

**British Institute of
International and
Comparative Law**

BIICL 60⁺ Appeal **Global challenges, new perspectives**





The British Institute of International and Comparative Law has launched an Appeal to raise £3 million for its development and expansion over the next five years.

Throughout its existence, the British Institute of International and Comparative Law has been a unique organisation, making a vital contribution to international security and prosperity by influencing debate, legal reform and policy making. For much of the time since the Institute's foundation in 1958, international law and domestic law have been based on principles that many people took for granted. By contrast, recent years have witnessed a marked growth in threats to core values, in particular adherence to the law and to parliamentary democracy, across the world.

As a result, it is more important than ever to protect these values and promote them in countries where they are less established.

So, there has never been a greater need for the work of the Institute. Its independence, breadth of expertise and international networks of practitioners, judges, academics, businesses, policy makers, governments and NGOs, provide an important platform from which to address many of the 21st century's most serious social and legal challenges.

This document sets out our plans in more detail and outlines how you can help us to achieve them. Within each of the key themes that we highlight, there are opportunities for named fellowships or sponsorship of programmes of work. Linked to our building upgrade there are opportunities to name rooms and spaces.

I am inviting you to help the Institute to make an important contribution to the world at a time when its services have never been more needed.

We would be delighted to discuss your interest in supporting our work and to develop a customised proposition for you.

Thank you in advance for your support.

A handwritten signature in black ink, which appears to read 'Lord Neuberger'. The signature is written in a cursive style and is underlined with a single horizontal stroke.

Lord Neuberger of Abbotsbury

60 years of BIICL



2018 marked the 60th anniversary of the British Institute of International and Comparative Law (BIICL). It was established by Lord Denning, Sir Hersch Lauterpacht, Lord Shawcross and a number of other distinguished legal practitioners and academics to advance the understanding and practical application of international and comparative law.

Through the leadership of its Directors and the guidance of its Presidents, Lord Denning, Lord Goff, Lord Bingham, Dame Rosalyn Higgins and its current President, Lord Phillips, this independent institute, unaffiliated to any government, university or other institution, has become a world-leading authority on international and comparative law and the rule of law.

Led by its in-house experts, BIICL's research has become recognised across a very wide range of important topics, such as business and human rights, environmental law, investment treaty arbitration, competition law, collective redress, access to justice, technology, online platforms and data protection, Fintech, cultural heritage protection and migration law.

The Institute's many and varied seminars, conferences and courses showcase its research and activities. These events give eminent and influential speakers and attendees from today's legal and business worlds, governments, international organisations and academia the opportunity to discuss emerging legal issues from new perspectives.

Recent key activities and achievements



Our Arthur Watts and Dorset fellows in Public International Law and our fellows in comparative law, international economic law, competition law, and other areas have built on the Institute's strong and long-held reputation for excellence in their fields. Some of their accomplishments include:

- Clarifying the legal obligations that bind States involved in sovereignty disputes over land and sea territory and the consequences for states that violate those obligations.
- Training lawyers, UK and overseas government officials and policy makers, business and charities on international law, including the law of treaties, state responsibility, investment law, international human rights law, environmental law and migration.
- Working with the Foreign and Commonwealth Office and others to assess the role of legal advisers to governments, international organisations and NGOs in international law.
- Undertaking research in the area of business and human rights, including examining legal developments around human rights due diligence, for wide-ranging audiences, including business, legal practitioners, governments and civil society.
- Assisting the European Commission in drawing up guidance on the Product Liability Directive to facilitate its use in practice, in particular with regards to the challenges of new technology including AI, Internet of Objects, 3D manufacturing and autonomous vehicles.



- Analysing the legal protection of education and training practitioners in the Middle East region, as well as producing the first handbook on the topic, which was distributed worldwide. Also developing the first handbook and field guide on the protection and responsibilities of journalists working in conflict situations.
- Clarifying the protection of cultural heritage in conflict, making recommendations and developing online training.
- Providing evidence to the House of Lords and the Furman Review on online platforms and the abuse of market power and exploitation of consumers.
- Preparing recommendations for the United Kingdom and Canadian governments on the post-Brexit regulation of foreign investment protections and dispute resolution mechanisms.



Bingham Centre for the Rule of Law

The Bingham Centre has, in a short time, developed an international reputation for promoting the rule of law domestically and internationally. Some of its notable activities include:

- Defending judicial independence, through extensive research on the appointment, tenure and removal of judges, resulting in the Cape Town Principles and other highly-regarded publications.
- Establishing a Business Network, comprised of leading companies committed to supporting the rule of law, to inform research and debate on key issues affecting the business community.
- Increasing understanding of the rule of law implications of Brexit by establishing an expert Working Group and publishing reports and commentary for Parliamentarians and the wider public.
- Engaging with young people through the design of Rule of Law for Citizenship Education teaching materials, now adopted in more than 400 secondary schools.
- Providing rule of law guidance for civil servants in Kenya to promote good administration and reduce the risk of decisions being challenged in court.

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

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



Our Forums

The Institute further enhances its research activities through three specialist Forums: the **Competition Law Forum**, the **Investment Treaty Forum** and the **Product Liability Forum**. These expert groups draw their membership from leading lawyers with a serious engagement in these areas and comprise senior solicitors, barristers, in-house counsel from business, policy advisers, lobbyists, academics, government officials, regulators and international officials.

The Forums provide an opportunity to exchange opinions, contribute to policy initiatives at an early stage, and promote research in these important areas of law and practice. All have had considerable influence in improving the conduct of policy and practice in their area.

International and Comparative Law Quarterly (ICLQ)

BIICL’s International and Comparative Law Quarterly was the first journal to offer the reader coverage of comparative law as well as public and private international law. Notwithstanding the many journals and specialist publications now available, it has retained its eminence as one of the most important journals of its kind in the world extending its scope to focus on European and Human Rights law. It is seen as the natural home of the most important papers and speeches on legal matters. In 2018 there were over 100,000 downloads of full text articles and 500,000 abstracts viewed.

The next 60 years



The need for BIICL's independent and impartial research and analysis and capacity building activities is greater than ever. In order to respond to these demands effectively, we now need to consolidate and expand our activities to widen our reach and our impact.

We have ambitious plans to build on our successful track record of spreading knowledge and stimulating change through our research. We aim to expand and develop our work on a wide range of legal issues including those relating to international trade, climate change and technology.

Supporting the development of international and comparative law in the UK and around the world, and promoting the rule of law in national and international affairs will remain fundamental to our mission.

To enable us to enhance our outreach and dissemination activities, and allow us to continue to grow our team in London, we are also radically reconfiguring the layout of our London offices. This will provide the additional office accommodation in London we need for our growing team of researchers and, very importantly, incorporate a large, attractive space for public events.

This new space will serve to bring the members of the legal world and other interested and influential people, with whom we already work so closely, right into the heart of the Institute. Moving forward we aim to expand our international reach, building on the staff presence we currently have in Washington, New York, Paris, Brussels and Lausanne.

Our London headquarters

BIICL's location in central London allows us to engage with our key stakeholders from around the world including governments, international organisations, companies, lawyers, barristers, judges, academics, educators, journalists and NGOs. We organise more than 70 seminars, conferences, panels and rapid response briefings each year directly benefitting around 4,500 attendees. Our events attract eminent and expert speakers, and participants, from today's legal and business worlds, governments and international organisations.

Our offices are located over two floors of a Grade II* listed building, overlooking Russell Square. The building as a whole has had no major infrastructure improvements since it was built in 1976. We are now undertaking a major refurbishment and reconfiguration of our space. One of the major factors driving this decision is our commitment to bringing most of our events and outreach, training and dissemination activities in-house. Our aim is to encourage the free-flow of ideas at the heart of the Institute and stimulate even greater collaboration between BIICL and the legal world. This will not only lead to greater efficiency for us, but will also bring benefit to the rule of law across the world.

To do this we will create a large, purpose-built conference and event suite with state-of-the-art audio-visual equipment and enhanced abilities to livestream to a global audience.



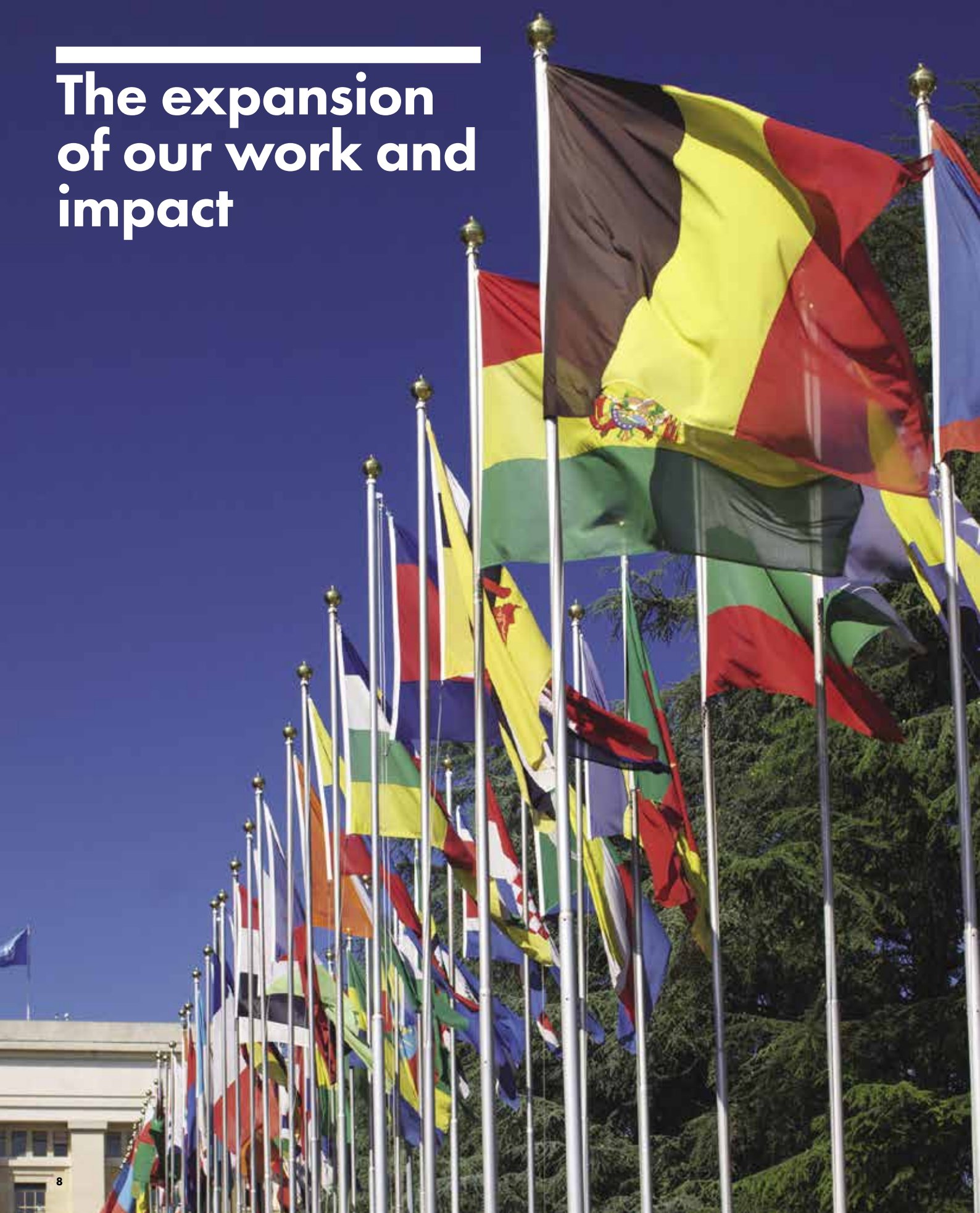
Saving on the high costs of external venue hire will also be of considerable benefit, as will the opportunity to develop an income stream from hiring out a professional facility to like-minded organisations and groups.

It is estimated that the total cost to BIICL of the works will be in the region of £1.5million. Much of this relates to essential upgrading and installation of new services, secondary glazing, improved sound reduction and air circulation.

As a result of prudent financial management, we are able to draw down funds from our reserves to contribute to these costs, leaving approximately £1 million of the £3 million target to be contributed by this Appeal.

There are a number of opportunities to donors to give their name to our new rooms and spaces.

The expansion of our work and impact



To respond to the growing demand for our expertise on a range of international and comparative law and rule of law topics, we intend to use funds raised by this Appeal to build on our existing work and to develop new programmes of research, training and events under four key themes. Within each theme there are opportunities for named fellowships and sponsored projects in areas such as, but not limited to, the following:

1. Shifting geopolitical networks

As the pace of change accelerates, long established networks and relationships are breaking down and new ones are emerging. A small number of technology platforms have become increasingly powerful. Technology transcends traditional borders and is transforming international law norms and concepts. These need to evolve to protect the interests of all of those who are affected by these developments and to uphold values that until now we have taken for granted.

Global trade law and diplomacy

This new BIICL initiative will consider trade from government, policy, law, and diplomacy perspectives. Specific research topics within this area may include Fintech, digital data, the Belt and Road Initiative, WTO, and investment disputes.



International law and technology

AI and technology more broadly add an additional dimension to international law. Our aim is to partner with technology hubs in the UK and across the globe, looking at innovation models, exploring the policy issues and setting the parameters of the international and national regulatory contexts against which technologies are embedded.

Maintaining expertise in European and international law

Maintaining expertise in EU Law will be vital going forward. We will continue our work on the rules and values that have been influenced by European law and will lead research on cross-border relations, bilateral and multilateral arrangements, and judicial cooperation.

Corporate obligations

We will look at the obligations that corporations have to the societies in which they operate, in all of their aspects, in their endeavours to make profits.



2. Societal challenges

More and more individuals and communities find themselves deprived of the means to protect their livelihoods, families or their very existence. Forced to flee homes or to endure exploitation, torture and slavery, they often have no access to justice and lack social or financial inclusion. International cooperation, agreements and treaties are vital in ensuring appropriate humanitarian responses and holding governments and businesses to account.

Climate change and other environmental, social and governance factors

This is an area of growing importance for BIICL. We intend to cover implications on statehood, territory and boundaries, environmental displacements, the future of The Paris Agreement, water and other natural resources and the geopolitics of energy. One area we hope to cover is their importance within the legal framework across different jurisdictions,

including decision making by pension funds, and sovereign wealth funds and their investment managers, and the legal and reporting framework within which those factors fit in relation to company board decision taking.

Business and human rights

BIICL has established itself as a leading authority in this area with recent projects on human rights due diligence and conflicts between national laws and international human rights standards. A funded programme would allow us to build on this work, engaging further with the global business community.

Migration

BIICL researchers have expertise in this area with projects on the rescue and protection of migrants at sea and migrant detention. Further funding will allow us to look more closely at topics including children's rights in refugee camps, the financial and cultural inclusion of migrants, human trafficking and global migration governance.

“BIICL is an independent leader in applied legal research and ideas: informing debate and contributing to the upholding of the international order in the UK and worldwide.”



Protection in armed conflict

The nature of warfare has changed, with an increase in the number of internal conflicts and armed groups involved, as well as the use of new technologies.

BIICL has conducted valuable research and developed training on the protection of education, cultural heritage and media professionals in armed conflict. We have also hosted high-level discussions on Syria and Yemen. We want to build on this work to help to ensure that international law is respected in wartime and that those who do not respect it are held accountable.

3. Legal systems

Legal systems provide the architecture which enables businesses, consumers, citizens and administrators to interact fairly and productively. Without these systems and processes, there is no redress and no access to justice. Our comparative research enables us to identify best practice in a jurisdictional, socio-economic and constitutional context and to provide relevant capacity-building and education where required.

Regulation, compliance and redress

This builds on a previous project, funded by the European Commission, which established BIICL as the collective redress research hub. This area is linked with trade but also with product liability and compliance. The Product Liability Forum is a niche area within BIICL that could become the springboard for a much larger programme of work on compliance and regulation. This could explore specific sectors, such as finance or pharmaceuticals, as well as geographies, for example the UK or China. The extent of regulation is becoming an increasingly critical issue in the UK.

International commercial courts

The aim is to examine the arguments for and against the trend for establishing international commercial courts and what this means for common law and English commercial law. From a practical perspective it will involve advocacy skills and judicial training.

Access to commercial justice

The idea is to assess the impact of litigation risks on the openness of business to cross-border trade generally, the identification of the particular risks that cross-border disputes pose for businesses, and the viable alternatives to the current litigation landscape.

“The rule of law is one of the greatest unifying, perhaps the greatest... It remains an ideal, but an ideal worth striving for, in the interests of good government and peace at home and in the world at large.”

The Rt Hon Lord Bingham of Cornhill KG

4. The rule of law in the digital age

Rapid advances in digital technology bring both opportunities and challenges for the rule of law. However, the use of predictive decision-making algorithms in law enforcement, the inadequacy of privacy safeguards in the age of surveillance capitalism and the inability of electoral law to protect the democratic process against manipulation, all point to the urgent need for a debate about how to ensure that the rule of law is not sacrificed as we embrace technological opportunities. The Bingham Centre will collaborate with data scientists to develop a programme of research that will promote rule of law enhancing digital technologies and inform the debate on the need for new or updated regulatory frameworks.

Regulating Artificial Intelligence and Big Data

We will focus on the adequacy of the current legal protection of people’s data privacy in the age of surveillance capitalism, comparing the emerging European model based on the principle of consent with the Chinese model (State control of data) and the US model (private sector control of data). We will also study the growing use of algorithmic decision-making in relation to law enforcement, criminal sentencing, credit-scoring, discrimination in recruitment and other areas. These systems must be capable of being scrutinised and held accountable and unfair or discriminatory decisions must be avoided.



The digitalisation of justice

The court modernisation programme in the UK is part of a worldwide trend toward harnessing the potential of digitalisation to achieve a step-change in access to justice. This will require rigorous and independent research and data collection to ensure that rule of law fundamentals do not take second place to cost considerations.

Citizenship in the digital age

Building on the Bingham Centre’s flagship work on Rule of Law for Citizenship Education, we will also consider how to help rule of law institutions to develop more direct forms of citizen engagement including through digital means.

How you can help

As a wholly independent research body, BIICL receives no central funding from any government and relies on income from its publications, events and membership, and donations and grants from law firms, corporations, international bodies, foundations, individuals and others.

This document outlines our plans to build on our previous work and to extend our expertise into new areas of research that are emerging as pressing issues. Within each of these key themes there are opportunities for named fellowships or sponsorship of programmes of work. Linked to our building upgrade there are also opportunities to name rooms and spaces.

By supporting our Appeal you will be helping BIICL to address some of the most pressing global challenges, thus making a positive and lasting difference to our world.

We would be delighted to discuss your interest in supporting our work and to develop a customised proposition for you.

Thank you for considering our request.

Diane Denny
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Any unrestricted funds raised by this Appeal will be spent on the activities outlined and related to those in this brochure, as prioritised by the Institute's trustees. Gifts for specific projects will be used in line with our donor's wishes.

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