



**British Institute of  
International and  
Comparative Law**

# Shaping our future

## Annual impact report 2015/16



15 16

## Contents

**“... BIICL, a force for  
real good in the world...”**  
Dame Sian Elias  
Chief Justice  
of New Zealand



<b>BIICL around the world</b>	<b>2</b>
<b>Promoting international peace and security</b>	<b>4</b>
<b>Engaging with business</b>	<b>8</b>
<b>Proposing legal reform</b>	<b>12</b>
<b>Enabling access to justice</b>	<b>16</b>
<b>Building legal understanding</b>	<b>20</b>
<b>Our work and activities</b>	<b>24</b>
<b>Overview for financial year ended 31 December 2015</b>	<b>25</b>
<b>Membership and support</b>	<b>26</b>
<b>Our donors and sponsors</b>	<b>27</b>
<b>BIICL officers, trustees and staff</b>	<b>28</b>

## Foreword

Welcome to BIICL’s first annual impact report, which provides a snapshot of our activities over the past year. It highlights a selection of our work by theme – from legal reform to international peace and security, and from access to justice to engagement with business.

During this period, BIICL continued to examine the effectiveness of the laws and institutions related to these themes, and, working with a wide variety of stakeholders, we made and supported the application of recommendations for their reform. BIICL is the only organisation of its kind in the UK doing this work, and one of only very few globally.

Many of BIICL’s activities have a direct or indirect impact on policy and law around the world. As the world becomes more interdependent, international and comparative law plays a more central role in how we address global challenges such as conflict, terrorism, human rights, migration, corruption, pollution and global investment. BIICL’s Bingham Centre for the Rule of Law helps countries, international organisations, corporations and legal bodies to build rule of law commitments and to secure access to justice for their populations. Our research and training also have a wider public benefit in terms of information and education on contemporary issues.

As an independent research institute we rely heavily on funding from a range of organisations and individuals. We would like to thank all those who have supported our work over the past year, and hope that others will be inspired to help us continue to make these important impacts worldwide.

**Sir Frank Berman, Chair of the Board of Trustees**  
**Professor Robert McCorquodale, BIICL Director**

BIICL around the world

# BIICL around the world



Our work has covered 69 countries

Afghanistan	Mozambique
Antigua & Barbuda	Namibia
Australia	Nauru
Bangladesh	New Zealand
Barbados	Nigeria
Belize	Occupied Palestinian Territories (West Bank)
Botswana	Pakistan
Brazil	Papua New Guinea
Brunei	Poland
Cameroon	Qatar
Canada	Rwanda
Costa Rica	Saint Lucia
Cyprus	Samoa
Darussalam	Seychelles
Dominica	Sierra Leone
Egypt	Singapore
Fiji	Solomon Islands
Ghana	South Africa
Grenada	Sri Lanka
Guyana	St Kitts and Nevis
India	St Vincent and The Grenadines
Iraq	Sudan
Italy	Swaziland
Jamaica	The Bahamas
Japan	Tonga
Jordan	Trinidad and Tobago
Kenya	Turkey
Kiribati	Tuvalu
Lebanon	Uganda
Lesotho	United Kingdom
Malawi	United Republic of Tanzania
Malaysia	USA
Maldives	Vanuatu
Malta	Zambia
Mauritius	

---

## Promoting international peace and security

---

Against a backdrop of conflict and displacement in the Middle East and North Africa, and the migrant crisis in Europe, we continued to work towards better-implemented laws worldwide to strengthen peace and security. Here is a snapshot of some of our key activities including defining rights to cultural heritage, protecting education during conflict and clarifying the rules governing the law of the sea.

**“While BIICL’s research has been reliably scholarly and objective, it has also been inherently practical and useable – a difficult yet essential balance, and one that PEIC required. The calibre of BIICL’s work has been further evidenced by its centrality to PEIC’s global and regional activities.”**  
**Courtney Erwin**  
**Legal Programme Manager**  
**Protect Education in Insecurity and Conflict**

### Protecting education during insecurity and conflict

The right to education continues to be challenged in situations of insecurity and conflict around the world, despite the numerous legal standards designed to protect this basic right.

Our five-year collaboration with Qatar-based organisation Protect Education in Insecurity and Conflict (PEIC) – a programme of the Education Above All foundation (EAA) – entered its third phase in 2015 with a study of the domestic implementation in the Middle East and North Africa (MENA) region of international legal frameworks that protect education in insecurity and armed conflict. This study focused on Egypt, Lebanon and Iraq – each representing a different context of insecurity, armed conflict or post-conflict – and analysed issues such as the provision of education to displaced populations, the provision of education by non-State actors and the role of education in post-conflict settings. The study highlighted good practice as well as a number of gaps, and will be used to strengthen the implementation of international legal standards protecting education in insecurity and armed conflict in the MENA region. It is also hoped it will have added impact through training sessions in the region and by providing a template for similar studies for other regions.

Our research on this issue has already received significant attention. In particular, our international law handbook has been cited on numerous occasions, including in the Guidance Note on United Nations (UN) Security Council resolution 1998 on the protection of schools and hospitals of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. This handbook has also 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 Office of the United Nations High Commissioner for Human Rights (OHCHR) for the MENA region and PEIC, at the Dead Sea in Jordan.

See [www.biicl.org/protectingeducation](http://www.biicl.org/protectingeducation)

[Kristin Hausler, Majida Rasul and Robert McCorquodale](#)

### Strengthening international law of the sea

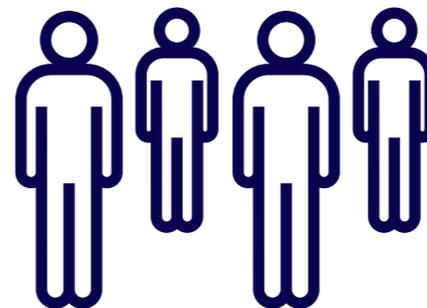
More than half of the world’s maritime boundaries are not legally demarcated, leaving many hotly disputed and leading to tensions and uncertainty for States and other groups who manage or depend on maritime resources. In the absence of agreements, it is crucial that States and others are aware of what they can and cannot do within the law. With funding from the Government of Japan, BIICL has been engaged in

research to help clarify the obligation of States (under the United Nations Convention on the Law of the Sea – UNCLOS) to refrain from activities that could jeopardise or hamper the reaching of maritime boundary agreements. In January 2016, BIICL invited 50 experts to a roundtable event in London to obtain feedback on preliminary research findings. Participants considered that the compilation of State practice to be set out in the final report would be a very useful resource for practitioners and academics.

As well as contributing to States’ understanding of their obligations, the project’s findings are set to have important practical consequences in areas as diverse as scientific research, environmental protection, fisheries management, and the exploitation of offshore mineral resources. The final report will be published in July 2016.

See [www.biicl.org/undelimited-maritime-area](http://www.biicl.org/undelimited-maritime-area)

[Jill Barrett and Naomi Burke with David H. Anderson, Robin Churchill, Kentaro Nishimoto, Makoto Seta and Callum Musto](#)



**In 2015, our events reached over 3,000 people**

### Defining the right to cultural heritage

Cultural heritage, particularly in terms of buildings, art and other artefacts, has become a hot topic of debate in recent years, not least because of attacks on historical sites in Iraq, Syria and Mali. The concept also encompasses more ‘intangible’ elements, such as songs, stories and traditions. While the right to such cultural heritage is now considered to be enshrined in international human rights law as part of the right to participate in cultural life, definitions of what constitutes cultural heritage often differ. At the European Union (EU) level, there is no definition of what cultural heritage entails, with negative impacts for implementation and enforcement of the law.

In June 2015, BIICL was awarded funding by the UK’s Arts and Humanities Research Council for a three-year European project to investigate how human rights in relation to cultural heritage are understood and implemented internally and externally by the EU. The project, in partnership with the University of Fine Arts in Poznan, Poland and the University of Trieste, Italy will draw lessons from Poland, the UK and Italy, which represent different cultural, political and legal traditions.

The project maps how the changing nature of the right to cultural heritage affects the protection, access to and governance of cultural heritage, and will provide a unique analysis of relevant laws, their implementation and enforcement. It is hoped that this will serve as a basis for a better understanding of what constitutes cultural heritage within the EU and provide tools to strengthen its access and enforcement. The analysis focuses not only on positive (binding) law and the principles that underpin it, but also on soft-law (non-binding) rules, diplomacy and cultural cooperation as alternative ways to foster inter-cultural understanding. It also considers how technical tools used to manage and protect cultural heritage (for example databases and virtual museums) can be developed to strengthen enforcement of the right to cultural heritage.

A project conference took place in Warsaw in March 2016 on the return of cultural objects unlawfully removed from Member States’ territory, bringing together practitioners working on the implementation of Directive 2014/60/EU.

As a result of engagement in the field of cultural heritage and publications on the topic, our Dorset Senior Research Fellow, Kristin Hausler, participated in a high-level panel during the Human Rights Council at the United Nations (UN) in Geneva on the role of international human rights law in protecting cultural heritage. Following this panel, a joint

statement on the protection of cultural heritage was signed by 145 UN Member States and observers.

See [www.biicl.org/culturalheritage](http://www.biicl.org/culturalheritage)

[Kristin Hausler and Richard Mackenzie-Scott Gray](#)

### International justice and the rule of law

In November 2015, the Bingham Centre for the Rule of Law and UCL’s Centre for International Courts and Tribunals held a joint event on International Justice and the Rule of Law to mark the 70th anniversary of the Nuremberg trials, which saw Nazi war criminals brought to justice. Participants heard reflections from leading experts and relatives of those involved in the original trial on this important moment for the rule of law and international justice. The event offered an historical perspective and considered the legacy of the Tribunal and its influence on the development of international criminal law. Lord Justice Fulford (Deputy Senior Presiding Judge for England and Wales, and former judge at the International Criminal Court) gave the keynote speech, and the audience heard readings from the Nuremberg trial transcripts.

Find out more at: [www.biicl.org/event/1133](http://www.biicl.org/event/1133)

[Jeffrey Jowell and Lucy Moxham with Philippe Sands](#)

---

# Engaging with business

---

**From damage claims to foreign direct investment, and from competition law to the controversial Transatlantic Trade and Investment Partnership, our initiatives addressed many of the current challenges facing business. We analysed key issues, solicited informed opinion and scrutinised whether new rules and regulations were appropriate.**

**“The survey’s finding that corruption is a key factor affecting FDI decision-making chimes with our own experience: more and more countries are tightening their bribery and corruption laws and, equally importantly, stepping up their enforcement of those laws. It is paramount that boards give due consideration to these issues at the point of entry into a market and beyond.”**

**Michael Roberts**

**Partner, Hogan Lovells, London**

### Enabling collective redress

As the globalised nature of economic transactions grows, so too does the likelihood of group claims by claimants in different countries and in various areas – including consumer, investor and anti-trust claims. As illustrated by the recent Volkswagen emissions scandal, collective redress is an important and topical area, and effective procedures are needed to enable large groups of claimants to seek it.

The Focus on Collective Redress project completed another successful year with support over the period from several major law firms including Freshfields, Hausfeld, Herbert Smith Freehills and DLA Piper, as well as litigation funder Bentham Europe. It continued to make a distinctive contribution to the development and interpretation of new legislation and the ongoing effort to establish viable collective redress systems across the EU and beyond. This included examining whether new mechanisms are appropriate for the specific dynamics of mass claims, comparing their various features, assessing their suitability for cross-border cases involving claimants from abroad, collecting and analysing case law, and providing a forum for discussion and exchange.

The project, which began in 2013 as a two-year European Commission-funded initiative led by BIICL, has also generated a dedicated website and

events programme that has reached hundreds of lawyers, judges and researchers, and a broad network facilitating ongoing dialogue on collective redress, including with the UK government. As the project moves to its next phase, and with further legislation expected, collective redress remains a highly relevant issue of public importance.

See [www.collectiveredress.org](http://www.collectiveredress.org)

[Eva Lein and Duncan Fairgrieve](#)

### Placing rule of law at the heart of foreign direct investment

BIICL’s Investment Treaty Forum, along with the Bingham Centre and law firm Hogan Lovells, commissioned The Economist Intelligence Unit to survey senior executives at Forbes 2000 companies to identify the factors considered by multinational businesses when selecting where to invest (ie, foreign direct investment – FDI), and to gauge the importance of the rule of law as a selection criterion. Findings from the survey demonstrated a clear connection between FDI decision-making and the rule of law – strong rule of law was identified as the third most important factor in selecting the location of FDI. The top factors were ease of doing business and the existence of a stable political environment.

In contributing to the knowledge base on the rule of law as a factor in FDI, the report – Risk and Return: Foreign Direct Investment and the Rule of Law – made clear the need for States to improve their domestic rule of law institutions by establishing clear rules and policies, and improving the efficacy with which these are enforced.

Read the report at [www.biicl.org/ingham-centre/projects/corporatedecision](http://www.biicl.org/ingham-centre/projects/corporatedecision)

[Jansen Calamita and Justine Stefanelli with Julianne Hughes-Jennett](#)

### Advising on breach of competition law

A submission to the UK Department for Business, Innovation & Skills’ (BIS) consultation on Implementing the EU Directive on Damages for Breaches of Competition Law by BIICL’s Competition Law Forum (CLF) was well received in March 2016. A particular challenge in relation to this Directive is that the UK, unlike many other European Countries, has an existing legal framework that allows consumers to take private damages action. While it may initially be easier to maintain a dual regime, the CLF response concluded that a simpler, single regime would be more effective for UK law in the longer term and would provide legal certainty for consumers. The CLF also held a productive meeting with BIS to discuss its response.

Following the June 2016 UK referendum result to leave the European Union there will, no doubt, be further discussions on this topic over the coming year and the CLF will be well-placed to provide expert input.

See [www.biicl.org/clf/researchpapers](http://www.biicl.org/clf/researchpapers)

[Liza Lovdahl-Gormsen](#)

### Unpacking TTIP: the Transatlantic Trade and Investment Partnership

The United States and the EU are currently engaged in negotiations on the Transatlantic Trade and Investment Partnership (TTIP), which aims to align regulation and remove non-tariff barriers between the two blocs. If concluded, TTIP will become a landmark agreement between two of the world’s biggest and richest economic powers.

TTIP supporters argue it will bring prosperity and economic development to both sides of the Atlantic. Opponents question this and raise concerns about the lack of transparency in the negotiating process and the role of specialised Investor-State Dispute Settlement (ISDS) mechanisms that arguably protect companies at the expense of individual citizens.

As part of the Global Rule of Law Exchange, supported by Jones Day, we organised a seminar in October 2015 to present different viewpoints on the



**In 2015, we published 13 research reports and books**

advantages and disadvantages of TTIP and the ISDS in relation to the rule of law. Participants from the legal profession, government, academia and civil society attended the seminar to hear expert opinions about TTIP and its implications for the rule of law, for the UK and Europe, and to join the debate.

The resulting seminar paper provided a valuable analysis of TTIP and it is hoped this will encourage further open and informed debate to ensure that the concerns of all interested parties are considered before this ground-breaking agreement is signed.

See: [www.binghamcentre.biicl.org/ruleoflawexchange/events/ttip-and-the-rule-of-law](http://www.binghamcentre.biicl.org/ruleoflawexchange/events/ttip-and-the-rule-of-law)

[Mat Tromme and Jansen Calamita](#)

### Business and human rights due diligence

Human rights due diligence is at the heart of the United Nations Guiding Principles on Business and Human Rights. Information on compliance by companies is limited, despite the fact that human rights impacts are an important and evolving area of risk for businesses. In 2015-16, global law firm Norton Rose Fulbright funded a BIICL research project on human rights due diligence to provide guidance to businesses on the human rights risks and challenges they face.

BIICL focused on four key sectors: extractives (mining and energy); financial services; health sciences and pharmaceuticals; and technology, and gathered views from over 150 leading multinational companies. When combined with interviews and legal analysis, BIICL was able to build a detailed picture of companies’ activities in this area, including good practices and gaps.

Companies involved in the research expressed significant interest in our findings as there is limited sharing of information or good practice on this issue. It is hoped our research will have a major impact on how companies operate worldwide, and influence the information they include in decision-making about their operations and other activities. It could also affect regulation by governments, international organisations and industry bodies, as well as litigation.

See [www.biicl.org/duediligence](http://www.biicl.org/duediligence)

[Robert McCorquodale and Lise Smit](#)

---

# Proposing legal reform

---

**In this section, we showcase work by the Bingham Centre focusing on issues of legal reform. Projects included advising government on the likely implications of further devolution in the UK, and expanding Parliamentary capacity to engage with the rule of law through a new All Party Parliamentary Group on the Rule of Law. We also published findings on best practice for judicial independence in the Commonwealth, and provided expert analysis on maintaining a balance between the need for security, transparency and accountability in the face of rising terrorism and serious crime.**



### A constitutional crossroads: ways forward for the United Kingdom

The UK is at a constitutional crossroads following Scotland's vote to remain part of the UK and the promise of a greater degree of home rule. Significant further devolution will profoundly affect the future not only of the different nations within the UK but of the UK as a whole. The June 2016 UK referendum result to leave the European Union is likely to add further to the complexities surrounding this issue.

In 2015, funded by the Gatsby Charitable Foundation, the Bingham Centre undertook a major independent review of the implications of UK devolution. The review's objectives were to help politicians and policy-makers to address these constitutional questions and help map a clearer path for any future changes in the UK.

The review concluded that piecemeal development of devolution had weakened the overall constitutional fabric of the UK and recommended a new Charter of the Union to provide the framework for a fair and durable

**“The APPG on the Rule of Law has established itself as an important reference point for parliamentarians wanting a proper understanding of the importance of the rule of law and what it means in practice in relationship to the work of Parliament and government. I very much hope that this work can be continued in future as it is making a positive impact on political debate.”**  
The Rt Hon Dominic Grieve QC MP  
former Attorney-General

settlement between the four nations. The report received considerable national and regional media coverage and, as a result, the Bingham Centre has been asked to advise government on its future plans.

See [www.biicl.org/bingham-centre/devolution](http://www.biicl.org/bingham-centre/devolution)

[Jeffrey Jowell and Sandra Homewood with Adam Tomkins and Alan Trench](#)

### Parliament and the rule of law

Discussions with UK parliamentarians and other experts this year revealed the need for greater rule-of-law capacity and engagement in Parliament. While there were many references to the rule of law in parliamentary debates, these were often rhetorical and rarely went beyond general statements. As a result, the Bingham Centre helped to establish a new All Party Parliamentary Group (APPG) on the Rule of Law, which it is hoped will make a significant positive impact on clarity in law-making, parliamentary scrutiny of government, and on bringing rule-of-law engagement to wider public awareness.

The Bingham Centre is providing the secretariat to the new APPG, with funding support from the Legal Education Foundation. Meetings have been regularly attended by over 40 MPs and Peers (many from non-legal

backgrounds) who represented all the major political parties and different nations of the UK. Topics included non-violent extremism, the Immigration Bill 2015, investigatory powers, and the idea of a UK constitutional court. The Bingham Centre also published a research report for the APPG, *The Rule of Law in Parliament: A Review of Sessions 2013-14 and 2014-15*.

See [www.biicl.org/bingham-centre/appg-rule-of-law](http://www.biicl.org/bingham-centre/appg-rule-of-law)

[Swee Leng Harris and Lawrence McNamara](#)



**In 2015, we made 27 public responses and submissions to consultations**

### Judicial independence

An independent judiciary is essential to the rule of law, so legal frameworks for the appointment, tenure and removal of judges are important for attracting the best candidates from a wide range of backgrounds and for protecting their independence.

During 2015-16 the Bingham Centre was actively engaged in several projects related to judicial independence. This included publishing a compendium for the Commonwealth Secretariat that identified best practice for securing judicial independence under the Latimer House Principles (the Commonwealth's norms for good governance and democracy under the rule of law) across its 53 Member States. The compendium is being used by the Commonwealth Secretariat in its technical assistance and advice to governments; has been cited by the Supreme Court of India; and has formed the basis of a recent challenge to non-appointment of a judge in Botswana.

Follow-on work included consultations with Chief Justices to develop a Commonwealth Model Law on Judicial Service Commissions (JSCs). If adopted by Member States, this will provide a template for jurisdictions wishing to establish a JSC or reform processes for the selection or disciplining of judges. The Bingham Centre also contributed to the Cape Town Principles on the Role of Independent Commissions in the

**“Our hope is that the best practices shared in this publication, and other agreed Commonwealth values and principles, will assist Member States in formulating legislative and institutional policy, and with strengthening independence and accountability in the relationships between the three branches of government.”**  
Kamalesh Sharma  
Secretary-General of the Commonwealth (2008-2016)

Selection and Appointment of Judges. Published in February 2016, these Principles are now included in the online libraries of leading international NGOs and have been translated into Spanish, Portuguese and Burmese.

See [www.biicl.org/bingham-centre/projects/commonwealthcompendium](http://www.biicl.org/bingham-centre/projects/commonwealthcompendium)

and

[www.biicl.org/bingham-centre/projects/capetownprinciples](http://www.biicl.org/bingham-centre/projects/capetownprinciples)

[Jan van Zyl Smit](#)

### Security, transparency and accountability

The UK grapples with a wide range of security challenges in its efforts to combat and prevent terrorism and serious crime. One such challenge is the power of the police and security agencies to investigate and gather intelligence with a necessary degree of secrecy, while being accountable and protecting human rights. Getting the balance right is important for our communities, for security, and for building trust and public confidence in the State and its agencies. It also has international implications due to the globalised nature of terrorism and counter-terrorism efforts.

The Bingham Centre has contributed to these debates through convening expert stakeholder meetings, submissions and evidence-based recommendations to

law reform consultations, research and through public debate. A strong example of the impact of the Centre's recommendations were those on closed material procedures that led to the Ministry of Justice changing its reporting practice in 2015 to provide more and clearer information, substantially increasing transparency and accountability. The Independent Reviewer of Terrorism Legislation also adopted several key reform recommendations made by the Bingham Centre.

See [www.biicl.org/bingham-centre/publications/law-reform-submission](http://www.biicl.org/bingham-centre/publications/law-reform-submission)

[Lawrence McNamara and Justine Stefanelli, with Eric Metcalfe](#)

---

## Enabling access to justice



---

**Our work has included ensuring that access to justice for all – a concept also enshrined in the newly launched Sustainable Development Goals (SDGs) – is honoured through meaningful, measurable indicators. We identified better ways to ensure effective remedies for victims of human rights abuses by business, and highlighted the importance of human rights as part of best business practices among young entrepreneurs in Sudan.**

## Access to justice and the UN Sustainable Development Goals

### UN Sustainable Development Goal 16

**“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”**

Access to justice is at the core of Goal 16 of the United Nations’ Sustainable Development Goals (SDGs), agreed in September 2015. Progress towards achieving the SDGs, including improved access to justice and rule of law compliance, will be monitored globally and nationally. A core commitment of the goals is that “no one will be left behind”, so their success depends on inclusion of the most vulnerable, including children, young persons, people with disabilities, and migrants.

This year, the Bingham Centre’s active programme of work around the SDGs continued, in particular on Goal 16 and the place of the rule of law and access to justice in the new agenda. The Centre published a second report for the International Bar Association (IBA) on access to justice, focusing on the availability and effectiveness across jurisdictions of legal aid for those charged with violent crimes, and of redress mechanisms for victims of

violence. The Centre also looked at how the UK government measures the success of its policies on access to justice in relation to taxation, and presented its findings at a Department for International Development (DFID) roundtable. In addition, written responses on meaningful indicators for Goal 16 were provided to the UK Office for National Statistics, the United Nations Inter-Agency and Expert Group on SDG Indicators, and the UK International Development Committee.

The Centre’s aim has been to ensure that rule of law language and compliance are integrated into development debates and policies in the UK and abroad. It has also sought to inform a wider audience about the SDGs and their potential to contribute to poverty eradication.

See [binghamcentre.biicl.org/binghamcentre/projects/accesstojustice](http://binghamcentre.biicl.org/binghamcentre/projects/accesstojustice)

[Julinda Beqiraj and Lucy Moxham](#)

**“Above all, what the Bingham report shows... is the value of a debate about the fundamental purpose of legal aid and justice policy; the outcomes which we hope to obtain; and assessment of the means by which we seek to obtain them.”**  
International Legal Aid Group, newsletter, Issue 35, March and April 2015

## Effective remedies for victims of human rights abuses by business

The UK’s National Action Plan on Business and Human Rights (2013) was created to implement the UN Guiding Principles on Business and Human Rights on a whole-of-government basis. The Plan referred to the existing framework of legislation in the UK and the range of remedy mechanisms available for both judicial and non-judicial remedies in relation to human rights abuses by businesses. As part of the review of this Plan, the UK government wished to clarify existing mechanisms and to assess their effectiveness in providing access to remedy for victims of human rights abuses by business – a critical requirement of the UN Guiding Principles.

BIICL was commissioned to report on the range of remedy mechanisms in the UK that provided both judicial and non-judicial remedies in relation to human rights abuses by businesses. We undertook extensive investigations, including interviewing a range of government officials working in relevant areas, experts in law firms and non-government bodies, as well as reviewing the literature on these issues. Our work sought to clarify the options for victims within the UK and overseas, identify barriers for victims and outline policy options for the future. Findings revealed

that (surprisingly for the UK government) while access to remedies in the UK had improved considerably through judicial mechanisms, there were still many mechanisms not providing remedy to victims.

Our report was considered by the Department of Business, Innovation & Skills, the Foreign and Commonwealth Office and the Ministry of Justice, and this work was acknowledged in the review of the UK National Action Plan in 2016. In addition, the main NGOs working in this field, law firms and the UN have all made use of our findings.

See [www.biicl.org/accesstoremedies](http://www.biicl.org/accesstoremedies)  
[Robert McCorquodale and Lise Smit](#)



**In 2015, our work covered 69 countries around the world**

## Improving business practices for young entrepreneurs

In 2015, BIICL led training on business and human rights for young entrepreneurs in Sudan as part of a British Council scheme to assist the development of business skills through a Dragons’ Den-type competition (“Mashrouy”). BIICL’s role was to help with skills training in dealing with business ethics issues for shortlisted competitors and local trainers. The initiative was seen as a crucial part of capacity building for economic and social development in Sudan, which has been badly affected by civil conflict for many decades.

The training focused on the importance of ethical (including human rights) issues in business practices, and how they are part of the risk management and decision-making process. Topics discussed included labour rights, health and safety, and the benefits of considering human rights for improved employee motivation and productivity, reputation with suppliers, and better relationships with consumers and the wider community.

**“Many companies that neglect human rights witness deterioration and even liquidation. For bigger and multinational companies it has become a must to follow human rights to avoid any risk, engage international business and attract new business investment.”**  
Feedback from Sudan training participant

The training added a new dimension to participants’ understanding of business practices. Feedback was highly positive, with nearly 90% rating the training as excellent or very good. In our follow-up several months later, all respondents provided practical examples of how they were applying the training to their business.

See [www.biicl.org/training](http://www.biicl.org/training)

[Robert McCorquodale](#)

---

## Building legal understanding

---

**Whether in schools, businesses, legal firms or among the judiciary itself, there is always room for learning. This year we produced Quality Marked teaching materials for children, held courses for mid-level managers on international law, launched the Global Rule of Law Exchange programme and ran seminars on issues as diverse as counter-terrorism and international arbitration to help judges remain up-to-date on public international law.**

**“The seminars have been very well received, and I think that the lively debate provoked on each occasion is a testament to their success. Each lecture was interesting, thought-provoking, and very well received by the senior judiciary.”**  
**Mrs Justice Simler DBE**  
**Chair of the**  
**Judicial College**

**“I liked learning new things about topics I had already learned. We looked at climate change in geography but to link this issue with international treaties somehow made it seem more important.”**  
**Sam, Year 9**



### Citizenship and the rule of law

Many non-specialist teachers struggle to teach law and justice in the UK national citizenship curriculum. Few teaching resources go beyond factual content and many are largely analytical.

With funding from the Legal Education Foundation and the Magna Carta Trust, the Bingham Centre developed a project equipping teachers with the knowledge and skills to lead high-quality lessons on law and justice in a thoughtful and challenging way, producing easy-to-use, curriculum-relevant resources for non-specialist teachers. The materials encourage students to develop key skills such as communication, analysis and independent thought. Lessons are structured to enable young people to develop the tools to play an informed and active part in society.

Feedback from the pilot phase revealed that 97% of participants felt that the course gave them a better understanding of the justice system, and 85% could see the relevance of the course to their daily lives. Resources are now being

rolled out across the country and have so far reached around 23,000 pupils in 185 schools and other organisations (including local authorities).

The resources received the Quality Mark of the Association for Citizenship Teaching (ACT) – the national subject association representing Citizenship teachers and Citizenship teaching stakeholders. Interest has been expressed by organisations such as the British Council and the UK National Commission for UNESCO.

See [www.biicl.org/ingham-centre/schools](http://www.biicl.org/ingham-centre/schools)

[Xiao Hui Eng, Sumayyah Tasnim, Lawrence McNamara and Naina Patel](#)

**“Very enjoyable. Excellent presentations, interesting and knowledgeable speakers. Well organised and accessible. The course really demonstrated how important international law is – and... how pervasive it is too.**  
**International Law in Practice course participant**

### International law in practice

Many people at senior and mid-career levels deal with issues of international law but lack specialist knowledge of this area. To address this, BIICL drew on its in-house expertise to develop intensive short courses on International Law in Practice to cover a wide range of international law issues in a practical and interactive way. Each course included a session where established practitioners spoke about their experiences in developing their careers in international law.

Courses typically attracted around 30-45 people from government, solicitors’ firms, barristers’ chambers, non-governmental organisations, companies, embassies and international organisations. Feedback has been consistently positive with around 90% of participants rating the courses as excellent or very good.

See [www.biicl.org/event/1182](http://www.biicl.org/event/1182)

### Global rule of law exchange

In 2015, the Bingham Centre – supported by law firm Jones Day – launched the Global Rule of Law Exchange. This series of events addresses key challenges posed by global development and its relationship to the rule of law, including issues such as access to justice, administrative justice and corruption.

Against a backdrop of seismic political change in Brazil, and with its President possibly facing impeachment, the Exchange programme’s first annual conference, *Rule of Law Challenges in Latin America – Corruption and Judicial Independence*, took place in São Paulo in April 2016. The conference was supported by the Jones Day Foundation, and was co-organised with FGV São Paulo School of Law.

Around 180 delegates participated in lively discussion on ways to safeguard judicial independence, foster anti-corruption measures and ensure the proper role of the legal profession. The Bingham Centre also presented a new study funded by Costa Rican law firm Arias & Muñoz on *Judicial Independence in Latin America*. Keynote speakers included former Brazilian President Cardoso and there was much media interest in the event, with over 50 articles on the conference as well as television appearances. Speakers and participants acknowledged the importance of having similar forums to share experience and learn from their peers.

See [inghamcentre.biicl.org/ruleoflawexchange/](http://inghamcentre.biicl.org/ruleoflawexchange/)

and

[www.biicl.org/event/1151](http://www.biicl.org/event/1151)

[Mat Tromme, Jeffrey Jowell, Jan van Zyl Smit and Lawrence McNamara](#)



**In 2015, we made 105 public presentations**

### Judicial College

British judges aim to be well-informed and up-to-date on developments in public international law so that they can apply it appropriately. This helps ensure that justice is done, as the correct application of international law may affect the outcome of a case. It also protects the UK, as failure to apply international law correctly may result in UK State responsibility.

The Judicial College of England and Wales plays an important role in increasing the practical knowledge of the senior judiciary (from the High Court to the Supreme Court). In 2015-16 BIICL ran three seminars for the Judicial College on Public International Law Issues before the Courts, covering: Core Public International Law Issues before the Courts; Counter-Terrorism, Sanctions and Human Rights; and International Arbitration in Commercial Cases. The seminars provided practical and contextual information about relevant public international law. Over 60 judges participated across the three seminars, which stimulated much discussion.

[Robert McCorquodale and Jill Barrett with Sir Frank Berman QC and Van Vechten \(Johnny\) Veeder QC](#)

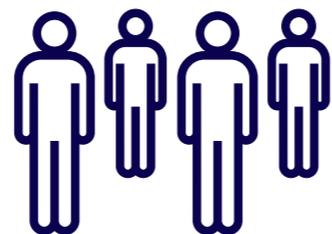
## Our work and activities in 2015



**13**  
13 research reports and books



**20**  
20 media mentions and appearances



**446**  
446 members



**29**  
29 journal articles and book chapters



**105**  
105 public presentations



**46**  
46 events



**27**  
27 public responses and submissions to consultations



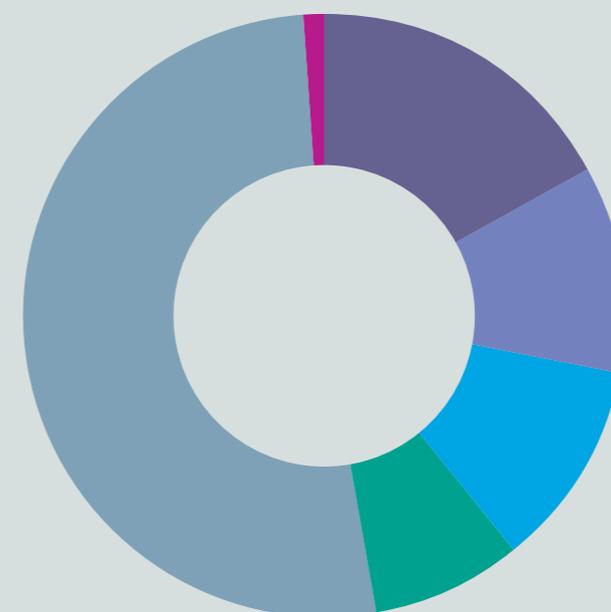
**69**  
Our work covered 69 countries



**3,000**  
Over 3,000 event attendees

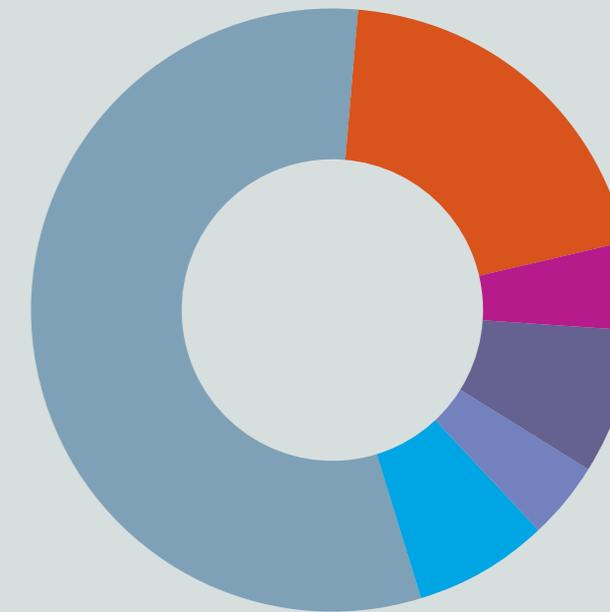
## Overview for financial year ended 31 December 2015

2015 income



Donations and legacies	17.2%	£366,491
Member services	11.1%	£237,146
Publications and journals	11.3%	£240,428
Conferences and seminars	8.2%	£174,950
Research programmes	51.2%	£1,092,152
Other	1.0%	£24,008
<b>Total</b>		<b>£2,135,175</b>

2015 expenditure



Support and governance costs	20.0%	£401,099
Raising funds	4.8%	£96,297
Member services	7.8%	£155,865
Publications and journals	4.2%	£83,538
Conferences and seminars	7.2%	£146,495
Research programmes	56.0%	£1,123,433
<b>Total</b>		<b>£2,006,727</b>

## Membership and support

### Membership

Membership of BIICL is open to all and enables members to become part of a diverse community of practitioners, scholars and many 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, with many opportunities to engage in debate and discussion through our programme of topical events, seminars and conferences. Our membership includes judges, lawyers and barristers, government officials, regulators, international civil servants, academics and students, including non-lawyers.

A range of individual and corporate membership packages is available, as well as our three specialist Forums in Competition Law, Investment Treaty Law and Product Liability ([www.biicl.org/forums](http://www.biicl.org/forums)). All members receive a substantial 40% discount on relevant events and BIICL publications, plus access to our renowned journal, *International and Comparative Law Quarterly*.

Find out more and sign up at: [www.biicl.org/membership](http://www.biicl.org/membership).

### How you can help

By supporting our work, donors and funders are helping BIICL to address some of the most pressing global challenges, thus making a positive and lasting difference to our world. Please feel free to contact us to discuss the best way you or your organisation could help.

- UK taxpayers can increase the value of their donations by 25% by signing a GiftAid declaration which allows BIICL to reclaim the basic rate of tax on a gift.
- You may wish to leave a legacy in your will in favour of BIICL. In the UK, the value of your gift will be deducted from your estate before Inheritance Tax is calculated.
- In the UK, gifts of publicly quoted shares are extremely tax-efficient.
- US donors can donate through The International Rule of Law Project Inc. which is a 501(c)3 public charity ([www.irolp.org](http://www.irolp.org)).

Sarah Taylor, Development Director  
Tel: +44 (0)20 7862 5433  
Email: [s.taylor@biicl.org](mailto:s.taylor@biicl.org)

**“Being a member of BIICL is an essential requirement for any forward-thinking lawyer and for those with an interest in international affairs.”**  
**Robert McCorquodale**  
BIICL Director

**“We are proud to be associated with the work of the Bingham Centre and the British Institute of International and Comparative Law.”**  
**Susan Bright**  
Managing Partner  
Hogan Lovells LLP

## Our donors and sponsors

Thanks to all those who continue to support our work, including the following

### BIICL donors

Sir Christopher Bellamy QC  
Sir Franklin Berman  
KCMG QC  
The Hon Mr Justice William Blair QC  
Susan Bright  
The Rt Hon the Lord Collins of Mapesbury  
Patrick Daniels  
The Dorset Foundation  
Professor Guy Goodwin-Gill  
Dr Ernesto José Félix De Jesús  
Alexander Layton QC  
Professor Vaughan Lowe QC  
Herbert Smith Freehills LLP  
Michael Hutchings OBE

### BIICL event sponsors

9 Bedford Row Chambers  
Brill Nijhoff  
Cambridge University Press  
Carter-Ruck Solicitors  
Charles River Associates  
Charles Russell Speechlys LLP  
Civil Justice Programme of the European Union  
Cleary Gottlieb Steen & Hamilton LLP  
Debevoise & Plimpton LLP  
European Company Lawyers Association  
Essex Court Chambers  
Freshfields Bruckhaus Deringer LLP  
Foreign & Commonwealth Office  
Fountain Court Chambers

Herbert Smith Freehills LLP  
International Bar Association  
The Justice and Security Research Programme  
LexisNexis  
Linklaters LLP  
Macfarlanes LLP  
Nabarro LLP  
Orrick, Herrington & Sutcliffe LLP  
Queen Mary University of London, Centre for Commercial Law Studies  
Roma Tre University  
Shell International BV  
Sidley Austin LLP  
Temple Garden Chambers  
Transnational-Dispute-Management.com  
University of Antwerp  
Volterra Fietta

### Donors to the Bingham Appeal Phases I and II

#### £200,000 and above

The David & Elaine Potter Foundation  
Freshfields Bruckhaus Deringer LLP  
Jones Day Foundation (Supporter of the Year 2016)  
Linklaters LLP  
Sigrid Rausing Trust  
Vivmar Foundation

#### £100,000 – £199,999

Allen & Overy LLP  
BP plc  
Clifford Chance LLP  
Hogan Lovells LLP  
Macfarlanes LLP  
Shell International Ltd  
Slaughter and May (current and retired partners)

#### £50,000 – £99,999

The Rt Hon Lord Bingham of Cornhill KG  
Ashurst LLP  
Berwin Leighton Paisner LLP  
The Bingham Family  
Clyde & Co LLP  
Sidley Austin LLP  
Simmons and Simmons LLP  
White & Case LLP

#### £10,000 – £49,999

3 Verulam Buildings  
Robin Allen QC  
Baker & McKenzie LLP  
Sir Christopher Bellamy QC  
The Rt Hon Sir Henry Brooke  
The Hon Charles N Brower  
CMS Cameron McKenna LLP  
Cravath, Swaine and Moore LLP  
DLA Piper LLP  
Barbara Dohmann QC  
Fountain Court Chambers  
Lady Fox CMG QC  
Richard Godden  
IBA Educational Trust  
Philip Kessler  
The Law Society Charity  
Alexander Layton QC  
Gary Lynch  
Maclay Murray & Spens LLP  
Iain Milligan QC  
David Perry QC  
The Peter Cruddas Foundation  
The Pilgrim Trust  
The Salih Family  
Paul Saunders  
Timothy Young QC

### Donors to the Arthur Watts Appeal Phases I and II

#### £100,000 and above

Allan Myers AO QC  
  
£40,000 – £99,999  
Government of Brunei Darussalam  
Three Crowns LLP  
Volterra Fietta  
The Watts Family

#### £20,000 – £39,999

Sir Franklin Berman KCMG QC  
The Binks Trust  
Foreign & Commonwealth Office  
Lady Fox CMG QC  
HSH Prince Hans-Adam II of Liechtenstein  
Dame Rosalyn Higgins DBE FBA QC  
Sir Michael Wood KCMG

#### £10,000 – £19,999

Sir Daniel Bethlehem KCMG QC  
The Hon Charles N Brower  
Jeremy Carver CBE  
Cecilia Gillett  
Sir Christopher Greenwood CMG QC  
Professor Vaughan Lowe QC

#### £1,000 – £9,999

Dame Mary Arden DBE QC  
The Rt Hon the Lord Collins of Mapesbury  
Professor James Crawford SC LLD FBA  
Eileen Denza CMG  
David M Edwards CMG  
Professor Philippe Sands QC  
V V Veeder QC  
Samuel Wordsworth QC

## BIICL officers, trustees and staff

### BIICL officers

#### President

The Rt Hon the Lord Phillips of Worth Matravers KG PC

Dame Rosalyn Higgins DBE QC (to December 2015)

#### Vice Presidents

The Rt Hon the Lord Collins of Mapesbury

The Rt Hon Sir David Edward KCMG

Sir Christopher Greenwood CMG QC

### Board of trustees

Sir Franklin Berman KCMG QC (Chair)

Professor John Bell (Appointed 20 July 2015)

Sir William Blair (Retired 20 July 2015)

Gary Born

Susan Bright (Retired 20 July 2015)

Sir Stanley Burnton

Andrea Coomber

Judith Gill QC

Philip Haberman

Sir Paul Jenkins KCB QC

Sir Francis Jacobs KCMG QC

Professor Rosa Lastra

Sir David Lloyd Jones

Nigel Paul Lomas (Retired 20 July 2015)

Iain Macleod (Appointed 20 July 2015)

Professor Dawn Oliver QC

Nigel Parr (Appointed 26 October 2015)

Lord Robert Reed (Appointed 20 July 2015)

Professor Malcolm Shaw QC

Van Vechten Veeder QC

Professor Stephen Weatherill (Retired 20 July 2015)

Andrew Whittaker

### Staff

#### Director

Professor Robert McCorquodale

#### Research staff

Jill Barrett

Arthur Watts Senior Research Fellow in Public International Law

Dr Julinda Beqiraj Associate Senior Research Fellow in the Rule of Law

Dr Naomi Burke Arthur Watts Research Fellow on the Law of the Sea

N. Jansen Calamita Senior Research Fellow in International Trade and Investment Law and Director, Investment Treaty Forum (to June 2016)

Xiao Hui Eng Research Fellow in Citizenship and the Rule of Law

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

Dr Jean-Pierre Gaudi Research Fellow in Public International Law

Swee Leng Harris Research and Training Coordinator

Kristin Hausler, Dorset Senior Research Fellow in Public International Law

Professor Sir Jeffrey Jowell KCMG QC Director, Bingham Centre for the Rule of Law (to November 2015)

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

Dr Liza Lovdahl-Gormsen Senior Research Fellow in Competition Law and Director, Competition Law Forum

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

Lucy Moxham Associate Senior Research Fellow in the Rule of Law

Professor Christina Murray Director, Bingham Centre for the Rule of Law

Majida Rasul Research Fellow (to April 2016)

Richard Mackenzie-Gray Scott Research Fellow in Cultural Heritage

Lise Smit Research Fellow in Business and Human Rights

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

Justine Stefanelli Maurice Wohl Associate Senior Research Fellow in European Law

Sumayyah Tasnim Research Assistant on Citizenship Education and the Rule of Law

Mat Tromme Senior Research Fellow in Development and the Rule of Law

Dr Andraž Zidar Dorset Senior Research Fellow in Public International Law (to June 2015)

### Publishing staff

David Hyatt Publications Coordinator

Anna Riddell ICLQ Assistant Editor

### Professional and administrative staff

Patricia Ambrose BIICL Deputy Director and Company Secretary

Anna Brandenburger Development Administrator

Bradley Dawson Marketing Assistant

Sandra Homewood Bingham Centre Manager

Bart Kolerski Database and Technical Support Administrator

Claudia Mansaray Marketing Manager (to May 2016)

Carmel Brown Marketing and Membership Manager

Geoffrey Sautner General Manager

Darryl Seaman ACA Director of Finance

Jayantha Sivanathan Finance Officer

Dave Sutton Conference and Events Coordinator

Sarah Taylor Development Director

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

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

Our vision is to continue to be a world-leading independent research body on international and comparative law, and the rule of law, by:

- providing high-quality applied research, based on strong conceptual foundations, that influences law and policy-making; and
- promoting the application and wider dissemination of our research through publications, events and training.

### **Contacts**

For donations and sponsorship:  
Sarah Taylor, Development Director  
s.taylor@biicl.org

For membership:  
Carmel Brown, Marketing and Membership Manager  
c.brown@biicl.org

For research and training:  
Patricia Ambrose, BIICL Deputy Director  
p.ambrose@biicl.org

Charles Clore House  
17 Russell Square  
London WC1B 5JP  
UK

T +44 (0)20 7862 5151  
E info@biicl.org  
www.biicl.org

A company limited by guarantee  
Registered in England No. 615025  
Registered Charity No. 209425



**British Institute of  
International and  
Comparative Law**



Printed thanks to the generous support of LexisNexis