

Bingham Centre

Reports and Publications

The Bingham Centre for the Rule of Law publishes a range of reports and other material (including working papers, law reform submissions, commentary and analysis, and academic articles). The following is a **selection of recent publications**. All publications: <http://binghamcentre.biicl.org/publications>.

[Cape Town Principles on the Role of Independent Commissions in the Selection and Appointment of Judges \(February 2016\)](#)

One of the most sensitive tasks in a constitutional democracy is the selection and appointment of judges. The Cape Town Principles are the outcome of an international project that – in contrast with confrontational US processes, or the 'tap on the shoulder' by a minister that was the norm for so long in the UK and its former colonies – focussed on a 'third way' of appointing judges. This is to entrust the task to an independent commission. The Principles propose the criteria and process for judicial selection by independent commissions.

[The Rule of Law in Parliament: A Review of Sessions 2013-14 and 2014-15 \(February 2016\)](#)

A research report by the Bingham Centre, conducted for the All-Party Parliamentary Group on the Rule of Law. This study examines references to the rule of law in the UK Parliament in debates, parliamentary questions and written statements for the 2013-14 and 14-15 parliamentary sessions, with a view to understanding how and in relation to which topics members of the House of Commons and House of Lords refer to the rule of law.

[Judicial Review and the Rule of Law: An Introduction to the Criminal Justice and Courts Act 2015, Part 4 \(October 2015\)](#)

This study, conducted jointly with JUSTICE and the Public Law Project, provides an introductory guide to the judicial review reforms in Part 4 of the Criminal Justice and Courts Act 2015 with respect to the threshold for permission, financial disclosure rules, interveners and costs and cost-capping orders.

[International Access to Justice: Legal Aid for the Accused and Redress for Victims of Violence \(October 2015\)](#)

This report for the International Bar Association's Access to Justice and Legal Aid Committee looks at the availability and effectiveness across jurisdictions of legal aid for those charged with violent crimes and of redress mechanisms for victims of violence. It was launched at the IBA's 2015 Annual Conference in Vienna.

[The Appointment, Tenure and Removal of Judges under Commonwealth Principles: A Compendium and Analysis of Best Practice \(July 2015\)](#)

This Bingham Centre study, funded by the Commonwealth Secretariat, provides an overview of current arrangements in the 53 member states of the Commonwealth, and seeks to identify best practice under the Commonwealth Principles on the Accountability of and the Relationship between the Three Branches of Government (also known as the 'Latimer House Principles').

[Corporate Decision Making in Foreign Direct Investment \(May 2015\)](#)

The Bingham Centre for the Rule of Law and the Investment Treaty Forum of the not-for-profit research body the British Institute of International Comparative Law, together with Hogan Lovells and the Economist Intelligence Unit, conducted a survey on the relationship between corporate Foreign Direct Investment (FDI) decision-making and the Rule of Law. This survey sought to identify the factors multinational corporations consider in selecting where to invest internationally, and to gauge in particular the role of the Rule of Law.



[A Constitutional Crossroads: Ways Forward for the United Kingdom \(May 2015\)](#)

This is the Report of the Bingham Centre's Independent Constitutional Review of Devolution in the UK. The Review was chaired by the Bingham Centre Director, Sir Jeffrey Jowell QC and consisted of experts from law, history, political science, journalism and public finance.

[Rule of Law Symposium: The Importance of the Rule of Law in Promoting Development \(May 2015\)](#)

This volume explores has contributions from Chief Justices of Hong Kong and Singapore, the former president of the UK Supreme Court, and senior figures from the UN, the Asian Development Bank, the Singapore government, and academics from around the world. It is drawn from the 2014 Singapore Rule of Law Symposium, a one-day conference organised by the Centre in conjunction with the Singapore Academy of Law and global law firm Linklaters.

[Measuring Policy on Access to Justice and Taxation in the United Kingdom \(March 2015\)](#)

This report examines the UK's current policies on access to justice and aspects of taxation concerning anti-avoidance and identifies which indicators the UK Government uses to measure the success or failure of those policies.

[International Access to Justice: Barriers and Solutions \(October 2014\)](#)

This report explores obstacles to achieving access to justice across jurisdictions and practices that have sought to overcome these barriers. The Bingham Centre conducted the research and wrote this report, which was commissioned by the International Bar Association for its Access to Justice and Legal Aid Committee.

[Streamlining Judicial Review in a Manner Consistent with the Rule of Law \(February 2014\)](#)

The report is based on a systematic review of the procedures of the Administrative Court, and makes a number of practical suggestions to make the procedures more efficient while maintaining the standards of the rule of law. The review was chaired by Michael Fordham QC, Fellow of the Bingham Centre.

[Immigration Detention and the Rule of Law Safeguarding Principles \(October 2013\)](#)

This landmark report identifies 25 safeguarding principles for immigration detention. With the executive imprisonment of 'foreigners' being widespread and threatening to become routine, the report puts the rule of law into the framework that sees detention too often become the lot of the blameless, the unpopular, the vulnerable and the forgotten.

[Building the Rule of Law in Helmand: Testing the Bingham Principles \(October 2014\)](#)

As the Sustainable Development Goals and the post-2015 development agenda are framed, the Bingham Centre asks important questions of the rule of law, specifically, how can the rule of law be practically pursued in areas that are very far away from a Western European context? Are Tom Bingham's well-known principles still meaningful in such contexts?

[Transitional Justice in Nepal: The Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act 2014 \(September 2014\)](#)

The Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act 2014 is Nepal's latest attempt to establish a transitional justice programme to respond to conflict era abuses. This Bingham Centre Working Paper explores these recent developments, highlighting issues that must be remedied if transitional justice objectives are to be achieved in Nepal

[Closed Material Proceedings Under the Justice and Security Act: A Review of the First Report by the Secretary of State \(August 2014, December 2014\)](#)

This Working Paper examines the use of closed material proceedings in the first year of their operation, identifying gaps in the government's reporting. Following publication in August 2014 the Ministry of Justice responded to us, providing further information. In December 2014 we republished the Working Paper with a supplement that explains the further information and includes the full response from the MoJ which indicated our recommendations would be taken up in the Minister's 2015 report. They were taken up, with government providing more information about the second year of operation of the closed proceedings regime

[Constitutional Reform in Myanmar: Priorities and Prospects for Amendment \(January 2014\)](#)

The Working Paper aims to provide guidance on how priorities for reform in Myanmar can be put into operation by exploring the amendment provisions of the constitution in the light of international standards in constitutional democracies and practice around the world. The paper also examines the way in which the constitution may be reformed.