

**BINGHAM
CENTRE FOR
THE
RULE
OF
LAW**

Bingham Centre Newsletter
Spring 2016



British Institute of
International and
Comparative Law

From the Director



On joining the Bingham Centre in March, my first days immediately saw stimulating and challenging meetings with members of the staff, hearing about what they've done and are planning to do. The Centre's achievements since it was launched just five years ago are remarkable. Few institutions manage to build the kind of reputation that it

has for excellent, thoughtful and relevant work in such a short time. That work is continuing with energy and commitment.

As I've started to get to know the people working here and how the Centre works, three things that have made this possible jump out. First is the leadership of my predecessor, Jeffrey Jowell. Over many years, my understanding of the rule of law was sharpened through his lectures on it to my students at the University of Cape Town and through his generous advice on other work I've done. He obviously brought the principled thoughtfulness and creativity that I came to know in those contexts to the Bingham Centre transforming an idea into a vibrant institution.

Second, is the energy and hard work of the small group of people who make up the Centre, their colleagues in BIICL and BIICL's Director, Robert McCorquodale. The scope and variety of their work is evident in this newsletter.

Third, is the support of a much broader circle of people, from the legal profession and from further afield, who are deeply committed to the rule of law and who have contributed in a myriad of ways to help a rather small institution, committed to a very big idea, have a real impact.

Perhaps it is never a good time for the rule of law. At the moment it appears to be especially threatened, and the challenges to creating a world in which all people are treated with dignity and can live in safety seem overwhelming. In many places, the institutions and people entrusted with protecting the rule of law, democracy and accountable government have failed. Even in countries that score high on various 'rule of law indexes', threats to security – real or perceived – are prompting responses that pose new challenges to maintaining open government by law, with equal access to justice for all and executive discretion properly constrained.

There are many institutions and programmes that contribute to building the rule of law, our understanding of how it can be secured, and the challenges it faces. Perhaps more importantly, hundreds of thousands of women and men all over the world are implementing and defending the rule of law and embedding an understanding of its importance in their communities.

Underpinned by Lord Bingham's clear exposition of the rule of law as a universal and practical concept, the Bingham Centre has demonstrated the distinct contribution it can make and I hope that, in the coming years, working with colleagues and friends with similar goals, we will continue to strength the rule of law as a living principle.

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

UK News

Judicial Review: A Report on Recent Reforms

Legislative change in 2015 brought in reforms to judicial review. In October 2015 the Bingham Centre (together with JUSTICE and Public Law Project) published a research report that examines the changes and provides a guide for practitioners and judges who will be tasked with interpreting the new laws. The report, *Judicial Review and the Rule of Law: An Introduction to the Criminal Justice and Courts Act 2015, Part 4*, looks at the new “highly likely” standard for judicial review permission, as well as new provisions concerning interveners and costs, cost capping orders and financial disclosure, examining how these new laws should be applied.

In his Foreword, former Lord Chief Justice, Lord Woolf of Barnes CH, said of the report:

It deals with Part 4 of the Act in an exemplary manner. It sets out in clear terms what should be the approach. Its authors are to be congratulated for what they have achieved. It is helpful that its guidance is the product of three bodies, the Bingham Centre for the Rule of Law, JUSTICE and the Public Law Project, whose record demonstrates their commitment to justice. Their involvement means that this publication can be expected to be treated with the greatest of respect.

The report was launched at an event with speakers who included Bingham Centre Fellow and contributor to the report Stephen Grosz QC (Hon), Lord David Pannick QC (Blackstone Chambers), Stephen Cragg QC (Monckton Chambers), Jonathan Swift QC (11 King’s Bench Walk) and Martin Westgate QC (Doughty Street Chambers).

The Report, along with a separate summary for NGOs, is available online:
www.biicl.org/ingham-centre/projects/cjact2015

The UK and the EU

The future of UK membership in the European Union has given rise to intense debate in a number of fora, which will only increase until the 23 June referendum. Since the Centre’s July 2015 event with Herbert Smith Freehills on Coping with a UK withdrawal from the EU in Practice, we continue to provide a forum for debate on the impact of a potential Brexit.

On 3 March this year, the Centre joined the Financial Markets Law Committee in presenting an event at which Jonathan Faull, the Director General of the EU Commission’s Task Force for Strategic Issues related to the UK Referendum discussed the ‘EU Referendum and its Impact on Legal Relationships’ with Professor Sir David Edward KCMG (former judge at the Court of Justice of the EU and Vice-President of BIICL), Professor Takis Tridimas (Chair of European Law, King’s College London) and Diana Wallis (President of the European Law Institute and Past Vice President of the European Parliament). Information on the event is available from the Centre’s website:
www.biicl.org/event/1165

Coming up, the Centre will focus on the implications of the referendum for Scotland at a joint event with Strathclyde University in April. Further details will be available from our events webpage: www.binghamcentre.biicl.org/events

All-Party Parliamentary Group on the Rule of Law



The All-Party Parliamentary Group (APPG) on the Rule of Law, for which the Bingham Centre acts as secretariat, has been very active since it was established in June 2015. With a membership of around 50 MPs and Peers, the Group has hosted more than 15 expert speakers addressing parliamentarians and external stakeholders.

APPG meetings

The APPG held meetings in 2015 to discuss rule of law questions that arise in relation to Non-Violent Extremism, the Immigration Bill, and the Ministerial Code. The APPG was also involved in a roundtable meeting with the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, and parliamentarians. The APPG's final meeting for 2015 discussed the draft Investigatory Powers Bill, and was held jointly with the APPG on Legal and Constitutional Affairs. The expert speakers at that meeting included David Anderson QC, the Independent Reviewer of Terrorism Legislation, and Professor Sir David Omand GCB, a former Director of the Government Communications Headquarters (GCHQ) and now a Visiting Professor in the Department of War studies at King's College London. Meeting reports are available from the APPG's website: www.biicl.org/bingham-centre/appg-rule-of-law/meetings

Most recently, in February 2016, the APPG considered the idea of a UK constitutional court which has been mooted as a possibility by the Lord Chancellor, The Rt Hon Michael Gove, as an institution that might review decisions of the Court of Justice of the EU and the European Court of Human Rights against UK constitutional principles. Presentations were given by barrister Anthony Speaight QC, academics Dr Tobias Lock and Professor Richard Ekins, and Amnesty International lawyer Rachel Logan. The meeting was full to capacity, and there was a vibrant discussion of whether such an arrangement would be permitted under EU law and the potential rule of law implications.

Research report: The Rule of Law in Parliament

As another part of its secretariat work, the Bingham Centre recently published a research report by Swee Leng Harris and Lawrence McNamara for the APPG entitled *The Rule of Law in Parliament: A Review of Sessions 2013-14 and 2014-15*. The study examines references to the rule of law in UK Parliament debates, parliamentary questions and written statements for the 2013-14 and 2014-15 parliamentary sessions, with a view to understanding how and in relation to which topics parliamentarians refer to the rule of law. The report is available online at: www.biicl.org/bingham-centre/appg-rule-of-law/news

Co-Chair of the APPG, Lord Pannick QC observed of the report:

As the Report confirms, Parliament has an important role in upholding the rule of law, the constraints of which Ministers are sometimes keen to avoid. I hope the Report will encourage Members of both Houses of Parliament to look out for, and to speak out on, rule of law issues whenever they arise.

The Bingham Centre's work as secretariat to the APPG is supported by a grant from the Legal Education Foundation.

Rule of Law Resources for Schools



The Bingham Centre's project that brings rule of law principles into secondary schools has completed a very successful 18-month development and pilot phase funded by the Legal Education Foundation and is now moving into its second phase.

Outcomes of the pilot project

An independent evaluation of the pilot which ran across 10 schools, reaching around 600 students, found that:

- 90% of students surveyed felt that the course should continue to be run in their schools,
- 97% of the students felt that the course gave them a better understanding of the justice system,
- 85% of students could see the relevance of the course to their daily lives.

Teachers said the resources were excellent, praising the clarity of the materials, the in-depth explanations, and the case studies and activities that worked well and compelled students to challenge opinions.

Recognition: the ACT Quality Mark

Our Key Stage 3 resources have received the Quality Mark of the Association for Citizenship Teaching (ACT), the national subject association representing citizenship teachers and citizenship teaching stakeholders. The award is given to resources that meet ACT's strict criteria on effective citizenship education, considering elements including curriculum relevance, breadth and depth of content, variety of teaching and learning methods and opportunity for skills development. The ACT expert panel said of the Bingham Centre's resources:

The materials provide a valuable resource for teachers, especially for those without a legal background. The activities and stimulus materials are varied and flexible, and allow for demanding discussion and debate, particularly for year 9 and above. The resources cover many aspects of the rule of law and its central importance within a democracy which is a key part of the citizenship curriculum.

Training teachers

In parallel with the resources, the Centre aims to highlight for teachers the relevance of rule of law teaching in the context of the government's education strategies, including 'British Values' teaching, education to counter extremism, and character and resilience education. In November 2015 we hosted our first rule of law training event, where more than 50 teachers attended sessions that introduced rule of law teaching content and methodology.

In early February 2016 project lead Xiao Hui Eng spoke at a Citizenship Teaching conference, and a forthcoming piece for an education magazine continues the outreach.

Expanding the schools network: 100 schools and rising

The project has now moved into its next phase as we build our schools networks to significantly widen rollout of the resources and expand the presence of rule of law teaching in secondary education.

Since the pilot phase, many more schools and local authorities have signed up to use the Centre's resources. As at February 2016, we have over 100 participating schools using the resources, with a reach of around 9,000 students, and we continue to see more schools join.

Joining the project

Teachers and schools can sign up to join the project and receive a free resources pack:
www.binghamcentre.biicl.org/schools

Freedom of Information Request for Legal Advice on Intercept as Evidence

The Bingham Centre's FOI request to secure disclosure of legal advice held by the Home Office relating to the admissibility of intercept evidence, so that the advice could be seen and considered by the wider community, came to a close at the end of last year, ending a process that began in November 2012. When the Home Office declined to disclose the advice, the Centre appealed through the Information Commissioner and Tribunal processes. After the First-Tier Tribunal found in favour of the Centre, the Upper Tribunal allowed an appeal by the Home Office and ordered a re-hearing before the First-Tier Tribunal. With that re-hearing upholding the Information Commissioner's Decision Notice and dismissing the Bingham Centre's appeal, the FOI request has effectively been put to rest. However, though not taking that application further, the Centre will continue to undertake a range of broader work relating to national security and the rule of law, including in the UK.

We are very grateful to Centre Fellow Dr Eric Metcalfe of Monckton Chambers for representing the Centre on a *pro bono* basis.

Submission to the Independent Commission on Freedom of Information

In November 2015, the Bingham Centre submitted evidence to the government's independent commission on freedom of information. Centre Fellow Dr Eric Metcalfe authored the submission, which is available online: www.biicl.org/binham-centre/publications/law-reform-submission

The Commission's report was published on 1 March 2016. The Bingham Centre will continue its work to further enhance openness, transparency and accountability, and will engage with proposals for reform in this area.

Law Reform: Investigatory Powers

The UK government has proposed legislation that seeks to update and reform the law relating to surveillance and investigatory powers. The Parliamentary Joint Committee that examined the Draft Investigatory Powers Bill has cited the Bingham Centre's submission in making a number of recommendations in its February 2016 report. Among them:

- The Committee agreed with the Bingham Centre's view that the proposed provisions for dismissal of Judicial Commissioners, who perform oversight functions, were broad, uncertain and compromised judicial independence and public confidence. Following the Centre's position, the Committee recommended that dismissal should instead be subject to the same dismissal and suspension procedures as those applicable to serving senior judges and should require a resolution of both Houses of Parliament.
- The Committee recommended a substantial re-working of the Draft Bill proposals that would mean a person who had suffered harm due to an error may never be told about it. The report noted the Centre's view that the proposals were a matter of "profound concern" and the Committee quoted our submission at length.

Other areas where the Bingham Centre's position was cited included the Committee's recommendations that:

- There should be an enhanced judicial role in the procedure for urgent warrants.
- Protections for legal professional privilege should be included in the primary legislation and not merely in a code of practice.
- The appointment processes and the terms of office for Judicial Commissioners should ensure clear independence.
- Security-cleared independent counsel should be available to Judicial Commissioners.

Following pre-legislative scrutiny, the Bill was introduced into Parliament on 1 March and reflected some of the recommendations above. The Centre will continue to engage with the passage of the legislation, identifying and analysing provisions that raise rule of law issues, and contributing to debates about the ways that the legislation might be improved to meet and balance appropriately the demands of security, privacy and commitments to the rule of law.

International News

Global Rule of Law Exchange

The Global Rule of Law Exchange was launched in April 2015. It seeks to address key challenges posed by global development and its relationship to the rule of law through a series of international events, applied research and training. The global partner and supporter of the Exchange is law firm Jones Day. The project has both an international focus and an international reach.

Further information on the Exchange can be found online at: www.ruleoflawexchange.org

TTIP and the Rule of Law

The Exchange's first event was held in London in October 2015 in the theatre at Jones Day offices. 'International Economic Agreements and the Rule of Law – the case of the Transatlantic Trade and Investment Partnership (TTIP)' brought together speakers from legal practice, academia and civil society to debate the advantages and disadvantages of the TTIP.

Building evidence, informing policy

On 5 November, the Exchange organised a live webcast attended by about 40 participants to discuss opportunities for and challenges with converting policy into practice. Speakers included representatives from the World Bank, the UK Department for International Development, and research bodies. A playback of the webcast can be accessed online.

This webcast was part of the 'Research to Practice' project that also includes a series of practice notes investigating the relationship between development and the rule of law, which are published online.

Stanford University roundtable

Upcoming highlights for the Exchange include a seminar on the 'rule of non-law', to be organised on 4 April with Stanford's Freeman Spogli Institute for International Studies.

Brazil conference: Rule of law challenges in Latin America – judicial independence and corruption

Former President of Brazil Fernando Henrique Cardoso and Supreme Court Justices Gilmar Mendes and Teori Zavascki are confirmed speakers at the Exchange's first annual conference, which will be held in São Paulo, Brazil, on 18 and 19 April. Over 20 international experts will present on a range of rule of law challenges in Latin America, with a focus on judicial independence and corruption. The conference webpage can be found at: www.binghamcentre.biiicl.org/ruleoflawexchange/brazil2016

In preparation for the conference, the Exchange has been undertaking research on the systems of appointment and tenure of judges in Latin America, which will be published in spring and will be presented at the conference.

Washington seminar: Prosecuting Corruption

As summer approaches, the Exchange will convene a public event on rule of law challenges in relation to the prosecution of corruption in African countries. The event will be held in Washington DC on 14 June and will be hosted by Jones Day.

New Project: Developing an Administrative Law Guide for Kenyan Civil Servants

The Bingham Centre is undertaking comparative research to inform the development of a guide for Kenya's civil servants on their constitutional and statutory administrative law duties. Towards the end of March we shall present this research at a consultation convened by the Katiba Institute in Nairobi, where senior Kenyan judges and public servants will discuss the requirements for such a guide in the Kenyan context.

A large part of our research focuses on UK's *The Judge Over Your Shoulder*, a manual for civil servants which has proved indispensable for raising standards of administration and avoiding the need for recourse to courts. Jan van Zyl Smit and Lucy Moxham have conducted interviews with senior members of the UK Government Legal Service and Civil Service Learning to find out how this guide is used in practice. They have also examined its adaptation in other jurisdictions ranging from Malawi to New Zealand.

The Bingham Centre is very proud to have been awarded one of the first grants under the new FCO Magna Carta Partnership Fund for this research. The Centre has secured additional funding from ROLE UK that will enable the deployment of practitioners and academic experts to Kenya, and we are pleased to have secured the participation of a senior UK government lawyer and a distinguished professor of administrative law, both of whom will join the Bingham Centre contingent at the Nairobi consultation.

Commonwealth Secretariat Regional Consultations on Model Law for Judicial Service Commissions



Jan van Zyl Smit at the regional consultation in the Cayman Islands (December 2015)

The Centre's extensive work on judicial appointments has seen our participation in developing a model law for the Commonwealth. Jan van Zyl Smit has participated in three regional consultations on the development of the Commonwealth Secretariat's draft Model Law on Judicial Service Commissions, each of which brought together senior judges from a particular region.

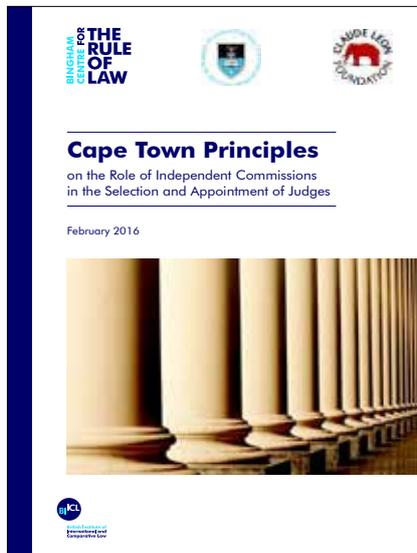
Jan has been presenting the findings of the Bingham Centre's recent major work at these consultations – *The Appointment, Tenure and Removal of Judges under Commonwealth Principles: A Compendium and Analysis of Best*

Practice. This study was cited by the Indian Supreme Court in one of its leading decisions of 2015, concerning the constitutionality of the short-lived National Judicial Appointments Commission of India.

Jan has discussed the case and the Supreme Court's recommendations for reform of judicial appointments in India in a recent post on the UK Constitutional Law Association blog, *Judicial appointments in the Commonwealth: Is India bucking the trend?* at www.ukconstitutionallaw.org

The report is available to read at: www.biicl.org/documents/689_bingham_centre_compendium.pdf

New Cape Town Principles – Judicial Appointments and the Role of Independent Commissions



On 15 February 2016, the Bingham Centre and the University of Cape Town jointly published the Cape Town Principles on the Role of Independent Commission in the Selection and Appointment of Judges.

The new 'Cape Town Principles' come at a time when the US is expecting to see a stand-off between the Executive and the Legislature over who should be appointed to the Supreme Court following the death of Justice Antonin Scalia. In contrast with the frequently confrontational US processes, or the 'tap on the shoulder' by a government minister that was the norm for so long in the UK and its former colonies, the Cape Town Principles focus on a 'third way' of appointing judges. This is to entrust the task to an independent commission with a broad membership in which judges themselves, and the legal profession, also have a say. Such bodies, most often called Judicial Service Commissions or Judicial Appointment Commissions, have become by far the most popular mechanism by which senior judges are appointed in Commonwealth jurisdictions.

The Cape Town Principles working group included experts from South Africa, the UK, Nigeria, Malaysia, Kenya and Canada. The project was led by

Bingham Centre Fellow Professor Hugh Corder of the University of Cape Town, with Centre staff Dr Jan van Zyl Smit and Sir Jeffrey Jowell QC.

Justice Kate O'Regan, who served a 15-year term on the Constitutional Court of South Africa from 1994, explained the importance of the Principles:

Appointing independent, competent and trusted judges is central to ensuring the rule of law in a democracy. The last few decades have seen the establishment of judicial appointment committees in many Commonwealth countries that have diminished the power of the executive over the appointment of judges. The Cape Town Principles provide welcome guidance on the processes and principles that should inform the work of these committees, which should in turn contribute to the enhancement of the rule of law and independence of the judiciary across the Commonwealth.

New Report: International Access to Justice and the Rule of Law

In October 2015 the Bingham Centre released a major report, *International Access to Justice: Legal Aid for the Accused and Redress for Victims of Violence*. The report is based on an international survey and includes examples of strategies and practices across jurisdictions that ensure effective redress for victims and effective access to legal aid for the accused. The report by Julinda Beqiraj and Lawrence McNamara was commissioned by the International Bar Association's Access to Justice and Legal Aid Committee. It was launched at the IBA conference in Vienna and is available online: www.biicl.org/documents/749_international_access_to_justice_report_october_2015.pdf

The Centre's work for the Access to Justice and Legal Aid Committee continues with a short report on children and access to justice in the agenda for sustainable development to be published in spring.

China, Market Governance and the Rule of Law

As China looms large in the international economy and its markets affect countries around the world, there is ever increasing attention paid to the extent to which its institutions operate and are governed by rule of law principles.

Together with the University of Nottingham's China Policy Centre, the Bingham Centre hosted a closed roundtable in January, which brought together academics, practitioners and members of Government. The roundtable considered how the 'rule of law' is viewed in China, how 'rule of law with Chinese characteristics' has affected market governance and international business relationships, and how those factors sit in wider contexts of human rights and rule of law debates.

The roundtable was intended to encourage an exchange between practitioners and academics which would demonstrate how current research might be of use to those in practice, and how those in practice might inform the direction of research and contribute to research being practice-relevant. Among the issues that attracted much discussion were the draft Foreign Investment Law, the transformation of foreign investment regulation in China, and how troubling 'zones of exception' to the rule of law are present and might be addressed.

The roundtable was funded by the Economic and Social Research Council and supported by the Law Society of England and Wales. Further information is available from the Bingham Centre's website: www.biicl.org/event/1162

New Bingham Centre Fellows

Joining us recently as members of our group of external experts are:

- Daniel Greenberg, formerly Parliamentary Counsel (UK) Daniel is now a consultant at Berwin Leighton Paisner and also undertakes legal work on a range of parliamentary issues. He has joined the Centre's work on devolution in the UK as we build on our 2015 report, *A Constitutional Crossroads*.
- Paul Lomas, Partner, Freshfields Bruckhaus Deringer. A former head of Freshfields' global commercial disputes team, Paul has been working with the Centre on the development of projects relating to anti-bribery and corruption.
- Jessica Simor QC, Matrix Chambers. A leading public law and human rights silk, Jessica has recently been working with the Centre on law reform submissions in these areas.

Recent Events

This Way, That Way, the Other Way? Directions for Human Rights in the UK 19 October 2015



From left to right: Martin Howe QC; Saimo Chahal QC; Anthony Speaight QC; Helena Kennedy QC; Prof George Williams AO; Prof Robert McCorquodale

Leading voices reflected on the future of human rights protection in the UK, and assessed arguments for and against repeal of the Human Rights Act and possible withdrawal from the European Convention on Human Rights.

A More Literal and Predictable Approach for the Court of Justice of the EU? 2 November 2015

This event considered whether the CJEU could improve its work by showing greater deference to the wording of EU law, and to the political process at the EU and national level. Views were presented from Judge Siniša Rodin of the CJEU, Marie Demetriou QC (Brick Court Chambers), Professor Derrick Wyatt QC (Brick Court Chambers and University of Oxford) and Ben Ray (Cabinet Office). Lord Mance of the Supreme Court was in the Chair.

International Justice and the Rule of Law: The 70th Anniversary of the Nuremberg Trials 19 November 2015



Left to right: Dr Fabricio Guariglia; Lord Justice Fulford; Sir John Tusa; Sir Jeffrey Jowell QC; Niklas Frank; Tom Blackmore; Patrick Lawrence QC; Ann Tusa

This joint event with UCL's Centre on International Courts and Tribunals started with a keynote presentation by Lord Justice Fulford (Deputy Senior Presiding Judge for England and Wales, and former judge International Criminal Court 2003-2012). The audience then heard moving readings from the Nuremberg trial transcripts that brought to life the events of 70 years ago. Director of UCL's Centre Professor Philippe Sands QC narrated and directed readings, which included descendants of those involved in the original trial playing various parts. The event concluded with a presentation by Dr Fabricio Guariglia (Director of the Prosecutions Division, International Criminal Court). Audio from the event is available online: www.biicl.org/nuremberg

Annual Bingham Lecture 'Spreading the Rule of Law: Mission Impossible?' 4 February 2016

The Annual Bingham Lecture entitled 'Spreading the Rule of Law: Mission Impossible?' was held at Gray's Inn on 4 February 2016. Fully booked weeks in advance, the event marked the end of Professor Sir Jeffrey Jowell KCMG QC's time as Founding Director of the Bingham Centre. The Lecture was chaired by Lord Neuberger, President of the Supreme Court, and took the form of a conversation between the speakers Justice Angelika Nussberger, the German Justice on the European Court of Human Rights and an expert in the countries of the former Soviet Union; Christopher Stone, President of The Open Society Foundations and former Guggenheim Professor of the Practice of Criminal Justice at Harvard University's John F Kennedy School of Government; and Professor Sir Jeffrey Jowell QC.

The speakers provided different perspectives on spreading the rule of law. Sir Jeffrey Jowell focussed on the core elements of the rule of law and their universal relevance for all people in all countries. Chris Stone spoke of the rule of law as not so much a legal achievement but a cultural achievement, highlighting that a change in culture is needed for the rule of law to be adopted in a country. Justice Nussberger considered the work of, and challenges facing, the European Court of Human Rights as an institution that works to promote the rule of law in the European region. The presentations are available on the Centre's website:

www.biicl.org/bingham-centre/publications/bingham-lecture



Left to right: Lord Neuberger, Justice Angelika Nussberger, Professor Sir Jeffrey Jowell QC, Christopher Stone



Picture taken at the Annual Bingham Lecture

Forthcoming Events

Legal Needs and Legal Capability: Lessons for Legal Services from the Civil and Social Justice Panel Surveys

14 March 2016 at the Bingham Centre for the Rule of Law, London

New research reveals on-going significant gaps in legal knowledge and capability among the UK population, creating substantial barriers to access to justice and undermining the rule of law. Discussants from the legal profession, civil society and academia will consider the policy implications of this research.

2016 Annual Conference — Rule of Law Challenges in Latin America: Corruption and Judicial Independence

18-19 April 2016 in São Paulo, Brazil

The conference will consider rule of law issues in Latin America, including corruption, the conduct of trials and ways to ensure judicial independence. Distinguished speakers from Brazil will include the former President of Brazil Fernando Henrique Cardoso, Supreme Court Justice Minister Gilmar Mendes and a senior member of the government.

The Rule of Law, the European Court of Human Rights and the UK: A New Court for a New Era?

20 April 2016 at the Bingham Centre for the Rule of Law, London

Leading experts will consider how the Strasbourg Court has evolved in recent years, reflect upon its longer-term future, and discuss how the reform process might inform debate in the UK about a possible British Bill of Rights. The keynote speech will be given by Sir Nicolas Bratza, former President of the European Court of Human Rights. The event will be jointly presented by the University of Leicester and the Bingham Centre.

The Legal Implications of the EU Referendum

25 April 2016 at the University of Strathclyde, Glasgow

Debate over the EU referendum has intensified since Prime Minister David Cameron succeeded in negotiating a deal with the EU Council. This event will consider the legal implications of an 'in' or 'out' vote for Scotland.

Rule of Law Challenges with Prosecuting Corruption in African Constituencies

14 June 2016 at Jones Day, Washington D.C., USA

This event will bring together discussants from the legal profession, civil society, academia and government representatives to consider some of rule of law challenges for anti-corruption, and how the prosecution of corruption in Africa can be promoted.

Does the Use of Comparative Law Compromise the Rule of Law?

16 June 2016 at the New York City Bar Association, New York N.Y., USA

US Supreme Court Justice, Stephen Breyer, and UK Supreme Court Judge, Lord Jonathan Sumption will discuss considering foreign law in interpreting US law and the Constitution and whether use of comparative law compromises the rule of law. Professor Sir Jeffrey Jowell QC will moderate the discussion. This will be a joint event with the New York City Bar Association, International Law Committee, and IROLP in co-operation with LexisNexis.

Further details on Bingham Centre events can be found at www.binghamcentre.biicl.org/events

About the Bingham Centre

The Bingham Centre for the Rule of Law was launched in December 2010 to honour the work and career of Lord Bingham of Cornhill – a great judge and passionate advocate of the rule of law. The Centre is dedicated to the study, promotion and enhancement of the rule of law worldwide. It does this by defining the rule of law as a universal and practical concept, highlighting threats to the rule of law, conducting high quality research and training, and providing rule of law capacity-building to enhance economic development, political stability and human dignity: www.binghamcentre.biicl.org

The Bingham Centre is a constituent part of the British Institute of International and Comparative Law (BIICL), a registered charity and leading independent research organisation founded over 50 years ago: www.biicl.org

Bingham Centre staff and fellows

Director

- Professor Christina Murray

Research & Training

- Dr Julinda Beqiraj, Research Fellow in the Rule of Law
- Xiao Hui Eng, Research Fellow in Citizenship and the Rule of Law
- Swee Leng Harris, Bingham Centre Research and Training Coordinator
- Dr Lawrence McNamara, Senior Research Fellow in the Rule of Law and Deputy Director of the Bingham Centre
- Lucy Moxham, Associate Senior Research Fellow
- Dr Jan Van Zyl Smit, Associate Senior Research Fellow
- Justine Stefanelli, Associate Senior Research Fellow
- Sumayyah Tasnim, Research Assistant on Citizenship Education and the Rule of Law
- Mat Tromme, Senior Research Fellow in Development and the Rule of Law

Administration

- Sandra Homewood, Bingham Centre Manager

Development

- Anna Brandenburger, Development Administrator
- Sarah Taylor, Development Director

Bingham Fellows

- Professor Hugh Corder
- Professor Mark Elliott
- Michael Fordham QC
- Alex Goodman
- Daniel Greenberg
- Stephen Grosz QC (Hon)
- Julianne-Hughes Jennett
- Maya Lester QC
- Paul Lomas
- Dr Eric Metcalfe
- Peter Oliver
- Naina Patel
- Jessica Simor QC
- Sir Keir Starmer, KCB, QC
- Philip Wood QC (Hon)

Bingham Centre Internship Testimonial: Alistair Henwood

At the Bingham Centre I worked on projects relating to access to justice, the judiciary and equality. I was encouraged by the manner in which I was brought into the team; allowing me to gain an appreciation for the scope and purpose of the work, as well as an insight into the organisation of research projects in general.

This, alongside the drafting and research experience I obtained, has definitely helped in my current role at the Independent Press Standards Organisation, where I have drafted, and am now running, a consultation on press arbitration. This position has allowed me to continue to work on issues surrounding access to justice. I have also been happy to discover strong similarities in the issues surrounding my current work and Bingham Centre research regarding the independence of the judiciary.

The internship provided me with a foundation from which I have been able to develop further skills and experience. When applying for work I now have effective examples to utilise at interviews, and during work I have been able to draw on the experience and confidence the internship provided.

Update: The Bingham Appeal

We would like to congratulate Guy Beringer, our Bingham Development Board Co-Chair, on his recent CBE in the Queen's New Year Honours List.

The Bingham Appeal Phase 2 continues to make good progress since its launch in May 2013. Since then £1,937,816 has been donated or pledged in the UK and through our affiliated organisation The International Rule of Law Project Inc. in the United States. These pledges and donations from law firms, corporations, philanthropic funders and individual donors internationally are helping to ensure the sustainability of the Centre.

We are extremely grateful to all our donors and would like to thank Travers Smith LLP for their recent pledge. We have also received very generous donations from individuals in the UK and the US including most recently Sir Henry Brooke, David Cole, Bill Kolasky, Gary Lynch Anna Poole QC and Peter Scott CBE QC.

We are delighted that the \$100,000 target for the matched funding challenge has been reached in the US and the UK so that we have been able to draw down the matched funds of a further \$100,000.

Our recent development events include a dinner at the Advocates Library in Edinburgh on 1 October 2015 which was attended by leading Scottish lawyers, and a lunch hosted by Shell International for General Counsel and law firms on 2 December 2015.

We need to raise £4.7M by 2020 in order to respond to the growing demand for the Centre's work. In addition to working with our existing donors, the development team is constantly looking for new donors, volunteers and partners. If you are able to help, please contact Sarah Taylor, Development Director, on 020 7862 5433 or email s.taylor@biicl.org

Keep up with the Bingham Centre's News and Events

Follow us on Twitter [@BinghamCentre](https://twitter.com/BinghamCentre) and on Facebook at www.facebook.com/binghamcentre to find out the latest about our projects, events, opportunities and rule of law news from around the globe. To sign up for event alerts or other email bulletins, contact us at binghamcentre@biicl.org and ask to be added to our email list.

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