



British Institute of
International and
Comparative Law

Research Fellow in Judicial Independence and Constitutional Transitions

Overview

1. This is a post within an interdisciplinary AHRC research project in the fields of Constitutional Law and Transitional Justice. As such, it is open to researchers with backgrounds either in Law or in disciplines relevant to the study of post-authoritarian transitions, e.g. History, Politics, Political Theory or Sociology. Applicants with non-Law backgrounds should have some grounding in the study of legal institutions and ideally the judiciary.
2. The project title is ***Special Processes for the Reassessment and Removal of Judges in the Context of a Constitutional Transition: Strengthening the Rule of Law?*** It will be led by Dr Jan van Zyl Smit (Bingham Centre for the Rule of Law) and Professor Christina Murray (University of Cape Town and UN Department of Political Affairs).
3. The project will examine processes which countries in transition to constitutional democracy have established for the reassessment and removal of judges inherited from an era of authoritarian rule. Through “lustration”, “vetting”, or even wholesale re-appointment exercises, many countries from post-war and post-communist Europe have attempted to reform their judicial personnel. Similar processes have become popular in the Global South, including Africa and Latin America, where additionally truth commissions have sometimes been asked to investigate the judiciary.
4. The project has three research objectives:
 - a. To build a body of evidence of special processes that have been applied to the judiciary in the context of constitutional transitions
 - b. To analyse the potential contribution of such processes to the Rule of Law and specifically judicial independence, as well as the risks they pose to these values
 - c. To identify whether international norms concerning the judiciary, particularly those relating to independence and security of tenure, may need to be revised to provide guidance on the design and operation of special processes during constitutional transitions.

The Bingham Centre for the Rule of Law

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



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6. The Bingham Centre, established at BIICL in 2010, exists to advance the Rule of Law worldwide. It aims to do so proactively, and to have a direct and practical impact on law, policy and decision-making. The Bingham Centre's research, events and training activities on the Rule of Law are documented on our [website](#).
7. The Bingham Centre's published research on judicial independence includes studies of the appointment, tenure and removal of judges in the 53 member states of the [Commonwealth](#), as well as research on legal and institutional safeguards for judicial independence in [Latin America](#). Members of the Centre participated in the development of the [Cape Town Principles](#) on the Role of Independent Commissions in the Appointment and Selection of Judges. Our seminars and training activities in areas related to this project to have included working with the Commonwealth Secretariat, the Kenya Judges and Magistrates Vetting Board and the Palestinian Authority.

Job Description

8. The Research Fellow in Judicial Independence and Constitutional Transitions will be a member of the core team for this AHRC-funded project, based at the Bingham Centre.
9. The other core members of the project team are Dr Jan van Zyl Smit (Associate Senior Research Fellow, Bingham Centre), who is the Principal Investigator for this project, and Professor Christina Murray, a renowned constitution-making expert currently serving with the UN Department of Political Affairs, who is the Co-Investigator. The Research Fellow will be supervised by Dr van Zyl Smit, who has a 60% time commitment to this project for its duration.
10. The duties of the Research Fellow will include the following:
 - Undertaking high-quality research on the reform of the judiciary in post-authoritarian countries, including developing a typology of special processes for judicial reassessment or removal, based on existing literature and documentary sources;
 - Producing or assisting with the production of outputs for a range of academic and policy audiences, including scholarly journal articles, policy briefs and blogs;
 - Preparing working papers for the project research network, which will consist of the core team, 7-8 country experts, two policy partner organisations (International IDEA and the Venice Commission) and a steering committee of legal and transitional justice experts;
 - Co-ordinating input received from members of the research network, drafting newsletters at intervals of approximately two months, and providing research support for network members who are writing public comment pieces related to the project (subject to agreement of the Principal Investigator and Co-Investigator)
 - Assisting with the organisation of the project workshop in mid-2019 and the launch event in early 2020
 - Organising, storing and indexing all research material and data relating to the research on BIICL electronic systems;
 - Work in a team with other researchers, including research assistants at BIICL.



11. This is a full-time, fixed term post to commence by **1 August 2018** or as soon as possible thereafter, and to last until **31 March 2020**. There are no teaching duties. Secondments for this period may also be considered. The post will be based in London; however flexible arrangements can be considered including some remote working and with regard to distribution of hours.
12. The salary package will be in the range **£29,000 - £32,000 pa**, depending on qualifications and experience.

Person Specification

13. The successful applicant will have the following mix of experience, skills and attributes:
 - A PhD or equivalent research experience in Constitutional Law or Transitional Justice, whether acquired in the field of Law or in another relevant discipline
 - A record of published research in their field of activity, with published research on judicial institutions or constitutional transitions;
 - A record of co-ordinating research activity, including synthesising bodies of qualitative data;
 - Excellent written English and effective communication skills in disseminating research findings and other activities to a diverse international community; the ability to work in other relevant languages including French, German, Spanish or Arabic would be an advantage
 - A record of interacting appropriately with practitioners, judges, academics, policy-makers and others in this field, from a range of countries, with some experience in legal practice or policy work relating to the reform of government institutions would be an advantage;
 - An ability to organise and manage seminars and workshops to a high standard;
 - An ability to be self-starting and self-sufficient, and to manage with minimal administrative support; and
 - An ability and willingness to work collaboratively and collegially with colleagues.

Application Process

14. Applicants should send the following by **10 July 2018** by email to RFJudicial@biicl.org:
 - The BIICL application cover form (available at www.biicl.org/vacancies) including the names and addresses of three referees (two of whom can be contacted prior to interview);
 - A full curriculum vitae;
 - A covering letter setting out their reasons for applying and how they consider that they meet the person specification for this post.
15. Interviews are expected to take place in London in mid-July. It may be possible to interview candidates who are outside the UK by Skype.



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16. To be considered for this role, all applicants must currently have the right to work in the UK or be in a position to obtain the right to work in the UK by the date of commencement of employment.
17. We regret that we are unable to acknowledge receipt of applications personally, as we are a charitable organization with limited funds. If you do not hear from us regarding interviews within four weeks of the closing date, your application has been unsuccessful.
18. Applicants are encouraged to find out more about the Institute and its members of staff and activities at: <http://www.biicl.org>.