Research Fellow in Judicial Independence and Constitutional Transitions

Overview

1. This is a post within an inter-disciplinary research project in the fields of Constitutional Law and Transitional Justice. As such, it is open to researchers with backgrounds either in Law or in disciplines relevant to the study of transitions to constitutional democracy, e.g. History, Politics, Political Theory or Sociology. Applicants with non-Law backgrounds should have some grounding in the study of legal institutions and ideally the judiciary. The project is funded by the UK Arts and Humanities Research Council (AHRC).

2. The project title is Special Processes for the Reassessment and Removal of Judges in the Context of a Constitutional Transition: Strengthening the Rule of Law? It examines processes which countries in transition to constitutional democracy have established for the reassessment and removal of judges inherited from an era of authoritarian rule. Through "lustration", "vetting", or even wholesale re-appointment exercises, many countries from post-war and post-communist Europe have attempted to reform their judicial personnel. Similar processes have been implemented during constitutional transitions in the Global South, including in Africa and Latin America, where truth commissions have sometimes been asked to investigate the judiciary.

3. The project has three research objectives:
   a. To build a body of evidence of special processes that have been applied to the judiciary in the context of constitutional transitions
   b. To analyse the potential contribution of such processes to the Rule of Law and specifically judicial independence, as well as the risks they pose to these values
   c. To identify whether international norms concerning the judiciary, particularly those relating to independence and security of tenure, may need to be revised to provide guidance on the design and operation of special processes during constitutional transitions.

4. The project began in August 2018 and is due to conclude in mid-2020. So far, the project has:
   a. Brought together a group of experts to write case studies on 11 countries (Argentina, Chile, the Czech Republic, El Salvador, Estonia, Guatemala, Germany, Hungary, Kenya, Pakistan, Serbia and South Africa)
   b. Held a workshop on 10-11 May 2019, organised with the Bonavero Institute of Human Rights, University of Oxford, at which the case study authors presented their papers in draft and responses were given by a panel of discussants from academia, the judiciary and international organisations
c. Written and published blogs introducing some of the main ideas from the project to a wider audience

5. By July 2020, the project will:
   a. Edit the case studies and finalise them as a volume to be published by a leading academic publisher (discussions with are under way with publishers)
   b. Complete and submit two articles to academic journals, one in the field of constitutional law and the other in transitional justice
   c. Publish a policy report which outlines the main findings and recommendations of the project for a general audience, including recommendations about how existing international standards should be applied and perhaps revised
   d. Conduct activities to enhance the impact of the project. These will include writing further blogs and curating blog responses, organising a launch event for the policy report, and participating in external events and seminars (for example, a panel that has been arranged for the November 2019 conference of the UN Global Judicial Integrity Network).


The Bingham Centre for the Rule of Law

7. The Research Fellow will be a member of the Bingham Centre for the Rule of Law, a centre within the British Institute of International and Comparative Law (BIICL). BIICL is one of the leading independent research centres for international and comparative law, and the Rule of Law, in the world. Our research, events, training and publications are grounded in deep scholarly knowledge and strong practical experience that can be applied to many situations. We continue to make an impact on law and policy around the world.

8. The Bingham Centre, established at BIICL in 2010, exists to advance the Rule of Law worldwide. It aims to do so proactively, and to have a direct and practical impact on law, policy and decision-making. The Bingham Centre’s research, events and training activities on the Rule of Law are documented on our website.

Job Description

9. The Research Fellow in Judicial Independence and Constitutional Transitions will be a member of the core team for this AHRC-funded project, based at the Bingham Centre.

10. The other members of the core team for this project are Dr Jan van Zyl Smit (Senior Research Fellow, Bingham Centre), who is the Principal Investigator for this project, and Professor Christina Murray, a renowned constitution-making expert currently serving with the UN Department of Political Affairs, who is the Co-Investigator. The Research Fellow will by
supervised by Dr van Zyl Smit, who has a 60% time commitment to this project for its duration.

11. The duties of the Research Fellow will include the following:

- Undertaking high-quality research on the reform of the judiciary in post-authoritarian countries, to inform the academic and policy outputs listed in para 5 above
- Working with other members of the core team to liaise with case study authors, edit their case studies and finalise a book manuscript for publication (para 5.a)
- Contributing to one or both of the articles to be submitted to academic journals (para 5.b), as well as the introduction and conclusion to the edited book (para 5.a)
- Producing or assisting with the production of outputs for wider audiences, including the policy report and blogs (para 5.c and d)
- Assisting with the organisation of a launch event for the policy report (para 5.d)
- Organising, storing and indexing all research material and data relating to the research on BIICL electronic systems
- Working in a team with other researchers, including research assistants at BIICL.

12. This is a full-time, fixed term post for seven months, starting as soon as possible, and ending by or before 31 July 2020 when the AHRC grant comes to an end. There are no teaching duties. Secondments for this period may also be considered. The post will be based in London. However, flexible arrangements can be considered including some remote working and with regard to distribution of hours.

13. The salary package will be in the range £29,000 - £32,000 pa, depending on qualifications and experience.

Person Specification

14. The successful applicant will have the following mix of experience, skills and attributes:

- A PhD or equivalent research experience in Constitutional Law or Transitional Justice, whether acquired in the field of Law or in another relevant discipline
- A record of published research in their field of activity, with published research on judicial institutions or constitutional transitions
- A record of co-ordinating research activity, including synthesising bodies of qualitative data
- Excellent written English and effective communication skills in disseminating research findings and other activities to a diverse international community the ability to work in other relevant languages including French, German, Spanish or Arabic would be an advantage
- A record of interacting appropriately with practitioners, judges, academics, policy-makers and others in this field, from a range of countries, with some experience in legal practice or policy work relating to the reform of government institutions would be an advantage
Research Fellow in Judicial Independence and Constitutional Transitions (fixed term)
Job description & person specification

- An ability to organise and manage seminars and workshops to a high standard
- An ability to be self-starting and self-sufficient, and to manage with minimal administrative support and
- An ability and willingness to work collaboratively and collegially with colleagues.

Application Process
15. Applicants should send the following by email to jobs@biicl.org on or before 3 November 2019:
   - The BIICL application cover form (available at www.biicl.org/vacancies) including the names and addresses of three referees (two of whom can be contacted prior to interview)
   - A full curriculum vitae
   - A covering letter setting out their reasons for applying and how they consider that they meet the person specification for this post.

16. Interviews are expected to take place in London. It may be possible to interview candidates who are outside the UK by Skype.

17. To be considered for this role, all applicants must currently have the right to work in the UK or will have the right to work in the UK by the date of commencement of employment.

18. We regret that we are unable to acknowledge receipt of applications personally, as we are a charitable organization with limited funds. If you do not hear from us regarding interviews within four weeks of the closing date, your application has been unsuccessful.

19. Applicants are encouraged to find out more about the Institute and its members of staff and activities at www.biicl.org.