

Martin Clark

## Arthur Watts Internship at the British Institute of International and Comparative Law

Dates of Internship: 13 April – 12 June 2015

### Report of Activities:

I am currently an MPhil Candidate and Research Fellow at the Melbourne Law School at The University of Melbourne. My MPhil project, 'A Conceptual History of Recognition in International Law', tracks and contextualises developments in theories of recognition of States and governments propounded by British jurists from the late nineteenth century until the end of the interwar period; a crucial debate within international legal thought which appears amidst huge upheavals in the system of international law and relations during that period. The Arthur Watts Internship was taken at approximately the 12-month mark in my MPhil studies. I applied for the internship because of my strong research interests in both international and comparative public law, and because of the prestige of the British Institute of International and Comparative Law and its exciting research agenda.

I had anticipated that the projects I would be involved in at BIICL would be interesting and challenging, but probably unrelated to my MPhil research. That posed no problem and I expected to learn a great deal while there. In the end, the projects were both exceedingly interesting and challenging in addition to being quite closely related to my MPhil work. I was involved in two aspects of BIICL's celebration of its centenary. First, I worked on the *British Influences on International Law* edited book, which collects new essays evaluating the influence of British thinkers, lawyers and cases on international law during the last hundred years, and in which I will be publishing a chapter based on my MPhil work. I assisted in editing and reviewing submitted chapters and providing feedback and suggestions for the authors. Secondly, I worked on the *British Anthology of International Law*, a two volume work collecting scholarly works, FCO advice memoranda, cases from British and international courts, and other documents which reflect British influences on international law throughout 1915–2015. Both of these projects were closely connected to my MPhil's concern with British jurists, a possible British tradition of scholarship and practice in international law, and British contributions to the development of international legal thought and practice.

I spent much of my internship working on the Anthology project. Before I arrived, a long list of possible sources had been complete and presented to the expert advisory panel, from which a shorter list had been compiled. In addition to sourcing, collating and evaluating the material on this short list to consider how these sources might be extracted and presented in the anthology, I spent a significant portion of my time at BIICL researching and suggesting additional pieces to fill various gaps in this shorter list (particular areas of law, particular influential thinkers, institutions, or cases, and so forth). That task involved reviewing the works of major British thinkers and case law in all areas of international law over the past century and assisting in evaluating, debating and selecting which materials should be considered for inclusion.

Unsurprisingly, the material which might be potentially included in such a collection is colossal: dozens of British scholars, judges and lawyers are major figures in twentieth century international law, courts of the United Kingdom have produced hundreds of potentially landmark decisions potentially landmark cases and the UK itself has brought or defended many significant cases before international courts and tribunals, as well as being centrally involved in major events that had immense international law implications, such as the Iraq War. Reading and evaluating, and later debating which pieces to include with the projects' editors and with Dr Andraz Zidar and the BIICL Director Professor Robert McCorquodale was a major highlight of my time at BIICL. Helping to arrange, extract and balance the material to be used in the Anthology was a very challenging and highly rewarding experience. It also provided me with plenty of material and opportunity to think through the challenges of a regional, British strand of international law, and the difficulties of evaluating the meaning of 'influence' and 'contributions' to international law. Given that my MPhil project examines British theories of recognition and seeks to place them in their institutional, historical and political context, trying to think about an image of 'British' international law and lawyering and its gradual development, and the influences attributable to Britain that would be contained and represented in this Anthology was a very special opportunity. It could not likely have been had in any other institution besides BIICL.

In addition to my work on these projects, I was able to attend several seminars held at BIICL on the international legal profession, interpretation in international law, and ethics at the international bar. Each of these events featured highly distinguished and engaging speakers and were highlights of my time at BIICL. I was also able to make several visits to the archives at the London School of Economics and Political Science and the University of Edinburgh to access historical materials relevant to two central figures in my thesis. Letters, notes and drafts contained in these archives will be immensely helpful for my project and, to my knowledge, have not been examined in detail by any scholar so far.

Overall, the internship has been and will continue to be of immense benefit to my studies and planned career as an academic. BIICL has a very warm, welcoming and supportive environment, and it was an absolute pleasure and privilege to spend two months there. It also holds an exceptionally high reputation among academics and practitioners. My involvement there, though brief, has had a profound effect on my own work and methods, and the connections I made with BIICL's researchers are ones that I hope will continue long into the future. I wish to express my sincere thanks and gratitude to BIICL's researchers and staff, in particular Dr Jill Barrett, Dr Jean-Pierre Gauci, Dr Andraz Zidar and Professor Robert McCorquodale, all of whom were immensely and warmly supportive during my time there. I also wish to express my immense gratitude to Mr Allan Myers AO QC for his generous support for the program, as well as the Melbourne Law School's Research Support Fund, without both of which my time at BIICL and stay in London would have been financially difficult. I finally thank Melbourne Law School for selecting me for the internship and its longstanding support for me as a student and researcher. I hope that all those involved in making this excellent internship program work will regard my time there as some small evidence of the immense value of continuing the important institutional affiliation between these two world-class centres of research and learning.

Martin Clark

7 July 2015