

Director:  
Professor Sir Jeffrey Jowell, KCMG, QC

Bingham Centre

## Submission to International Development Committee Inquiry *Beyond Aid: The Future UK Approach to Development*

5 September 2014

### Introduction

1. The Bingham Centre for the Rule of Law welcomes the IDC inquiry into The Future UK Approach to Development. Time constraints prevent us from making a detailed submission but we hope that the following three points regarding rule of law and justice issues will be of assistance to the Committee.

### Rule of Law and Justice issues in the UK Approach to Development

2. The Centre welcomes DFID's interest in and apparent move towards supporting an instrument that will provide substantial assistance for deployment costs for UK judges and lawyers undertaking pro bono work in DFID priority countries. We particularly welcome the collaborative nature of the approach in DFID's outreach to the international pro bono sector. A closer relationship should assist both DFID and the sector in ascertaining how each can provide insights and expertise for the other, and should open up more opportunities for creative, ambitious projects that will have significant impact. Having said this, improving access to UK legal professionals cannot rely too heavily on the support of pro bono activities because they are not always available where expertise is needed for more than a short period. Sustained involvement and the building of strong relationships will often require funding for organisations.
3. The Committee may wish to explore whether DFID could be doing more work across a wider range of justice institutions, including:
  - (i) working with criminal justice actors other than the police (e.g. prosecutors);
  - (ii) working, where necessary, to bypass and create alternatives to dysfunctional institutions, including courts which were complicit with previous unjust regimes; and
  - (iii) working to ensure effective access to legal identity as proving identity is often a gateway to accessing justice institutions and social and economic entitlements
4. There is a strong case, in our view, for DFID to concentrate on building legal and political mechanisms of accountability to ensure that citizens are able to challenge unjust treatment and the unfair and unequal distribution of resources. These include access to an independent judiciary, effective administrative justice (which, as well as enabling challenges, is also likely to improve government decision-making in the first place), and enforcement of legally recognised private and human rights.

### About the Bingham Centre

5. The Bingham Centre for the Rule of Law is an independent research institute devoted to the study and promotion of the rule of law worldwide. It is distinguished in the UK and internationally by its specific focus on the rule of law. Its focus is on understanding and promoting the rule of law; considering the



challenges it faces; providing an intellectual framework within which it can operate; and fashioning the practical tools to support it. The Centre's core activities fall into two categories: (1) research on rule of law issues and (2) education and training about the rule of law. The Centre's Director is Professor Sir Jeffrey Jowell QC KCMG. The Centre is a constituent part of the British Institute of International and Comparative Law.

6. In a little less than four years since its launch the Centre has undertaken a remarkable breadth of work, contributing to law and policy debates in the UK and around the world. The Centre has been engaged in work in numerous countries, including Bahrain, Burma/Myanmar, Kenya, Libya, Nepal, Palestine, Russia, Singapore, South Africa and Taiwan. It has also engaged widely with international organisations, including with regard to the place of the rule of law in the Post-2015 Development Agenda.
7. The Centre's current projects include working with MPs and local lawyers on constitutional reform in Burma/Myanmar (funded by DFID); working with high-level officials in the Palestinian Authority on balancing justice institutions (funded by the FCO); and an international access to justice project (for the International Bar Association).