

Short Course: Introduction to the Rule of Law

Monday 10 October 2016

British Institute of International and Comparative Law
Charles Clore House, 17 Russell Square, London WC1B 5JP

Programme

The rule of law has universal relevance for all involved in the law, justice system and legal policy. This innovative course introduces participants to using the rule of law as a practical tool for legal work in a wide range of areas both within the UK and internationally. When you attend this course, you will explore the different elements of the rule of law in concrete terms, thinking about how rule of law principles apply in a wide variety of areas, and discovering how to draw on the rule of law as an invaluable principle and framework. It will be conducted as interactive discussions, with case studies and practical examples, as applied learning.

The Bingham Centre's leading rule of law experts deliver the sessions that are aimed not only at those in legal practice, but also NGO staff and academics who work on law reform and legal policy. The sessions use rule of law standards, such as the Venice Commission's Rule of Law Checklist, as a touchstone and resource that translates the rule of law into a detailed set of questions and issues

09.00–09.15: Registration

9.15–11.15: Session 1: Introduction to Rule of Law Principles and Measuring the Rule of Law in International Development, Professor Christina Murray and Dr Julinda Beqiraj

The rule of law has been described as a 'work in progress' or a 'contested concept'. This session will consider its universal application in the service of avoiding arbitrary decision-making and encouraging stability and accountability. Particular consideration of the Venice Commission's new Rule of Law Checklist will include discussion of how that checklist can be used practically in enhancing its aims. The second half of this session will discuss the recent developments regarding the UN Agenda on Sustainable Development adopted in September 2015, replacing the former Millennium Development Goals. The goal of 'access to justice' embodies the rule of law in that context, and the implementation of the Agenda will be examined as well as the requirement that its progress be measured.

11.15–11.40: Coffee break

11.40–13.00: Session 2: The Rule of Law across Borders: International Transfer and Torture of Detainees, Dr Lawrence McNamara

Challenging rule of law questions arise where people suspected of criminal offences are taken from one country to another, and where those people may have been subjected to torture. This session will explore how national courts give effect to the rule of law when individuals are moved across borders for detention and prosecution, and when evidence may have been obtained by torture. Through case studies it considers how the courts interpret and apply the scope and limits of abuse of process, and how the judiciary and executive understand their legitimate powers and obligations in these contexts.

13.00–14.00: Lunch break

14.00–15.30: Session 3: The Rule of Law and Transitional Justice, Dr Jan van Zyl Smit

Transitional justice mechanisms have a complex relationship to the rule of law. Trials, truth commissions, reparations and institutional reforms all seek to establish accountability for past abuses and the challenge is to ensure that such processes are sufficiently flexible and robust to deal with massive violations of rights while adhering to rule of law principles in a manner that is capable of building support for a rule of law society in future. This session explores different approaches and processes that have been used for transitional justice, discussing several examples from around the world.

15.30–15.50: Coffee break

15.50–17.20: Session 4: Corruption and the Rule of Law, Mat Tromme

Corruption poses a challenge to all aspects of the rule of law because, for example, it undermines equal application of the law, equal protection by the law, the independence of adjudicators, and the clarity and certainty of rules. This interactive session will discuss corruption as a practical impediment to the rule of law. It will briefly go over some of the challenges associated with corruption, before placing these challenges in context from an international perspective and with reference to several country examples. A case-study will be provided for participants to workshop.

17.20–17.30: Summary and close