committee in New York and COJUR in Brussels. Previously he worked as a human rights diplomat at the Mission of Slovenia to the UN Office in Geneva, a legal counsellor at the Ministry of the Interior and a lecturer on international and constitutional criminal law.

In 2012, Andraž sat on the bench as a judge in the UK finals of the Jessup Moot Court competition. From August 2014 he is also a Visiting Lecturer in International Law and International Humanitarian Law at Regent's University London.



Dr Jan van Zyl Smit Associate Senior Research Fellow in the Rule of Law

Jan has led the Bingham Centre's research on two projects relating to the independence of the judiciary. In 'The Appointment, Tenure and Removal of Judges under Commonwealth Principles', a study funded by the Commonwealth Secretariat, he presents the findings on how the 53 Commonwealth member states provide the foundations for an independent judiciary. Together with Sir Jeffrey Jowell QC, Director of the Bingham Centre, he is co-ordinating a project with the University of Cape Town which aims to develop guidelines for those jurisdictions in which independent judicial appointment commissions are established.

Jan has continued his work on the constitutional transition in Kenya. As part of the Bingham Centre's rule of law and development programme, he co-ordinated the Centre's partnership with Linklaters and the Singapore Academy of Law in hosting an international conference in Singapore on the rule of law and development, which was addressed by current and former Chief Justices of Singapore, Hong Kong and the UK Supreme Court.

Publications:

- Submission (with Sir Jeffrey Jowell QC) to House of Lords Constitution Committee inquiry on the office of the Lord Chancellor.
- The Importance of the Rule of Law in Promoting Development (editor; Singapore Academy of Law Publishing, 2015).
- The Appointment, Tenure and Removal of Judges under Commonwealth Principles (BIICL, forthcoming 2015).

Dr Jan van Zyl Smit is responsible for research undertaken by the Bingham Centre on judicial independence (appointments and tenure) and transitional justice (vetting and institutional reforms) and for convening events in the Centre's programme on these and other topics. He has advised NGOs and government bodies on these issues in Kenya, Tunisia and other transitional countries. Jan has also written on the judicial role in statutory interpretation under the UK Human Rights Act, and the implications of new methods of interpretation for the rule of law.

A graduate of the Universities of Cape Town and Oxford, where he completed his D Phil as a Rhodes Scholar, Jan's first research position was as a law clerk at the Constitutional Court of South Africa. He was also involved in practical work relating to the constitutional transition in Kenya as a researcher to the Committee of Experts which drafted the 2010 Constitution. Prior to joining the Institute, Jan taught public law and international human rights law at Oxford Brookes University.

Bingham Centre for the Rule of Law Report from the Director, Professor Sir Jeffrey Jowell QC



I am pleased to introduce the Annual Report of the Bingham Centre for the Rule of Law for 2014 – 15. In this, its fourth year, the Centre has greatly expanded so as to meet increasing demand for high quality rule of law study, assistance and training – both in the UK and internationally.

Some of the Centre's major project work is outlined in other sections of this annual report, including:

- International Access to Justice: Barriers and Solutions (page 49)
- The Rule of Law in Schools (page 53)
- The Appointment, Tenure and Removal of Judges under Commonwealth Principles (page 39)
- Corporate Decision-Making in Foreign Direct Investment (page 40)
- Rule of Law Indicators on Access to Justice and Taxation (page 12)
- Constitutional Reform in Myanmar (page 28)

The Centre's activities do not stop there. Other areas of our work and new initiatives include:

The Rule of Law and International Development

Over the next year the UN will discuss and adopt an agenda for global development for 2015-2030. One of the most contentious points of debate—and one of the most important—will be what role the rule of law will occupy in the post-2015 sustainable development agenda. Three examples help show the scope of the Bingham Centre's work in this area.

First, with its recent history of unprecedented economic growth, Singapore was a fitting venue for a conference in May 2014 on The Importance of the Rule of Law in Promoting Development. This was organised and presented by the Bingham Centre, with the Singapore Academy of Law, and supported by Linklaters. The Centre Director opened proceedings by explaining how the elements set out in Tom Bingham's The Rule of Law were of universal but also practical relevance in providing the legal empowerment that protects people against arbitrary rule. The keynote speaker was Ambassador Patricia O'Brien, who as UN General Counsel until 2013 oversaw an increasing emphasis placed by many UN agencies on the rule of law. Professor Robert McCorquodale, Director of BIICL, led a panel discussion on increasing expectations that private sector business should take on responsibility for strengthening the rule of law, including the UN Guiding Principles on Business and Human Rights. A book coming out of this conference was published in April 2015.

Secondly, Bingham Centre researchers have engaged in some depth with the negotiations for the UN post-2015 development agenda. A Bingham Centre working paper published in August 2014 addressed the removal of the rule of law in the most recent draft of the UN's proposed Sustainable Development Goals (SDGs) and its replacement by access to justice. The paper argued that while including access to justice is a significant achievement, removing the rule of law is worrying. With the UN General Assembly meeting in September 2015 to agree to the SDGs, these issues are of great importance. The paper was co-authored by Dr Julinda Beqiraj and Dr Lawrence McNamara who have published several pieces on these issues, including responding to international consultations and a featured cover piece for the New Law Journal in February 2015, which considered negotiations on the rule of law in the international development agenda since the publication of the proposed SDGs.

Thirdly, our research has a strong applied dimension. The Bingham Centre hosted an event with A4ID in New Delhi in February 2015 entitled 'India and the Post-2015 Agenda: Shaping the Connections between Law and Development'. With funding from the UK Department for International Development, the event brought together high-level speakers who considered the place of law and justice in the UN post-2015 Agenda and the proposed Sustainable Development Goals which will seek to address poverty from 2015-2030. Speakers included Mr Harish Salve SA (Former Solicitor General of India and Supreme Court Advocate), Mr Justice Lokur (Justice of the Supreme Court of India), Professor Dr Ajay Shah (National Institute for Public Finance and Policy), Ms Karuna Nundy (Supreme Court Advocate), Mr Venkatesh Nayak (Commonwealth Human Rights Initiative), Mr Harish Narasappa (Daksh), and Mr Amitabh Behar (WNTA).

Looking ahead, the Bingham Centre will soon launch a new 3-year programme in partnership with global law firm Jones Day. 'The Global Rule of Law Exchange' will be a programme of international events, research and related applied activities. The Exchange will focus on development and the rule of law, encouraging debate and practical outcomes. It will promote the rule of law around the world and will include seminars in the US and Europe, an annual international conference in a different country each year, and an annual round table and lecture with a US university.

Constitutional Review: Devolution in the UK

The Bingham Centre for the Rule of Law is undertaking a major Review of the implications of devolution as it is developing for the UK as a whole.

The Review is chaired by the Bingham Centre Director, Sir Jeffrey Jowell QC, and consists of experts from law, history, political science, journalism and public finance. Members of the review include Professor Linda Colley (Princeton University), Professor John Kay (Visiting Professor, London School of Economics), Sir Maurice Kay (Former Vice President of the Court of Appeal of England and Wales), Professor Emerita Elizabeth Meehan (Queen's University Belfast), and Philip Stephens (Financial Times). The rapporteur is Centre Fellow, Professor Adam Tomkins, and the advisor is Alan Trench.

The Review will report in time to be considered by the next government and parliament (following the May 2015 general election). It has been funded by the Gatsby Charitable Foundation.

Intercept Evidence: Bingham Centre wins a Freedom of Information Appeal

The Bingham Centre has for some time been exploring issues relating to whether and when material obtained by intercept might be admissible as evidence in civil and criminal proceedings in the UK. In January 2013, the Home Office refused the Centre's freedom of information request for a copy of independent legal advice referred to in a Home Office report, stating that the information was exempt from disclosure. The Centre requested an internal review, following which the decision remained unchanged. The Centre sought a review of the decision by the Information Commissioner, which found the Home Office was entitled to rely on the legal professional privilege exemption.

In 2014 the Centre successfully appealed this decision at the First-Tier Tribunal (Information Rights). Dr Eric Metcalfe of Monckton Chambers and a Fellow of the Bingham Centre acted pro bono for the Centre. On 10 September 2014 the Tribunal upheld the Bingham Centre's appeal, finding that the public interest in disclosure should prevail as there was a 'clear,

compelling and specific justification' for disclosure that outweighed the public interest in maintaining the exemption. The majority of the Tribunal 'was strongly of the view that the arguments around whether intercept should be admitted as evidence should be public' and that 'all the arguments for and against such a system should be aired in public [giving all groups] an opportunity to consider legal (and other) opinions and to respond to them.' The Tribunal ordered the Home Office to release the legal advice. The Home Office is appealing the decision.

International Rule of Law Visiting Fellows

The Bingham Centre has established an initiative to host three International Rule of Law Visiting Fellows in 2014-15. The scheme was launched in September 2014 for a one week residence for overseas scholars to come to the Bingham Centre and present a seminar and a paper. The Centre's first fellowship was jointly awarded to Dr Michael Woolcock, Lead Social Development Specialist, and Deval Desai, Justice, Conflict and Governance Advisor, both from the World Bank. They visited the Centre in November 2014.

Events

The Centre hosted and organised around a dozen events this past year on a wide variety of rule of law topics in a range of contexts. These were often undertaken with the invaluable and generous support of law firms and barristers' chambers, and with international partner organisations.

We are grateful to the many eminent judges, lawyers, government officials, academics and internationally distinguished visitors who generously gave their time and insights that made our events so successful.

Among our events were:

The Second Annual Bingham Lecture

The second Annual Tom Bingham Lecture was delivered by Sir Alan Moses on 19 November 2014 at Gray's Inn, London. In Sir Alan's lecture, 'Wearing the Mourning Robes of our Illusions: Justice in a Spin', he advocated for greater engagement with the media by the judiciary through the establishment of 'press judges'.

Constitutional Reform in Burma/Myanmar

In January 2015 the Bingham Centre held a symposium in Naypyidaw, Myanmar, as part of its project on Constitutional Reform in Myanmar funded by the Foreign & Commonwealth Office. Presentations were given by Sir Jeffrey Jowell, Dr Marcus Brand (a senior legal and democratic governance expert), Rohan Edrisinha (Faculty of Law, University of Colombo,

Sri Lanka), Dr Andrew McLeod (Stipendiary Lecturer in Law at St John's College, Oxford), Naina Patel (Director of Education and Training at the Bingham Centre), and Alex Goodman (Fellow of the Bingham Centre). The presentations at the symposium covered a range of constitutional and rule of law topics. The symposium involved members of the Constitutional Amendment Implementation Committee of Myanmar responsible for implementing suggestions arising from the Constitutional Review together with other Parliamentarians from a range of parties including Daw Aung San Suu Kyi.

The Protection of Human Rights and Constitutional Review in the UK and Taiwan

The UK's experience of the Human Rights Act 1998 has the potential to contribute significantly to debates taking place in Taiwan on the legitimacy of constitutional review and the domestic application of international human rights standards. This was the object of a British Academy funded project led by the Bingham Centre jointly with the National Taipei University and UCL. As part of this project a visiting delegation from Taiwan—comprising a Judge of the High Court, two leading academics, and a managing partner from a major law firm—gathered at an evening seminar in May 2014. They discussed how international human rights laws have taken effect in Taiwan and how developments in Taiwan might have an impact on mainland China. In November Sir Jeffrey Jowell and former Court of Appeal judge Sir Bernard Rix gave a series of lectures to the judiciary and universities in Taiwan.

The Investigatory Powers Review

The Bingham Centre organised an experts meeting on 1 October 2014 on the Investigatory Powers Review, which is being undertaken by David Anderson QC (Independent Reviewer of Terrorism Legislation) who will report to the Prime Minister. The experts meeting featured short presentations on various aspects of the capabilities and powers required by law enforcement and security agencies, and the regulatory framework within which those capabilities and powers should be exercised. David Anderson QC provided an introduction to the Review. Topics included bulk collection of data, intercept powers, undercover policing and covert intelligence, and oversight of investigatory powers. Presenters included Matthew Ryder QC (Matrix Chambers), Helen Mountfield QC (Matrix Chambers), Tom Hickman (Blackstone Chambers & Bingham Centre Fellow), and Eric Metcalfe (Monckton Chambers & Bingham Centre Fellow). Following the event, the Bingham Centre made a submission to the Review which is due to report during 2015.

Competition Law Forum

Director: Liza Lovdahl Gormsen

The Role of In-House Counsel in Today's Legal Practice

On 11 September 2014, the Bingham Centre held a conference in Brussels on the Role of In-House Counsel in Today's Legal Practice. Generously sponsored by Sidley Austin and ECLA, the event consisted of two panels examining recent developments on the role of in-house counsel at the EU and national levels, and the important role that in-house counsel have to play in upholding the rule of law.

The CLF contributed to the Competition and Markets Authority's roundtable on the review of the European Merger Regulation and submitted a response to the European Commission's public consultation 'Towards efficient merger control'. Related to this, the 12th annual Merger Conference had a panel devoted to minority stakes, de minimis and recent developments in substantive analysis with speakers from the European Commission. Many thanks to our sponsors, RBB Economics and Linklaters.

The CLF identifies areas requiring debate and analysis, and provides the required forum and experts, thereby contributing to policy initiatives. Key amongst these were roundtable discussions on exclusionary rebates, standard essential patents and most favoured nation clauses.

As part of the study on collective redress mechanisms carried out by BIICL, based on a grant awarded by the European Commission, CLF director Liza Lovdahl Gormsen gave an address on 'The Future of UK Litigation' at the time of parliamentary approval of the Consumer Rights Bill. Collective redress is and will continue to be an important issue for the CLF.

The CLF has a tradition of involving leading Competition officials and experts in pan-European debates. To this effect, CLF hosted a conference on State Aid, Tax and the Notion of Selective Advantages in Brussels with speakers from the European Commission, business and academia. CLF director Liza Lovdahl Gormsen went to Brussels to meet the new Competition Commissioner Margrethe Vestager, who considers it one of the key challenges of her mandate to see that state aid modernisation is implemented in practice, in particular, that member states comply with the General Block Exemption Regulation and its rules on transparency and evaluation.

Events 2014-15

9 April 2014

Special discussion with FTC Commissioner Wright and Amelia Fletcher OBE.

14 April 2014

Pay for Delay roundtable.

Chair: Mat Hughes (Alix Partners).

Speakers: Neil Baylis (K&L Gates), Helen Jenkins (Oxera), Ronit Kreisberger (Monckton Chambers), Brian Sher (Nabarro), Mike Walker (Competition and Markets Authority).

30 October 2014

Intel roundtable.

Chair: Brian Sher (Nabarro).

Speakers: Bill Allan (The Competition Appeal Tribunal), Jorge Padilla (Compass Lexecon) and David Bailey (Brick Court Chambers and King's College London).

16 December 2014

Standard essential patent roundtable:

Chair: Robert Bell (Competition Law Committee, City of London Law Society & Bryan Cave).

Speakers: Pierre Regibeau (CRAI), Anne Layne-Farrar (CRAI), Helen Jenkins (Oxera), RT. HON. Professor Sir Robin Jacob (UCL), Alison Jones (King's College London and Freshfields), Kassie Smith QC (Monckton Chambers) and Mike Walker (CMA).

25 February 2015

Most Favoured Nation Clauses.

Chair: Liza Lovdahl Gormsen (BIICL).

Speakers: George Barker (Centre for Law and Economics, Australian National University), Philippe Chappatte (Slaughter & May), Silke Hossenfelder (Bundeskartellamt), Nelson Jung (Competition and Markets Authority), Deirdre Trapp (Freshfields).

Investment Treaty Law Forum

Director: N Jansen Calamita

The Investment Treaty Forum (ITF) at the British Institute of International and Comparative Law was founded in 2004. Its aim is to provide a global centre for serious, high-level debate in the field of international investment law. The Forum is a membership-based group, bringing together some of the most experienced and insightful lawyers, business managers, policy advisers, academics and government officials working in the field. Like BIICL itself, the Forum shares a reputation for independence, even-handedness and academic rigour.

The Investment Treaty Forum's Activities

The activities of the Investment Treaty Forum are varied and may be distinguished between Public Conferences and Seminars and By-Invitation Meetings.

Public Conferences

Twice annually the Investment Treaty Forum conducts day-long public conferences during which it opens its discussions to the public for the benefit of all of those interested in the field. The ITF public conferences in 2014 are listed below.

Investor-State Arbitration and Beyond

Twenty-second Public Meeting of the Investment Treaty Forum, London
8 May 2014

Summary: This meeting proceeded from the observation that we are presently in the midst of a period of unprecedented re-examination and innovation with respect to the dispute settlement aspects of the investor-state treaty regime. The purpose of this meeting was to address some of the most important policy and rule changes which have taken place over the past several years and ask about changes and new structures currently under consideration. The meeting proceeded under three panels: (1) Alternatives to Ad Hoc Arbitral Resolution; (2) Beyond Arbitration? and (3) Making the Most of Current Processes.

Participants: Andrea Giardina (Keynote), Chiomenti Studio Legale and University of Rome (Sapienza); Anne van Aaken, University St Gallen; N Jansen Calamita, Investment Treaty Forum; Alejandro Carballo, Energy Charter Secretariat; Jean Kalicki, Arnold & Porter; Mark Kantor, Independent Arbitrator; Wolf von Kumberg, Northrup Grumman; Barton Legum, Dentons; Mark McNeill, Shearman & Sterling; Rodrigo Polanco, University of Chile and World Trade Institute; Ted Posner, Weil, Gotshal & Manges; Yannick Radi, University of Leiden; Julia Salasky, UNCITRAL Secretariat; Christoph Schreuer, University of Vienna; Christian Vidal-Leon, Price Waterhouse Coopers; Jason Yackee, University of Wisconsin.

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 The Permanent Court of Arbitration
 The United Nations Conference on Trade and Development

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Professor James Crawford SC, University of Cambridge and Matrix Chambers
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 Professor Loukas Mistelis, Queen Mary University of London
 Professor Peter Muchlinski, School of Oriental and African Studies, University of London
 Dr Federico Ortino, School of Law, King's College London (former ITF Director)
 Dr Karl P Sauvart, Columbia University Law School
 Professor Dr Christoph Schreuer, University of Vienna

Can International Investment Law be Restated? Or is Jurisprudence Constante the El Dorado of Investment Treaty Lawyers?

*Twenty-third Public Meeting of the Investment Treaty Forum, London
 12 September 2014*

Summary: It has sometimes been suggested that while the international legal system admits no formal principle of stare decisis, there might nevertheless develop in the field of international investment treaties, a jurisprudence constante - a "persisting jurisprudence" that secures unification and stability of judicial activity. This 23rd Meeting of the Investment Treaty Forum investigated that claim, combining reports on where the investment treaty "case law" stands in the field with a theoretical and practical inquiry as to the utility of this "precedent" in light of the increasing heterogeneity among international investment treaty arrangements and the structural limitations of the regime. Among the issues addressed were the principles applicable to claims for indirect expropriation, the evolving meaning of "fair and equitable treatment," the operation of umbrella clauses, and the definition of "investment."

Participants: Andrea Bjorklund (Keynote), McGill University; Jean d'Aspremont, University of Manchester; N Jansen Calamita, Investment Treaty Forum; David Caron, King's College London; Martins Paparinskis, University College London; Dan Sarooshi, University of Oxford and Essex Court Chambers; Christoph Schreuer, University of Vienna; Jeremy Sharpe, U.S. Department of State; Laurence Shore, Herbert Smith Freehills; Daniella Strik, Linklaters (Amsterdam); Jeffrey Sullivan, Allen & Overy.

ITF By-Invitation Seminars

As the Investment Treaty Forum is a membership-based organisation, a principle focus of the Forum's activities is bringing the Forum's membership together with invited-guests to participate in the free exchange and debate of ideas on the most important issues in the field of international investment law. These meetings take place under the "Chatham House Rule" and provide a unique and valuable opportunity to discuss issues with colleagues, policy-makers and other participants in international investment law in a less formal setting than a classic conference.

Product Liability Forum

Director: Dr Duncan Fairgrieve

The Product Liability Forum (PLF) allows the practical application of policy and developments in product liability and safety law to be considered by leading lawyers in private practice, industry, academia, regulatory bodies and senior business managers, consumer representatives, public servants, public affairs professionals and other specialist practitioners. Its role is to analyse and improve the conduct of policy and practice in the spheres of product liability, product safety and mass torts.

The academic credentials of the PLF set it apart from other bodies. It is not designed as a lobby group, nor is it to be identified with any particular perspective or sector.

Product Liability Research

The status of the PLF as a leader in the product liability and safety area has been recognized by the European Commission which requested our participation in the review process of the Product Liability Directive. We have also been working with the European Council E-Justice Working group on the Product Liability Database (see below).

Product Liability Database

This is an innovative web-based database of legislation and judicial decisions on product liability, aiming to bring together all judgments under the European Product Liability Directive in all the Member States. Each country report includes an analysis of domestic tort and contract law, the relevant procedural background, as well as the implementation of the Directive, supplemented by case reports of major decisions with commentary. This is a major research effort; no similar tool exists. This database is viewable from the PLF webpage (members' access only): www.biicl.org/plf.

In 2013, the PLF Database was showcased at a meeting of the European Council E-Justice Working group, bringing together representatives from the European Council and from Member States across Europe.

Product Liability Forum Events 2014 - 15

Public Events

15 January 2014

BIICL Rapid Response Seminar on Suing the Military: Tracing the Contours of Legal Liability of the Armed Services.
Speakers included Dr Jonathan Morgan, Corpus Christi College, Cambridge University; Robert Weir QC, Devereux Chambers.

28 Jan 2014

Latest Developments in the Law of Reparations.
Speakers included Peter Van der Auweraert, Head of the Land, Property and Reparations Division, International Organization for Migration (IOM); Dr Francesca Capone, Sant' Anna School of Advanced Studies; Carla Ferstman, Director, REDRESS; Daniel Leader, Leigh Day & Co.

19 June 2014

Collective Redress in Europe – Why?
Speakers included Anne-Lise Sibony, University of Liège; George Barker, Director, Centre for Law and Economics, ANU; Marcus Smith QC, Competition Appeals Tribunal; Mr. Justice Meinrad Wösthoff, Director of the County Court Hanau, Germany.

24 March 2015

Revisiting Rome II: National Developments.
In the Chair, Gerard McDermott QC, Outer Temple Chambers.
Speakers included Professor Marco Bona, MB.O Law; Philip Mead, Old Square Chambers; Silina Pavlakis, Pavlakis, Moschos & Associates Law Offices; Carlos Villacorta, BCV Lex.

Forum seminars

6 February 2014

Accountability Strategies in relation to Regulatory and Product Liability issues with Food and Drink Products.
In the chair, Roger Gardner, former Legal Director for General Mills Europe.
Speakers included Professor Alfred H. Meyer, German lawyer at Meyer Rechtsanwalte; William Hibbert of Henderson Chambers.

20 March 2014

PLF Seminar on Punitive Damages in Europe.
In the chair, Dr Solène Rowan, LSE.
Speakers included Prof. Ina Ebert (Munich Re); Tim Cowen (Sidley Austin); Dr Francesco Quarta (University of Bologna); Prof Erdem Büyüksagis (Fribourg University, Switzerland).

8 July 2014

PLF Rapid Response Seminar on High Court Glucosamine Judgment.
Speakers included Melissa Coutinho, MHRA; Brian Kelly, Covington & Burling.

22 September 2014

Class Actions and Product Liability Litigation: An Australian Perspective.
Speakers included Jason Betts, Herbert Smith Freehills LLP; Damian Grave, Herbert Smith Freehills LLP; Prof Rachael Mulheron, Queen Mary College London.

15 January 2015

PLF Seminar on Vaccines - Regulatory and Liability Perspectives.
In the Chair, Professor Angela Thomas, Deputy Chair, Commission on Human Medicines and Consultant Paediatric Haematologist, Royal Hospital for Sick Children, Edinburgh.
Speakers included Professor Jean-Sebastien Borghetti, Université Paris II; Professor Larry Phillips, LES; Maître Alexandre Regniault, Simmons & Simmons Paris; Professor Eleonora Rajneri, Université del Piemonte Orientale.

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Research Projects

The Appointment, Tenure and Removal of Judges under Commonwealth Principles

Across the Commonwealth certain basic questions arise when designing an institutional structure that will support an independent, competent and ethical judiciary:

- who should appoint judges and by what process?
- what should be the period of judicial appointment and how should judges' remuneration be determined?
- what grounds justify the removal of a judge and who should carry out the necessary investigation and inquiries?

This study, funded by the Commonwealth Secretariat, aims to provide an overview of the systems of judicial appointment, tenure and removal that are currently in use in the 53 member states of the Commonwealth, and to identify best practice under the Commonwealth Principles on the Accountability of and the Relationship between the Three Branches of Government (also known as the 'Latimer House Principles'). The study draws on comparative data gathered from constitutional and legal frameworks, decided cases and the proceedings of other bodies such as impeachment tribunals. It identifies common approaches, for example the predominance of independent appointment commissions, and suggests best practice solutions to challenges such as the interaction of appointment bodies with the Executive and the challenges in providing institutional and procedural safeguards when judges are impeached.

The findings are to be published as a book, and in free online pdf, and will be used by the Commonwealth Secretariat in its technical and advisory work.

Project Director:
Jeffrey Jowell QC

Research Fellow:
Dr Jan van Zyl Smit

Corporate Decision-Making in Foreign Direct Investment

This unique study seeks to discover which factors multinational corporates consider in selecting where to invest internationally, via a survey of executive opinion. The survey asked respondents to consider and prioritise the factors which draw them towards selecting particular locations for foreign direct investment ('pull factors') as well as those factors which discourage foreign investment ('push factors'). The survey investigated how legal environment and rule of law considerations specifically affect FDI decisions. The aim is to assist corporates to understand the significance of rule of law factors in FDI decision-making; to assist States in understanding what factors matter most to FDI decision-makers; and to help States to make policy choices that create a positive climate for growth. This study is supported by Hogan Lovells and Visiting Fellow, Julianne Hughes-Jennett. Director of the Institute's Investment Treaty Forum, N. Jansen Calamita, and Research Fellow, Justine Stefanelli, are leading this programme of work.

The research team employed the Economist Intelligence Unit to undertake the survey, which was completed in late autumn 2014. The report is due to be published in May 2015.

Project Directors:

Jansen Calamita (for ITF)
Jeffrey Jowell QC
Justine Stefanelli
Dr Julinda Beqiraj (for the Bingham Centre)

Cross-Border Disaster Assistance

In December 2014, Justine Stefanelli and Kristin Hausler finalised their synthesis report on cross-border disaster relief, which was drafted for the Icelandic Red Cross and the International Federation of the Red Cross and Red Crescent Societies. The report contains a comparative analysis of the laws pertaining to cross-border disaster relief in a selection of Member States, namely Finland, Iceland, Ireland, Italy, Latvia, and Poland. This Report considers the EU Host Nation Support Guidelines and the IFRC Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance. The Report was discussed at a workshop which took place in Riga in February 2015. It will be published within the first semester of 2015.

Previously, BIICL prepared a similar comparative report, analysing different countries, as well as reports focusing on the United Kingdom and the EU, which were all published in 2010.

On 30 October 2014, Kristin Hausler participated in a roundtable discussion entitled 'Advancing the International Programme for Disaster Relief: Challenges for Lawyers and Policy-Makers', which took place at King's College (London). This event, which was chaired by Professor David D. Caron, gathered many individuals interested in this emerging field, and was co-hosted by the Dickson Poon School of Law and the Disaster Law Interest Group at the American Society of International Law.

Research Fellows:

Justine Stefanelli
Kristin Hausler

Factors Influencing International Litigants' Decisions to Bring Commercial Disputes to London Courts

BIICL has conducted a survey for the UK Ministry of Justice on factors influencing litigants' decisions to bring commercial disputes to London-based courts. The project involved a broad fieldwork process including an online survey and qualitative interviews with legal practitioners and litigants in the UK and abroad who assessed the advantages and disadvantages of litigation in the UK. The assessment included the reasons for choice of court agreements in favour of English courts and choice of law clauses in favour of English law; the competitiveness of English courts as compared to other jurisdictions and arbitration; and the impact that increased court fees might have on the UK as a forum for the litigation of commercial claims.

Within the context of this project an event was organised in March 2014 entitled "Litigating in the UK – Why or Why Not?". The work assisted the Ministry of Justice in developing an evidence base on the drivers behind decisions to bring commercial litigation and where to seek redress. The study informed the government response on enhanced court fees (see Government Response to Part 2 of the Consultation on Reform of Court Fees and Further Proposal for Consultation, January 2015, <https://consult.justice.gov.uk/digital-communications/court-fees-proposals-for-reform/results/enhanced-fees-consultation-response.pdf>)

Research Fellows:

Dr Eva Lein
Professor Robert
McCorquodale
Dr Lawrence McNamara

Fair Relations in the Food Supply Chain: Establishing Effective European Enforcement Structures

Following on from previous research conducted in this area in 2012 and 2013 which suggested that the European Union should adopt a directive which regulates the relationships between food suppliers and retailers operating within the EU, this report suggests that the EU should give the Member States primary responsibility for enforcement against unfair trading practices (UTPs), according to principles and minimum procedures established at the EU level and under a framework managed at EU level.

The report discusses specifically how enforcement should be conducted at the national level, looking at issues such as the scope of and access to the national enforcement mechanism, how to conduct investigations that respond to issues of supplier fear and enforcement tools that the national enforcement authorities might use to remedy UTPs. It also considers how national enforcement authorities can work with each other and with the European Commission to enforce against UTPs, and related legal and practical issues, such as the legal basis for EU action, funding, and any new mechanism's relationship with the current voluntary framework.

Project Director:

Dr Philip Marsden

Research Fellow:

Justine Stefanelli

Focus on Collective Redress

The “Focus on Collective Redress” Project started in January 2013 and has been funded by the European Commission for two years (JUST/2011-2012/JCIV/AG/3398).

The aim of the project was to produce a comprehensive European and cross-national study on collective redress, through a European Network of academics, practitioners, policy-makers, consumers and SME representative bodies. The core of the project was a comprehensive website providing cross-national comparisons on collective redress mechanisms and case law in the EU, underlining issues of commonality and difference, informing about progress on legislation at the EU level and on difficulties of cross-border collective redress. The website is available at: www.collectiveredress.org.

The project also comprised various meetings, seminars and publications. Recent seminars held in 2014 included: “Collective Redress in Europe – Why?” – a seminar exploring the need for a specifically European model of mass litigation from a series of interdisciplinary perspectives: law and economics, behavioural sciences, and sociological and judicial perspectives; and “International Environmental Mass Litigation - Lessons for Europe”, an event examining the phenomenon of collective redress and mass claims in the environmental sphere, from English, comparative and international law perspectives.

The Focus on Collective Redress” Project also culminated in a 550 page publication entitled “Collective Redress in Europe – Why and How”, published by BIICL in March 2015. The book explores the need for mass litigation mechanisms in Europe from a series of interdisciplinary perspectives; analyses the current collective redress landscape in Europe in light of the Commission Recommendation of June 2013 on common

Researchers:

Dr Eva Lein
Dr Duncan Fairgrieve
Dr Marta Otero Crespo
Vincent Smith



principles for injunctive and compensatory collective redress mechanisms in the Member States; presents views from overseas on the present and future of collective litigation in Europe; includes commentary on various specific areas of collective redress, such as competition law, product liability and consumer protection; and discusses the options for and relevance of collective ADR mechanisms.

The “Focus on Collective Redress” Project will continue in 2015 and will serve as a resource for practitioners and academics, but also for European legislatures seeking to develop appropriate laws on collective redress.

BIICL worked on this project with the following partner institutions:

- Wirtschaftsuniversität Wien (AT)
- Universidade de Santiago de Compostela (ES)
- Istituto Universitario di Studi Europei (IT)
- Vilniaus Universiteas Teises Fakultetas (LT)
- Faculdade de direito da Universidade de Coimbra (PT)
- Juridicum, Institutionen for Juridik, Psykologi och Socialt Arbete (SE)
- Stichting Katholieke Universiteit Brabant (NL)
- PriceWaterhouseCoopers
- VISA Europe
- Qualcomm

Guidelines for Independent Judicial Appointment Commissions

Where responsibility for selecting judges is given to an independent judicial appointments commission (JAC), which generally bring together a combination of judges, lawyers and lay members, a host of practical and policy challenges arise. This project aims to develop guidelines for JACs in how they can best exercise their powers to promote an independent judiciary and strengthen the rule of law.

The project is being undertaken jointly with the University of Cape Town and funded by the Claude Leon Foundation. Participants include experts and those with practical experience of serving on JACs in South Africa, England and Wales, Canada, Malaysia, Kenya and India. All of these countries have gone through the process of establishing a JAC over the past 20 years and there is much to be learnt from their experiences.

The guidelines are to be finalised at a high-level workshop in Cape Town in April 2015. They will address the role of the JAC in relation to matters which include: criteria for judicial office; tests and other forms of evaluation; shortlisting and interviewing; deliberation and the suitability of different types of evidence; standards of conduct for commissioners; complaints mechanisms; and interaction with the elected branches in countries where they still exercise some discretion in making or confirming appointments.

Project Director:
Jeffrey Jowell QC

Research Fellow:
Dr Jan van zyl Smit

Human Rights Due Diligence on Corporations

BIICL is funded by, and working together with, the law firm Norton Rose Fulbright LLP on a research project into human rights due diligence. Human rights due diligence is a core element of the UN Guiding Principles on Business and Human Rights.

While many businesses already conduct due diligence in a variety of contexts, including project finance and mergers and acquisitions, human rights due diligence is qualitatively and quantitatively different from much of the legal and commercial due diligence that businesses are used to conducting. Yet there is a real lack of clarity about what is required.

The principal issues to be addressed by the project will include:

- The meaning of human rights due diligence;
- The need to carry out human rights due diligence;
- The key elements of human rights due diligence;
- What businesses and sectors are doing (and seeking to do) in this area;
- Current standards and best practice;
- Key legal and commercial risks for businesses and how best to manage them; and
- Likely future developments in this area e.g. further legislation, regulation and judgments.

The project is aiming to clarify issues of law, principle and practice in the area of human rights due diligence, so as to produce practical recommendations for businesses. There will be some events, briefings, a website and publications as part of this 16 month long project from March 2015.

Project Director:
Professor Robert
McCorquodale

Research Fellow:
Lise Smit

Human Rights and the Rule of Law in Turkey

In early 2015, BIICL carried out a new research project on human rights and the rule of law in Turkey which resulted in the production of a scoping report which is presently being finalised. The report considers the ways human rights, including freedom of expression, freedom of association, and freedom of religion, are protected within the Turkish context. It also contains an analysis of a number of relevant rule of law principles, such as access to an independent justice system, the equal application of the laws, or the fair exercise of power. It highlights some of the key human rights concerns which are currently present in Turkey.

As part of this research project, Kristin Hausler attended the Universal Periodic Review of Turkey at the Human Rights Council in Geneva in January 2015, a process through which the human rights' situation of each state is reviewed every four years.

Project Director:

Kristin Hausler

International Access to Justice: Barriers and Solutions

In March 2014 the International Bar Association (IBA) Access to Justice and Legal Aid Committee commissioned the Bingham Centre to undertake a major access to justice project.

The research aims were twofold: to identify barriers to access to justice across a range of jurisdictions internationally and to draw together strategies that have been used to overcome those barriers. The core objective was to provide insight into examples of good practice that may be transferable internationally, and to inform access to justice practices and policies elsewhere.

The concept of access to justice in this study was a comprehensive one, covering different stages that arise in civil or criminal justice. It encompassed the existence of rights enshrined in laws, awareness and understanding of such rights, access to dispute resolution mechanisms as part of formal and informal justice institutions and the availability of, and access to, counsel and representation. It also encompassed the ability of such mechanisms to provide fair, impartial and enforceable solutions.

The methods included conducting an international online survey and running an expert workshop in London.

The report, International Access to Justice: Barriers and Solutions, was published in October 2014. It was launched at the IBA annual conference in Tokyo, where Lawrence McNamara was invited to speak. It was also a part of a keynote presentation at the International Lawyers Forum in Berlin in March 2015.

The report is available at:
www.biicl.org/bingham-centre/publications/reports

Research Team:

Dr Julinda Beqiraj
Dr Lawrence McNamara

The Prevention of Sexual Violence in Nepal: Harmonising Laws with International Human Rights Standards

In late 2014 the Bingham Centre was approached by the British Embassy in Nepal with a request to provide a resource pack that would assist a research team at Kathmandu Law School (KLS). The KLS team was undertaking a project on the prevention of sexual violence in Nepal and was seeking resources relating to the law in the UK and the way that international human rights standards can inform law and policy in the prevention of sexual violence.

The Bingham Centre produced a 40-page guide for the KLS researchers. Importantly, the structure of the guide reflects a general theme of law reform in England & Wales in this area: an examination of sexual violence and the law should not be limited to consideration solely of laws relating to rape and associate offences. The legal strategies for preventing sexual violence encompass a wider range of laws and legal issues, as well as policy initiatives that do not require legislative change or action by the courts.

There are five sections to the guide:

- The law relating to sexual offences
- Criminal procedure and evidence
- Beyond the sexual offences framework: domestic and family violence
- Strategies and practices in prosecution
- The rule of law and international human rights standard

The Centre is grateful to Ashurst LLP who provided pro bono research assistance.

The guide is available at: www.biicl.org/documents/520_bingham_centre_-_research_guide_to_sexual_offences_kathmandu_law_school_-_february_2015.pdf

Research Team:

Dr Lawrence McNamara
Swee Leng Harris

Protecting Education in Insecurity and Armed Conflict

Since the publication of 'Protecting Education in Insecurity and Armed Conflict: An International Law Handbook' in 2012, a number of developments have occurred in the protection of education in insecurity and armed conflict under international law. In order to keep the Handbook current, BIICL and Protect Education in Insecurity and Conflict (PEIC) have decided to publish annual briefs containing all the relevant updates in that area.

The second brief, which contains the 2014 international legal developments relating to this topic, was published in early 2015. The 2014 Update is available at:
www.biicl.org/protectingeducation.

Unfortunately, students and schools continue to be attacked daily around the world. For example, in December of last year, 132 children and nine education personnel in Pakistan lost their lives when the Taliban attacked their school. It is therefore imperative that intensified attention is paid to this important issue. This Update, the second since the publication of the Handbook in 2012, seeks to provide detail and accompanying analysis of any legal developments of international law in the year 2014, which is relevant to this issue.

In addition, the Handbook has served to provide training on the legal frameworks protecting education in times of insecurity and armed conflict. It was the key tool in a regional forum organised by the UN OHCHR for the MENA region and PEIC, at the Dead Sea in Jordan in January 2014.

Research Team:

Kristin Hausler
Professor Robert
McCorquodale

The Rights and Responsibilities of Media Professionals Under International Humanitarian Law

In 2012 BIICL commenced a project, commissioned by the British Red Cross, undertaking research into the legal position of media professionals in armed conflict.

A Handbook and a Field Guide for media professionals on dangerous professional missions in conflict zones will be published in 2015. The Handbook and Field Guide will provide members of the media with information about their protection and responsibilities under International Humanitarian Law (IHL) in conflict zones. This research builds on the ongoing work of the British Red Cross aimed at increasing awareness and understanding of IHL among media professionals.

BIICL has consulted widely among members of the media with conflict reporting experience. A Media Panel, comprising several media experts with experience in conflicts, was established to advise on the practical requirements of the publications in order to enhance their usability in conflict situations.

Research Team:

Nicole Urban
Dr Andraz Zidar

The Rule of Law in Schools

In December 2013, the Bingham Centre received a grant of £100,000 from the Legal Education Foundation for an 18-month project to produce and trial materials that introduce rule of law principles to key stage 3 students (12-14 year olds) in schools within the framework of the citizenship curriculum.

The resources, completed in September 2014, introduce students to the justice system through a rule of law lens, educating them about their rights and responsibilities as members of British society as well as introducing the ties between good citizenship and its roots in constitutional traditions, democracy and justice that are reflected in the British justice system.

Fundamental principles underlying the justice system are explored in the resources through examining important legal debates and topical case studies. Through this approach to study, the project also aims to develop students' key skills that have cross-curricular application, and that are vital for further study, including independent thought, communication, evaluation and analysis, and being able to draw conclusions from evidence.

Trials of the resources started in the Autumn Term of 2014 and will continue through Spring Term 2015 and Summer Term 2015.

In November 2014, the Bingham Centre was granted an additional £20,000 by the Magna Carta 800 Trust to develop an additional module to its set of resources, exploring the Magna Carta as a historical foundation for some of the enduring principles that are still reflected in our justice system today. The Magna Carta resources will be available for distribution in June 2015.

Further details of the project and samples of the resources are available on the project website: www.binghamcentre.biicl.org/schools

Project Directors:

Dr Lawrence McNamara
Naina Patel

Research Fellow:

Xiao Hui Eng

International and Comparative Law Quarterly



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Anna Riddell

In 2014-15 the International and Comparative Law Quarterly continued to provide academics and practitioners with wide topical coverage coupled with rigorous editorial standards.

Malcolm Evans OBE and Professor Robert McCorquodale continue to lead the Journal as General Editors, aided by the Editorial Board Members and Ian Cram, who has also taken on the role of Book Review Editor.

Annual Lecture 2015 and Young Scholar Prize

The highly successful ICLQ Annual Lecture took place on 13 April 2015, and was given by Professor Jonathan Hill of the University of Bristol on the topic 'Determining the Seat of an International Arbitration: Party Autonomy and the Interpretation of Arbitration Agreements'. At the Lecture the Young Scholar Prize, given annually to the best paper by a young author (aged 35 or under at the time of submission) was awarded. Fernando Lusa Bordin was the recipient of £250 worth of CUP books, for his article 'Reflections of Customary International Law: The Authority of Codification Conventions and ILC Draft Articles in International Law'.

ICLQ in Practice - Special 'Issue'

A showcase of the relevance of the ICLQ for practitioners of international and comparative law has recently been developed and the top twenty articles on practice-related subjects published in the last five years are now available with free access to all at:

www.journals.cambridge.org/iclq/practice

Membership of BIICL brings with it a free subscription to the ICLQ, or it is available as a personal annual subscription from the distributor Cambridge University Press. More details are available at:
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Publications

In 2014-15 BIICL produced three books, including our first title also to appear in eBook format.

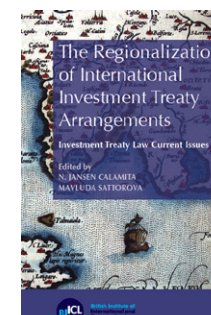
In addition to our in-house publications, BIICL has been collaborating with BRILL/Martinus Nijhoff in producing a series of books to commemorate the centenary of the establishment in London of the Grotius Society (a forerunner of BIICL) in 1915. This project will examine British influences on International law over three titles. The first will collect an anthology of original documentary sources of key British contributions to international law spanning the past 100 years. The second considers the influence of British contributions on the development of international law from a contemporary viewpoint, reviewing the various international legal issues over the period of 1915 to today. The third sheds light on the position, activities and influence of Legal Advisers in the domain of international law.

The Regionalization of International Investment Treaty Arrangements

N. Jansen Calamita and Mavluda Sattorova (Eds)

Published January 2015

This book examines the contents and character of this new generation of agreements and addresses the difficult questions raised by the coexistence of regional and bilateral investment treaties. It investigates the motivations behind regionalization and critically asks what regionalization tells us about the future of international investment law.



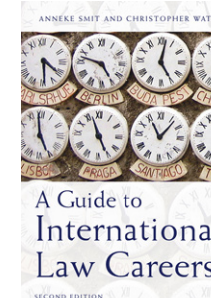
A Guide to International Law Careers

(Second Edition)

Anneke Smit and Christopher Waters

Published March 2015 Also in eBook format

This Guide offers a step-by-step approach to considering whether and how to pursue a career in international law, revised and updated for 2015 to include useful internships, short courses and Master's programmes.

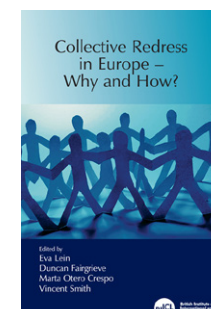


Collective Redress in Europe - Why and How?

Eva Lein, Duncan Fairgrieve, Marta Otero Crespo and Vincent Smith (Eds)

Published March 2015

This book explores the need for mass litigation mechanisms in Europe and the current collective redress landscape in light of the Commission Recommendation (2013/396/EU).



Events

During 2014-15, BIICL organised over 50 events covering a diverse range of subject areas from 'The Polar Environment: Policy, Legal and Scientific Perspectives' to 'From West Tankers to Gazprom – Arbitration and the Brussels I Regulation after the Recast'.

We had several successful events in our two Public International Law seminar series: the Arthur Watts series sponsored by Volterra Fietta; and the Temple Garden Chambers International Adjudication series.

At BIICL, we always try to ensure that our events are topical and include many issues in the public conscience. In the past year, these have included an event on 'International Energy Law: Russia and Europe' after the widespread coverage of the Russian/Ukrainian border dispute; a seminar on 'Flooding and other disasters: Assessing the Current Legal Frameworks' while large areas of Southern England were still flooded or engaged in clean-up operations; and an event on 'Scotland in the World: What now?' which took place just after the Scottish referendum vote in October 2014.

Following on from our successful introduction of short courses in 2013, we ran a two day Public International Law in Practice course in April and a four day International Law in Practice course in September. These courses were aimed at individuals in the early years of legal practice, those working in governmental and non-governmental organisations with legal elements to their work, and post graduate students studying international law. The programme provided a concise introduction to key issues across a broad range of aspects of international and comparative law – from public to private and from commercial to human rights, and was led by many of the Institute's researchers and practitioners. Both courses were fully booked and a success. BIICL will continue to run these short courses on a regular basis.

Throughout 2014 we held several PLF meetings at our offices, with topics including 'Punitive Damages in Europe', 'Collective Redress in Europe- why?' and 'PLF & Food law group seminar- High Court Glucosamine judgement'. We also ran CLF events regularly throughout the year. Titles from 2014 included 'Pay for delay', 'Roundtable discussion on Intel' and, bringing the event team's year to a close, the very last event of 2014 was a CLF meeting on 'Standard Essential Patents'. The ITF also held two annual conferences at BMA House.

Marketing

2014 saw the development of a detailed Marketing Strategy for the Institute. The Strategy was informed by input from staff and a sample of key external stakeholders. The Strategy identifies key aspects of BIICL's operations (stakeholder management, membership, events and communications) and sets out a range of recommendations to enhance future performance and ways of working.

In January 2015, the Board of Trustees considered and commented on the broad strategic intent of the Marketing Strategy; and advised on key priorities and recommendations.

Growing the Institute's membership

BIICL has created a diverse community of scholars and practitioners and serves as an unrivalled focal point for its membership base. The Institute supports and keeps its members abreast of the latest developments in international and comparative law. Institute members include judges, practising lawyers, government officials, regulators, international civil servants, academics and students. The Institute currently offers a number of tailored membership packages for Individuals, Corporates, Academics and Students.

In August 2014, Online International Membership was launched, available exclusively for those resident outside the UK. This new membership type offers 30% discount on the Individual Non-Member rate for three events per year, 40% discount on all Institute publications and online access to the complete ICLQ archive. This new category of membership has successfully enabled the Institute to expand its reach and attract a wider international membership base.

In 2015, the Marketing Manager will focus on raising awareness of the Institute's membership offering and increase the number of overall members. We will look to keep new members engaged and effectively steward relationships with existing members to promote institutional advancement and to encourage life-long relationships.

Throughout 2015 several tailored marketing campaigns will be carried out targeted at the Institute's different membership categories. The campaigns will aim to drive the retention of existing members, help attract new ones and raise the profile of the Institute and its work within the fields of international and comparative law. Market research will be undertaken to inform these integrated campaigns. In addition, web content and social media will be further developed to propel them into action and membership recruitment materials, such as leaflets, brochures and banners, will be developed to take on board the new approach.

Development

Developing brand awareness

The Marketing Manager has improved navigation and developed new content for the website on the membership and event pages. Social media provision has been expanded and a social media analytics platform introduced, so that the effectiveness of Facebook, Twitter and LinkedIn content can be easily tracked and benchmarked. In 2015, the Database and Technical Support Administrator will provide quarterly Google analytics data to others across the Institute to sit alongside the Finance team's financial analyses.

BIICL runs a dynamic and topical programme of events throughout the year, reflecting the Institute's research work and the interests of its wide constituency. In December 2014, BIICL provided open access to all papers and materials from past events held by the Institute since 2003; and will keep this resource regularly updated. Access to Event Papers had previously been restricted to members only. This new initiative will allow the Institute to communicate its research findings more effectively to the full range of its stakeholder audience.

Opportunities for partnership

The demand for BIICL's work is growing and is limited only by our resources. By supporting our work donors and funders have an opportunity to make a positive and lasting difference around the world.

Supporter of the Year Award

The Annual Supporter of the Year Award 2015 was presented to Linklaters LLP, in recognition of their support since 2010. They were one of the first providers of core funding for the Bingham Centre and have recently extended their funding for a further four years. Linklaters also sponsored an international conference on the rule of law and economic development in Singapore in 2014.

BIICL Fund: Shaping our Future

This BIICL Fund provides an opportunity for members and friends to make unrestricted donations, enabling us to expand our team, refurbish our premises and promote our work to a wider audience. It also gives us the flexibility to respond more quickly to global events and to embark on projects or recruitment without waiting for funding.

Funding for Research Fellowships

We are delighted that the Vivmar Foundation has confirmed funding for a further five years for the Maurice Wohl Associate Senior Research Fellow in European Law. We are also very grateful to The Dorset Foundation and to Herbert Smith Freehills LLP for their ongoing support for Senior Research Fellowships in Public and Private International Law respectively.

An annual donation of £100,000 over 5 years would enable a named Senior Research Fellow to be appointed. This provides an excellent opportunity for law firms and companies to raise their profile throughout the BIICL network of legal practitioners, judges, in-house counsel, government officials, consultants, academics and students world-wide.

BIICL is currently seeking funding for the following research fellowships;

- International Human Rights Law Fellowship
- International Financial Law Fellowship
- Intellectual Property Law Fellowship
- International Environmental and Natural Resources Law Fellowship
- Collective Redress Fellowship

Internship Programmes

BIICL is fortunate to have the assistance of high quality interns from all over the world who support our Research Fellows on a voluntary basis. We are seeking funding towards expenses for a number of internships across all areas of BIICL's work. This includes the Rosalyn Higgins Internship Programme, which is an exchange scheme with the American Society of International Law in Washington.

We are grateful to Volterra Fietta which is supporting a number of BIICL internships in public international law.

The Bingham Appeal

The Bingham Centre for the Rule of Law was launched in 2010 and is devoted to the promotion and enhancement of the rule of law worldwide. Following the successful launch appeal we are now aiming to raise £4.7million by 2020 to fund the Centre's Research Fellows and portfolio of applied research projects. Since May 2013 over £1.5m of donations has been received or pledged in the UK and the US, including grants from the David and Elaine Potter Foundation and the Sigrid Rausing Trust.

We are delighted that global law firm, Jones Day, will be supporting a new programme - the Global Rule of Law Exchange - over the next three years. This partnership will promote development and the rule of law internationally through events, research and other activities, and includes support for a Senior Research Fellow in Development and the Rule of Law.

We are extremely grateful to all of the Bingham Appeal donors. Space prohibits mentioning all of them but those who have given at a level of £1,000 and above are listed overleaf.

The Arthur Watts Appeal

The Arthur Watts Senior Research Fellowship in Public International Law was founded in memory of the late Sir Arthur Watts, one of the leading international lawyers of his generation. The establishment of the Fellowship has been made possible by the generosity of numerous benefactors, including leading international lawyers and governments. BIICL is particularly indebted to Mr Allan Myers, AO QC of Melbourne, whose significant personal donations helped us to reach our initial target of £500,000 in December 2014. We are grateful to all of those donors listed overleaf for their generous support of the Arthur Watts Appeal.

Phase II of the appeal has now begun in order to increase the scope and scale of our work in this area and to ensure the sustainability of the Fellowship.

Research Projects

Our core funders may also choose to support a specific research project in an area of interest to their organisation. This could be any subject agreed with us which has an international and comparative law or rule of law focus and can be global, regional or sector specific.

Sponsorship of Events

BIICL holds many events each year including conferences, lectures, dinners and seminars, in the UK and overseas. Sponsorship is available for many of these and offers an opportunity to raise the sponsor's profile with BIICL's global network of senior legal academics, practitioners, NGOs, governments and companies.

We are grateful to those firms and organisations that have sponsored events during 2014/15 which are listed overleaf.

How to donate

If you have any questions about supporting BIICL's work, please contact Sarah Taylor, Development Director, on **020 7862 5433** or **s.taylor@biicl.org**

Donations may also be made online by visiting **www.biicl.org/support-us**

The UK **Gift Aid** scheme allows BIICL to claim an additional 25p for each pound donated by taxpayers (including LLPs).

If you are a **US donor**, you can donate via the International Rule of Law Project (IROLP), which is a 501 (c) 3 public charity in the US. For further information go to **www.irolp.org**

Major Donors to the Bingham Appeal

£200,000 and above:

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Vivmar Foundation

The Rt Hon Sir Henry Brooke
The Salih Family
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£1,000 - £9,000:

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£100,000 - £199,000

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£50,000 - £99,000

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Director



Professor Robert McCorquodale
BIICL Director

Bingham Centre



Professor Sir Jeffrey Jowell KCMG QC
Director, Bingham Centre for the Rule of Law

Research



Jill Barrett
Arthur Watts Senior Research Fellow in Public International Law



Kristin Hausler
Associate Senior Research Fellow in Public International Law



Dr Julinda Beqiraj
Research Fellow in the Rule of Law (from February 2014)



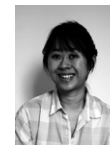
Dr Eva Lein
Herbert Smith Freehills Senior Research Fellow in Private International Law



N. Jansen Calamita
Senior Research Fellow in International Trade and Investment Law and Director, Investment Treaty Forum



Dr Liza Lovdahl-Gormsen
Senior Research Fellow in Competition Law and Director, Competition Law Forum (from September 2014)



Xiao Hui Eng
Research Fellow in Citizenship and the Rule of Law (from February 2014)



Dr Lawrence McNamara
Senior Research Fellow and Deputy Director, Bingham Centre for the Rule of Law



Dr Duncan Fairgrieve
Senior Research Fellow in Comparative Law and Director, Product Liability Forum



Lucy Moxham
Research Fellow in the Rule of Law



Dr Jean-Pierre Gauci
Research Coordinator in Public International Law (from July 2014)



Naina Patel
Director of Education and Training, Bingham Centre for the Rule of Law



Swee Leng Harris
Bingham Centre Research and Training Coordinator (from August 2014)



Lise Smit
Research Fellow in Business and Human Rights (from March 2015)



Dr Jan van Zyl Smit
Research Fellow in the Rule of Law



Justine Stefanelli
Maurice Wohl Associate Senior Research Fellow in European Law



Dr Andraž Zidar
Dorset Senior Research Fellow in Public International Law

Publishing



Professor Malcolm Evans
ICLQ Co-General Editor



Anna Riddell
Publications Editor

Administration



Patricia Ambrose
Deputy Director



Claudia Mansaray
Marketing Manager



Anna Brandenburger
Development Administrator (from February 2015)



Geoffrey Sautner
General Manager



Stephen Hains
Administrative Assistant



Darryl Seaman
Director of Finance



Sandra Homewood
Bingham Centre Administrator



Jayantha Sivanathan
Finance Officer



Bart Kolerski
Database and Technical Support Administrator



Dave Sutton
Conference and Events Coordinator



Charlotte Lazarus
Bingham Centre Administrator (from December 2014)



Sarah Taylor
Sarah Taylor, Development Director (from March 2014)

Consultants:

Sam Barnes
Paul Barnett
Lara Blecher
Dr Brian Brivati
Colm O'Connell
Tom Cornell
Professor Ian Cram
Marta Otero Crespo
Cai Jia Eng
Laila Hamzi
Alistair Henwood
Hayk Kupelyants
Anisa Mahmoudi
Sam Mejias
Dr Fatih Ozturk
Jose Maria Del Rio Villo
Catie Shavin
Vincent Smith
Larry Taman
Alan Trench
Magdalena Tulibacka
Dr Murat Tumay
Nicole Urban
Mike Wicksteed
Ivan Wood

Bingham Centre Fellows:

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Professor Hugh Corder
Dr Mark Elliott
Michael Fordham QC
Alex Goodman
Stephen Grosz QC (Hon)
Dr Tom Hickman
Julianne-Hughes Jennett
Maya Lester
Dr Eric Metcalfe
Professor Christina Murray
Peter Oliver
Professor Adam Tomkins
Sir Keir Starmer, KCB, QC
Philip Wood QC (Hon)

Bingham Centre International Fellows:

Deval Desai
Michael Woolcock

Visiting Research Fellows:

Paul Barnett
Dr George Barker
Dr Giulio Bartolini
Alex Bates
Nicole Bettinger
Martin Brenckne
Dr Claire Bright
Professor Rosalía Estupiñán Cáceres
Tim Cowen
Andrew Dickinson
Anne Eckert
Dimitrij Euler
Professor Malcolm Forster
Professor Santiago Álvarez González
Dr Agnieszka Jachec-Neale
Jinsoo Jung
Dr Vasiliki Kosta
Professor Matthias Lehmann
Professor Chao-Chun Lin
Professor Suzannah Linton
Dr. Artemis P. Malliaropoulou
Ana María Ruiz Martin
Dr Norman Mugarura
Leonello Perugini
Professor Sam Ricketson
Dr Mary Rogan
Franco Alunno Rossetti
Luis Velarde Saffer
Dr Lidia Sandrini
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Julian Scheu
Vincent Smith
Dr Emanuele Sommario
Professor Jane Stapleton
Nikolaos Theodorakis
Professor Ying-Hsin Tsai
Jane Welch

Honorary Fellows:

Professor Don Greig
Professor Alan Boyle
Lady Hazel Fox CMG QC
Professor Margot Horspool

Summarised Financial Statements

For the year ended 31 December 2014

Volterra Fietta – BIICL Interns

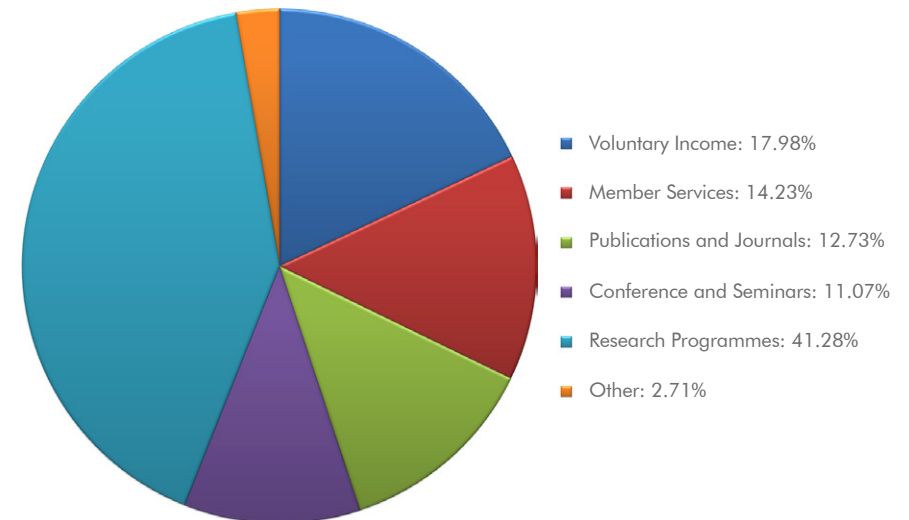
János György Drienyovszki
Alice Lam

Interns

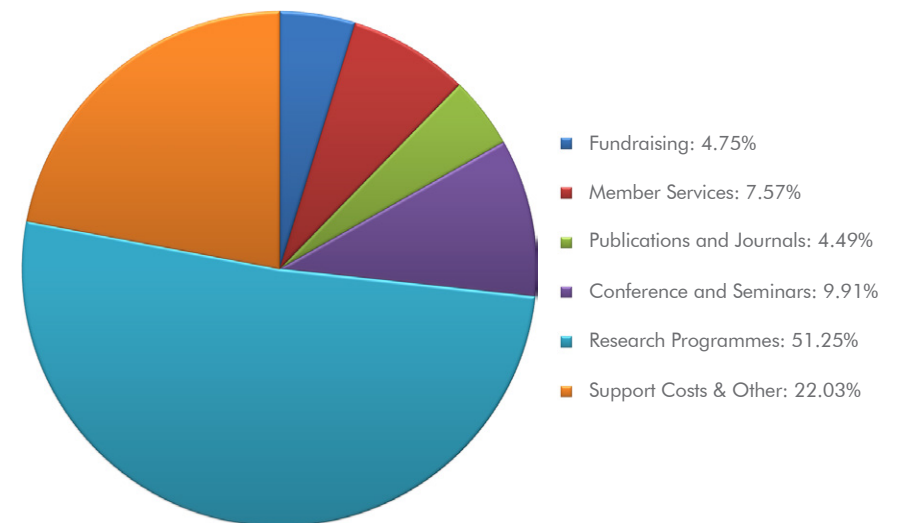
Duaa Abbas
Audrey Bachert
Sam Barnes
Charlotte Bellamy
Gabor Bogнар
Veronica Bonfigli
Ines Pierre de la Briere
Dominic Bright
Meritxell Burcet
Iain Clarkson
Marine Corhay
Tom Cornell
Caitlin Conyers
Nicholas Craigen
Joseph Crampin
Natalia Debowska
Kerala Drew
Hannah Edmonds
Noora Erkkilä
Yuwen Fan
Ruairaidh Fitzpatrick
Nayla Ghantous
Clemence Grenier
Kio Gwilliam
Laila Hamzi
Alistair Henwood
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Thomas Hutchinson
Andrew James
Jack Kenny
Noor Khadim
Ali Khan
Elif Mendos Kuşkonmaz

Elina Kyselchuk
Ernesto LaMassa
Anna Lehane
Zhi Wei Leo
Daniella Lock
Anisa Mahmoudi
Sulaiman Malik
Louise McNeil
Alix Murat
Callum Musto
Laëtitia Nakache
Nick Ognibene
Mapitiyage Chanushika Peiris
Marguerite Perin
Casey Perrino
Nicholas Petrie
Dr Linda Piusa
Cheuk-Man Poon
Jemma Queenborough
Maria Paula Reyes Gaitan
Teresa Rudolph
Medha Sachdev
Belinda Sandomato
Richard Scott
Elisabet Smit
Shehara De Soysa
Natalia Spyridaki
Sarah Stefano
Laurens Victor Steinmetz
Paul Stokes
Joseph Tomlinson
Ellen Verdure
Daniel Watson
Corie Ann White
James White
Nancy Williams
Maria Xiouri
Jan Zeber
Ewa Zelazna

2014 Income



2014 Expenditure



Summarised Statement of Financial Activities
(Incorporating an Income & Expenditure Account)
For the year ended 31 December 2014

| | 2014 Unrestricted & Endowment Funds (£) | 2013 Unrestricted & Endowment Funds (£) | 2014 Restricted Funds (£) | 2014 Total (£) | 2013 Total (£) |
|---|--|--|---------------------------------|-------------------|-------------------|
| Incoming Resources | | | | | |
| Incoming resources from generated funds: | | | | | |
| Voluntary Income | 2,395 | 1,337 | 320,340 | 322,735 | 232,734 |
| Activities for generating funds: | | | | | |
| Fundraising grant income | - | - | 15,150 | 15,150 | - |
| Rental income | 13,169 | 15,375 | - | 13,169 | 15,375 |
| Investment and other income | 17,682 | 20,191 | 2,660 | 20,342 | 26,771 |
| Incoming resources from charitable activities: | | | | | |
| Member services | 255,460 | 212,116 | - | 255,460 | 212,116 |
| Publications and journals | 221,767 | 257,115 | 6,730 | 228,497 | 263,644 |
| Conferences and seminars | 198,659 | 169,355 | - | 198,659 | 169,355 |
| Research programmes | 338,624 | 429,300 | 402,190 | 740,814 | 748,906 |
| Total incoming resources | 1,047,756 | 1,104,789 | 747,070 | 1,794,826 | 1,668,901 |
| Resources Expended | | | | | |
| Costs of generating funds: | | | | | |
| Fundraising costs | 18,905 | 16,665 | 65,430 | 84,335 | 77,866 |
| Charitable activities: | | | | | |
| Member services | 134,358 | 157,922 | - | 134,358 | 157,922 |
| Publications and journals | 79,657 | 76,222 | - | 79,657 | 76,222 |
| Conferences and seminars | 175,893 | 141,563 | - | 175,893 | 141,563 |
| Research programmes | 250,540 | 326,612 | 659,360 | 909,900 | 882,726 |
| Support costs: Staff costs | 269,689 | 247,558 | - | 269,689 | 247,558 |
| Support costs: | | | | | |
| Premises & other costs | 63,268 | 75,193 | 112,042 | 175,310 | 167,524 |
| Support costs: | | | | | |
| One-off items | (87,920) | - | - | (87,920) | - |
| Depreciation & loss on disposals | 26,013 | 15,449 | - | 26,013 | 15,449 |
| Governance costs | 8,278 | 8,580 | - | 8,278 | 8,580 |
| Total resources expended | 938,681 | 1,065,764 | 836,832 | 1,775,513 | 1,775,410 |
| Net incoming / (outgoing) resources before other recognised gains and losses | | | | | |
| | 109,075 | 39,025 | (89,762) | 19,313 | (106,509) |
| Other movements in funds | (24,441) | 13,497 | 20,473 | (3,968) | 33,534 |
| Net movement in funds | 84,634 | 52,522 | (69,289) | 15,345 | (72,975) |
| Reconciliation of funds | | | | | |
| Total funds brought forward | 1,226,983 | 1,174,461 | 850,499 | 2,077,482 | 2,150,457 |
| Total funds carried forward | 1,311,617 | 1,226,983 | 781,210 | 2,092,827 | 2,077,482 |

All of the above results are derived from continuing activities. There were no other recognised gains or losses other than those stated above.

Summarised balance sheet
As at 31 December 2014

| | (£) | 2014 (£) | 2013 (£) |
|--|------------------|------------------|-----------|
| Fixed Assets | | | |
| Tangible assets | 96,610 | | 98,713 |
| Investments | 280,891 | | 306,217 |
| | | 377,501 | 404,930 |
| Current Assets | | | |
| Stocks | 7,235 | | 5,859 |
| Debtors | 527,378 | | 303,548 |
| Cash at bank and in hand | 1,976,238 | | 1,984,678 |
| | 2,510,851 | | 2,294,085 |
| Creditors: | | | |
| amounts falling due within one year | (795,525) | | (621,533) |
| Net Current Assets | | 1,715,326 | 1,672,552 |
| Total Assets Less Current Liabilities | | 2,092,827 | 2,077,482 |
| Endowment Funds | | | |
| Sunley – Percy Rugg Endowment Fund | 140,255 | | 140,255 |
| Sunley – Sebag Shaw Endowment Fund | 140,255 | | 140,255 |
| Barnett Shine Charitable Foundation Fund | 121,532 | | 121,532 |
| | | 402,042 | 402,042 |
| Restricted Funds | | 781,210 | 850,499 |
| Unrestricted Funds | | | |
| General Fund | 812,965 | | 702,374 |
| Fixed Assets Fund | 96,610 | | 98,713 |
| Revaluation Reserve Fund | - | | 23,854 |
| | | 909,575 | 824,941 |
| | | 2,092,827 | 2,077,482 |

These summarised accounts have been prepared from the draft full annual accounts of the British Institute of International and Comparative Law. As such these accounts have not been extracted from the final full annual accounts and therefore have not been audited.

Their purpose is therefore to provide limited financial information as to the financial activities and results of the Institute for the year ended 31 December 2014 together with its financial position as at 31 December 2014. They may not contain sufficient information to allow for a full understanding of the financial affairs of the charity.

For further information, copies of the full audited accounts can be obtained from the British Institute of International and Comparative Law, Charles Clore House, 17 Russell Square, London WC1B 5JP.

The mission of the British Institute of International and Comparative Law is to advance the understanding of international and comparative law and to promote their application and development through research, publications and events.

As an independent legal research institute with charitable status, unaffiliated to any university, the Institute is the only such body in the UK and one of very few in the world, and has a very high international reputation for its work. It brings together scholars and practitioners, serving as an invaluable focal point and network for its members, experts, the general public and others who participate in its work.

The Institute provides an excellent environment for valuable and helpful discussions between those advising governments, corporations and others, and the academic community. It works with some of the leading scholars, judges and practitioners in their fields. Its high-quality research projects and seminars encompass almost all areas of international law (both public and private) and comparative law, including European law, and it is at the forefront of discussions on the many contemporary issues of international and comparative law.

This Annual Report provides details of the Institute's core activities, which include:

- Scholarly research and analysis
- Publication of the International and Comparative Law Quarterly, and a range of books on international and comparative law
- A diverse programme of distinguished lectures, conferences, seminars and workshops on highly relevant legal issues and developments

