

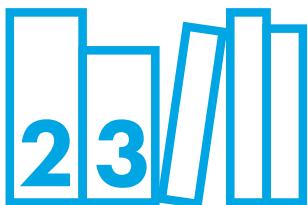


**British Institute of
International and
Comparative Law**

Global Challenges, New Horizons Annual Report 2019/20



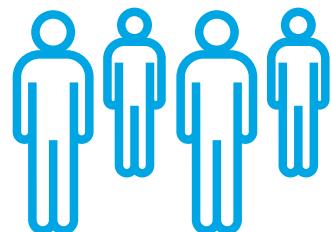
Overview of our work and activities



BIICL researchers published 23 research reports and books in 2019



142 media appearances and mentions



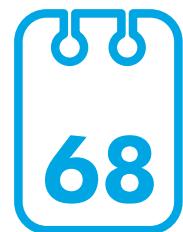
429 members



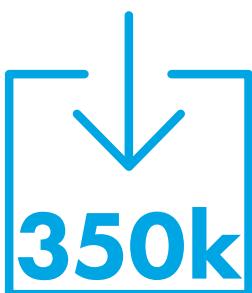
17 journal articles and book chapters



82 presentations by BIICL staff



68 events



350,000 downloads across all platforms



2,178 attendees at BIICL events during 2019



15 submissions to consultations

Foreword

The 2019/20 Annual Impact Report has been compiled while the world continues to grapple with the COVID-19 virus and the upheaval it has caused to us all. When there has been so much personal loss and impact on people's lives, it is hard not to look back to some of the earlier activities in this report without the shadow of the pandemic hanging over them.

One thing is clear: the upholding of international law and the rule of law remains vital, and has arguably never been more important, as States around the world struggle to find the most effective legislative and medical responses to the pandemic. Despite the different approaches taken, many common legal questions and issues have emerged over the last few months. At what point are 'normal' laws no longer enough and emergency measures come into play? How best to regulate the emergency and medical response? How to ensure that the emergency measures introduced are withdrawn once the justification for their adoption has passed? We have also seen more generally continuing challenges to previously accepted norms of behaviour and institutions underpinning the rule of law. These, and other issues, are being extensively explored within our Rule of Law Legislation Monitoring Project and other research on the regulation of vaccines.

The BIICL team has risen superbly to the challenge of keeping our programme of research, events and training running during this very challenging time. We would like to thank them for their resilience and energy and for all that they have achieved despite these very difficult circumstances. We have moved our events and training courses online, reaching a wider and more diverse global audience. Our Reimagining the Law initiative has

seen many leading international law experts taking advantage of this enforced opportunity to reflect and to set out their ideas for improving the legal space in a very wide range of areas. The essential contribution of the law to safeguard commercial activity and minimise disruption to supply chains, highlighted by the impact of the COVID-19 pandemic, has also begun to be explored through our Breathing Space project. And the BIICL 60+ Appeal has secured new funding to continue to develop and expand our areas of work and to help safeguard the Institute's future going forward. This has been particularly important given the understandable adverse impact which the pandemic has had upon the level of funding contributions we have received from many of our supporters.

We are delighted that the new Modern Slavery and Human Rights Policy and Evidence Centre, led by the Bingham Centre for the Rule of Law and funded by UK Research and Innovation, has been launched and has started to take shape during the course of the year. We will be able to report further on the work of this important new initiative in our next Annual Impact Report.

As we write this foreword, the news of the success of three vaccine trials has just emerged, providing hope and renewed optimism for the coming months. However, we anticipate that the challenges we are witnessing to international law and to the rule of law will not diminish. Thank you to all of our funders, members and supporters for their continued engagement in our vital work. It is genuinely hugely appreciated. We look forward to a brighter outlook together in 2021.



International Law in Focus

International law, with its set of rules established through treaty or custom, is the key to stable international relations, collective security, and sustainable development. When international law is not respected, growing insecurity and inequalities, as well as attacks on the rule of law, become the norm. Following decades of efforts to expand the reach and content of international law through multilateralism, international law is now challenged by global power shifts and rising nationalism.

BIICL's Centre for International Law (CIL) responds to some of the most pressing regional and global challenges by conducting independent research and bringing to the fore the role of international law in addressing the current needs of society. The CIL convenes expert discussions and training to advance further the development of international law. Areas of focus for CIL include human rights, cultural heritage, migration, climate change, investment and trade. In its work, the CIL also considers the important role that non-state actors, such as businesses and civil society, may play in the development and upholding of international law.

Cultural Heritage

Cultural heritage remains one of the Centre's areas of focus, building on a range of work conducted over several years which highlights the importance of ensuring its protection under international law. Cultural heritage is an important component of cultural identity, which can thus serve as a means to promote international peace and security, as well as a vector to strengthen international relations. Over the past year, CIL Director and Dorset Senior Research Fellow, Kristin Hausler, has co-edited 'Cultural Heritage in the European Union: A Critical Inquiry into Law and Policy', which is already seen as a key publication in the area. An academic course is also being developed as a result.

Over the last year, BIICL has continued to be at the forefront of recent debates on cultural heritage. In February 2020, around 40 speakers from all over the world came together in a one day conference to discuss cultural rights and cultural heritage. Papers from the event will be the subject of a special issue of the Asian Yearbook of Human Rights and Humanitarian Law.

In July 2020, an interdisciplinary webinar, showcasing speakers from London to Hong Kong, focused on the recent toppling of statues and monuments around the world, suggesting a number of possibilities for the future of difficult heritage. As the work of BIICL demonstrates, the manner in which we address issues around heritage can either promote or demote peace and security, as well international relations.

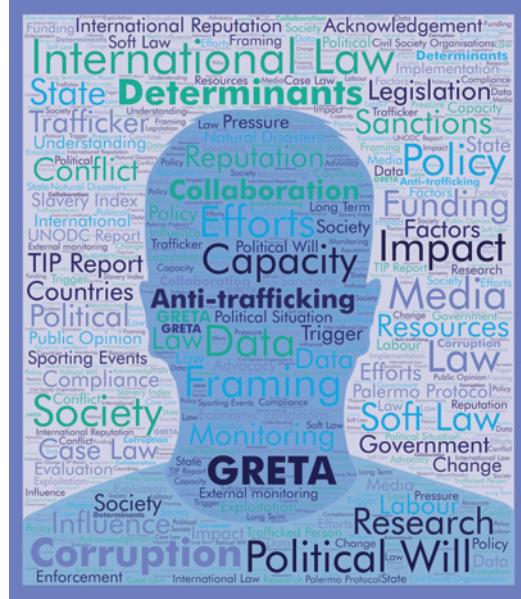
<https://www.biicl.org/categories/culturalheritage>

Kristin Hausler

Migrant Integration in Small Cities

Medium and small cities and rural areas in Europe have increasingly found themselves addressing the needs of migrants and refugees by developing and implementing integration programmes for their newly arrived residents. Migrants offer significant benefits to medium and small cities including by assisting in addressing depopulation and ensuring the viability of basic services as well as greater diversity and public relations opportunities. Cities, including medium and small cities, have





often been left to deal with issues that fail to be addressed at the national level. However, small and medium sized cities may struggle to develop and resource integration efforts.

Through our framework agreement with the European Committee of the Regions, BIICL carried out a research project exploring the context in which, and the structures through which, these measures are implemented and the nature of the actions being undertaken. The project report also made a number of overarching observations about these measures and on the ways such integration efforts can be supported.

The future work of the Committee of the Regions in this space will be informed by the research undertaken by BIICL. This includes, but is not limited to, the efforts implemented by the Committee and its partners through the 'Cities and Regions for Integration Initiative'.

<https://www.biocl.org/publications/integration-of-migrants-in-middle-and-small-cities-and-in-rural-areas-in-europe>

Jean-Pierre Gauci, Iris Anastasiadou,
Eleanor Clifford and Emma Lee

Determinants of Anti-Trafficking Efforts

Combatting human trafficking is a complex legal and policy objective for States, both at the national and international level. Anti-trafficking initiatives are proliferating globally. These measures take a range of forms and focuses, and engage with actors from different sectors and disciplines.

Yet, despite the number and range of these responses, there is a dearth of research investigating the processes and factors that cause such measures to be adopted, resourced and maintained. What causes anti-trafficking to become a policy priority? What factors facilitate the implementation of such measures? What hinders and obstructs these processes? How does policy prioritisation vary regionally?

BIICL is undertaking a two-year project, 'Determinants of Anti-Trafficking Efforts', analysing the processes which influence governments' anti-trafficking measures. It will identify specific factors, analyse their respective impacts, and explore how factors interlink to yield change in government policy. The ambitious global scope of the project will facilitate a better understanding of how anti-trafficking measures are shaped within different political and economic conditions.

This multi-pronged project includes a review of existing research, expert interviews, a global survey and a series of case studies.

[https://www.biocl.org/projects/
determinants-of-anti-trafficking-efforts](https://www.biocl.org/projects/determinants-of-anti-trafficking-efforts)

Jean-Pierre Gauci, Idel Hanley,
Iris Anastasiadou Annie Duncan
and Victoria Wyndham.

COVID-19: Impacts on Efforts to Combat Human Trafficking

BIICL is undertaking a project assessing the impacts of COVID-19 on efforts to combat human trafficking around the world.

The aims of the project are twofold: to take stock of the gaps COVID-19 has created in anti-human trafficking law and policy, and to propose solutions for how those gaps can be filled in the coming months and years. While early research suggests that COVID-19 will greatly exacerbate vulnerability to human trafficking, financial and other resources allocated to anti-trafficking efforts are likely to decrease. The decreased funding, coupled with social distancing and other regulations, greatly impinges upon the services that governments and NGOs can provide across the 4'P' anti-trafficking paradigm. Efforts to identify actual and potential instances of trafficking, and support for trafficked persons have been hindered, while the decreased visibility lowers the possibility of criminal consequences for traffickers. Inadequate government financial support for informal workers and irregular migrants, in particular, increases their risk of exposure to the virus. Their financial and health vulnerability may also increase the vulnerability of groups to trafficking and other forms of exploitation. The economic crisis that is likely to follow the current health crisis is also expected to increase vulnerability to exploitation and trafficking, thus deepening the need for efforts to combat their occurrence.

The research explores how the exacerbated challenges of combating human trafficking in a post-COVID-19 world can best be addressed.

<https://www.biicl.org/projects/covid-19-impacts-on-efforts-to-combat-human-trafficking>

**Jean-Pierre Gauci, Idel Hanley,
Iris Anastasiadou, Victoria Wyndham**



Gift of the United States Government

Protection of Education

Periods of insecurity or war constitute additional threats to the enjoyment and fulfilment of human rights. Since 2011, BIICL has focused on the protection of education in situations of insecurity and armed conflict.

In January 2020, the Second Edition of our International Law Handbook on the subject was released, with the support of the EAA Foundation. This Handbook is a practical and comprehensive guide to the relevant provisions of international law that protect education in situations of insecurity and armed conflict. It has been hailed by Dame Rosalyn Higgins GBE FPA QC and former President of the International Court of Justice as "an unusual and important Handbook... offering depth and conceptual clarity".

The OHCHR for the MENA region has conducted training based on the Handbook. It has also been the subject of an academic course in the UK where it has been deemed a useful tool to understand not only how education is protected under international law but also how different bodies of international law (namely international human rights law, humanitarian law and international criminal law) interact with each other. The Handbook and the webinar to launch its release are both freely available online.

<https://www.biicl.org/projects/protecting-education>

**Kristin Hausler and Siobhan Smith with
Nicole Urban and Robert McCorquodale**



Climate Change

Climate change is one of the key challenges of our time. It is considered a ‘super-wicked problem’: time is running out, there is no central authority to tackle it and those seeking to end the problem are also causing it. Today, nobody can seriously deny the effects of climate change and its anthropogenic nature, as is demonstrated by the latest reports of the Intergovernmental Panel on Climate Change representing the international scientific consensus. Given the collective, global nature of environmental issues, the law is key for setting and implementing solutions at the international, national, and local levels.

Building on its expertise and experience in international and comparative law, its knowledge of climate change issues, and its strength as a convening hub, BIICL is seeking to provide a space for ambitious innovative and impact-driven research, events and training to contribute to addressing the challenges ahead.

During the last year, we have convened two events bringing together academics, legal practitioners and law-makers to discuss climate change litigation and legislation. Reports were published from each event and an edited collection on climate change litigation is currently being developed bringing together over 20 contributions

covering comparative and international perspectives. Meanwhile, we are continuing to develop new projects in the field including on the due diligence obligations of business and on the role of different actors in addressing climate change.

<https://www.biicl.org/categories/climate-change-and-environment>

Ivano Alogna, Jean-Pierre Gauci and Eleanor Clifford

Offshore Methane Hydrates in Japan: Prospects, Challenges and the Law

This report, published in 2020 and supported by the Japan Society for the Promotion of Science, provides a background to the science and engineering of Japan’s offshore methane hydrates, explores the place of the natural gas produced from those hydrates in Japan’s overall energy policies, and how Japan might best legally prepare for the onset of natural gas production from those offshore hydrate assets.

<https://www.biicl.org/publications/offshore-methane-hydrates-in-japan-prospects-challenges-and-the-law>

Constantinos Yiallourides with Roy Andrew Partain

Comparative Law in Focus

In a world characterized by complexity and interdependence, it is indispensable to understand similarities and contrasts between jurisdictions. Comparative methods are a key element to gain a profound understanding of the legal systems around the world and to advance their development. Perspectives and experiences of different jurisdictions enrich the legal debate and help in identifying areas prone for harmonisation and convergence of laws.

BIICL's Centre for Comparative Law (CCL) undertakes research, conducts studies, organises conferences, and promotes scholarship. It covers a broad range of areas, from civil to commercial law, conflict of laws and dispute resolution. The Centre cooperates with various universities, distinguished scholars and research institutions in the UK and around the world.

Provisional measures in investment arbitration

Over the past 20 years, we have seen a dramatic increase in the number of investor-state disputes and in the number of applications for provisional measures. A new study by BIICL and White & Case provides the first comprehensive empirical study on provisional measures in investment treaty arbitration.

The study builds on a detailed examination of all the publicly available decisions and orders on provisional measures, examining over a hundred decisions and orders rendered by ICSID, UNCITRAL and other investor-state tribunals. It offers a unique insight into how international tribunals treat applications for provisional measures.

In the absence of detailed procedural rules governing applications for provisional measures and sensitivities related to the involvement of sovereigns, this study also helps to map the key legal issues and how tribunals approach them. It is hoped that this work, which will continue to be updated, will become a regular and anticipated development in the field of investor-state arbitration.

The study provides insights for a better understanding of the evolving jurisprudence based on the published decisions of tribunals. It demonstrates the trends and practices on key issues such as criteria used by tribunals to grant provisional measures and their understanding of such criteria, success rate by applicable arbitration rules and measures requested, as well as the cases most frequently relied upon by international tribunals.

Less than two months since its launch, the study has already been cited by an arbitration tribunal in ICSID case *Alicia Grace et al v Mexico*.

<https://www.biicl.org/publications/2019-empirical-study-provisional-measures-in-investorstate-arbitration>

Yarik Kryvoi

Regulatory options for mandatory human rights and environmental due diligence

During 2019, BIICL led a study for the European Commission on regulatory options around mandatory due diligence for human rights and environmental impacts. BIICL undertook the study in a consortium with Civic Consulting (Berlin) and LSE Consulting. The study included results from over 600 survey responses, 50 interviews and informational calls, 10 company case studies and 12 country reports, as well as a regulatory review and preliminary impact assessment.

On 29 April 2020, at the presentation of the study to the EU Parliament Working Group on Responsible Business Conduct, Commissioner Didier Reynders of DG Justice and Consumers announced the introduction of a legislative initiative based on the findings of the study.

Alongside this, BIICL also undertook a study with lawyers from global law firm Quinn Emanuel Urquhart & Sullivan LLP on a 'UK Failure to Prevent Mechanism for Corporate Human Rights Harms'. The study sets out a possible model law based on section 7 of the UK Bribery Act, as suggested in a 2017 proposal of the Joint Committee on Human Rights. A comparison of the findings of the UK and EC studies regarding the business views on such regulation has been published in the Business and Human Rights Journal.

Following the publication of these studies, the BIICL Business and Human Rights team has been invited to present the findings to various audiences online. Examples include the German and French UN Global Compact Networks, business membership organisations such as CSR Europe, the Responsible Business Alliance, the global oil and gas industry association IPIECA, the Association of Swedish Engineering Industries (Teknikföretagen), the German Initiative on Sustainable Cocoa, as well as the German Federal Ministry of Labour and Social Affairs Working Group on Business and Human Rights.

'... the most comprehensive study on supply chain due diligence in the world to date'
Claudia Saller,
European Coalition for Corporate Justice



Both studies have generated significant stakeholder and media interest. They also informed civil society action, including a Traidcraft initiative which asked members of the public to write to the Prime Minister to enact the model legislation set out in the UK report.

<https://www.biicl.org/categories/business-and-human-rights>

Lise Smit and Irene Pietropaoli with Claire Bright

BIICL's work on the effects of the pandemic on commercial contracts

At the beginning of the COVID-19 crisis, BIICL held a meeting of senior judges and academics at which the implications of the pandemic for contracts were discussed. Many contracts have provisions dealing with unexpected events, and the law has principles to cover this – but no one had anticipated a pandemic with the disruptive effect of COVID-19. It was felt that courts could face a wave of commercial cases, with businesses invoking their inability to meet their obligations.

The thinking of the group was drawn together in Concept Note 1 and further elaborated on in a detailed Concept Note 2 and a set of guidelines for businesses (Concept Note 3).

This topic will be an ongoing theme of BIICL's work.

<https://www.biicl.org/projects/breathing-space>

Eva Lein, Sara Migliorini, Spyros Maniatis with Sir William Blair QC, Malik Dahlan, Keith Ruddock, Helen Dodds, Guy Pendell and Adam Johnson QC

Comparative Rule of Law issues in COVID-19 responses around the world

Since 30 January 2019, when the WHO declared COVID-19 a Public Health Emergency of International Concern, states have taken drastic measures to control the spread of the virus, with many declaring states of emergency. These measures have significant implications for the functioning of state institutions, including the operation of courts and parliaments, and impacts for human rights and freedoms. At the same time, the extent to which a State adheres to the Rule of Law in its emergency responses has an impact on the effectiveness of that State's response.

BIICL and the Global Health Academy of the University of Edinburgh produced a report on behalf of A4ID/ROLE UK entitled "The Rule of Law in Times of Health Crisis". The report argues that the rule of law contributes to an effective pandemic response by promoting transparency, clarity, participation, engagement and representation, international cooperation, equality, accountability and anti-corruption, among other principles. Moving forward, aid and development programmes must have the dual function of both supporting States in responding to health crises in a way which is compatible with the rule of law and reinforcing the enabling environment that the rule of law provides.

Further, from a comparative perspective on state legislative responses to COVID-19 and the related Rule of Law issues, BIICL researchers authored comment pieces on the responses in Hungary and Italy and have also taken part in international networks discussing and sharing experiences of COVID-19 legislative responses. This included an event hosted by OSCE/ODIHR, which provided evidence on the impact of COVID-19 on the work of courts across Europe and beyond. Dr Ronan Cormacain, Senior Research Fellow in the Rule of Law Monitoring of Legislation, organised a series of three webinars on global

legislative responses to coronavirus, featuring academics from all over the world and connected to a special issue of the journal, *Theory and Practice of Legislation*.

<https://www.biicl.org/publications/the-rule-of-law-in-times-of-health-crisis>

Julinda Beqiraj, Jean-Pierre Gauci, Ronan Cormacain, Nyasha Weinberg, Irene Pietropaoli with Luciana Brondi

Emergency Products and COVID-19

BIICL is undertaking a project to assess the impact of COVID-19 on emergency products in the medical sphere.

This is a topical theme engaging important public health considerations, and involving the analysis of the law and regulation of products such as ventilators, medicines, medical devices, vaccines and related health products. Work to date includes a discussion event held in May 2020 and a paper "Products in a Pandemic: Liability for Medical Products and the Fight against Covid-19". This research will continue throughout 2021 and also focus on COVID-19 vaccines, with an analysis of the social acceptance, legal and ethical implications of COVID-19 vaccines.

<https://www.biicl.org/projects/emergency-products-and-covid-19>

Duncan Fairgrieve with Peter Feldschreiber, Geraint Howells and Marcus Pilgerstorfer QC

Rule of Law in Focus

The Bingham Centre was founded by BIICL in 2010 to take forward the vision of Tom Bingham, a former President of the Institute. It was an inspiring vision then, with the Rule of Law coming under increasing strain.

Today, it has become an urgent vision, as the institutions on which it depends to give it life are becoming more systematically undermined, requiring renewed effort to reach wider audiences about the meaning and fundamental importance of the Rule of Law.

Parliaments and the Rule of Law

The Bingham Centre continues to provide the secretariat of the All-Party Parliamentary Group (APPG) for the Rule of Law which aims to promote Parliamentary and public discussion of the Rule of Law as a practical concept. Over the past year, the APPG has considered a range of issues including: the Rule of Law implications of the use of Parliamentary Privilege; the contribution of Human Rights Defenders worldwide to the Rule of Law; the EU Settlement Scheme; and the Rule of Law implications of the Counter-Terrorism and Border Security Bill (2017-19).

In March 2019, the Centre submitted written evidence to the House of Commons Justice Committee for its inquiry into the effect of the court and tribunal reform programme. The Committee's final

report made extensive reference to the submissions of the researchers involved, including those which emphasised the importance of access to justice and the consequent need to focus on the digital and legal capability of citizens.

On the international stage, the Centre contributed to the development of draft UN Principles on Parliaments and Human Rights during 2019. This included co-hosting a side-event at the UN General Assembly in New York to raise awareness of the draft Principles.

Throughout the COVID-19 pandemic, the Centre has continued to promote the importance of Parliamentary oversight, writing blogs and engaging with related bills and regulations.

See <https://binghamcentre.biocl.org/appg-rule-of-law> and <https://binghamcentre.biocl.org/events/1321/increasing-parliaments-engagement-with-human-rights>

Murray Hunt, Jack Simson Caird, Michael Olatokun, Nyasha Weinberg, Ellis Paterson and Gemma McNeil-Walsh

Rule of Law Monitoring of UK Legislation

In February 2020 the Bingham Centre launched the Rule of Law Monitoring of Legislation project to monitor the compatibility of UK Government Bills with the internationally agreed standards in the Venice Commission's Rule of Law Checklist. The Project produces independent, expert reports to ensure that any Rule of Law issues are identified early and subjected to rigorous scrutiny and debate in Parliament.

Since its inception this project has informed critical discussion in the House of Lords on legislation such as the Terrorist Offenders (Restriction of Early Release) Bill, and the recent Coronavirus Bill. It has received considerable praise from Parliamentarians and the project lead, Ronan Cormacain, gave oral evidence to the House of Commons Public Administration and Constitutional Affairs

Committee inquiry into the Government's COVID-19 response.

In a debate on the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, Baroness Hamwee paid tribute to "The Bingham Centre for the Rule of Law, which 'lives its name'" and raised a number of issues which the Centre's report on the Bill had identified, including legal uncertainty and excessive delegation of power to the Executive.

Ronan Cormacain and Murray Hunt

RECONNECT

The Bingham Centre is one of 18 partner organisations participating in a Horizon 2020 EU-funded project, 'Reconciling Europe with its Citizens through Democracy and the Rule of Law' (RECONNECT).

RECONNECT

The Centre plays a multifaceted role in RECONNECT. Along with the University of Leuven, it is co-leading the Communication, Dissemination and Exploitation strategy, including the project blog which published 60 posts between January 2019 and May 2020.

At the substantive level, Centre researchers contributed to two working papers published in April 2020, on 'The Meaning and Scope of the EU Rule of Law' and 'Unity and Diversity in National Understandings of the Rule of Law in the EU'.

See <https://www.reconnect-europe.eu/>

Murray Hunt, Julinda Beqiraj, Lucy Moxham, Oliver Garner, Michael Olatokun and Anthony Wenton

Brexit – the withdrawal process

During the EU withdrawal negotiations in 2019, the Bingham Centre continued to draw attention to Rule of Law issues raised by Brexit and the extent to which UK legislation relating to withdrawal provided adequate safeguards for Rule of Law principles.



'The Minister committed the Government to providing "evidence and explanations to justify the conclusions set out in the 2-monthly reports": this goes well beyond the requirements of clause 97. Special thanks to @BinghamCentre for suggesting this point to me,' Lord Anderson, Twitter post

A team of Centre researchers examined controversial issues such as the extent to which Parliament was able to undertake effective scrutiny of Government decision-making during negotiations and the legal uncertainty for businesses resulting from UK government information about a 'No Deal' scenario becoming a hindrance to long-term planning for businesses. Key publications to inform Parliamentary scrutiny and debate included 'No Deal Brexit, Business and the Rule of Law' in October 2019 and an analysis of the EU (Withdrawal Agreement) Bill in early 2020.

Alongside this, Jack Simson Caird, Senior Research Fellow in Parliaments and the Rule of Law, gave written and oral evidence to the EU Scrutiny Committee, the Exiting the EU Committee, the Procedure Committee and the Liaison Committee (the committee of all the Select Committee Chairs).

Throughout the year, team members provided expert opinion for news media including the BBC, Sky News, The Times, and Al Jazeera. Researchers also contributed to various academic projects such as the Economic and Social Research Council's *UK in a Changing Europe* initiative and the Statutory Instruments

Filtering and Tracking (SIFT) initiative on Brexit-related delegated legislation co-ordinated by the Public Law Project.

See <https://binghamcentre.biicl.org/categories/brexit>

Jack Simson Caird, Oliver Garner, Nyasha Weinberg and Ellis Paterson

UK/EU Future Relationship

Following the UK's withdrawal on 31 January 2020, the UK and the EU are continuing to negotiate their future relationship. Both the process for the creation of the new international agreement and its substance raise Rule of Law issues. Negotiations have continued to highlight key legal issues including implementation of the Protocol on Ireland/Northern Ireland, dispute resolution mechanisms, regulatory alignment, and the obligation to continue domestic implementation of the European Convention on Human Rights.

The Bingham Centre continues to contribute to the UK Parliament's ongoing scrutiny of the Government's Brexit policies. This has included written evidence to the House of Commons

Committee on the Future Relationship with the EU on the operation of the EU-UK Joint Committee, with recommendations on how to improve transparency and domestic scrutiny of this body.

<https://binghamcentre.biicl.org/publications/the-eu-uk-future-relationship-and-the-rule-of-law>

Oliver Garner

Constitutional Reform in The Gambia

After more than 20 years of authoritarian rule by President Yahya Jammeh, the small West African state of The Gambia returned to democracy in 2017 when a regional intervention force ensured that President Jammeh respected the result of a Presidential election he had lost. The Gambia subsequently rejoined the Commonwealth and has since pursued an agenda of democratic consolidation including a truth commission inquiry, institutional reforms and a process for drafting a new constitution. The current constitution dates from the authoritarian era and contains sweeping Presidential

powers and very few checks and balances to protect democracy and the Rule of Law.

At the invitation of the UK High Commission in The Gambia, the Centre undertook two visits to the country in November 2019 and February 2020 to support the on-going constitutional reform process. Team members met President Adama Barrow as well as other ministers, and provided a workshop on Constitutional Reform and the Rule of Law for MPs, senior officials and civil society leaders.

Following these meetings, the Centre made submissions to the Constitutional Review Commission. The Commission's final draft constitution, published in March 2020, reflects changes proposed by the Centre including establishing a right to fair administrative action, clarifying the limits on freedom of expression and the grounds of disqualification for Presidential candidates and depoliticising judicial appointments.

Jan van Zyl Smit, with former Director of the Bingham Centre, Sir Jeffrey Jowell QC



New Initiatives

BIICL Global

During 2019 BIICL began an expansion of its programme of work in legal areas of increasing international importance such as trade and diplomacy, climate change, technology, regulation and artificial intelligence. In particular, the Institute wanted to develop its role as a hub facilitating the exchange of ideas that have genuine societal impact and relevance at regional, national and global level.

BIICL chose Hong Kong as the location to launch its first formal presence in Asia. In July 2019, The Chinese University of Hong Kong (CUHK) and BIICL signed a Memorandum of Understanding (MoU) to establish a partnership in academic and professional activities. CUHK and BIICL

will cooperate in knowledge creation and exchange in various fields of law. In addition, both parties will co-organise events and develop professional training and continuing professional development across the legal, government and non-governmental communities in Hong Kong and Asia.

In addition to the development of partnerships with institutions in 2019/20 BIICL enhanced its expertise with the creation of new senior honorary fellowships, with eminent practitioners and academics from institutions including Singapore Management University, Victoria University of Wellington and Queen Mary, University of London joining BIICL to work on new projects.



Policy and Evidence Centre for Modern Slavery and Human Rights

Modern slavery affects an estimated 40.3m people worldwide. Its forms include human trafficking, forced labour, bonded labour and forced marriage. In 2019, over 10,000 individuals were reported to the UK authorities as potential victims of slavery, 43% of them children.

As slavery in constantly changing contemporary forms is relatively fresh in the mainstream debate, there are still significant gaps in the evidence-based research that is key to developing solutions to this issue and its root causes.

The Bingham Centre for the Rule of Law is leading a consortium of partners which has established a Modern Slavery and Human Rights Policy and Evidence Centre (the Modern Slavery PEC). It has been created to enhance understanding of modern slavery and transform the effectiveness of law and policies designed to overcome it.

With an approach rooted in human rights, the Modern Slavery PEC's work will focus on four priority areas: understanding survivor needs and enhancing victim support; prevention; modern slavery in business supply chains; and the effectiveness of legal enforcement measures. The Centre aims to create a 'network of networks' bringing together academics, policymakers, businesses, civil society, survivors and the UK public to collaborate on solving this global challenge.

The Modern Slavery PEC is funded by the Art and Humanities Research Council on behalf of UK Research and Innovation.

Murray Hunt, Irene Pietropaoli with Rights Lab, University of Nottingham; Wilberforce Institute, University of Hull; Centre for the Study of International Slavery, University of Liverpool; Bonavero Institute of Human Rights, University of Oxford; and The Alan Turing Institute.

'Together with our partners in the Policy and Evidence Centre, we are looking forward to bringing together researchers, policymakers, legislators, civil society, businesses and the public in a collaborative effort to stand up against slavery and design a world where people are not exploited for someone else's gain.'

**Murray Hunt,
Director of Modern Slavery PEC**



Training and Public Engagement

Events at BIICL

The BIICL events programme in 2019 once again provided an opportunity to hear the commentary of experts and to discuss a range of topical issues. Events have also provided a platform to disseminate and refine our own research projects.

During the year, seminars and conferences at BIICL were hosted in association with law firms, universities and agencies such as the Competition and Markets Authority, The Institute of Small and Micro-States (ISMS), the China International Economic and Trade Arbitration Commission (CIETAC) and the International Centre for Settlement of Investment Disputes (ICSID).

The 2019 Grotius lecture was given to a packed audience at the Bank of England by Baroness Hale of Richmond, then President of the UK's Supreme Court and the first woman to have held that position. In the year which marked the centenary of the Sex Disqualification (Removal) Act 1919, which paved the way for women to become lawyers for the first time, the lecture addressed the topic of 'Women's Rights Worldwide'.

In September 2019, the then Speaker of the House of Commons, the Rt Hon John Bercow MP, gave the Sixth Annual Bingham Lecture on 'Process of Discovery: What Brexit has taught us (so far) about Parliament, Politics and the UK Constitution'. This livestreamed lecture received widespread media coverage.

During the early part of 2020 when the Coronavirus pandemic made hosting in-person events impossible, BIICL began offering a successful programme of webinars. These virtual events have enabled BIICL to reach many more

individuals across the world and to host much larger audiences.

<https://www.biicl.org/events>

Expansion of our Training Programme

BIICL has a decade of experience of running successful training courses. Our Public International Law in Practice Course, as well as in-house courses run for governments, judiciaries, civil society and others globally, have earned us a reputation for high level, research-informed training. In 2019/2020, we organised training for various groups including the British Government (on international law), and the Office of the Attorney General of Nepal (on international and transnational criminal law) as well as convening our own programme of courses.

In 2020, we began expanding our training offering through new face-to-face and virtual courses covering a variety of topics including Business and Human Rights, Law of the Sea, and Climate Change. Due to COVID-19 restrictions, the face-to-face courses had to be suspended, with online alternatives taking their place. These virtual courses provide opportunities for BIICL to engage with a more diverse, global audience. Over the course of 2021, we will continue to develop our training offering by convening courses on a broader range of international and comparative law issues for a global audience.

Two other online, remote learning courses were launched in 2020. The first of these, 'Citizenship and the Rule of Law', was developed in collaboration with the

"Such an interesting and in-depth course that summarises detailed law into understandable words that anyone can follow. I would really recommend this course to anyone looking to broaden their knowledge on the rule of law in multiple areas of law"

Citizenship and the Rule of Law Course Participant



University of London and Coursera. This course is aimed at (aspiring) lawyers, campaigners and students interested in learning more about the practical requirements of the Rule of Law and its application to everyday situations. Modules cover a range of issues including access to justice, equality before the law, judicial independence and international law. The course has already engaged over 2,000 active learners with more than 600 completions.

Early in 2020, BIICL also launched an online course in International Investment Law and Dispute Resolution. By bringing together leading experts in the field, this course enables participants to understand the theory and practice of international investment law and dispute resolution. Topics covered include: the history and the rationale of protection of foreign direct investments; applicable law; the key principles of international investment law; and investor-state dispute settlement. The course has proved to be popular with practitioners, leading law firms and governments from around the world, attracting over 5,000 learners since its launch.

<https://www.biicl.org/training>

Jean-Pierre Gauci, Yarik Kryvoi and Michael Olatokun

Public Legal Education

The Bingham Centre continues to support the understanding of the Rule of Law beyond the legal sector with activities such as the Rule of Law for Citizenship Education programme. Tailored during 2019 to extend its reach, the programme materials have now been used in over 400 secondary schools, helping more than 30,000 students with lessons on equality, human rights and access to justice.

During the year, BIICL has actively participated in other public legal education activities including: assisting judges to understand the many disadvantages faced by young defendants at the Diversity and Community Relations Judiciary Annual Conference; participating in the Solicitor General's Public Legal Education (PLE) Advisory Panel; and convening roundtables between education and legal advice organisations on the democratic empowerment of underrepresented groups.

<https://binghamcentre.biicl.org/categories/citizenship> and <https://www.gov.uk/government/news/our-vision-for-legal-education>

Michael Olatokun

ICLQ

The International and Comparative Law Quarterly had another successful year with 350,000 downloads in 2019 across all platforms. Submission numbers and circulation both increased during the year, sustaining the Journal's reputation for excellence.

To illustrate this further, according to the latest Impact Factor ranking, which increased significantly on the previous year from 1.048 to 1.815, the Journal is now the highest ranked peer-reviewed international law journal, third among all international law journals, second amongst comparative law journals and the top-ranked generalist European law journal.



Ben Hayward
@LawGuyPI



I'm pleased to see that my @ICLQ_jnl article co-authored with Profs Zeller and Andersen of @UWALawSchool has been cited in #HongKong's #consultation paper on the #CISG. It's great to contribute to the conversation! #saleslaw doi.gov.hk/eng/public/CIS...

1:21 AM · Jun 11, 2020



17 See Ben Hayward's other Tweets

Social media has also demonstrated the reach of the Journal, with over 3,000 followers on its dedicated Twitter account @icq_jnl. Altmetrics show that material is shared widely on many platforms with a potentially vast audience. For example, the article 'CEDAW and the Security Council: Enhancing Women's Rights in Conflict' by Catherine O'Rourke and Aisling Swaine, received extensive coverage on Twitter (128 tweets from 90 users with an upper bound of 186,706 followers), as well as on Facebook and in two entries on Dimensions, which lists citations in books and journals.

Twitter has also highlighted some of the practical impact that articles published in the Journal have had in informing policy and debate. An example is the 2018 article by Ben Hayward, Bruno Zeller and Camilla Andersen on 'The UN Convention on Contracts for the International Sale of Goods' which has been cited in Hong Kong's consultation paper on the CISG.

**Anna Riddell-Roberts and
Spyros Maniatis**

The London Conference on International Law



In October 2019, The London Conference on International Law brought together international law academics, judges, practitioners, representatives of civil society, business-leaders, and other stakeholders to see how States and other actors engage with international law.

The conference was set up by a steering group including the Foreign and Commonwealth Office, universities, law firms and Chambers as well as independent agencies such as Chatham House, the ILA and BIICL. In addition to working on the programme with the steering group, BIICL was invited to organise the running of the conference itself.

The first conference of its kind held in the UK, The London Conference on International Law hosted 300 delegates from across the world over two days. The programme included many highly-renowned speakers, with the President of the International Court of Justice, His Excellency Judge Abdulqawi A. Yusuf, giving the keynote speech.

Carmel Brown, Kristin Hausler and Patricia Ambrose

Membership

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

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

Forum Memberships

BIICL has long-established specialist Forums in Competition Law, Investment Treaty Law and Product Liability. In October 2019, a fourth Forum was established with a focus on Human Rights Due Diligence.

This new Forum was launched after a successful pilot phase (UNGPs in Legal Practice Roundtable Series). Themes discussed to date include liability for human rights due diligence in corporate groups, measuring the effectiveness of corporate human rights regulation, the interaction between investment disputes and human rights due diligence, and various domestic-level developments around mandatory human rights due



diligence. The growing membership of the forum includes lawyers from the UK, France, Germany, Switzerland, and the US.

Other Forums focused on developing projects linked to their special areas of interest. These included an empirical study by the ITF on provisional measures in investor-state arbitration, while the PLF provided expert input into the European Commission's Review of the Product Liability Directive. The Competition Law Forum provided two submissions to the CMA's Online Platforms and Digital Advertising Market Study: one on the statement of scope and a second on the CMA's interim report. Both submissions were quoted in the reports of the CMA.

Duncan Fairgrieve, Director, Product Liability Forum

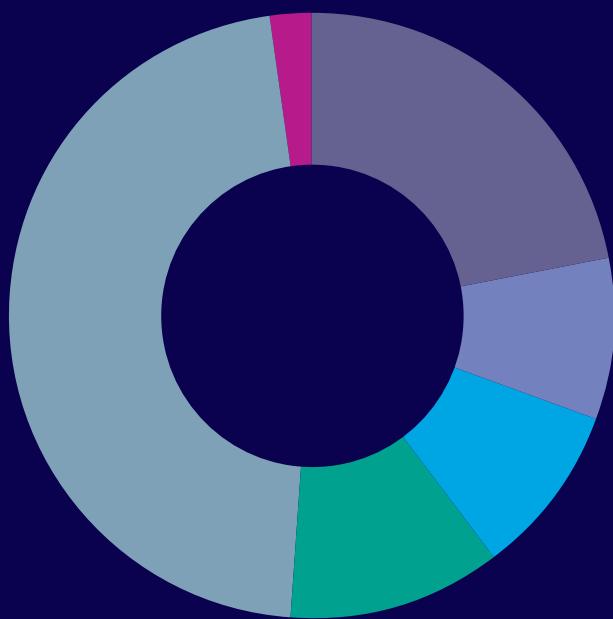
Liza Lovdahl Gormsen & Ioannis Kokorras, Co-directors, Competition Law Forum

Yarik Kryvoi, Director, Investment Treaty Forum

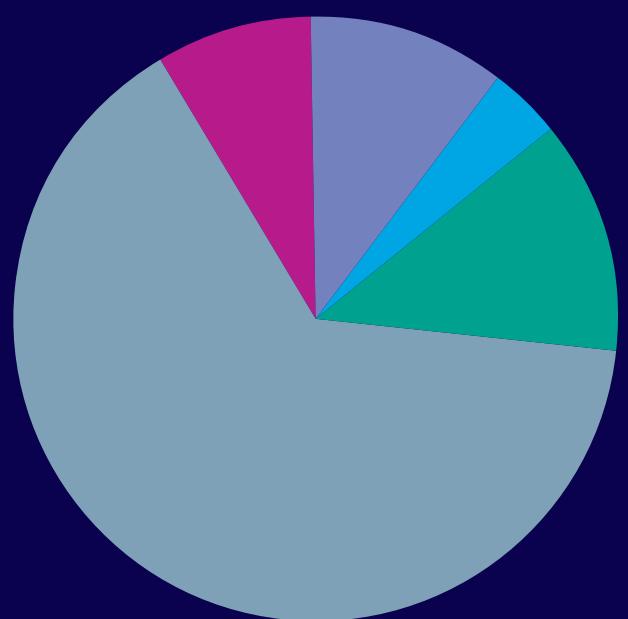
Lise Smit, Director, Human Rights Due Diligence Forum

Financial Summary

2019 income



2019 expenditure



Donations and legacies	22%	£629,667
Member services	8.8%	£249,828
Publications and journals	9%	£257,159
Conferences and seminars	11.4%	£326,168
Research programmes	46.6%	£1,333,636
Other	2.2%	£61,564
TOTAL		£2,858,022

Member services	10.7%	£303,184
Publications and journals	4%	£113,890
Conferences and seminars	12.5%	£350,545
Research programmes	64.6%	£1,825,521
Raising funds	8.2%	£231,906
TOTAL		£2,825,046

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



BIICL 60+ Appeal

Under the Chairmanship of Lord Neuberger of Abbotbury, the BIICL 60+ Appeal aims to raise £3 million to enable us to expand and develop our work on a wide range of legal issues affecting the world today, including those relating to international law, human rights law, migration, the rule of law, the regulation of AI, international trade and diplomacy.

Gifts to the BIICL 60+ Appeal will also fund the major refurbishment of our office space, allowing us to accommodate our growing team of researchers and visiting fellows and incorporate a large attractive space for public events. By supporting our Appeal, you will be helping BIICL's research team widen their reach, expand their work and make a positive and lasting difference to our world.

We are extremely grateful to all of those who have supported the Appeal so far, a list of whom can be found overleaf. We would particularly like to thank those individuals who have made generous personal donations and thereby joined the BIICL 60+ Appeal President's Circle.

We are also thankful for the renewed support of the trusts and charitable foundations whose contributions towards the renovation have been instrumental in helping us to complete the works. The **Harry Weinrebe Room**, our events suite, has been supported by **The Dorset Foundation**, a longstanding supporter of our Public International Law activities; **The Bliston Hub**, our central meeting hub, was made possible by a gift from **The Bliston Charitable Settlement**, in memory of David and Lily Bliston; and **The Sybil Shine Room**, our ground floor resources and meeting room, was made possible by a gift from **The Sybil Shine Memorial Trust**, which has also shown generous support for the Bingham Centre's Public and Youth Engagement Programme.

The Appeal still has a long way to go if we want to make the impact we hope to through the next phase of our development.

We would be delighted to discuss your interest in supporting our work and welcome donations at all levels.

For more information please visit www.biicl.org/60thappeal or contact:

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