

## Bingham Centre for the Rule of Law



In all states equal respect for everyone's dignity depends upon clear laws, equally applied, with access to justice and rights and a fair trial before independent judges.



*“The rule of law is one of the greatest unifying factors, perhaps the greatest... It remains an ideal, but an ideal worth striving for, in the interests of good government and peace at home and in the world at large.”*

The Rt Hon Lord Bingham  
of Cornhill KG

### Why is the rule of law important?

The rule of law is recognised internationally as the foundation of political stability, democratic governance, human dignity and economic prosperity. It is characterised by legal certainty, accessible and prospective laws that are equally enforced, and access to justice where rights may be asserted through fair trials before an independent judiciary.

### The Bingham Centre for the Rule of Law

The Bingham Centre was launched in 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 capacity-building on the rule of law to enhance economic development, political stability and human dignity

The Centre helps countries, international organisations, corporations and legal bodies to build rule of law commitments, whilst improving the skills and abilities of legal practitioners and governments around the world to secure access to justice for their populations. The Centre is part of the British Institute of International and Comparative Law (BIICL), an independent research institute established in London over 50 years ago.



### Professor Christina Murray Director

Christina is Professor of Human Rights and Constitutional Law at the University of Cape Town (UCT). She has worked around the world on constitutionalism and the rule of law, including advising the South African Constitutional Assembly, on the Committee of Experts for the review of the Kenyan Constitution, on the Fiji Constitution Commission and, most recently, as a Senior Adviser to the United Nations Mediation Support Unit.

In her own country, South Africa, she has worked with the government, the judiciary and civil society on devolution, public finance, strengthening legislatures and managing diversity.

### The research team

The Centre’s core staff include a team of research fellows holding qualifications from universities including Cambridge, Oxford, Cape Town, Sydney, Trento and London. They have authored leading publications in their fields; worked as lawyers and academics; provided policy, litigation and legislative advice; and worked in their home countries and abroad, including providing training and advice in the Middle East, Asia, Russia and Europe.

Dr Julinda Beqiraj  
Associate Senior Research Fellow

Xiao Hui Eng  
Research Fellow in Citizenship  
and the Rule of Law

Swee Leng Harris  
Research and Training Coordinator

Dr Lawrence McNamara  
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Mat Tromme  
Senior Research Fellow in  
Development and Rule of Law

Dr Jan van Zyl Smit  
Associate Senior Research Fellow

### Administration

Sandra Homewood  
Centre Manager

### External fellows

The work of the Centre is enhanced by the participation of external fellows who are barristers, solicitors and legal academics with outstanding expertise.

Professor Hugh Corder  
University of Cape Town

Professor Mark Elliott  
University of Cambridge

Michael Fordham QC  
Blackstone Chambers

Daniel Greenberg  
Parliamentary Counsel

Stephen Grosz QC  
Bindmans

Julianne-Hughes Jennett  
Hogan Lovells

Maya Lester QC  
Brick Court Chambers

Paul Lomas  
Freshfields Bruckhaus Deringer

Dr Eric Metcalfe  
Monckton Chambers

Peter Oliver  
Monckton Chambers

Naina Patel  
Blackstone Chambers

Jessica Simor QC  
Matrix Chambers

Sir Keir Starmer KCB QC

Philip Wood QC  
Allen & Overy

## Our achievements and impact

The Centre's work is helping to establish and protect the rule of law in the UK and overseas. Examples of our impact include:

The **All-Party Parliamentary Group on the Rule of Law**, for which the Centre acts as secretariat, was established in 2015. It has a membership of 50 MPs and Peers and has hosted meetings on rule of law questions in relation to non-violent extremism, the Immigration Bill and the Ministerial Code.

In October 2015 the Centre, with JUSTICE and the Public Law Project, published a report: **Judicial Review and the Rule of Law: In Introduction to the Criminal Justice and Courts Act 2015, Part 4** examining the changes to judicial review and providing a guide for practitioners and judges tasked with interpreting the laws.

In March 2015 the Centre hosted a study visit to London as part of the our project, supported by the FCO's Arab Partnership Fund, on the roles and mandates of the **Palestine Justice Institutions**. The visitors included the Palestine Chief Justice, Minister of Justice and Attorney General.

In 2015 the Centre produced a review of **Devolution in the UK** which was reported widely in the media and is regularly cited in government and parliamentary reviews of the operation and future of devolved powers.

**The International Rule of Law Project Inc.** (IROLP) is our registered charity in the US establishing important connections with US businesses, professionals and academics. IROLP's first event is in June 2016 at the New York City Bar Association with US Supreme Court Associate Justice, Stephen Breyer, and UK Supreme Court Judge, Lord Sumption.

The Centre launched a major report on **International Access to Justice: Legal Aid for the Accused and Redress for Victims of Violence**, funded by the International Bar Association, at their 2015 annual conference in Vienna. Centre staff were then invited to provide evidence on barriers and solutions to access to justice at an OECD expert round table.

The Centre's study on **Foreign Direct Investment (FDI) and the Rule of Law**, funded by Hogan Lovells and published in 2015, was based on a survey of 300 senior managers of Forbes 2000 companies and showed that the rule of law is a leading driver of FDI. The survey serves to help states make policy choices creating a positive climate for growth.

Following the Centre's previous work in **Myanmar** producing a manual on constitutional reform, the Centre held a symposium in Myanmar in 2015 sponsored by the FCO and attended by about 50 members of Parliament. We also held meetings with Aung San Suu Kyi.

## Our plans for the future

Having established a broad base of work internationally the Bingham Centre plans to consolidate its impact and reach. We aim to increase our influence on building rule of law commitments made by states, international organisations, corporations and legal bodies, whilst improving the skills and abilities of legal practitioners and governments around the world in order to secure access to justice for their citizens.

Our **rule of law resources for UK schools** in the KS3 citizenship curriculum are being used in over 120 schools, reaching 13,000 students and have received the Quality Mark of the Association of Citizenship Teaching. The project is being expanded to develop materials for KS4 and with further funding, can be adapted for other countries. We hope to expand our education programme with a particular focus on MPs, the military/MoD, diplomats and NGOs.

The Centre's work on **United Nations** rule of law initiatives with particular reference to the **post-2015 Sustainable Development Goals** continues. We held a conference in 2015 in New Delhi with Advocates for International Development to promote discussions on the rule of law and made a number of submissions to consultations on the measurement of Target 16.3.

The Centre is co-operating with the **Council of Europe's Venice Commission on Democracy through Law**. It played a substantial role in the drafting of the major new European rule of law checklist adopted by the Commission in March 2016.

In 2015 the Centre began the **'Global Rule of Law Exchange'** in partnership with the global law firm, Jones Day. The Exchange focuses on development and the rule of law and includes webinars, roundtable events, seminars and research papers. The first conference, in April 2016 in Brazil, is on the rule of law challenges in Latin America. The next event will be at the Jones Day offices in Washington DC.

In South Africa, the Centre is collaborating with the University of Cape Town to publish the **Cape Town Principles** on the role of independent commissions in the **selection and appointment of judges**.

The Centre helped the Nairobi-based Katiba Institute organise a consultation at the Kenya School of Government in March 2016 where we presented our research on how the UK administrative law guide, *The Judge Over Your Shoulder*, has been adapted in other countries. The Centre is now supporting an **administrative law guide for Kenyan civil servants** with funding from the FCO Magna Carta Partnership Fund.

The Centre is working extensively on **judicial appointments** and a model law for the **Commonwealth** following the publication in 2015 of The Appointment, Tenure and Removal of Judges under Commonwealth Principles.



## The need for our work

Some four billion people are estimated to be living in regimes where the rule of law is under threat and even in countries where the rule of law is upheld, there arise continually issues that show the need to clarify and enhance it.

The rule of law supports respect for equal human dignity because it requires a system of accessible and predictable law, equally enforced, where people can challenge decisions made about their lives by appealing to universal standards of human rights and receive a fair hearing before an independent judiciary.

The rule of law assists the operation of free markets and the stability of commercial arrangements through clear, non-discriminatory, non-retro-active legislation, respect for corporate legal personality and

property rights, neutral courts and clear and fair processes for the determination of rights and obligations.

The rule of law is profoundly important to sustainable development. It provides local communities, national governments and international investors with sustainable, stable and secure justice institutions. It underpins legal certainty, effective dispute resolution, laws and practices that are resistant to corruption, sound public decision making and the ability of all – including the poorest and most vulnerable – to challenge and obtain a remedy for the infringement of rights and the abuse of power.

*“For global companies like ours, the rule of law is of fundamental importance to the success of our operations and the protection of our investments both at home and abroad, particularly where we are working in unstable environments. The Bingham Centre is working tirelessly around the world to highlight threats to the rule of law and to support policy development and capacity building in this area.”*

Donny Ching  
Legal Director  
Royal Dutch Shell plc

*“The Bingham Centre plays a vital role in promoting, developing and upholding the rule of law around the world, which is fundamental to our work as international lawyers working with clients across multiple jurisdictions. We are proud to be associated with the work of the Bingham Centre and the British Institute of International and Comparative Law.”*

Susan Bright  
Managing Partner  
Hogan Lovells International LLP

## How you can help

The Bingham Centre has achieved a great deal since its launch but the demand for our work is greater than our current resources can deliver. We need to raise £4.7 million by 2020 in order to ensure the longer term sustainability of the Centre by growing our global network of research fellows and expanding our portfolio of applied research projects.

We need core funding to support:

- Our research team
- Our education and training programme
- Our administrative and project support

**By donating to the Bingham Centre, individuals and organisations can support essential work on the rule of law which has a positive impact for individuals, governments and companies around the world, fostering economic growth and political stability.**

For further information, please contact

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*“The Bingham Centre’s research for the IBA on barriers to access to justice has been invaluable and the subsequent report widely praised... we hope to continue to work with the Bingham Centre in years to come.”*

Lucy Scott-Moncrieff CBE  
Co-Chair  
International Bar Association  
Access to Justice and Legal Aid  
Committee

*“We are pleased to support the Bingham Centre. Its mission to advance the rule of law is of great importance to companies such as BP. As a respected and independent institution it has an important contribution to make.”*

Rupert Bondy  
Group General Counsel  
BP plc

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We would also like to thank the many individuals and other organisations that have supported the Centre.



British Institute of  
International and  
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The Bingham Centre is a constituent part of the British Institute of International and Comparative Law ([www.biicl.org](http://www.biicl.org)), a leading independent legal research organisation founded with charitable status over 50 years ago. As the only body of its kind in the UK and one of very few in the world, the Institute is focused on applied research and has earned a very high international reputation for its work. Its headquarters are in Central London but it supports a diverse community of legal scholars and practitioners worldwide.

Registered Charity No. 209425 Company Registration No. 615025

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