



## Sir Arthur Watts Senior Research Fellow in Public International Law



Sir Arthur Watts (1931-2007) was one of the most highly regarded – and widely liked – British international lawyers of his time. He moved from a varied and adventurous career in the Foreign Office into a strikingly successful international practice at the Bar, where he was sought after as counsel by other states and where he advised more than two dozen governments. He sat frequently as an Arbitrator both in inter-State disputes and in international commercial proceedings.

In addition, Sir Arthur made a notable contribution to the scholarly legal literature, producing jointly with Sir Robert Jennings the magisterial 9<sup>th</sup> Edition of *Oppenheim's International Law*, the leading international treatise. His Hague Lectures on the legal position of heads of state in international law represent the only full-scale treatment of the subject and were extensively referred to in argument, for example, in the Pinochet litigation. At an earlier stage Sir Arthur assisted Lord McNair in producing the 4<sup>th</sup> Edition of *The Legal Effects of War*.

Sir Arthur Watts was a long-standing member of the British Institute for International and Comparative Law (BIICL). He served on its Governing Council from 1987 and was an active member of the international law section of its Advisory Board. He was keenly supportive of the Institute's leading role in stimulating debate, as well as its ability to provide authoritative applied research and to help set legal standards internationally.

The Sir Arthur Watts Senior Research Fellowship is intended to honour Sir Arthur and to reflect the special focus he had on the practical operation of public international law founded on a deep knowledge of the law. Areas of law that the Fellow may be involved in through research and organisation of events are:

- *Damages in International Law*. This would enhance the existing work of the Institute - inspired by Sir Arthur - on damages in international investment law. This work would seek to identify and clarify the detailed rules that govern the basis on which awards of compensation are made under many areas of international law, such as on the environment, law of the sea, and trade law. As remedies are of central importance in all legal systems, this research could be important in terms of providing a balanced assessment of the complicated and controversial issues arising in this area and would be a practical aide for those involved in these matters.

- *Evidence before International Courts and Tribunals*. This would build on the work of the Institute – directly supported by Sir Arthur – on evidence before the International Court of Justice. It would be extended to other international tribunals, in areas such as international investment law, international human rights law, international humanitarian law and international criminal law, to enable a fully comparative and comprehensive analysis of the rules and practices of evidence. This should contribute to greater coherence and predictability, and therefore compliance, in the operation of international courts and tribunals.

- *Comparative International Law*: This would explore the differing aspects of international law across the world, such as the differences in applications of human rights across regions and the different approach to international financial transactions by various political, economic, social and cultural philosophies. An example of this type of research is seen in the Institute's projects on international law and human rights in Muslim states. This research, which could be supplemented by practical training, could make more effective the application of international law in national courts and assist in the engagement of international lawyers across the world in the development of international standards.



Given the Institute's body of work and the extensive legacy of achievement in the area, it is fitting that the British Institute for International and Comparative Law chooses to honour Sir Arthur Watts' memory with the establishment of a Senior Research Fellowship in Public International Law in his name.

Endowment of a Senior Research Fellowship	£1,750,000
Support for a Senior Research Fellowship for 5 years	£ 500,000

## *Examples of Recent Projects*

### **Public Authority and Human Rights**

The Institute has recently received funding from the United Kingdom Ministry of Justice to conduct a comparative study of Council of Europe Member States' treatment of the definition of 'the State' for the purposes of the application of the European Convention on Human Rights, with a view to informing UK policy and the re-drafting of the Human Rights Act.

### **Evidence before International Courts**

The Institute has recently completed a major study of the law of evidence before the International Court of Justice, representing the most comprehensive examination of the subject in over 60 years. This has been funded by the Leverhulme Trust and the United Kingdom Department of Constitutional Affairs (now Ministry of Justice).

### **Damages in International Law**

The aim of the study has been to identify the detailed rules which govern the basis on which awards of monetary compensation are made under international law, focusing on decisions of international courts and tribunals as well as State practice. Several leading law firms and the Macquarie Bank Foundation acted as sponsors, and the United Kingdom Department of Constitutional Affairs provided further funding.

### **Insider dealing and money laundering**

The Institute has produced two key reports for the City of London Corporation, one examining the key provisions of the 1989 Insider Dealing Directive and the 2003 Market Abuse Directive, as implemented by Germany, France, the Netherlands, Spain and the UK, and one investigating the implementation of the Second Money Laundering Directive in Greece, Italy, Lithuania, Poland, Spain and the UK.

### **Effect of Judgments in Civil and Commercial Matters in the EC**

The Institute has recently completed a project for the European Commission on the effect in the EC of judgments in civil and commercial matters focusing on the application by the Member States of the Brussels I Regulation and the Lugano Convention. The study examined the preclusive effects of judgments in a domestic and cross-border context, and evaluated state practice in relation to the Brussels/Lugano Regime, to provide an insight into practice not only for practitioners and courts, but also for the European Commission in the process of revising the Brussels I Regulation.

### **Human Rights and Democracy in Iran**

The Institute plays a key part in the dialogue between the European Union and the Islamic Republic of Iran, in undertaking a three-year project (funded by the European Commission and the UK Foreign & Commonwealth Office) aimed at contributing to the mutual understanding of human rights in Islamic and non-Islamic cultures. This is an ongoing dialogue, with particular focus on women's rights, juvenile justice and freedom of expression, as well as media monitoring.

### **Study on the Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts**

This study provides a comprehensive overview of instances of express reliance on the Articles in international judicial and arbitral practice, as well as by domestic courts, since the adoption of the Articles by the International Law Commission in the autumn of 2001, and extracts and discusses the most important pronouncements of international courts and tribunals in relation to the topic of State responsibility made without reference to the Articles.

