

# OXFORD LAW NEWS

2014  
No18



Oxford women in law

Focus on Oxford  
Law in Africa

The law of torts and  
the thrall of the past



## From the Dean



**It was the study of law** that gave Oxford a university. Not many people know this. 'Time,' as the Byzantine Princess Anna Comnena wrote in 1148, 'carries along on its flood all created things, and drowns them in the depths of obscurity'.

While Comnena was writing those bracing words in Constantinople, Roger Vacarius was bringing the study of the Code of Justinian from Bologna to Oxford.<sup>1</sup> Our city already had a hotchpotch of schools, training young men in literacy for service in the church, in government, and even in commerce. But the schools of Oxford were no more a university than the schools of Northampton. Then, in the mid-1100s, a thriving business in the resolution of ecclesiastical disputes in Oxford began to attract students and teachers and practitioners of the law. It was convenient to give instruction here because the students could see the law in action in the courts, and the masters could be engaged in legal practice. And the learning that Vacarius brought from Bologna supplied the legal services industry with expertise that made for useful advocacy and advice. The connections among scholarship and teaching and practice made Law the first subject of sustained advanced study in Oxford. The first overseas student, Emo of Friesland in 1190, was a law student. Higher learning in the arts and theology followed on the work of the lawyers.

Things have changed lately. We started teaching English law just 250 years ago in the time of Blackstone, and have had a degree in that specialty, the BA in Jurisprudence, since the 1870s. The Bachelor of Civil Law, which dates to the 1200s, has in the past century become a renowned master's degree in law in general. The doctorate came along in 1916, and new graduate programmes (the MJur, the MSc

in Criminology, and the Master's in Law and Finance) in the past 25 years. It is only 40 years – a blink of an eye – since women were first admitted to colleges that had been male-only since the 1200s (see page 22). It was only in 1980 that all the women's colleges acquired Law Fellows. When it comes down to it, the Oxford law school as a large and exciting community of scholars in our subject is not 800 years old; it was still coming into being when the St Cross Building and the Bodleian Law Library opened, 50 years ago this year (see the front and back covers). In the 21st century, we are working to bring new light into a mid-20th-century law school in a medieval university.

It is still changing. Until a few months ago, we would not have known how to work with the University of Yangon Law Department (see page 19). Our links with Africa have been improving very recently (see page 10). Our students today can see the law in action not just in the courts of Oxford, but all over the planet (see page 17 and *passim*). Things are happening at a new pace.

And still we share remarkable things with that other Oxford of 1148, two centuries before Chaucer. Now as then, the challenge is to get gifted scholars and gifted students to meet face-to-face in Oxford (see page 6). Now as then, the enterprise is generated and sustained by markets for careers for our students and by the support of benefactors. Now as then, we equip our students for their careers rather incidentally, as a useful result of pursuing our purpose, which is simply to cast light on the subject. Now as then, the study of law offers the broadest horizon of difficult questions as to how people can sustain a community – a complex of communities across Europe and, today, across the world – while disagreeing so deeply about what is to be done.

Anna Comnena wrote a history of her days, because 'the tale of history forms a very strong bulwark against the stream of time, and does not allow the things that have been done to slip away into the abyss of oblivion'. Every lawyer is an historian. In the law of tort (see page 14), in constitutional law, in international law, in every area of the law, doing justice in the future depends on understanding the things that have been done. Now as in 1148, when our students arrive in Oxford we aim to equip them to understand those things, and to approach the future with a well-educated ingenuity.

<sup>1</sup> See Francis de Zulueta, *The Liber Pauperum of Vacarius* (Quaritch 1927) and Catto JJ (ed), *The History of the University of Oxford* (OUP 1984)

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# Dates of Note

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### LA Alumni Event

8 September 2014, Jonathan Club, Los Angeles

### Singapore Alumni Event

10 September 2014, Pinsent Masons MPillay offices

### San Francisco Alumni Event

11 September 2014, Hogan Lovells

### Japan Alumni Event

Professor Judith Freedman - 'Is the International Tax system broken?'  
18 September 2014, University of Oxford Japan Office, Tokyo

### MLF Alumni Event

26 September 2014, Oxford & Cambridge Club, London

### The High Sherriff's Law Lecture

The Right Honourable Baroness Hale of Richmond  
14 October 2014, Christ Church

### 50th Anniversary of the St Cross Building

13 – 17 October 2014  
Various events throughout the week, see [www.law.ox.ac.uk](http://www.law.ox.ac.uk) for more details

### 50th Anniversary Law Alumni Event

17 October 2014, Gulbenkian Lecture Theatre  
Further details to follow

### Pathways to Law programme

18 October 2014, St Cross Building

### The Clarendon Law Lectures

Ernest Weinrib, Cecil A. Wright Professor, University of Toronto In  
association with OUP  
4, 6 & 11 November 2014, Gulbenkian Lecture Theatre, Faculty of Law

### The Hamlyn Lecture

Professor Paul Craig, University of Oxford In association with  
The Hamlyn Trust  
19 November 2014, Gulbenkian Lecture Theatre,  
Faculty of Law

### The OWL Launch Event

Hilary Heilbron QC In association with the Alumni Office  
26 November 2014, Oxford & Cambridge Club, London

[See page 23](#)

### The Jeremy Lever Lecture

In association with All Souls College and Monckton Chambers  
Friday 30 January 2015, Gulbenkian Lecture Theatre, Faculty of Law

### Inaugural Lecture by Catherine Redgwell, Chichele Professor of Public International Law

5 February 2015, Gulbenkian Lecture Theatre followed by dinner at All  
Soul's College

### IP Diploma Alumni Event

4 March 2015, The Royal Society, London

### Oxford in North America Alumni events

14 – 19 April 2015, Dallas, Houston, Ottawa, Toronto and Chicago

### Meeting Minds: Alumni Weekend in Vienna

[www.alumniweekend.ox.ac.uk/europe-weekend/mmeurope-vienna](http://www.alumniweekend.ox.ac.uk/europe-weekend/mmeurope-vienna)  
24 – 26 April 2015

## Keep in touch

### Alumni enquiries

For further information on Oxford Law alumni events and to discuss ways to support Oxford Law please contact the Faculty of Law's Director of Development, Maureen O'Neill, [maureen.oneill@law.ox.ac.uk](mailto:maureen.oneill@law.ox.ac.uk)

Do you know of a great venue for an alumni event? Or have an idea for something new to add to our calendar? Then please email us on [alumni@law.ox.ac.uk](mailto:alumni@law.ox.ac.uk)

### Update your details

Do we have your correct name and address? If not, please let us know by writing to:

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# Law dissertation becomes milestone UN protocol for children's rights

**Sara Austin**, alumna of the Master's in International Human Rights Law, was in New York to witness in person the United Nations adoption of a protocol that had started from her Oxford dissertation.

From the start Sara was determined that her dissertation would not end up sitting on a shelf gathering dust. 'As a graduate student in international human rights law, I wanted to use my studies to make a tangible difference to the lives of children', said Sara. 'I was looking for an opportunity to advance children's rights law. The UN had conventions in place that secured children's rights, but there was nothing to hold governments accountable to these international laws. I saw this as a huge gap, but also saw the chance to address it too.'

'The decision to build my dissertation around a proposal for the Third Optional Protocol to the CRC was easy; children are often the most vulnerable and the most exploited citizens in many countries,' said Sara.

*The new legislation, called the 'Third Optional Protocol' provides for a communications procedure that allows children, groups of children or their representatives to submit a complaint about violations of their rights by their State to the UN Committee on the Rights of the Child. It also allows any interested party to provide information about grave or systematic violations of child rights to the UN Committee on the Rights of the Child (through an inquiry procedure).*

She defended her dissertation in the spring of 2006, then she presented the idea to the UN Committee on the Rights of the Child. The first meeting didn't go too well, but Sara persisted and over the next 8 years, she and her coalition of NGOs continued to meet with the UN Committee, and with government representatives in Geneva, New York and in capital cities worldwide. Sara said: 'I was convinced that it would work in capital cities, we just had to be persistent.'

*The Master's in International Human Rights Law is offered jointly by the Faculty of Law and the Department of Continuing Education. More information is available on [www.ihlmst.conted.ox.ac.uk/](http://www.ihlmst.conted.ox.ac.uk/). It is conducted on a part-time basis over 22 months and includes two periods of distance learning via the internet as well as two summer sessions held at New College, Oxford.*

The Protocol was first signed on 28 February 2011 and Sara was elated: 'There are no words to describe it', she said. 'To go from writing the dissertation at Oxford to watching the UN Human Rights Council pass it into law was awe-inspiring.' January 14 2014 also proved to be a watershed moment, when Costa Rica became the tenth country to ratify the protocol, meeting the threshold required of 10 ratifying nations for the law to be enacted.

*For those countries which have ratified the Optional Protocol, children's complaints will be fielded by the UN Committee on the Rights of the Child. The country in question is then required to provide proof that the changes have been made. Countries that have ratified the Optional Protocol so far include Albania, Bolivia, Gabon, Germany, Montenegro, Portugal, Spain, Thailand, Slovakia and, most recently, Costa Rica.*

Dr Andrew Shacknove, Director of the Master's in International Human Rights Law, said: 'Sara has tenaciously advocated for the new Protocol since she invented the idea in her dissertation. Many of our students have proposed one or another new international instrument at the end of their dissertations. Sara is the first to make it happen.'

The protocol finally went into force on 14 April 2014, and children and others acting as their representatives can now officially file complaints with the United Nations. Sara explained: 'This was a huge win, but the work is far from complete. The original 1989 Convention on the Rights of the Child is the most widely ratified convention in UN history, with only three countries choosing not to ratify. If we can get as many countries to ratify the Third Optional Protocol, it will mean a drastically different future for children worldwide whose lives are marginalized every day.'

*'The decision to build my dissertation around a proposal for the Third Optional Protocol to the CRC was easy; children are often the most vulnerable and the most exploited citizens in many countries.'*



# Access to Oxford



## Working to promote access to Oxford Law

The Faculty's efforts to widen participation are long-standing but have tended to be focused on 'input', namely ensuring that those with the qualifications and capabilities to thrive on our degree programmes aspire to do so. Those efforts continue unabated and take their most obvious form in the UNIQ and Pathways to Law initiatives which are described in these pages, but so much more is done by individual members of the Faculty and, of course, the colleges.

Broader concerns about social mobility now see us increasingly looking in the direction of 'output', by working with employers to maximise opportunities in, and preparedness for, a career in the legal professions after leaving Oxford. In this regard, I am particularly delighted that we can report on our first Freshfields Stephen Lawrence Scholar, Bertrand Nzabandora.

The Faculty is very grateful for the continued support from law firms, chambers and individual alumni which enables us to undertake the work which you can read about here, and much else beyond.

*Professor Edwin Peel, Access Co-ordinator*

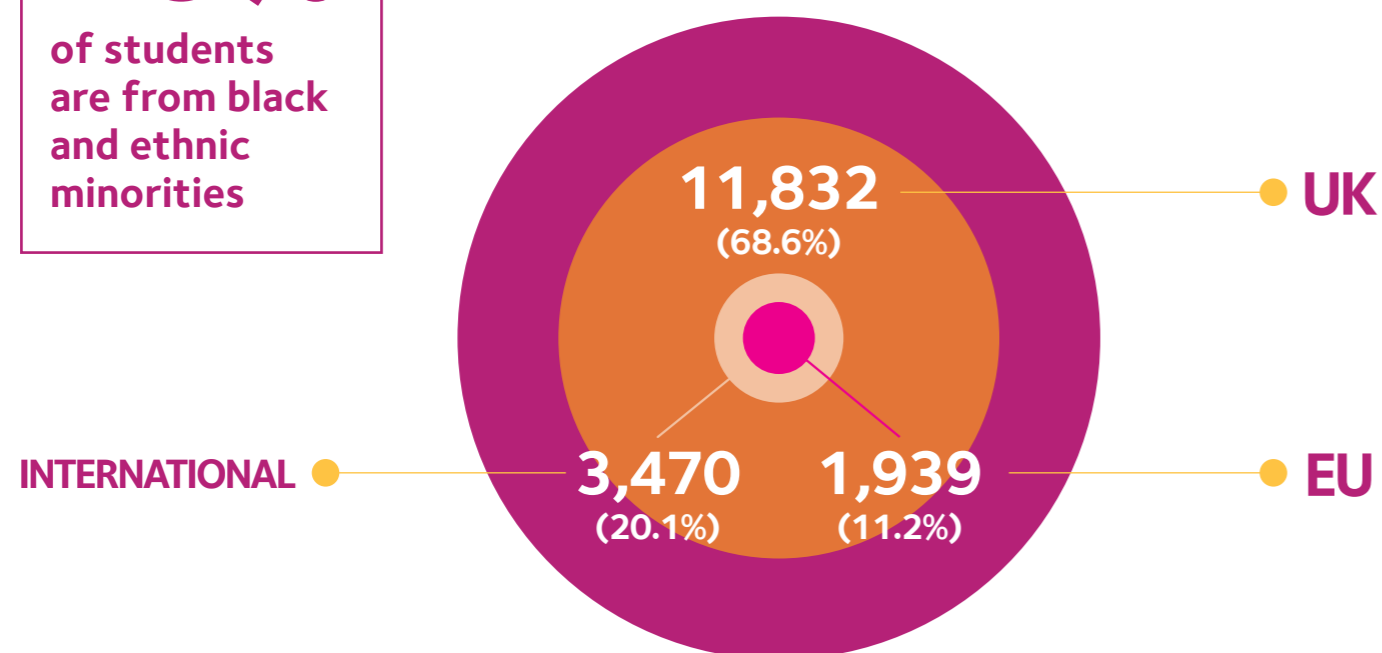
[Find out more on the University website](#)

There is lots of useful information on the University's Widening Participation webpages on upcoming events, the support there is available to study at Oxford and even study and revision tips.

[www.ox.ac.uk/local-community/outreach-and-education/widening-participation](http://www.ox.ac.uk/local-community/outreach-and-education/widening-participation)

**20%**  
of students are from black and ethnic minorities

**17,200** total undergraduate applications in 2014



## My Oxford Story



At Oxford and Cambridge, there are slightly more men than women (54.2% and 53.1% respectively).

I come from a single, lone-parent family near Greater Manchester. I studied at a state school and was the first generation of my family to attend university, but I knew that I wanted to study law and have a legal career. It was for this reason that I joined the Pathways to Law programme in 2012. I learnt a lot and had fantastic experiences, such as meeting barristers and shadowing a Circuit Judge, that would not otherwise have been accessible as I had no personal connections in the legal profession. I was able to meet people from different areas of law, which gave me a great insight into the numerous areas. I even gained work experience in a Medical Negligence Chambers in Manchester through meeting a barrister at a Pathways to Law event. Not only did it continue to show me that I wanted to practice law, but it also gave me an idea of what it would be like to study law. I was also chosen for the Eversheds Unlocked Academy, a four-year scheme which allows me to develop skills needed to be a solicitor.

Applying to Oxford is a long process and Pathways to Law helped me a lot throughout: there were workshops and days specifically relating to applications, and I had a lot to discuss due to my experiences. I applied to Oxford University mainly because of the tutors and facilities that it offered. The tutorial system was perfect for me, as I wanted to be taught in small groups so that I could interact properly. The tutors are experts in their field. The university allows the rare opportunity to debate a point with some of the top academics, or to solve a problem together. There are also extraordinary bursaries that help me financially, and my college guarantees me accommodation for the entire three years, which tackled my worries of affording accommodation. Originally I worried that I wouldn't fit in with the Oxford stereotype, but then I realised that my background in no way inhibits me from achieving here, and that the Oxford stereotype doesn't really exist!

I've found that my first year has been incredibly busy. There's always something going on and there's a lot that you can get involved in. One of those things was being on the committee of the Oxford Law Society, which I love, and another was becoming the Publicity Officer for the Oxford Hub, which works to connect students with charities and social causes. More importantly, I chose to become a Pathways to Law mentor. This has given me the opportunity to give back to the great programme which helped me to succeed, by passing on my advice and help to students who are in a similar position to that which I was in two years

**Ten percent**

While many universities are offering either fee waivers or bursaries, Oxford provides both. One in six students receives a fee waiver and around one quarter receive a bursary.

In 2012, **10.6%** of first year Oxford undergraduates had a household income assessed by the Student Loans Company as £16k or under.

Each year, **100** of the lowest-income students receive support totalling **£11,000** per annum through the Moritz-Heyman Scholarship programme.



ago. Everybody must learn as they go along the path but I found that it was incredibly helpful to have people who could advise me about some aspects of my journey and support me through them. I hope that by passing this help on, other students are able to more easily access information regarding their path into legal studies and a legal career, and that they feel confident and able to apply to do so. In the Easter holidays, I spoke to the current Oxford Pathways students about work experience and revision. It was great to share my experiences and tips, as a lot of the students later asked me further questions. These are students who are genuinely interested. That's why it's such a worthwhile thing to do: you're helping people that truly deserve and use the help.

*Bethany Gregory*



This year we are celebrating the 5th anniversary of the University's successful UNIQ summer school programme. The students selected onto the programme come from an educationally or socio-economically disadvantaged background with a high academic ability. We give these students an opportunity to spend a week living in college and exploring the world as an Oxford Law student through a variety of activities from tutorials and lectures, to visiting courts and law firms and taking part in a moot.

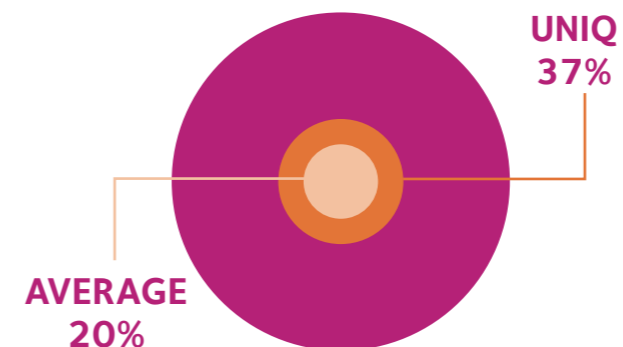
Over the last five years the Law Faculty has seen 340 students through the Law Programme and around 75% of



these students have followed through with an application to study at Oxford. Last year alone we received 54 UNIQ student applications out of a possible 80 and from the 38 who went onto interview, 17 received offers. To see a 45% interview to offer rate shows the success of the programme.

Many of our UNIQ graduates are now giving back to the programme taking part as mentors and guiding students through the Oxford experience.

*Michelle Robb*



In 2012 **183** UNIQ participants started an undergraduate degree at Oxford. There are **482** UNIQ students now studying in Oxford. Every college has at least one UNIQ alumnus.

The ratio of offers to applications for the average Oxford candidate is **1 in 5**. For a UNIQ participant, it's **37%**.

## Open Days

This year more than 300 students were given a unique insight into all aspects of the Oxford law student experience on the annual Faculty Open Days, which ran 19 to 21 March. Every year there are plenty of opportunities to meet faculty members and current students, and the Open Days also allow potential applicants to have lunch in one of the university's colleges (some even stay over), and therefore to get a glimpse of student life outside of the Faculty. They are designed to give as full a picture as possible of life as an Oxford law student, and are intended to be as enjoyable as they are informative.

The Faculty also took part in the University-wide Open Days on 2 and 3 July and we would like to thank all of our fantastic undergraduate volunteers who tirelessly answered questions and gave directions to potential students and their parents.

*Sarah Green*

## Pathwaystolaw

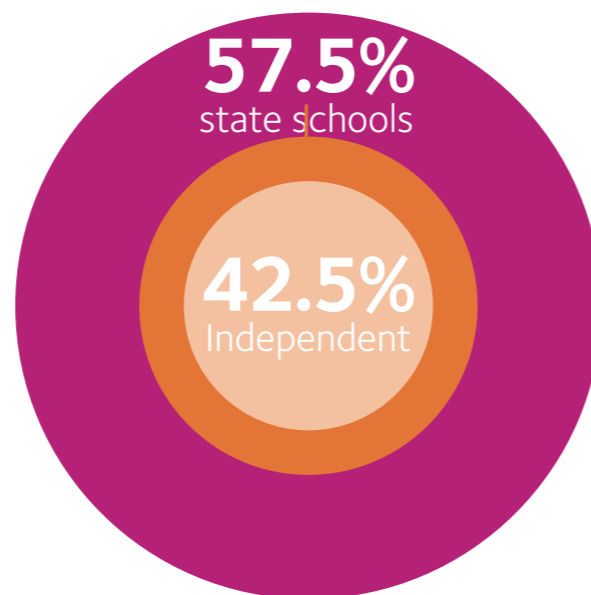
Our first year on the Pathways to Law programme has been a great success. We welcomed our first cohort of 35 Year 12 students and their parents to the launch event on 17 October 2013 at the Law Faculty. The full programme included a talk on student finance and a taster lecture from Ed Peel. The students' excitement was palpable and a strong sense of camaraderie quickly developed.

We have been fortunate in the support provided by academic staff, our mentors, Oxford University, other university cohorts, the Legal Education Foundation, the Sutton Trust and our benefactors, all of whom have been instrumental in the running and shaping of the Pathways to Law programme. The main aim of the programme is to give support and encouragement to academically able students in Years 12 and 13 from non-privileged backgrounds who are interested in law. Through placements at both local and London law firms, a variety of master classes, and a trip to the West End to see Twelve Angry Men, the students have been involved in a variety of activities all linked to the legal world.

Hardly a day goes by without us being in contact with at least one of our students, and we continue to be impressed

with their enthusiasm, dedication to the programme, and positive approach! We look forward to seeing the current students for their second year of the programme and welcoming our new cohort on 18 October 2014.

*Michelle Robb*



## Freshfields Stephen Lawrence Scholarship



Wadham College

I am Bertrand Nzabandora and I have just finished my second year at Wadham College, studying Law with European Law. Mine is a four-year course, involving a year abroad in the Netherlands at the University of Leiden. I set off in Michaelmas.

I have been fortunate enough to be awarded the Freshfields Stephen Lawrence Scholarship. The Scholarship scheme is designed to address the under-representation in

international commercial law firms of black males from low-income households. This is the second year of the scheme run by Freshfields Bruckhaus Deringer and Baroness Doreen Lawrence of Clarendon, OBE in order to broaden access to legal careers in law firms.

As a Freshfields Stephen Lawrence Scholar, I will receive a tailored personal and professional development programme focusing on written, presentation and numeracy skills and commercial awareness, interview coaching and career guidance, one-to-one mentoring, opportunities to visit the firm during university holidays, an alternative route to interview for a training contract at the firm and a £3,500 contribution towards course and associated study-related costs. Essentially, I will receive a lot of help!

I am very grateful for having been chosen to become a Freshfields Stephen Lawrence Scholar, especially as it was a competitive process! I intend to make full use of the amazing resources that will be made available to me and I look forward to meeting and getting to know interesting and inspiring people.

Look out for updates from Bertrand on his experiences at [www.law.ox.ac.uk](http://www.law.ox.ac.uk).



## Building Sustainable Connections in Africa

The Oxford Faculty of Law has a long and proud connection with Eastern and Southern Africa. Notable graduates of the Oxford Faculty of Law include Pixley ka Isaka Seme, London barrister, founder and President of the African National Congress (Jesus College, 1906); Bram Fischer, anti-apartheid leader and head of Nelson Mandela's legal team at the Rivonia treason trials (New College, 1931); Sam Rugege, Chief Justice of the Supreme Court of Rwanda (St Peter's, 1980); Laurie Ackerman; former Justice of the Constitutional Court of South Africa (Worcester, 1954); Edwin Cameron, current Justice of the Constitutional Court of South Africa (Keble, 1976); Hugh Corder, Professor of Law and Dean of the Law Faculty at the University of Cape Town (Keble, 1979); Belinda van Heerden, current Justice of the South African Supreme Court of Appeal

(Brasenose, 1982); and Dr Chaloka Beyani, the UN Special Rapporteur on the human rights of internally displaced persons (St Cross, 1988).

Present-day connections with Africa include Dr Jonny Steinberg, Associate Professor of African Criminology, and Justice Kate O'Regan, one of the first group of judges to sit on the South African Constitutional Court and a Visiting Professor to the Faculty.

In the past 12 months the Oxford Faculty of Law in conjunction with the Oxford Human Rights Hub and Oxford Pro Bono Publico have undertaken a range of initiatives that serve to deepen these connections and to formulate institutional relationships characterized by a spirit of mutual knowledge exchange and collaboration.



## Women and Poverty Conference

The Oxford Human Rights Hub flagship annual conference *Women and Poverty: A Human Rights Approach* was held in Kigali, Rwanda in April. This three-day event was a collaboration between the Oxford Faculty of Law, the Oxford Human Rights Hub (OxHRH), the Oxford Martin School's Human Rights for Future Generations Programme, the University of Rwanda and the University of Cape Town. It was held with the support of Chief Justice Sam Rugege and formally opened by the first Lady of Rwanda, Mrs Jeanette Kagame.

The conference analyzed women's experience of poverty from a wide range of perspectives. There was a particular East African focus to the conference, with a number of the speakers and participants specializing in human rights law in the region.

Dr Jaa Kko Kusmanen, Meghan Campbell and Laura Hilly are currently editing a special edition of the *African Journal of International and Comparative Law* (due for publication in early 2015) which will showcase some of the best papers from the conference and contribute to the global understanding of women's human rights from a particularly African perspective.

Following the conference and at the invitation of Dr Francois Xavier Kalinda, acting Dean of the University of Rwanda, OxHRH Director, Sandra Fredman - Rhodes Professor of the Laws of the British Commonwealth and the United States - visited the University of Rwanda in Butare. She gave a talk to a packed classroom on the role of human rights law as an external framework of accountability for legislatures, contrasting Nazi Germany and apartheid South Africa's use of law with constitutional democracy, and spoke about the ways in which law could be used to achieve social change. Professor Fredman was deeply impressed by the level of engagement from the student audience, who



raised important questions ranging from challenging points about cultural pluralism, sexual orientation, abortion, and euthanasia, to the difference between good constitutions on paper and real implementation, to the role of human rights law in conflict situations and its relationship with international humanitarian law.

Professor Fredman also spoke to students and faculty members about the legal aid and social justice initiatives carried out by the University of Rwanda. Professor Fredman said, 'I was hugely impressed with their legal aid clinic. Although they only have 25 faculty members, they run a legal aid clinic for local people every Thursday afternoon, staffed by 10 third year students working in pairs who deal with 20 cases a session. They have three coordinators from among the faculty and all members of the faculty supervise cases depending on their expertise. Clients are given advice at the session, and if it needs to go further and funding is available, the clinic will fund legal representation. The students' high level of engagement with human rights law stems from their exposure in their clinical work.'

The OxHRH and the Oxford Faculty of Law are now seeking to develop an ongoing institutional partnership with the University of Rwanda to facilitate an ongoing partnership between the two institutions. It is hoped that this partnership will build on the momentum instigated by the Oxford Human Rights Hub and the University of Oxford's recent visit to Rwanda in order to deliver mutually supporting knowledge, personnel and resource exchanges between the two institutions.

Last June, OxHRH hosted a delegation from the then newly-established Kenyan National Gender and Equality Commission. The Commissioners partook in wide-ranging discussions on topics including current issues in discrimination law, different models for equality commissions, and potential collaborations between State and non-State actors. Winfred Lichuma, Chairperson of the Commission, later participated in the Oxford Human Rights Hub's Rwandan conference. It is anticipated that these interactions will lead to the development of a strong working relationship with the Commission.

## OPBP supporting public interest law projects in Africa

Oxford Pro Bono Publico has continue to deepen the Oxford Faculty of Law's continued connections in Southern Africa by completing a number of significant research projects in the past 12 months. OPBP has prepared a research brief on international refugee and human rights law and its application to refugee policy in Tanzania for Women's Legal Aid Centre and Womankind Worldwide. The report reviewed certain aspects of refugee law and policy in the United Republic of Tanzania from an international law perspective.

In 2013-2014 OPBP continued to support civil society actors in South Africa who are currently seeking the realization of constitutionally protected education rights. OPBP has supported this work through a number of different channels. In June 2013 OPBP prepared a report for the Centre for Child Law, University of Pretoria. In response to recent cases, the Centre asked OPBP to research the obligations that independent schools have in respect of the right to a basic education, enshrined in section 29 of the South African Constitution. The Centre had been working with a partner in Soweto, Johannesburg, on issues arising from the practices of some inner-city independent schools. When parents cannot pay fees, some schools follow the practice of suspending the learners until the parents are able to pay. Schools also sometimes withhold the children's end-of-year results, which means the children cannot move into the public school system.

Professor Sandra Fredman has been advising the Legal Resources Centre (LRC) on a pro bono basis, assisting with the formulation of its strategy in upcoming education rights litigation in the Eastern Cape. Her work with the LRC has focused on the right to education litigation. In particular, she has helped build the case on sanitation in schools in the Eastern Cape and the former Transkei.

Professor Fredman and Oxford DPhil student Chris McConnachie contributed to a publication produced by the LRC, 'Ready to Learn: A Resource for Realising the Right to Education'. In this new book available for free download, the LRC offers the first consolidated account of its work, including summaries of the key cases; extracts from court documents, judgments, and orders; and candid discussions of the strategies informing past and future cases.

Finally, the OPBP Internship Programme has continue to financially support graduate students from the Oxford Faculty of Law who undertake unpaid or poorly paid internships around the world, including in Southern Africa. Of the 17 internship grants offered in 2013 and 2014, four of these were undertaken at organizations in Southern Africa, including the Legal Resources Centre in Johannesburg, Section 27 in Braamfontein and the Women's Legal Centre in Cape Town.



Professor Sandra Fredman (centre) with members of the Faculty of Law at the University of Rwanda

## African Law School Deans' Forum

*The Dean visited Nairobi in May 2014 to participate in the third annual African Law School Deans' Forum, convened by the International Association of Law Schools. He chaired a panel discussion at the Forum on relations between the judiciary and law schools, gave a recruitment talk to students, and delivered a keynote lecture on 'Change in the Common Law' at Strathmore University Law School's Annual Law Conference.*

It was an extraordinary experience to take part in two days of discussions among more than twenty law

school deans from universities all over the continent, from Gondar in Ethiopia to Cape Town in South Africa. African law schools deal with the same issues we deal with in Oxford: how to recruit good students regardless of their resources, how to recruit and to retain good legal scholars, and how to find the resources to get the scholars and the students into the same room. They deal with these challenges in dramatically different circumstances from ours, circumstances which also vary dramatically from one country to another in Africa. Some of them are coping with fractured legal systems, with deficient basic infrastructure, with civil unrest. Many of their colleagues need to work in legal practice in order to be able to teach in the universities. Their students have had to show ability and diligence as ours do, but many

## Southern African Judges Project

The Southern African Judicial Assistance Project (SAJAP) is a collaboration between Oxford Pro Bono Publico (OPBP) and the Democratic Governance and Rights Unit (DGRU), University of Cape Town, established in late 2013.

SAJAP originated after Justice Dingake, judge of the Botswana High Court, contacted DGRU for assistance in preparing his judgment in *Mmusi v Ramantele*, a challenge to customary laws which barred women from inheriting. The DGRU forwarded the request to OPBP which supplied Justice Dingake with extensive international and comparative law research. In October 2012, Justice Dingake delivered a landmark judgment which made substantial use of this research in striking down the discriminatory laws. Justice Dingake's request highlighted an important need. Southern African judges have limited access to foreign and international legal materials, and their heavy caseloads leave little time to undertake this research. SAJAP has been conceptualised to address this need in two ways: first, by providing high quality international and comparative law research, and secondly, by facilitating University of Oxford and University of Cape Town students to undertake clerkships with under-resourced Southern African judges.

The first component of SAJAP has been active since last year – OPBP and DGRU recently completed a comparative law research project undertaken for the Judge-President of the Namibian High Court in a constitutional law matter concerning the liability of a government in damages for the unlawful conduct of judges. The project was supervised by Professor Paul Craig, Professor of English Law, University of Oxford. The matter is currently *sub judice* before the court.

In early 2014 SAJAP was awarded a grant by the World Justice Project for supporting the national judges in the Southern African region. The grant will enable students from the University of Cape Town and the University of Oxford to undertake judicial clerkships in the apex courts of Southern African countries. OPBP and DGRU have recommended three Oxford graduate students for clerkships at courts in Namibia, Botswana and Malawi.

have had to add an extra dimension of sheer grit to attain a university education.

Even though there are deep differences among the nine countries represented, the discussions at the Forum showed that the deans of African law schools do not just think of themselves as Kenyan or Ugandan or Nigerian. They have a fellow feeling, as part of Africa and its future. And they see their great opportunities, their daunting difficulties, and their wealth of teachers and students as aspects of an African heritage and future that they have in common.

One highlight of my visit was spending an hour in a car in Nairobi traffic with the Dean of Law at the University

of Zimbabwe, Emmanuel Magade, learning about ways in which law teaching can survive and thrive in his country. Some of his students and others across the continent will come to Oxford, and I hope that in the future we can improve our recruitment, and find ways to help with funding for an Oxford education and be part of the development of legal studies in Africa.

Timothy Endicott



## Fieldwork in Rwanda

Dr Julia Viebach, based in the Centre for Criminology, conducts research on human rights violations, peacebuilding, and the nexus between transitional justice and memorialisation in Sub-Saharan Africa.

Drawing in particular on the Rwandan genocide, Julia's doctoral thesis developed a spatial heuristic to assess societal and individual attempts to come to terms with this traumatic past, paying particular attention to memorials' narratives, their architectural language, survivors' practices at the memorials (cleaning and preserving human remains) and the rituals of the annual commemoration. Julia is conducting extensive field research in Rwanda, including interviews with survivors, government officials, memorial staff and local and international non-governmental organisations.

Julia's new project 'Atrocity's Archives: The Remnants of Transitional Justice', funded by a Leverhulme Early Career Fellowship, will compare the archival texts of the ICTR with those of the Rwandan Gacaca courts.



# The Way Things Used To Be

*This text is an abridged extract from Professor John Gardner's third Quain Lecture, 'The Way Things Used to Be'. The Lecture was delivered in London on 1 May, and is now being adapted to become a chapter in a new book, From Personal Life to Private Law, which will appear in 2015.*

In the law of torts, we are in the thrall of the past. I don't mean that, like everything else in the common law, tort law is slow to change. I am talking about our subject-matter. In the law of torts we concern ourselves primarily with *faits accomplis*, with milk already spilt. Here are three ways. First, whether a tort was committed is often determinable only *ex post*. It often depends on how D's action turned out, usually how it turned out for C. Second, what the law normally requires D to do, if she commits a tort, is to undo, so far as possible, what she tortiously did. There may be many ways forward but D is expected to put things back. Third, in deciding what counts as putting things back we mainly attend, in the law of torts, to giving C back the life he had. Once C receives damages he may spend them as he likes. But the damages C gets depend on what it would take to restore him, so far as possible, to the path he was on before.

Here I will focus on the last of these themes. It raises a much bigger question. Why should we care about the loss of what we lose? You may think that this is a dumb question. It is an analytic truth that loss is bad, an absence of something worth having. We should care about it just as we should care about any other absence. But that response misunderstands my question. To care about something lost is not merely to care about an absence, in the way that an 11-year-old may feel hard done by in not having a pet cat or a smartphone. No, a loss is an absence that was once a presence. To care about a loss in the sense that concerns us is not just to care about the absence but to care about the fact that what was present is now absent. It is to want things to go back to how they used to be.

In 'Requiem for a Friend', Rilke writes: 'We need in love to practise only this: letting each other go. For holding on comes easily; we do not need to learn it.' That much we already know, and not only in love. Even revolutionaries are conservatives about the revolution. Even in triumph, they feel sadness that the job is over. Likewise, in Lauren Child's *Charlie and Lola* stories, Lola wants the same library book every time. No other book can replace it in her affections, she proclaims, until one does – and then, she proclaims, no other book can replace that one. That is holding on. It is part of human nature, we sometimes say, as if that were explanation enough.

But it is not explanation enough. We also need to know how holding on fits into human nature. Is it part of our nature as

rational beings? Holding on comes more easily than letting go, as Rilke says, even when (as with Lola's book) all else is equal. But should it? Is there any rational support for the local conservatism implicit in the sentiment 'I don't want to lose you' or 'let's pick up where we left off' or 'I just want my old life back'?

We are not seeking a decisive reason, one that overrides all objections to holding on. Any reason will do, so long as it is a reason that fixes, not on my life having some independently-specified ingredients but on my life continuing to have whatever ingredients it already has. Possibly we should only want to hold onto our lives when the going is good. But obviously it will not be enough for our purposes to find a reason to want the going to be good. It must be a reason for preferring the good going *that is already going* over other good goings, even when all else is equal.

Here are some suggestions.

Consider first the costs of change. As one's life changes in one way, one may have to change it in others. Suppose one suddenly has a dependent relative to care for or a collapsed business. One may need to move house or move job or move the kids to a new school, even move to a new country. Even when the new eats up no more money, time, or effort than the old, the transition itself eats up money, time and effort. That in turn can bring anxiety, irritation, and other negative feelings. To avoid the costs of transition is already a reason to want to stick with the life one already has. Change is never easy or free.

That helps a bit, but not much. What if the change has just taken place. Why want to change back, adding yet more costs of change? You may say this: one brings value into one's life by adopting goals for oneself, which are in turn structured by relationships with other people, objects one identifies with, activities and excellences that differentiate them, and so forth. That is why one wants to hold on to people, objects, activities.

I reply: fine. But that is as much true of new goals as it is of old ones. Why hanker specifically after the old ones?

Here's a thought: Sometimes, a disruption to my life can make it the case that now I can never succeed in one or more of the goals that I was pursuing before the disruption.

Let's say my marriage ends. The goal I had, to which I committed myself by marriage, was a lifelong relationship of mutual loving and honouring (etc.). The divorce entails failure in that goal, even if (while the marriage was still in good shape) I routinely succeeded in the subsidiary goals of mutual loving, honouring, etc. So I look back and see those successes as a blessing, while at the same time regarding them as tarnished. Why tarnished? Because the successes were in a way steps on the path to failure. They can no longer hold the meaning they had for me when success in the larger goal of sustaining them for the rest of our joint lives was still, so far as we knew, possible. From where I stand now the relationship successes of those good years, while they lasted, are like salt in the wounds. They add to the sense of my life having been damaged, even destroyed by the collapse of a goal.

Yet there is a more far-reaching point to be made about our bond with our goals. When certain goals are ours, we cannot regard them as just possible goals among others. We may know in the abstract that, apart from our having adopted them as ours, they would just be possible goals among many others that are no less valuable. In the grand scheme of things, as we sometimes say, they are nothing special. But adopting them as ours means coming to stand in a special relationship of commitment to them. Whatever we may say when we stand back to reflect, in our everyday engagements with them we cannot but treat the goals we have made our own as if they were more valuable than any of the countless alternative possible goals that we did not make our own. Otherwise we are, as Bernard Williams explained, left with no possible goal in life other than that of indiscriminately serving all the possible goals that we might have adopted, in proportion only to the value they have independently of our commitment. Then we could not rationally prefer our goals to any others. So we could not really have goals.

From day to day, I cannot but treat my interest in indie rock as superior to my stepson's gangsta rap tendencies. My taste is good, I say to myself, and worth supporting. His is less good, I say to myself, and less worth supporting. But at least his is good enough for me to be glad that he has it rather than some other teenage tastes, and it is well worth supporting under *that* heading. If I have reason to help him pursue his goals, it seems to me, that is because they are (a) acceptable and (b) his goals. For him it is because, in his committed way of looking at them, they are the best goals to have. And likewise the other way round. We are both

living our own illusions. Each has a more detached view of the other's goals. We humour each other accordingly.

This shows that the conservatism of the first-party point of view, in which an existing goal counts for so much more than any number of possible alternatives, can be carried over somewhat into the third-party view. This, I believe, is precisely the third-party view taken by the law of torts, when damages are awarded with the aim of putting people back, so far as money can do it, onto the path they were on before.

*John Gardner*



## Focus on a Donor: the Planethood Foundation

When Benjamin Ferencz was just 27 years old, he served as Chief Prosecutor for the United States in one of the 12 Nuremberg trials which followed the Second World War. Twenty two defendants were charged with murdering over a million people in what was known as 'the biggest murder trial in history'. It was his first case.



Captivating over 200 students and members of faculty in a filled lecture theatre, Mr Ferencz shared his incredible story with International Criminal Court Student Network (ICCSN) guests in October 2013. An immigrant to the USA from Transylvania, he had entered the world of law with a scholarship to Harvard, followed by military service. 'In their wisdom, and having perceived my academic skills', he remarked, 'the Army stuck me in an artillery brigade'. While his legal career bloomed at Nuremberg it was his experience of the Second World War as a whole that shaped his vision and life.

Ben and his son Don co-founded a charitable organisation – the Planethood Foundation – in 1996, before the International Criminal Court came into operation through the Rome Statute. The Foundation funds scholarly research that they hope will further their campaign for the replacement of 'war with law'.

Don Ferencz promotes his work through the Global Institute for the Prevention of Aggression, based at the University of Middlesex.

Oxford's relationship with the Planethood Foundation extends beyond a single talk by Ben Ferencz, and is one worth highlighting. The Foundation funds a Global Justice Fellowship based at St Anne's College, several student internships and the Planethood Foundation Prize for International Criminal Law, an award for the best performance in the International Criminal Law paper on the Degree of Bachelor of Civil Law or Magister Juris.

*'Our aim is to educate toward replacing the law of force with the force of law. Though we live in an age of crimes against humanity, it is also an age of humanity against crimes, where the world of impunity for perpetrators is shrinking. As a prosecutor at Nuremberg, my father opened his case saying, "The case we present is a plea of humanity to law." Today, one might say that the tables have turned: the Statute of the International Criminal Court represents a plea of law to humanity. It is up to peoples and national leaders to support the system of legal accountability of which the Court is an integral part. In this year of remembrance of what was called the "war to end all wars", we would do well to recall that mass violence – whether at the behest of politicians or ideologue extremists – must be de-glorified and replaced with an ethic of recourse to law, not war.'* Don Ferencz

An interview with Ben Ferencz following his talk is available here: [www.vimeo.com/78220186](http://www.vimeo.com/78220186).  
For further information about Ben and Don's work, please see [www.crimeofaggression.info](http://www.crimeofaggression.info).

## Global Justice Internship Reports

Aman Aman

### Trial Chambers

With the support of the Oxford Global Justice Internship Programme, I was able to complete a six-month internship at the Trial Chambers, International Criminal Court (ICC) at the Hague under the supervision of Judge Chile Eboe-Osui and the team of legal officers assisting him.

In this period of six months, I gained great familiarity with the working of the Trial Chambers at the ICC. I had been actively involved with the trials in relation to the situations in Kenya and Darfur. More specifically, I had contributed to a large extent in the drafting of the decisions, separate opinions and orders, prepared memorandums, assisted in the preparation of the witness summaries, and helped the judges and the legal officers in other trial procedures. I have also greatly benefited from my interactions with the Judges, the legal officers and the other interns hailing from different parts of the world. My understanding about the Court, its functioning, its mandate and its impact is richer for such interactions.

For someone like me who has a keen interest in public international law, the experience of working with a trial judge was very rewarding. Besides catering to my interest in international law, this experience helped me closely observe and participate in the settlement of international disputes, the area on which I wish to focus my career. The internship has also helped me further appreciate the role of international law as one of the powerful instruments to deal with issues related to human rights abuses and to regulate modern methods of war, and has reinforced my desire to make a substantial contribution in this field.

Shubhangi Bhadada

### International Criminal Tribunal



After studying for my BCL I was a pro-bono legal assistant in the Standby Defence Team for Radovan Karadžić at the International Criminal Tribunal for former Yugoslavia from September to December 2013. 'Standby' lawyers had been appointed by the Court on the ground that the defendant had been obstructing the proceedings. My work included analysing evidence to assist in the drafting of the final arguments – including preparation of witness summaries and analysis of evidence related to a witness, attending court and categorising the evidence of the witness in court. This work has given me valuable practical experience to understand how international criminal law and international humanitarian law is applied in cases and to get a more comprehensive understanding of the law. I have plans to return to my home country of India at the end of my internship and continue working in the field of international law, particularly criminal and humanitarian law, through assisting in policy making in these fields.

Matilde Gawronski

### Makerere University in Kampala

As an Oxford Global Justice Intern, I had the opportunity to spend three months (from February to April 2014) in Uganda

and to join the Makerere Institute for Social Research at Makerere University in Kampala as Research Affiliate, as well as to work as an *ad-hoc* assistant with the Ugandan Coalition for the International Criminal Court and other local civil society organizations.

The Coalition is currently in the process of spearheading the creation of a Uganda National Transitional Justice Coalition (NTJC) and I had the opportunity to be involved in some of the preparatory meetings of this emerging Coalition. I also helped them with writing concept notes on transitional justice and the envisaged future of the nascent NTJC, meeting minutes and reports. Even after leaving Uganda I remain involved remotely with some of the work of the UCICC, including building an online survey to map the existing transitional justice processes in Uganda as carried out by different civil society organizations and in response to the Draft TJ Policy, currently being reviewed by the Government of Uganda.

Through my affiliation with the Coalition, I also took part in other civil society events, including one relating to the recent Women's Advocacy Network's Petition to Parliament, which petitioned the Ugandan government to take measures to address the needs of war-affected women in the Acholi sub-region. I also had the opportunity to take part in some events relating to the International Crimes Division and the Kwoyelo trial at the Supreme Court. It was most exciting and interesting to be part of these events and learn from Ugandan key stakeholders about the vibrant transitional justice community operating in the country and its new initiatives.

Overall, my experience of working with the UCICC as well as engaging with a wide variety of organizations and actors has been most beneficial for my professional and academic development and has also widely benefited my DPhil data collection. This collaboration allowed me to become involved in some of Uganda's most recent efforts in the field of transitional justice as well as to learn about and be in contact with different civil society organizations operating across the country. As a DPhil Student in Socio-Legal studies, working on issues of formal and transitional justice in Uganda, the combination of all such experiences has proved highly valuable for me and I am thus very grateful to the Oxford Global Justice Internship Programme for their support.

# International Criminal Court Student Network

The Oxford chapter of the International Criminal Court Student Network (ICCSN) was set up in May 2013 by a group of Oxford undergraduates with the purpose of informing students about and serving as a forum for discussion regarding important issues in international criminal law. Since then, thanks to the hard work of an enthusiastic and dedicated committee, we have been able to hold many popular and interesting events and are currently campaigning with the support of the Global Institute for the Prevention of Aggression and the Institute for Law, Accountability and Peace to contribute to the criminalisation of aggressive war.

In Trinity 2013, shortly after setting up our society, we hosted our first event, a talk by Don Ferencz, the Convenor of the Global Institute for the Prevention of Aggression and Director of the Planethood Foundation. Following this meeting, we decided to get involved in the Global Campaign for the Prevention of Aggression.

Michaelmas 2013 was our most successful term this year. First, we hosted Benjamin Ferencz, the former Chief Prosecutor at the Einsatzgruppen trial in Nuremberg, who gave an inspiring talk about his involvement in the Nuremberg trials and the continued importance of international criminal justice. Later in the term, in a joint event with Oxford Lawyers Without Borders, we hosted James Stewart, the Deputy Prosecutor of the International Criminal Court, who reflected on the ICC's current role in resolving armed conflicts. Finally, when he came to deliver a talk at the Oxford Union, we received a personal endorsement from the President of the ICC, Song Sang-Hyun.

In Hilary we organised a discussion about the Crime of Aggression with William Schabas, Professor of International Law at Middlesex University, George Farebrother, Treasurer of INLAP and UK Secretary of the World Court Project and Robert Manson, a member of the Council of Advisors for the Global Institute for the Prevention of Aggression and of the UK Coalition for the ICC at the Kampala review

conference. We later launched an e-petition for Parliament to ratify the Kampala Amendments to the Rome Statute, which would contribute to giving the ICC jurisdiction over the Crime of Aggression (a link to this petition can be found on our website: [sites.google.com/site/oxfordiccsn/](http://sites.google.com/site/oxfordiccsn/)). We also received a message of support from the Rt Hon Andrew Smith MP, former Secretary of State for Work and Pensions and currently our local MP.

All of our speakers have highlighted the importance of replacing the law of force with the force of law by promoting international efforts both to solve and to prevent armed conflict worldwide.

As many of our key committee members are going to be studying abroad in 2014/15, Trinity Term has been a transition period for ICCSN, where we are focussing on finding enthusiastic new members to make next year equally successful. We hope to organise many events next year with practitioners, academics and campaigners involved in the field of international criminal law.

*Christian Goulart McNerney – President*

*Lillian Jewell von Seggern – Member of the ICCSN Committee*

## Global Justice Fellowship

Thanks to the generosity of the Planethood Foundation, the Law Faculty was able to establish the Global Justice Research Fellowship in 2011. The Fellowship, hosted at St Anne's College and the Centre for Criminology, supports early career researchers working broadly in the field of international justice. Each of the three successive Fellows has used the post to publish a monograph drawn from his or her doctoral thesis. Dr Nicola Palmer, who held the Fellowship in 2011/2012 and is now a Lecturer in Criminal Law at King's College, London, will publish her monograph 'Courts in Conflict: Interpreting Criminal Justice in Post-Genocide Rwanda' with OUP later this year. Dr Lionel Nichols, who held the Fellowship in 2012/2013 and is now at the bar, will publish 'The International Criminal

Court and the End of Impunity in Kenya' with Springer next year. And Dr Miles Jackson, the current holder of the post, will publish his monograph 'Complicity in International Law' with OUP in 2015. The Global Justice Research Fellowship has provided an unrivalled platform for international law scholarship by early career researchers at the University of Oxford.

In addition to pursuing original research, the Global Justice Research Fellow also acts as Convenor of Oxford Transitional Justice Research, an inter-disciplinary research group of students and staff working on issues of transition in societies recovering from conflict or repressive rule.

See page 28: Oxford Transitional Justice Research Programme

# Rebuilding Legal Education in Myanmar

The Law Faculty is working with the University of Yangon Law Department, as part of the University of Oxford's developing plan to support the revitalisation of the University of Yangon



In December 2013, the University of Yangon received around 50 undergraduates in Law, for its first undergraduate programme since the 1980s. The cohort marked an important milestone in the revival of this historic university, and a new opportunity for cooperation between Oxford and Yangon. This relationship is still in its infancy, but we have already made a significant beginning.

A major step on the journey was a huge donation in April 2014 of more than 5,000 books to the library of the Yangon Law Department, from the Bodleian Law Library. 'We are very grateful for this donation to our University,' said Dr Aung Thu, Rector of Yangon University. 'We are excited about our relationship with the University of Oxford and look forward to closer collaboration.'

The opening of the University to undergraduates parallels swift changes in the legal system and in Myanmar more widely, as the government pursues reforms that could not have been foreseen even two years ago. As we develop our relationship over the coming months, this reform process will be reaching turning points that will be crucial for the future of the country and its people.

## Teaching, training and team work

In November 2013, the Dean of the Faculty, Professor Timothy Endicott, gave a keynote lecture for an Allen & Overy training programme to LLM and doctoral students in Yangon. The programme addressed international financial and corporate law, and Professor Endicott lectured on the interpretation of commercial contracts. Attendees then went on to a reception held for Oxford alumni and many others from the legal community in Yangon at the residence of the British ambassador. To prove Oxford's dedication to the developing relationship with Myanmar, Nick Rawlins was

in Yangon at the same time, and he and Professor Endicott had meetings with the senior leadership of the University of Yangon, to discuss the potential for cooperation with Oxford.

Andrew McLeod, Lecturer in Law at Lady Margaret Hall, completed a visit to Myanmar on behalf of the UK Foreign and Commonwealth Office in January. Supported by the Speaker of the Myanmar Parliament, Thura U Shwe Mann, Andrew explained his brief: 'I was asked to support the constitutional reform process through seminars and meetings with those involved in the Parliamentary

Committee reviewing the constitution. With the Committee making its final report at the end of this month, this was a critical moment in Myanmar's process of constitutional renewal.' Andrew also met with Deputy Speaker U Nanda Kyaw Swa, who chairs the Constitutional Review Joint Committee, to discuss its progress and provide advice on further constitutional support. His assistance involved training for MPs, informal advice sessions and meetings with key legal advisers including the Director-General of the Union Attorney-General's Office.

The next step is a planned teaching visit by Professor Adrian Briggs in September 2014, to contribute to teaching in the first year of the new undergraduate programme, and to talk further with colleagues in Yangon about how we can contribute in future. We hope that Oxford will continue to be involved in the discussions of constitutional reform, and we also hope to work with academics and students of the University of Yangon in a programme of research into the operation of the common law in the courts of Myanmar.

See page 29: Bodleian Law Library

## NEWS & EVENTS

### The Dean in Delhi

The Vidhi Centre for Legal Policy, in association with the Oxford University Faculty of Law, hosted a talk by Professor Timothy Endicott, Dean of the Oxford Faculty of Law, on 15 March in New Delhi. The subject of the talk was 'Arbitrariness'. The topic fitted perfectly within Vidhi's range of activities, which is to advise the Government of India and state governments on drafting of legislation and regulations.

Professor Endicott spoke about the Supreme Court of India's decision in the 2G Spectrum case (*Centre for PIL v Union of India*, 2012), and the judgment of the Supreme Court of Canada in the Insite case (*Attorney General of Canada v PHS Community Services Society*, 2011). In both these landmark decisions, the judges had struck down executive action on the ground that the public authorities had acted arbitrarily. Some jurists have argued that the interpretive power of judges in giving effect to constitutional rights is itself an arbitrary power. Professor Endicott argued that the interpretive role of judges is not necessarily hostile to the rule of law. But there is a standing tension between the power of judges and the rule of law – a tension that turns into conflict if the judges conclude that a governmental decision is arbitrary, whenever they think that a different decision ought to have been taken.

Professor Endicott's speech was followed by an interaction with the audience which consisted of about forty lawyers from diverse backgrounds – practising advocates, academics, partners from law firms, as well as politicians. Most present were alumni of Oxford Law. There was an informed and enriching debate on the issues raised that continued over wine and canapés on a pleasant spring evening in Delhi.



Graham Upton, High Sheriff of Oxfordshire; Lady Justice Hallett and Professor Timothy Endicott

### High Sheriff's Annual Law Lectures

The aim of the High Sheriff's Lectures is to bring together members of the various legal communities in Oxfordshire at one event. Judges, magistrates, barristers, solicitors, academics, teachers and students are invited to attend and listen to the talk given by a distinguished judge. Past lecturers have included Lord Bingham, Lord Phillips, Lord Mance and Lord Wilson. This year, The Right Honourable Dame Heather Carol Hallett DBE, Lady Justice of Appeal and one of Oxford's alumna, spoke in the University Examination Schools on 'Professionalism' to a full house. Hallett LJ is one of the leading female judges in the country. She was made a High Court Judge in 1999 and has served on the Court of Appeal since 2005. She was widely applauded for her compassionate handling of the inquests of the 52 people killed in the 7 July bombings for which she acted as coroner.



## Oxford Law in Hong Kong



### Judith Freedman delivers talk on Business Tax: Public Debate and Future Trends

Judith Freedman, Pinstent Masons Professor of Taxation Law, visited Hong Kong in March for the University's first Asia alumni weekend and whilst there also gave a talk at Hong Kong University's Faculty of Law, organised by the Taxation Law Research Programme (TLRP) and the Asian Institute of International Financial Law. Judith explained her topic: 'I lectured on the tension between the need governments feel to engage in tax competitiveness in order to encourage growth and investment, and the worldwide pressure to reduce what is perceived to be tax avoidance at an international level.' In the UK and elsewhere in Europe, as well as in the USA, the recent focus on austerity means businesses that try to escape paying revenues are exposed to media and public scrutiny. At the same time, corporation tax rates are falling worldwide and many governments are seeking to keep their tax systems competitive. Judith explained: 'It is not clear that the BEPS programme, which seeks to address these concerns, will be able to resolve the tensions. If it is to succeed in its aim of preventing such jurisdictions from taking unilateral action, then it must address the needs of developing countries and the BRIC countries including the PRC.' She added 'The PRC therefore has a major role to play in the process.' The talk will be written up in a joint article for publication with colleagues from Hong Kong University.

The lecture was chaired by Richard Cullen, Visiting Professor. Other panel participants were Wilson Chow, Associate Professor; Andrew Halkyard, Adjunct Professor; Dr Dongmei Qiu, Post-Doctoral Fellow in PRC and International Tax Law, all from the Faculty of Law, Hong Kong University.



### Dean gives lecture to Hong Kong Bar Association

The Dean of the Faculty of Law, Timothy Endicott, gave a lecture to the Hong Kong Bar Association on 20 March, at the invitation of the Chair, Mr Paul Shieh SC. One hundred and thirty people attended, including the Chief Justice, and a lively discussion followed, moderated by Denis Chang SC. Professor Endicott spoke on 'Judges and Basic Laws in Europe and Hong Kong'. Jeremy Bentham argued that judges should not interpret the law, on the ground that the result is arbitrary decision making. Bentham advocated a scheme of references to the legislature on matters of interpretation, and Professor Endicott asked whether Bentham's account shows that the Hong Kong Basic Law, by vesting the power of constitutional interpretation in the Standing Committee of the National People's Congress, has met the requirements of the rule of law. His conclusion was that the Hong Kong judges actually engage significantly in creative interpretation of the law, and that the NPC Standing Committee has used its power in a way that leaves ample room for creative judicial interpretation of the law. He also argued that judicial creativity in matters of interpretation can be compatible with the rule of law, and that Bentham's opposition to judicial creativity was doctrinaire.

See page 82: Alumni news



Professor Timothy Endicott, Alison Saunders, Baroness Hale of Richmond and Kathleen Sullivan

'Into the mix' is a celebration of 40 years of co-education at Oxford. As one of the first cohort of Oxford colleges to admit women, Wadham College organised a panel discussion on law which was grandly hosted by Hogan Lovells LLP in London. Susan Bright, Regional Managing Partner for UK and Africa at Hogan Lovells introduced the panel in a discussion entitled 'Women in Law: Rising to the Top'. Kathleen Sullivan, partner of Quinn Emanuel Urquhart & Sullivan and former Dean of the Stanford Law School chaired the panel. Baroness Hale of Richmond, the only woman who sits on the Supreme Court of the United

Kingdom, Alison Saunders, Director of Public Prosecutions and the first DPP to be appointed from within the Crown Prosecution Service, and Professor Timothy Endicott, Dean of the Oxford Law Faculty and Professor of Legal Philosophy, examined how women have made their mark in the law and how to support and encourage more women into the upper echelons of the professions in the future. Lord Macdonald of River Glaven QC, Warden of Wadham College, ended the discussion and invited the gathering of 100 Oxford alumni and friends to a drinks reception, followed by a dinner for the panellists and guests.

## The first woman to study law at Oxford

While women in Britain were campaigning for the right to vote, Cornelia Sorabji became the first woman to practise law in India. After she received a first class degree from Bombay University in 1888, British supporters helped to send her to Oxford University. Here, Sorabji became the first woman to sit the BCL exams but was not able to graduate as women could not be awarded degrees until 1920. She returned to India in 1894. After a long struggle with the authorities, she became a legal advocate for women in purdah, whose religious and cultural beliefs prevented them from speaking to men outside their family. Text from [www.npg.org.uk](http://www.npg.org.uk)



Sommerville College - Cornelia Sorabji

# Oxford Women in Law (OWL)

## Networking and mentoring opportunities



On Tuesday 3 June 2014, Judith Freedman, Pinsent Masons Professor of Taxation Law and the Faculty of Law's Development Coordinator, announced an exciting new initiative: the formation of 'Oxford Women in Law', a new alumni group. Judith believes there is a critical need for women working in law to have supportive role models and the opportunity to share their experiences. The idea has emerged from meetings with women alumni in the UK and abroad. It is planned that the group will hold speaker meetings and facilitate networking and mentoring opportunities for Oxford female law alumni around the world, whatever stage their careers have reached.

The announcement followed a panel discussion entitled 'Women in Law: Rising to the Top', an event hosted by Hogan Lovells at their London Offices, to celebrate the 40th anniversary of co-education at Wadham College. The announcement was received with enthusiasm, and the Development Office has had offers of participation in the group from several women who were at the event.

The formation of the group has the support of the University's central Alumni Office. The Faculty is now planning a launch event on 26 November 2014.

To register interest, please contact Dr Elizabeth Hodges: [elizabeth.hodges@law.ox.ac.uk](mailto:elizabeth.hodges@law.ox.ac.uk).

## Alumni profile: Dr Ruth Higgins (Balliol, 1996), Barrister



Now working as a Barrister in Sydney, Australia, Ruth studied law at Oxford, Glasgow and Columbia University Law School. She specialises in administrative and constitutional law and has appeared in the High Court and Courts of Appeal across Australia.

In October Ruth was awarded the Sheahan Lock Partners Junior Barrister

Award, part of the annual Women in Law Awards. The award recognises the outstanding contributions to the legal profession of female barristers within their first 10 years of practice at the Bar. Candidates had to provide examples of outstanding work completed over the last 12 months, a brief list of achievements during their time at the Bar prior to that and, if they are affiliated with a barristers' chambers, demonstrate how their performance has positively impacted on the performance of their chambers.

Ruth said: 'I am very grateful to receive this, and it is particularly gratifying to receive it in a room full of so many women who are not only distinguished amongst themselves but distinguished generally across the legal profession and across Australia.'

One referee from a major global law firm wrote 'I regard her as one of the most gifted juniors I have worked with in the course of my 30-year career as a litigation lawyer and partner. In my view she is already regarded as one of the leading lights of the junior bar in Sydney.'

In June she then won the Lawyer Monthly Women in Law award for Administrative and Constitutional Law (Australia).

Ruth completed her doctorate in the Faculty of Law in 2000. Her thesis, *The Moral Limits of Law: Obedience, Respect and Legitimacy*, was published by Oxford University Press in 2004.



## The Common Law in China

Thanks to the support of Allan Myers QC, Edwin Simpson (Christ Church) and Paul Davies (St Catherine's) spent a week in China in April 2014 lecturing alongside colleagues from Melbourne and Singapore Universities, to introduce Chinese law students to distinctive features of common law legal systems.

They spoke to students at Tsinghua and Peking Universities in Beijing, and Shanghai Jiao Tong and Fudan Universities in Shanghai. Paul Davies concentrated on the relationship between common law and equity in the context of remedies for breach of fiduciary duties, and Edwin Simpson on the relationship between statute and judge-made law in common law tax systems, and the particular problems caused by tax avoidance strategies. Lecturers from Singapore and Melbourne concentrated on contractual remedies and questions concerning agency, and the analysis of property rights and of criminal procedure within the common law. The Chinese students seemed particularly fascinated by the intricacies of cases such as *Boardman v Phipps* [1967] 2 AC 46 and *Furniss v Dawson* [1984] AC 474 – particularly those who, it turned out, had an assignment due the next day on the proper analysis of the *Furniss* decision. This is the fourth year in a row in which Oxford has sent Faculty members to introduce students in leading Chinese law schools to the common law.

## Clarendon Law Lectures

In May, the Law Faculty hosted the 2013–2014 Clarendon Law Lectures, which were delivered by Professor Harold Koh, Sterling Professor of International Law at Yale Law School. Professor Koh gave three lectures on 'Law and Globalization'. Professor Koh proposed that globalization represents a structural shift which has led to the creation of a shared social space. He dedicated the three lectures to the question of how this shared social space is best governed. The first lecture on 'Law as Globalization' took place on Tuesday 6 May, 5–6:30pm, in the Pichette Auditorium at Pembroke College, following an introduction by Professor Timothy Endicott, Dean of the Law Faculty. The second lecture, 'Law of Globalization', took place on Thursday 8 May, 5–6:30pm, in the Gulbenkian Lecture Theatre at the Law Faculty. The lecture was introduced by Professor Catherine Redgwell, Chichele Professor of Public International Law. The third and final lecture, 'Law in Globalization', took place on Tuesday 13 May, 5–6:30pm, also in the Gulbenkian. It was introduced by Dapo Akande, Associate Professor of Public International Law, and was followed by a stimulating discussion.

The Annual Clarendon Law Lectures are organised in conjunction with Oxford University Press, which will also publish the lectures by Professor Koh.

Anna Begemann, DPhil candidate, Lincoln College

## High Court of Australia



Stefan Vogenauer, Linklaters Professor of Comparative Law, was honoured by an invitation to give a private seminar to the Justices of the High Court of Australia in May this year. The first session dealt with the various ways in which judges can benefit from insights gained by comparative law – and the pitfalls lurking for the unwary. The second session drew on the experiences of other jurisdictions with regard to the perennial tension between 'subjective' and 'objective' approaches to statutory interpretation; a debate to which the High Court has made important contributions in recent years. Professor Vogenauer was delighted to meet two Oxford alumni on the High Court, Justice Kenneth Hayne (BCL, Exeter, 1969) and Justice Patrick Keane (BCL, Magdalen, 1976).

A few days later, Professor Vogenauer gave a lecture in Brisbane alongside another distinguished alumnus, Dyson Heydon, former Justice of the High Court of Australia. They both spoke at the Current Legal Issues Seminar, a collaboration of the University of Queensland's TC Beirne School of Law, the Bar Association of Queensland, the Queensland University of Technology Faculty of Law and the Supreme Court of Queensland Library. The former Justice addressed key issues of statutory interpretation, while the Linklaters Professor of Comparative Law showed how these are dealt with in other jurisdictions and explored whether Australian law can learn from these experiences.

## CENTRE NEWS

### Centre for Criminology

The Centre for Criminology has a vibrant programme of research. It pursues a diverse research strategy and as part of this and its commitment to knowledge exchange, the Centre has begun a series of new initiatives, expanding its web presence and engagement with social media as well as organising a number of seminars. Here are some highlights.

### Knowledge Exchange

Centre staff have been involved in a number of knowledge exchange events this year. In October 2013 Ian Loader jointly organised the symposium on 'What is Justice? Re-imagining Penal policy' with the Howard League for Penal Reform. In March 2014 Professors Bosworth and Hoyle established a series of Knowledge Exchange seminars, launched with a seminar on our work on prisons and detention, following it up later that month with a seminar funded by the UK's Economic and Social Research Council on 'everyday life in immigration detention' that drew together academics, practitioners and former detainees. Associate Professor Rachel Condry held a one-day conference to mark the end of her ESRC-funded project 'Investigating Adolescent Violence towards Parents', attended by 130 policy-makers and practitioners.

A number of Centre staff were called on to give expert testimony. Carolyn Hoyle spoke at the United Nations on the death penalty and Mary Bosworth at the Council of Europe on immigration detention. Lucia Zedner and Liora Lazarus were legal witnesses called to give oral evidence to the Parliamentary Joint Committee on the Draft Modern Slavery Bill, UK Parliament. Jonny Steinberg gave expert testimony to the Commission of Inquiry into Policing in Khayelitsha, South Africa, while Ian Loader gave oral evidence to the House of Commons Justice Select Committee Inquiry into Police and Crime Commissioners. Julian Roberts continued to serve on the Sentencing Council of England and Wales.

### Student News

The MSc Criminology and Criminal Justice programme continues to attract high-quality students from around the world. This year we welcomed to the Centre 23 MSc students, one new MPhil student, and five new DPhil students (along with two second-year DPhil students who transferred to Criminology from other departments). Four of our DPhil students successfully defended their dissertations: **Fernanda Fonseca Rosenblatt**, **Marie Manikis**, **Michelle Miao**, and **Daniel Pascoe**, three of whom have gone on to permanent lectureships at law faculties in Brazil, Canada and Hong Kong. We awarded three ESRC-funded studentships, to Chloe Deambrogio, Dominic Aitken and Rob Blakely to commence in October 2014.

DPhil student **Matthew Davies** has recently published a journal article based on his doctoral research on Police and Crime Commissioners, in the journal *Safer Communities*.

MSc student **Kurt Jose** has been awarded two internships to follow his Oxford studies. In 2014–15 he will be a White House Intern, working in the Office of Legislative Affairs, before returning to Los Angeles where he will work in the LA County District Attorney's Office

DPhil student **Shona Minson** recently published her Master's dissertation 'Mitigating Motherhood' with the Howard League for Penal Reform.

DPhil Student, **Marion Vannier** spent a semester at UC Berkeley Law School as a visiting fellow, conducting research into life imprisonment without parole in California.

## The Annual Roger Hood Public Lecture Series and Centre Open Day

Established in 2006, these lectures honour and celebrate the long and distinguished career of Professor Hood and his particular contribution to Oxford Criminology. This year, the lecture took place on 23 May.

### Moving Targets: Reputational Risk, Rights and Accountability in Punishment

'How do institutions think about and respond to calls for increased accountability to the law and human rights?' Professor Kelly Hannah-Moffat from the University of Toronto provided answers to this question at the annual Roger Hood Lecture.

Kelly Hannah-Moffat centred her talk on 19 year-old Ashley Smith's death in custody, which she used as case study to examine institutional behaviours and responses. In December 2013 Ashley's death was found to be homicide, which reflects the fact that despite Canada's historical concern for human rights and the attempted regulation of those rights, positive outcomes for prisoners have not resulted.

The Honourable Justice Louise Arbour said in her report on the prison in the aftermath of Ashley Smith's death that 'despite [the] plethora of normative requirements, one sees little evidence of the will to yield pragmatic concerns to the dictates of a legal order. The rule of law is absent although rules are everywhere.'

Hannah-Moffat explored how the treatment of Ashley Smith, which led directly to her death, was able to take place

in a country and a penal system where prisoner rights and law are acknowledged. She considered that it was enabled by an actualisation of rights as organisational risks to be managed which has promoted paper trails and responses designed to buffer prisons from litigation or investigation. It is protectionist, but for the prison not the prisoner. The focus is on the event not the individual. For example, an incident review will only ask questions regarding the rule keeping. Was the correct protocol followed when pepper spray was administered? Were the correct observations made and recorded when the prisoner was choking herself with a ligature? Normative, moral questions were given no place in this process.

Having concluded that meaningful penal accountability does not currently exist within the Canadian women's estate, Hannah-Moffat posed several questions: What does meaningful penal accountability look like? What happens to the integrity of the sentence when the experience of imprisonment is inconsistent and unpredictable?

Perhaps if prison authorities knew that sentences could be amended as a consequence of their rule keeping, they would look at things differently? One might hope that the outcome of the Canadian experience is that prisons will begin to notice when what has become regarded as 'normal' is exceptional, and will recognise that the rule of law should not permit its occurrence even when a plethora of rules seem to provide for its legitimacy.

*Shona Minson, DPhil candidate at the Centre for Criminology*

## Staff News

Dr Mary Bosworth has been awarded a three-year Leverhulme International Network grant to work with research groups at Monash and Oslo Universities on external border control.

Dr Michelle Miao, Howard League Postdoctoral Fellow, has been awarded a three-year British Academy postdoctoral fellowship at Nottingham Law School where she will embark on new research into life sentences without the prospect of parole.

Dr Julia Viebach, our 'career development lecturer', has been awarded a three-year Leverhulme Early Career Fellowship at the Centre for Criminology for her project 'Atrocity's Archives: The Remnants of Transitional Justice.'

See page 62: Mary Bosworth and Ben Bradford in Research



## All Souls Seminar Series

Once again we have had a varied and lively Criminology Seminar series, including presentations from Dame Elish Angiolini, the Principal of St Hugh's College, Oxford on her work on women in prison in Scotland, Sharon Cowan and Vanessa Munro on their research into the treatment of female asylum claimants in the UK, Dirk Van Zyl Smit on his international research on life imprisonment without parole, and Linda Teplin on the 12-year-long Northwestern University epidemiological longitudinal study of delinquent youths.

## Panel on Criminal Justice Careers



Today's graduates, in the field of Criminology and Criminal Justice, often ponder over numerous questions. Where will my degree take me? Is this the right path for me? What other qualifications do I need to stand out? Can I be a cast member on CSI? On a more serious note, taking up a career in Criminal Justice opens many doorways in the public and private sector. On 23 May, the Centre for Criminology held an event on Criminal Justice Careers. Ian Loader and Ben Bradford chaired a panel of speakers from various governmental organisations, displaying the wide array of careers graduates can pursue.

Rachel Taylor, a Solicitor at Fisher Meredith, knew she wanted to be an advocate when she completed her MA in Jurisprudence at Oxford. Her time as a Paralegal at the Independent Jamaican Council for Human Rights gave her valuable real-life experience, to which she attributed her success as a solicitor advocate. She saw the law as a way of implementing change. She is now a member of Stop Watch, which challenges the abuse of 'stop and search' powers in the United Kingdom.

In contrast to having a set career path, Jon Collins was undecided on what to do until he completed his Master's at LSE. He began his career at NACRO, a charity aimed at reducing reoffending in communities across England and Wales. Today he is the CEO of the Restorative Justice Council, and he explained that he must represent the organisation as well as strategically expanding the growth of restorative practices in the criminal justice system.

Amrik Panaser, the County Manager of the Oxford Youth Offending Service, introduced his work by asking

'What is youth offending?'. His presentation dealt with the challenges of youth offending and how the next generation of professionals and academics in the field can address this pressing issue.

The second half of the panel was closed by Professor Betsy Stanko, the Head of Evidence and Insight at the Mayor's Office for Policing and Crime, London, and Michael Bochenek of Amnesty International. As seasoned veterans in their respective positions, they brought insight as to how governmental and non-governmental organisations differ. Betsy Stanko spoke of her 'academic meets activist knowledge' approach to improving policing in the Mayor's Office. It aims to analyze information routinely collected by the Met to achieve evidence-based policy. She discussed how the social sciences can have a profound effect on policy making, and emphasised that academics must be able to communicate their ideas in the language of policymakers. Michael Bochenek discussed how his research experience at the Children's Rights Division of Human Rights Watch led to his current position as a Senior Director at Amnesty International. He discussed the lobbying role of a nongovernmental organization, and highlighted the disconnection between public policy framework and implementation.

During the Q&A, the panelists stressed that education – though crucial – is not enough, and discussed opportunities for work experience.

*Kurt Jose, MSc candidate, Centre for Criminology*

## Contact us

[@OxfordCrim](https://twitter.com/OxfordCrim) [facebook.com/ox.crim](https://facebook.com/ox.crim)

Our blog is an open forum for anyone involved in the Centre, including our alumni, to report on their activities, comment on news stories, advertise events, and contribute anything else they think might be of interest. Please get in touch if you have an idea for a post! [crim.law.ox.ac.uk](http://crim.law.ox.ac.uk)

# Oxford Transitional Justice Research Programme

Oxford Transitional Justice Research (OTJR) is an interdisciplinary network of more than 150 Oxford faculty members and students working broadly on issues of transition in societies recovering from mass conflict and/or repressive rule. OTJR is dedicated to producing high-quality scholarship that connects to practical and policy questions in transitional justice, including the following themes: theoretical and philosophical debates, domestic and international prosecutions, truth commissions and other truth-recovery processes, commemoration and memorialisation, local and traditional practices, compensation and reparations, and institutional reform.

At the centre of its activities is its weekly seminar series, which brings leading practitioners and researchers to Oxford. In the past year, OTJR has hosted, among others, James Stewart, the Deputy Prosecutor of the International Criminal Court, Professor Jeremy Sarkin, UN Special Rapporteur on Enforced Disappearances, and Professor Payam Akhavan of the University of McGill. The seminars, together with our research days, have helped to create a community of students and faculty working on issues in international criminal law and transitional justice.

In addition to the seminars, the group hosts a biannual summer conference. In June of 2012 OTJR hosted a two-day international conference on 'Ways of Knowing after Atrocity', which brought close to forty speakers to Oxford to examine how we assess, understand, and respond to serious human rights violations. The conference led to a one-year project funded by the Economic and Social Research Council aimed at facilitating expertise sharing between the academy and practitioners in transitional justice. The project comprised online debates, seminars, and practice-oriented workshops in Kosovo and Rwanda, and resulted in the development of a Transitional Justice Methods Manual, launched in Bern on 14 January 2014.

In June of this year, OTJR hosted a conference on the topic of 'Borders and Boundaries in Transitional Justice'. The conference brought fifteen scholars from twelve different institutions to Oxford, and provoked fascinating exchanges on the shifting ways in which geographical and other boundaries are affecting transitional justice processes around the world.

In keeping with its mission to break down barriers between academic and practical approaches to transitional justice, OTJR has agreed to collaborate with the Swiss NGO,

Fondation Hironnelle, and the Harvard Humanitarian Initiative to build an online media platform covering conflict and post-conflict justice mechanisms. The platform - [www.justiceinfo.net](http://www.justiceinfo.net) - will provide credible and unbiased reporting on transitional justice processes around the world. Since 1995, Fondation Hironnelle has created and supported numerous independent and civic-minded media in conflict zones; they, with their network of journalists, will provide the reporting for the platform. OTJR will give academic analysis of ongoing events and mechanisms, and provide contextual and comparative reports. The project is to be launched in January 2015.

OTJR is grateful for the support of the Law Faculty and Centre for Criminology at the University of Oxford, and for the generosity of the Planethood Foundation, which funds the position of Convenor as well as the weekly seminar series.

Miles Jackson



Natalie Davidson, Ben Brockman-Hawe, Dapo Akande, Prosper Maguchu

# Bodleian Law Library

The Law Library was designed to house 450,000 volumes across four floors, with all except the most vulnerable directly accessible to readers, while lessening 'the risk of confronting the reader with a forest of book stacks in which he might literally become lost'.

Our busiest months continue to be October, November, February and May, but the Law Library is in constant use throughout the year. The Law Library is open all through the summer vacation, which sees summer schools, prospective undergraduates, academic visitors and postgraduate researchers using the Library. It is also our opportunity to review the courses we offer, and to update the information we provide through our extensive LibGuides ([www.ox.libguides.com/lawindex](http://www.ox.libguides.com/lawindex)) and our website.



LibGuides information is free to anyone and there are many links to free legal sites which may be of interest.

The most recent information issues we have been addressing include Open Access, data management for so-called 'big data' created by researchers, and the move by some of our publishers to provision of titles via Electronic Legal Deposit instead of paper.

One key project for this year, following on from the success of Notable Works in 2013, is BLLIMP – Bodleian Law Library Institutional Memory Project. We will be commemorating



Khin Khin Oo, Ruth Bird and Andrew McLeod

the 50th anniversary of the opening of the Law Library on 17 October, and we have been delighted to receive snippets and paragraphs from many alumni, sharing their memories of the Law Library in the 1960s. We will be issuing a booklet and website which will gather many recollections.

We were very pleased to be able to provide over 5,000 duplicate law reports and legal journals to the Yangon University Law Department to enhance their collection. In cooperation with the Law Faculty and the Constitution Trust, a UK charity, we followed up on the donation by advising the Law Department and its new librarian on the modernisation of their library, how to put the Oxford materials to best effect, and how to equip their students to make best use of electronic resources. The photo shows me with law lecturer Khin Khin Oo with some of the boxes of books we sent. We now await some funding for shelving!

Ruth Bird

See page 19: Rebuilding Legal Education in Myanmar



## Public International Law

The Oxford Law Faculty has been a major centre for the study of international law for over 400 years. Today, Oxford has a distinguished group of international law scholars who research and teach across a diverse range of public international law areas. International Law in Oxford benefits from deep connections with scholarship and teaching in other allied fields in the Faculty, including human rights law, environmental law and legal philosophy.



## International Lawyers for Africa (ILFA) training day

Oxford – 8 October 2013

Organised in the main by city law firms in London, ILFA is a group that organises a three-month training programme for young African lawyers (see [www.ilfa.org.uk/](http://www.ilfa.org.uk/)).

In addition to being based in a city firm and getting some experience of what it is like to work in that environment, the lawyers also attended a training programme in public international law. For the past four or five years, the ILFA candidates have come up to Oxford for a day of talks in PIL.

This year Associate Professor Dapo Akande, Professor Guy Goodwin-Gill, Dr Antonios Tzanakopoulos and Dr Greg Messenger met with the ILFA lawyers. Topics covered were:

Refugees and Population Displacement

International Dispute Settlement

The Law of the World Trade Organization

The United Nations and the Maintenance of Peace and Security

## Drones and Targeted Killings



Dapo Akande and Christof Heyns

In July 2013, the Oxford Institute for Ethics, Law and Armed Conflict (ELAC) and the Oxford Martin School's Programme on Human Rights for Future Generations (HRFG) hosted a closed expert meeting with the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, on the topic of 'Targeted Killings, Drones and the Right of Life'. Chaired by Dapo Akande, Co-Director of ELAC and HRFG, the workshop was convened to discuss the legal framework governing the use of drones for targeted killings. The workshop was attended by academics, members of civil society and the International Committee of the Red Cross. The workshop considered the interaction between the right to life under international human rights law, the principles of international humanitarian law relating to targeting in time of armed conflict, and the right of States to act in self defence against non-State actors under the international law relating to the use of force.

Discussion at the workshop was facilitated by a background paper prepared by Dapo Akande, with the assistance

of Lawrence Hill-Cawthorne. The outcomes from the background paper and the meeting formed the basis of a report on 'Armed Drones and the Right to Life' presented to the United Nations General Assembly, in the autumn of 2013, by the Special Rapporteur. Also in attendance at the workshop was Ben Emmerson QC, UN Special Rapporteur on Counterterrorism and Human Rights who also submitted a report to the UN General Assembly on accountability for drone strikes.

On the occasion of the presentation of the two reports to the UN General Assembly in October 2013, Dapo Akande participated in a panel discussion at the UN on 'Drone Strikes and the Law'. The discussion was chaired by the UN Assistant Secretary General for Human Rights Ivan Šimonović and the panel included the two Special Rapporteurs as well as representatives from Amnesty International and Human Rights Watch.

In November, Ben Emmerson QC, UN Special Rapporteur on Counter-Terrorism and Human Rights spoke at a seminar hosted by the Oxford Martin Programme on Human Rights for Future Generations and the Human Rights Hub on 'Drones, Armed Conflict and Lawful Killing: Is the US at War?' Ben Emmerson has since been appointed as a Visiting Professor in the Oxford Law Faculty.

## Project with UN on the Law on Humanitarian Relief Operations

In collaboration with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the Oxford Institute for Ethics, Law and Armed Conflict (ELAC) and the Oxford Martin Programme on Human Rights for Generations have been engaged in a project, led by Dapo Akande, on the law relating to humanitarian assistance in armed conflict. Recent situations, for example in Syria, Sudan and elsewhere, have highlighted the need for greater clarity as to the content and applicability of the international law rules governing humanitarian relief operations in situations of armed conflict. Particular difficulties have arisen with regard to the failure by states and parties to armed conflict to give consent to the conduct of relief operations despite the evident need of the civilian population. In November 2013, the United Nations Secretary General, in his tenth report to the Security Council on the Protection of Civilians stated that further analysis is required on the issue of arbitrary withholding of consent to relief operations and the consequences thereof. He instructed OCHA to carry out this analysis and 'to engage with relevant legal experts, Member States, ICRC, humanitarian actors, civil society and others to examine the relevant rules and consider options for providing guidance.'

The Oxford/OCHA project will produce a set of papers which aim at clarifying the law in this area. The papers, which will be published jointly in the OCHA policy papers series as well as by ELAC and HRFG, will inform the policies of humanitarian actors (within and outside the UN) and will improve the ability of those actors to use the international legal framework as a tool in developing their advocacy strategies for improving humanitarian access to populations affected by conflict. In order to achieve this objective, Dapo Akande and Emanuela Gillard (Senior Research Fellow at ELAC & Research Associate with HRFG) are writing two papers on the law relating to humanitarian assistance in armed conflict. In addition, the project will produce a comprehensive guide on the law relating to humanitarian relief operations. That document will be developed on the basis of broad consultations and engagement with actors that possess relevant expertise, authority and experience in international humanitarian law and in the field of relief operations. As part of the process of producing the guide, ELAC & HRFG have held a series of expert meetings in Oxford on the project. The meetings have brought together legal experts from various UN agencies, a number of operational NGOs, the International Committee of the Red Cross (ICRC), and academics.



## Oxford Students visit International Courts in The Hague

In what is becoming a tradition, a group of BCL and MJur students visited international courts in The Hague in March 2014. The trip was organised by the convener of the International Dispute Settlement course, Antonios Tzanakopoulos, with the assistance of Sir Franklin Berman QC and Anna Begemann, who is studying for her DPhil.

The two-day visit started with a visit to the Permanent Court of Arbitration (PCA), where they met with Legal Counsel Kathleen Claussen. After an informal tour of the Peace Palace, the students went on to the second part of the visit: this was centred around the *Croatia v Serbia* case being argued before the International Court of Justice (ICJ), also housed in the Peace Palace. Before attending the hearings in the Great Hall of Justice, the students met with Judge Kenneth Keith in the Oval Room in the Peace Palace.

After the hearings, students met with senior counsel for Serbia, Professors Andreas Zimmermann and Christian Tams. They discussed the hearings, Serbia's litigation strategy and the prospects of the case, as well as practice at the international bar.

On the second day, the students attended a second day of hearings in the *Croatia v Serbia* case. During the lunch break, they met with Judge Sir Christopher Greenwood who gave a presentation on provisional measures and on the move from being counsel before the ICJ to being on the Bench. They also met senior counsel on the Croatian side Professor Philippe Sands QC, who spoke more generally about the Court and the competition it faces from other international courts and tribunals. The visit concluded on Friday evening, at the closure of the second round of pleadings in the *Croatia v Serbia* case.

*Antonios Tzanakopoulos*

## The Oxford Public International Law Discussion Group in 2013-2014

Keeping up the tradition, the Oxford Public International Law Discussion Group continued to be the focal point of international law academics, researchers and students in Oxford for the academic year 2013-2014. The meetings of the Discussion Group were organised by this year's convenors, Anna Begemann and Michail Risvas, and made possible by the generous support of the Faculty of Law, Oxford University Press and the British Branch of the International Law Association.

During Michaelmas, Hilary and Trinity Term every Thursday some of the most eminent and influential figures of public international law presented on nearly every aspect of international law and discussed topical questions in the historic Old Library at All Souls College. The list of distinguished speakers included His Excellency Judge Giorgio Gaja from the International Court of Justice, the Honourable Charles N Brower, arbitrator and Judge at the Iran-US Claims Tribunal, and



Professors Robert McCorquodale, Antonios Tzanakopoulos, Catherine Redgwell and Dapo Akande in discussion

Professors Malgosia Fitzmaurice, Martti Koskenniemi, Elies van Sliedregt, Maurice Mendelson QC, Robert McCorquodale, Kevin J Heller, Jan Klabbers, Mads Andenas, Jorge E Viñuales, Susan Breau and William Schabas. Proving worthy of its name, the PIL Discussion Group hosted lively debates between the renowned speakers and the audience, which included eminent international lawyers. Particularly memorable were the exchanges of views between Judge Giorgio Gaja and Professor Harold Koh (Yale) over the ICJ's approach to the rights of individuals, between Mr Qudsi Rasheed (FCO) and Professor Colin Warbrick (Birmingham) over the role of international law in foreign policy, and between Professors Kevin J Heller (SOAS) and Dapo Akande (Oxford) over the definition of an international crime.

In addition to the regular Thursday meetings, this year a number of special events were organised under the auspices of the Oxford Public International Law Discussion Group and kindly sponsored by the Faculty of Law and Oxford University Press. On one such occasion, Associate Professor Dapo Akande chaired the book launch of the third edition of the seminal treatise *The Law of State Immunity* published by Oxford University Press. The authors of the third edition, Lady Fox CMG QC and Dr Phillipa Webb presented the book and engaged in discussion with a distinguished audience including the former President of the International Court of Justice, Dame Rosalyn Higgins DBE QC and Professors Maurice Mendelson QC and Guy Goodwin-Gill.

Most presentations were recorded and made available under the following link: [www.law.ox.ac.uk/themes/pil/media.php](http://www.law.ox.ac.uk/themes/pil/media.php).

*Anna Begemann and Michail Risvas*

## Transatlantic Workshop with ICRC: 'Symmetries: International Humanitarian Law and International Human Rights Law'

In July 2013, the Oxford Institute for Ethics, Law and Armed Conflict and the Oxford Martin Programme on Human Rights for Future Generations (HRFG) hosted the inaugural Transatlantic Workshop on International Law and Armed Conflict. The Transatlantic Workshop is a joint venture with the International Committee of the Red Cross (ICRC). The ICRC is a global, independent and neutral organization that ensures humanitarian protection and assistance for victims of war, acting as 'the guardian of the Geneva Conventions' by promoting respect for international humanitarian law. The purpose of the transatlantic workshop, which will be held



Book launch with Dr Philippa Webb, Lady Fox CMG QC and Professor Dapo Akande



Professor William Schabas

annually, is to generate dialogue on the law of armed conflict between academics, government officials and the military from the United States, the UK and the rest of Europe.

The 2013 workshop was held over two days and focussed on 'Symmetries: International Humanitarian Law and International Human Rights Law'.

Chaired by Dapo Akande, Co-Director of ELAC and HRFG, the workshop was attended by leading academic lawyers, government officials from the UK Foreign Office, US State Department and the US Defence Dept. Participants also included senior military lawyers (serving and retired) from the UK Army & Navy, US Army, and Canadian Armed forces – including the chief of international law in the British Army, the chief of international law in the US army and a former head of the legal division of the Canadian Army. Topics covered in the workshop included the classification of conflicts, targeting the use of force, detention, joint military operations and new military technologies. The next iteration of the workshop will be held in Oxford in the summer of 2014.

## International Court of Justice Traineeship Programme

In May 2013 I completed a nine month traineeship in the International Court of Justice as the University of Oxford candidate under the Court's Traineeship Programme. I am deeply grateful to the Law Faculty for its generous support during the course of the Traineeship.

The ICJ Traineeship Programme brings together eight students from universities worldwide who have recognized competence in international law. Of the eight students selected in the 2012-2013 intake, five were sent by universities within the United States (Harvard, Yale, Michigan, Columbia and NYU respectively), one was sent by the Universidad de Los Andes in Colombia, one by the Université de Genève in Switzerland, and one by the University of Oxford. Each student selected was of

a different nationality. We hailed from France, Singapore, India, Switzerland, Ireland, the United States, Colombia and Australia. Under the Scheme, each trainee is assigned to two judges, with the exception of the trainee assigned to the President, who assists the President alone. My work as a trainee was rigorous and varied, and raised interesting and difficult questions of international law.

The ICJ Traineeship provides an invaluable insight into the work and procedures of the Court at the outset of a student's career in international law. I cannot overstate the value of this opportunity, or the extent to which it has improved both my knowledge of international law and my skills as a lawyer. It is truly a 'traineeship' in a practical sense.

*Emma Dunlop*



## Armed conflict in Syria

Dapo Akande, Co-Director of the Oxford Institute for Ethics, Law and Armed Conflict (ELAC), gave a wide range of media interviews on the question of the legality of military action in Syria. You can hear find links to Dapo's interviews on the BBC World Service Newshour, the Law in Action programme on Radio 4, The Guardian and Channel 4 News on our website through this link: [www.law.ox.ac.uk/themes/pil/newsitem=792](http://www.law.ox.ac.uk/themes/pil/newsitem=792).

### Oxford International Lawyers Cited in Parliamentary Briefing Paper on Syria

The work of Oxford's public international lawyers was cited by the House of Commons Briefing Paper circulated to MPs when Parliament was recalled at the end of August 2013 to debate military intervention in Syria. The Briefing Paper cited an article by Antonios Tzanakopoulos and Vaughan Lowe, Emeritus Chichele Professor of Public International Law, on 'Humanitarian Intervention' in the Max Planck Encyclopedia of Public International Law (OUP 2012) as well as a recent piece written by Dapo Akande on 'The Legality of Military Action in Syria: Humanitarian Intervention and Responsibility to Protect'. Unlike the UK Government's position, both pieces conclude that public international law does not at present allow for a right of unilateral humanitarian intervention.

## Law and Finance

The Oxford Law Faculty joined forces with the Saïd Business School to develop the Master's in Law and Finance in 2010, and the partnership has produced a unique graduate programme that is in high demand. The combination of the latest research and ideas both in corporate and financial law and in financial economics equips MLF graduates to address some of the most important and difficult questions facing business, government, law and regulators.

## Annual Oxford-LSE conference on Law and Finance



See page 80: Arrivals: Luca Enriques

The annual Oxford-LSE conference on Law and Finance was held at Merton College on Friday May 23, 2014. The event was co-organised by John Armour, the Hogan Lovells Professor of Law and Finance, and David Kershaw of the LSE Law Department. Five papers showcasing work at the cutting edge of law and finance were presented by Ed Morrison, Chicago Law School; Brian Cheffins, Cambridge Law Faculty; Erik Gilje, Wharton Business School; Mireia Giné, IESE Business School; and Tobias Tröger, Frankfurt University. Each was followed by an analysis of the paper by a discussant and then plenty of time for general Q&A. Collectively, a wide range of topics were covered, ranging from the impact of 'say-on-pay' on firm performance, through the origins of the 'market for corporate control' in

the US, to the relationship between individual bankruptcy filings and other adverse life events such as car crashes and cancer diagnoses. Details and papers can be seen at the conference website: [www.law.ox.ac.uk/event=13123](http://www.law.ox.ac.uk/event=13123). We look forward to a similarly stimulating day's discussions next year, when the event will be hosted at the LSE.

After the conference, a dinner was held at Balliol College to celebrate the contribution of Paul Davies, retiring this year as Allen & Overy Professor of Corporate Law, to the life and scholarship of the Faculty. The dinner was attended by a wide range of guests, including Mark Wippell of Allen & Overy, Paul's predecessor Dan Prentice, and his successor, Luca Enriques.

## Investing in Securities conference



Professor Louise Gullifer and Law Commissioner David Hertzell



Professors Jennifer Payne and Louise Gullifer organised the 'Investing in Securities' conference in May 2014, funded by Travers Smith. The morning session was devoted to the difficulties and risks posed by the modern methods of holding, transferring and using securities. A general overview and the progress of the various transnational and European reform initiatives was given by Professor Joanna Benjamin, and Guy Morton and Habib Motani both gave talks focusing on the benefits and perceived pitfalls of rehypothecation (including the inaccuracy of the term itself: the process would be better described as 'use' of securities). Dr Philipp Paech and the Herbert Smith Freehills Professor of English Private Law, Robert Stevens, led a lively discussion on the best approach to the conflict of laws where securities are held through intermediaries.

The afternoon was a panel discussion on the duties of investment intermediaries. Law Commissioner David Hertzell introduced the Law Commission's project on this subject, this was followed by comments from leading practitioners (Vanessa Knapp, Deborah Sabalot and Dominic Hill) and academics from the universities of Oxford and Boston. All the sessions included opportunities for detailed discussion by the experts attending the conference, which led to an informative and stimulating experience for everyone who participated.

See page 82: MLF Alumni dinner

## BNY Mellon Achievement Awards



Demetrio Santander Martinez and Jamie Brookes, Managing Director, International Head of Marketing & Corporate Affairs, BNY Mellon



Christopher Hsu and Peter Tufano, Dean of Saïd Business School

MLF students Demetrio Santander Martinez and Christopher Hsu – recently awarded a BNY Mellon Achievement award, nominated by their peers for having 'consistently and effectively demonstrated their contribution to the breadth of community knowledge and depth of community spirit.'

## Master's in Law and Finance



regulatory bodies, development banks, private equity boutiques, 'bulge bracket' investment banks and academic research. The value of our students has not gone unnoticed in the London market, with specialist internships for selected MLF graduates now being offered by law firms. The first such placement will see Giovanni Mastrangelo head to Shearman and Sterling after graduation this summer. We are also delighted that the Law Faculty and Saïd Business School have together been able to support six students through this year's course with need-based financial aid. We anticipate further assistance in this area will be forthcoming as law firms join us in enhancing the value of our financial aid funds.

The beginning of 2014 saw the launch of a new MLF website. Designed on the basis of extensive feedback from applicants and current students, it reflects the growing emphasis in web use on non-text content. It features interactive graphics and video content from faculty members, current and former students. Please have a look and let us know your thoughts: [mlf.law.ox.ac.uk](http://mlf.law.ox.ac.uk).

We thank our many supporters in 2014, including those leading practitioners who have given their valuable time and energy to participate in the LECT course, attend careers events and serve on the MLF Advisory Board. Special thanks in particular go to Hogan Lovells for their far-sighted support for the programme, including an invaluable mentoring scheme for students and their generous hosting of our London alumni event in March. In addition, we thank Davis Polk and Clifford Chance who kindly sponsored the welcome and farewell dinners respectively for this year's students.

The 2014-15 academic year will see a change of Academic Director as John Armour, Hogan Lovells Professor of Law and Finance, who has served in this role since the programme's inception, passes on the Director's baton to Dan Awrey, Associate Professor in Law and Finance. Professor Armour will be taking a short sabbatical before returning in Hilary Term to teach several MLF courses.

In other staff news we congratulate Kate Blanchard on the arrival of her second child, Nathan, and look forward to welcoming her back from maternity leave in the autumn. Victoria Campbell moves to new responsibilities within the Law Faculty managing the Oxford Intellectual Property Research Centre and Nicola Keane joins the MLF programme as Course Administrator.

We look forward to meeting our 2014 intake in September: a challenging and rewarding experience awaits them.

We are delighted to report a fourth year of continued growth for the MSc in Law and Finance ('MLF'). Alumni of the programme now number over 150, located in 25 countries around the world. Their successes have helped the course to establish a very strong reputation, which in turn was reflected by an increase in application numbers for 2014-15.

The MLF combines advanced study of corporate and financial law with a solid grounding in finance and economics. The former draws from the BCL/MJur course list, and the latter is based on MBA content delivered by the Saïd Business School. The programme is designed so as not only to introduce students with a background in law to financial and economic concepts, but to integrate their study with the advanced legal syllabus. To this end, the core course, Law and Economics of Corporate Transactions ('LECT'), requires students to test the utility of legal and economic tools on real corporate transactions, which are considered in conjunction with the practitioners who completed them. For 2014-15, we will be introducing a new 'finance track' which will give students who want additional finance content the option to take further electives in the Saïd Business School in lieu of one of their law elective courses.

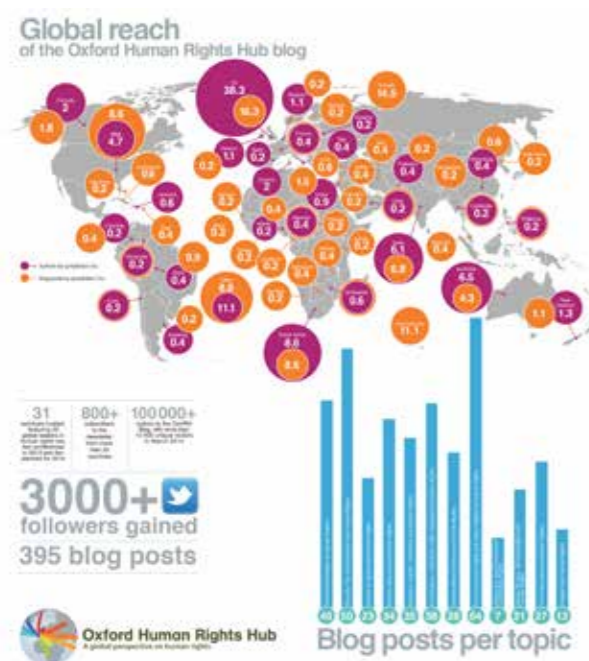
As well as being highly sought after by the world's best law firms, our MLF graduates are making impacts in an exceptionally wide range of roles across the globe, including

## Oxford Human Rights Hub

The Oxford Human Rights Hub has celebrated its second year of operation with a series of exciting firsts – expanding its reach and connecting human rights practitioners, policy makers and academics on an even wider global basis.

In April 2014, we launched our first print anthology of blog posts, 'Global Perspectives on Human Rights', compiling the best of our posts up to December 2013. The response has been fantastic with thousands of online views in the first month of publication alone. We hope that this will be the first of an annual series. This was followed by the first Oxford Human Rights Hub conference to be held outside of Oxford. 'Women and Poverty: A Human Rights Perspective', was held in Kigali, Rwanda and attracted exceptional speakers and participants from East Africa. We are now looking forward to our next international conference on the theme of intersectional identities in law, which will take place in Brazil in November.

See page 10: Law in Africa



The OxHRH has also expanded its global presence, most notably in Latin America and East Africa, where the appointment of regional correspondents has led to wider coverage of important human rights developments in these areas. Our international following continues to grow, with over 3000 Twitter followers and hundreds of Facebook fans and newsletter subscribers.

Since its inception in 2012, the OxHRH blog has had over 400 original contributions from human rights law experts around the world. Contributors include the most eminent experts – professors, judges, QCs, UN Rapporteurs – and the blog also provides a platform for early career researchers and practitioners. These contributions come from over 25 different countries, enabling rapid expert assessments of developments of issues in different jurisdictions. This makes the blog uniquely well-placed to detect trends, develop explanations and formulate models for future development. Cited frequently in other blogs, articles and publications, the OxHRH blog is fast becoming a valuable research tool.

The OxHRH continues to host a range of exciting speaker events, allowing for discussion and debate on a variety of human rights topics. Most recently, in May, we welcomed Justice Abella of the Canadian Supreme Court, and Justice Baer of the German Constitutional Court, who gave a series of lectures concerning gender identity and the judiciary and comparative equality law. In Hilary Term we were delighted to partner with the Refugee Studies Centre to present a themed series on Human Rights, Asylum & Refugee Protection: Exploring the Confluences, Constraints and Contradictions.

In April 2014 we launched a new website that has heightened functionality, clarity and usability. In addition to hosting the OxHRH blog, the website now includes comprehensive event archives, complete with summaries, audio and photos from events, meaning that even more of our members are able to participate 'virtually' in our termly seminar series. In June 2014, we received an OxTALENT award for innovative use of digital technology as part of the Oxford Human Rights Hub Blog.

We hope to continue our successes of this past year, and we look forward to expanding our international audience even further in the years to come.

## OxHRH Seminar Series 2013-14

### Michaelmas Term 2013

- Professor Jennifer Welsh, Co-Director of Ethics, Law and Armed Conflict and Professor of International Relations, University of Oxford
- Magdalena Sepúlveda Carmona, UN Special Rapporteur on Extreme Poverty and Human Rights
- Ben Emmerson QC, Matrix Chambers and UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism
- Patricia Sellers, Special Advisor on International Criminal Law Prosecution Strategies and Visiting Fellow, Oxford University

### Joint OxHRH and Blavatnik School of Government, Michaelmas Term 2013

- Dr Brian Grim, Senior Researcher and Director of Cross-National Data, Religion and Public Life Project, Pew Centre.

### Hilary Term 2014

- John Bowers QC of Littleton Chambers
- Nancy Fraser, Henry A and Louise Loeb Professor of Political and Social Science and Department Chair at the New School
- Judge Dhaya Pillay, Judge of the High Court in Pietermaritzburg and Durban
- Sir Bob Hepple QC, FBA, Chair of the Equality Trust

### Joint OxHRH and Refugee Studies Centre, Hilary Term 2014

- S Chelvan, No 5 Chambers
- Ana Aliverti, Warwick Law School
- Jason Pobjoy, Blackstone Chambers
- Jean-Francois Durieux, University of Oxford and Graduate Institute, Geneva
- Professor Colin Harvey, Queen's University, Belfast
- Professor Gregor Noll, Lund University
- Dr Anne Hammerstad, University of Kent
- Dr Chaloka Beyani, UN Special Rapporteur on the Human Rights of Internally Displaced Persons

### Trinity Term 2014

- Justice Michael Kirby, AC CMG, former Justice of the High Court of Australia
- Judge Robert Spano of the European Court of Human Rights
- Ivan Koedjikov of the Council of Europe
- Justice Abella of the Supreme Court of Canada
- Justice Baer of the German Constitutional Court
- Professor Fiona de Londras, Durham University
- Dr David Scharia, Counter-Terrorism Committee Executive Directorate of the UN Security Council

## Human Rights for Future Generations

The Oxford Martin School's Human Rights for Future Generations (HRFG) is an interdisciplinary research programme that aims to contribute to academic and policy thinking on the human rights dimensions of poverty, armed conflict and environmental change. Drawing on the disciplines of law, philosophy, and international relations, it investigates the existing normative, legal and institutional human rights frameworks needed to face these challenges.



HRFG also hosts regular events, including a guest speaker series where prominent academics, practitioners, and commentators are invited to deliver guest lectures that engage human rights topics using lenses that are innovative and stimulating. Past guest lecturers include: Philip Alston, Harold Koh, Joseph Raz, Ben Emmerson, Helen Clark, and Cherif Bassiouni.

Recent research highlights include 'The Arms Trade Treaty Project', a project on the first ever global agreement governing the conventional arms trade, which was adopted at the United Nations in April 2013 by an

overwhelming margin. Dr Gilles Giacca, who participated actively in the negotiations, has initiated the drafting of a detailed legal commentary, which will be issued by a leading academic publisher in 2014. HRFG is also working on 'Human Rights and Budgeting'. Dr Jaa Kko Kuosmanen investigates rights-based budgeting analysis with an aim to clarify the link between human rights and states' failure to comply with their human rights obligations. Traditionally human rights have had a marginal role in state budgeting. We consider this to be an important deficiency that needs urgent addressing. Dr Dominic Roser's research focuses on climate change. He is particularly interested in

how the goal of honouring the human rights of future generations should take account of the tremendous uncertainty associated with climate change. He is also interested in examining the trade-offs involved when political feasibility constraints prevent us from achieving fully just outcomes.

The Directors of the programme are Sandra Fredman, Simon Caney, and Dapo Akande. More can be read about the work of HRFG, including news, and events, at [www.humanrights.ox.ac.uk](http://www.humanrights.ox.ac.uk)

*Gilles Giacca*

## Oxford Pro Bono Publico

OPBP's core task is provide high quality international and comparative law research. Our projects draw upon the energies and expertise of over 100 graduate student volunteers who work internationally with the UN, UNICEF and many other charities and agencies.

### New Frontiers in 2013-14



OXFORD PRO  
BONO PUBLICO

Oxford Pro Bono Publico (OPBP) is the Oxford Law Faculty's graduate pro bono programme. OPBP's constitutional mandate is to practice and promote the principles of public interest law on a pro bono basis. There are three primary ways in which OPBP executes its mandate – first, providing high-quality international and comparative law research on a pro bono basis to judges, litigators and organisations around the world; secondly, providing opportunities and funds for students to undertake public interest internships;

thirdly, organising seminars and events on public interest law. The OPBP Committee of graduate students and Faculty members, along with its volunteers, project partners and supporters have charted unique frontiers in the 2013-14 academic year in all three dimensions.

OPBP received the LawWorks and Attorney General Award for 'Best Contribution by a Team of Students' in February 2013 and this recognition and encouragement has spurred its activities to even greater heights. An important indicator of the increasing responsibility and work is marked in the committee size increasing from five to eight students this year. With increased capacity and with the generous grant awarded by the Sigrid Rausing Trust, OPBP expanded its activities in 2013-14. In addition to core international and comparative law research projects, OPBP has successfully ventured into three new and exciting areas — expanding the Internships Fund to an integrated Internships Programme, piloting the Southern African Judicial Assistance Project, and organising the inaugural OPBP Symposium. Its growth is also directly reflected in developing a more visible space for OPBP's activities through a combined platform with the Oxford Human Rights Hub and its website.

The OPBP Student Committee remains at the forefront of our endeavours. The Student Committee, supervised by four Faculty members, is responsible for managing research projects, which involves liaising with project partners, recruiting graduate volunteers, overseeing their research, and compiling the final research reports. This is in addition to the day-to-day running of the organisation and managing the internship programme.

If you are interested in OPBP's work or learning more about the OPBP Internship Fund and Programme, please get in touch at [opbp@law.ox.ac.uk](mailto:opbp@law.ox.ac.uk).

## Inaugural Public Interest Law Symposium



On 24 May 2014 OPBP organised its first annual symposium on 'Public Interest Lawyering in the Twenty-First Century'. After more than fourteen years of cutting-edge international and comparative law research, OPBP members, volunteers and supporters came to discuss the impact of pro bono and public interest work on the ground. It is pursued with both a sense of hindsight and foresight, to look at not only the future of public interest lawyering in general but also OPBP specifically — including its past and present.

Three primary themes were explored at the Symposium. First, the importance of considering the niche of pro bono research within public interest lawyering in times of austerity in the UK. Secondly, the impact and experience of pro bono research from the longstanding community of volunteers, members and partners. Thirdly, hearing the stories of impact from those who are engaged in not just research but advocacy and lawyering directly and to consider how our work complements theirs.

The speakers included Justice Rosalie Abella of the Supreme Court of Canada; Helen Mountfield QC, Matrix Chambers; Polly Glynn, Deighton Pierce Glynn Solicitors; Jonathan Cooper OBE, Doughty Street Chambers; Sarah Sephton, Grahamstown Regional Director, Legal Resources Centre, South Africa; Brad Brockman, General Secretary of Equal Education, South Africa; Meghna Abraham, Head of Special Projects, Amnesty International and Jo Renshaw, Partner, Turpin & Miller LLP.

The Symposium was a real opportunity for testing OPBP's guiding principles and practice through an active and vibrant conversation about what it entails. It was made possible by the generosity of the Sigrid Rausing Trust and The Canon Collins Trust, which funded the panel on right to education litigation in South Africa.

## Internship Fund and Programme

The OPBP Internship Fund was established in 2010 with the aim of supporting students to undertake poorly paid or unpaid public interest internships. Over the past three years, OPBP has experienced tremendous success in fulfilling this objective. It has awarded £11,722 in grants to support 20 Oxford students to work at organisations such as AIRE (Advice on Individual Rights in Europe) Centre, United Kingdom; Centre for Capital Punishment Studies, Malawi; Human Rights Watch, United States; Legal Resources Centre, South Africa; United Nations Development Programme, United States and United Nations Dispute Tribunal, Kenya.

During 2013-14, OPBP has continued the growth it has been experiencing over the last three years. In the 2013-

14 internship fund cycle, OPBP awarded grants to nine candidates to undertake public interest internships at the UN Women's Access to Justice Initiative, United States; Global Rights Compliance, United Kingdom; UNICEF Innovations Lab, Kosovo and the International Bar Association's Human Rights Institute, United Kingdom. Furthermore, in 2013-14 OPBP expanded the Internship Fund into an Internship Programme by establishing partnerships with public interest organisations to accept Oxford interns on an annual basis. These include OPBP's long-standing project partners such as the Legal Resources Centre, South Africa; the Women's Legal Centre, South Africa and Women's Link Worldwide.

*Shreya Atrey*

## Centre for Socio-Legal Studies

Law is approached as a historically and culturally specific mode of social organisation, taking different forms within and across different types of society. Looking beyond the modern west, as well as within it, the Centre's researchers examine the nature and role of law in a variety of social and cultural contexts, including international settings. Their multi-disciplinary expertise is often applied in comparative and cross-cultural inquiries.

## Notes from the world

There is hardly a corner of the world which would not yield an interesting subject for socio-legal research. 'Globalization' has caught the contemporary imagination, as have new forms of international justice, but new legal processes are also developing in local contexts, often quite independent of the nation state.

Our students are often pioneers in this rich world of laws, legal processes, and their manifold social contexts. They might track global influences on a new constitution, delve into the insecurities of a lawless barrio in Guatemala, or piece together the historic legal aspirations of Albanians in Kosovo. A handful of their reports from the field will give you a flavour of the global diversity of the research into laws in societies currently being carried out in the Centre.

## An Ethnography of the Libyan Constitution-Making Process

'Constitution making is a messy undertaking', a professor warned me, when I first presented my all-too- neat theoretical research proposal. My fieldwork in Libya is proving him right. In 2011, the 17 February Revolution led to the demise of Colonel Gaddafi, after 42 years in power. Today, the Libyan constitution-making process is taking place amidst violent power struggle and a volatile political situation, and in the absence of state-guaranteed law and order. In this context, I am conducting interviews with members of the Constitution Making Assembly to understand the motivations, goals and pressures that will lead to the adoption of the new constitution. An abundance of national and international actors are seeking to assist them and I am witnessing the way in which new constitutional language is being appropriated by people on the street. Libyans are engaged in nuanced debates on constitutional topics. In Libya, research on constitution making is certainly not an abstract academic exercise.

*Felix-Anselm van Lier*

## Albanian Law and Nation-Building



Fifteen months in Kosovo, working in the capital Prishtina and the second city Prizren, allowed me to explore contemporary and historical understandings of Albanian law and nation-building. As my project developed, the interview-based examination of the contemporary case study I'd envisaged deepened into something richer and more nuanced. There were two major phases of Albanian nation building: in the late nineteenth and early twentieth centuries, as the Ottoman Empire collapsed; and in Kosovo in the late twentieth century, as Yugoslavia disintegrated. I found myself chasing extremely rare copies of nineteenth-century journals through northern Albania, examining the ideas, work and publications of a Franciscan priest, and piecing together a picture of day-to-day life in Kosovo during the 1990s. The highlight was being entrusted with, and reading, a dispute conciliation archive: handwritten notes on whatever paper had been available, recording the efforts of a local voluntary council in Kosovo to create and maintain local order from 1991–1997. These vividly demonstrated the importance of an indigenous Albanian 'legal' tradition to Kosovar Albanians' understandings of themselves as a people.

*Eleanor Pritchard*

## The International Court and the 'Interests of Justice' in Uganda

Having landed in Uganda on a warm February evening, I found myself in a vast and intricate world of research opportunities. Despite the 'research fatigue' that many have ascribed to my field of research in Uganda, I managed to interact with and to interview a wide variety of actors involved in the International Crimes Division of the Uganda High Court, the Uganda Amnesty Commission, government bodies and civil society organizations. What I set out to understand was the interplay among such institutions, and their role in producing post-conflict justice and reconstruction, conceptually and pragmatically. What I found, through interviewing lawyers, judges, investigators, prosecutors, civil society practitioners and government advisors across the country, as well as through collecting archival data and court documents, was a complex web of interests, power relations and interpretations of what the pursuit of justice in Uganda might entail. Having the opportunity to experience all this first-hand was extremely rewarding and enriching for my DPhil project.

*Matilde Gawronski*

## Perceptions of justice in English and Russian lower courts

Why do people trust courts and how are distrust and lack of confidence in courts shaped? Using free-form interviews and observations I explored the everyday life of Courts of Justices of the Peace in Russia, and County and Magistrates Courts in England. My goal was to capture the totality of people's experiences in lower courts, which led me to explore the space of court buildings, to talk to litigants, legal counsel, judges, and court administrators, and to observe the unfolding of justice during hearings. Themes and attitudes emerging from my interviews and observations were later brought into comparison with statistical research related to court activity and efficiency. I will place the rich findings of my research into existing discussions of justice and trust in legal institutions and hope to show that the lowest level of analysis of people's perceptions may be of vital importance in understanding larger and more abstract processes and social relationships.

*Varvara Andrianova*

## Civil Justice Programme

The research undertaken by the CMS/Swiss Re Research Programme on Civil Justice Systems aims to support the redesign and modernisation of legal systems, mainly in Europe but also in China. The work can be classified under three 'pillars': private enforcement, public enforcement, and new techniques, such as alternative dispute resolution (ADR).

## Redesigning Legal Systems

### The CMS/Swiss Re Research Programme on Civil Justice Systems

Work done on private enforcement has included an examination of civil procedure models in different countries, including their funding and costs rules, which is topical in relation to moves to produce a harmonised system for the EU. A special focus has been on collective actions (or class actions): Dr Rebecca Money-Kyrle has written an exhaustive book on EU procedures and she and Professor Chris Hodges have written extensively on the topic, including relevant safeguards, and he has written critically on competition enforcement policy. In May, Chris chaired a Chatham House discussion on the future of legal services attended by the Legal Services Board, Legal Ombudsman, Solicitors Regulatory Authority and various other experts.

Chris has also undertaken a major study on regulatory systems and enforcement, to be published in late 2014. This challenges economics-based theories, builds on empirical research on how most enforcers work, and reviews 'enforcement' policies in the light of behavioural psychology and integration with compliance systems. It also shows how enforcers are increasingly delivering redress, pre-empting litigation. Having discussed the findings with various regulatory agencies, including the Financial Conduct Authority and Trading Standards Institute, Chris has presented at the government's Regulatory Policy Committee and the Better Regulation Development Office's inaugural meeting of CEOs of regulatory authorities. He is also discussing findings with the European Commission with a view to designing pan-EU enforcement policies.

The team have worked with the European Commission on consumer ADR legislation and with various governments and ombudsmen on its implementation. Dr Naomi Creutzfeldt's ESRC-funded project on 'trust in ombudsmen' has been widely supported by ADR entities across Europe, and the team's conferences are must attend events in the sector. Together with Dr Ying Yu, Chris Hodges has been advising the Chinese government on how to design and operate Consumer ADR schemes, and accompanied the European Consumer Commissioner to speak on this subject in Beijing in June 2014.

Dr Sonia Macleod and a team have examined the ADR-equivalent for personal injury claims, namely compensation schemes. She and Chris have discussed the findings with the Cabinet Office, the Department of Health, and pharmaceutical and implant manufacturers. They advised the Parliamentary Ombudsman on system redesign, and ideas were included in her submission to the Public Administration Standing Committee, and then adopted in the Committee's Report. They have also hosted a Chatham House meeting of medical device regulators and industry to scope novel ideas for reform of the EU legislative system, as a response to cuts in public expenditure.

Pulling all these various developments together, the design of a reformed legal system begins to appear. The landscape includes sources for consumer advice and new avenues for dispute resolution, based on ombudsmen or similar systems. Courts would have a significantly diminished role. Writing a book on that is the task for next year!

*Chris Hodges*



## Centre for Competition Law and Policy

The University of Oxford Centre for Competition Law and Policy (CCLP) provides a centralised platform for teaching and research of competition law and policy at the University of Oxford. Activities and courses focus on regulation of competition in the UK, EU and US, international aspects of competition law and antitrust economics.

This year marked the 10th year anniversary of the University of Oxford Centre for Competition Law and Policy (CCLP). Since its establishment in 2004, the CCLP has served as a venue for debate, discussion and study of competition law. The Centre hosts guest lectures, conferences, and training programmes as well as capacity building and outreach programmes.

In June 2014 the CCLP hosted its third 'Antitrust Enforcement Symposium' in collaboration with the Journal of Antitrust Enforcement (JAE). Over two days participants from the European Commission, the UK Competition and Market Authority, the US Federal Trade Commission and other competition agencies, together with academics and practitioners discussed the law, economics and policy of antitrust enforcement.

The event also saw the launch of a study on 'Agency Effectiveness and Best Practices'. This empirical study by the CCLP, the George Washington University and JAE, explores competition agencies' wide range of daily concerns and strategies, and the formal and informal ways in which they are handled. In particular, it aims to provide a candid account of the challenges that heads of agencies and their staff face as they navigate through changing legal, social, political and organisational landscapes. The study is due to be presented at the United Nations Conference on Trade and Development (UNCTAD) and the International Competition Network (ICN) before the end of this year.

Also in June 2014 the CCLP, in conjunction with the Institute of European and Comparative Law, hosted its yearly symposium on 'Trends in Retail Competition: Private Labels, Brands and Competition Policy'. Presentations explored, among other topics, the sharing of information between producers and distributors, unfair trading practices, two-sided markets and the role of regulation in the retail sector.



Professor David Gilo, Head of the Israel Antitrust Authority

In April 2014 the CCLP, in conjunction with the Oxford/Stockholm Soderberg Venture and the JAE, hosted a round table discussion on 'Private Enforcement and Access to Justice'. Participants from the judiciary, academia and practice engaged in debate on the role and future of private enforcement and antitrust damages actions in the UK and the EU.

In October 2013 the CCLP hosted a capacity building programme for competition officials from Colombia and Peru. The two-week programme was organised in conjunction with the UNCTAD, Colombia's competition authority (SIC) and the competition authority of Peru (INDECOPI). Participants attended lectures and seminars, visited enforcement agencies and courts in the UK and conducted comparative research on competition law enforcement.

Ariel Ezrachi  
*Slaughter and May Professor of Competition Law*

## Programme in Comparative Media Law and Policy

The Programme in Comparative Media Law and Policy (PCMLP) at the Centre for Socio-Legal Studies is a research and policy programme that brings together scholars, policymakers and practitioners to study contemporary issues in global media law and policy. We strive to do this from different perspectives and we emphasize the importance of the culture and values of all the actors, both local and international.

From Edward Snowden's leaks from the U.S. National Security Agency to the role of social media during Al Shabaab's attack on the Westgate shopping mall in Kenya, there was plenty for the Programme in Comparative Media Law and Policy to debate and discuss over the past year. Many of these issues were explored through workshops and research partnerships with universities in Asia, Africa and the United States.

Our partnership with the National Law University's Centre for Communications Governance in Delhi, established by former DPhil student Dr Anup Surendranath, continued to grow through a research project funded by the British Council. This project has focused on cutting-edge issues of media policy in South Asia in a comparative perspective and included a workshop on media law curriculum development in India that brought together lecturers in media law to develop shared resources.

We continued to work with Renmin and Peking Universities through an EU-funded project on media law in China. This has involved a series of exciting high-level meetings in Beijing, as well as Inner Mongolia, coordinated by Dr Rogier Creemers. We also launched the first China Rounds of the Price Moot Court Competition, which will continue in the years to come. Dr Paolo Cavaliere worked closely with DPhil students Richard Danbury, Peng Chun and Alecia Johns to make this possible.

Our work in Eastern Africa deepened through two new research projects. With the support of the Foreign and Commonwealth Office, and in collaboration with Addis Ababa University, Dr Iginio Gagliardone launched a study on

identifying and mitigating hate speech in the run-up to the May 2015 elections. And in March Dr Nicole Stremlau and Dr Nic Cheeseman (Director of the African Studies Centre) were awarded a 3-year European Union grant to research Media, Conflict and Democratisation that will investigate the role of media in conflicts that accompany and follow transitions to democracy. The project adopts a comparative case study design and focuses on constitutional conflicts, civic conflicts, transitional justice, and conflicts surrounding accountability and governance. In addition to the research Oxford will be leading in Kenya, additional cases include South Africa, Serbia and Egypt. The consortium is led by the University of Leeds.

One of the mechanisms we have used to develop our network and build a community of media law academics and experts has been the Price Media Law Moot Court Programme. Through continued support from organizations such as the Open Society Foundation, and the hard work of colleagues including Louise Scott and DPhil student Kamille Adair Morgan, this project has continued to thrive. Our International Rounds in April 2014, during which Jindal Global Law School (India) narrowly defeated Oxford, had teams from around the world argue a highly topical case on freedom of expression. These rounds were preceded by a vibrant programme of regional rounds in South Asia (Delhi), South East Europe (Belgrade), China (Beijing), Eastern Europe (Belgrade, Serbia), Americas (New York), and Eastern Africa (Nairobi) that allowed us to strengthen our relationships with other universities, faculty and talented students.

Nicole Stremlau

## Institute of European and Comparative Law

The Institute of European and Comparative Law is a focus for Oxford's role as a European University. The Institute is our centre for the study of European Union law, and our nexus for cooperation with eleven universities in six countries across the continent, and supports comparative law in the University.

Set sail for new shores! The academic year 2013-14 was an eventful one for the Oxford Institute of European and Comparative Law. It opened up new vistas of things to come both far afield and closer to home.



In the years to come, the Faculty hopes to extend Course 2 beyond Europe and add two new partner universities in the Far East to the programme. After years of careful preparation, negotiations have commenced with prospective partners, and fundraising for the considerable additional expenditure will soon begin. The new exchange programmes will be unique amongst UK law schools, and they will be testament to the fact that today's graduates are faced with a complex legal environment: in a globalized world, there is more to be studied than the common law and the European civil law jurisdictions. The coming months will be crucial for securing funding and establishing the new exchanges. Watch this space.

Closer to home, there is further change looming. Since its inception in 1995, the Institute occupied space –originally intended as a temporary home– on the ground floor of the Law Library section of the St Cross Building. Of course the location on the lower ground floor has its benefits for the wider University. Being based on the level of the St Cross car parking, the Director of the Institute can, for once, be useful: showing the way to freshers in search of the Economics Department (close); explaining the structure of the collegiate university to courier drivers in search of St Cross College (less close); and offering therapeutic advice to car owners whose wheels have just been clamped by the inexorable University Security Services (legal advice frequently asked for but declined).

Far afield, the most exciting development is the planned extension of our student undergraduate exchange programmes to the Far East. The Institute has administered the Law Faculty's 'Law with Law Studies in Europe' degree (also known slightly more informally as 'Course 2') for nearly twenty years. Course 2 is one of the great success stories of legal education at Oxford and in the UK at large. It enables up to 35 students per year to add an extra year to their ordinary Oxford BA in Jurisprudence, spent at one of our European partner faculties. All of our partners are top law schools in the most important jurisdictions in Europe: Paris (Panthéon-Assas), Pompeu Fabra in Barcelona, Siena, Leiden, Bonn, Konstanz, Munich and Regensburg. In return, Oxford has received a stream of outstanding exchange students from these universities for many years.



All this will fortunately come to an end with the major building works that are supposed to transform the St Cross Building. The broader scheme includes a sensible swap of space between the Bodleian Law Library and the Institute: the Law Bod will gain more floor space that, qua ground floor space, can sustain more books per square metre; the Institute will literally move up into the light, to a purpose-built home on the top floor of the building. Again, all of this is subject to final approval and funding – but there is hope.

2015 will be a special year for yet another reason. It is the 20th anniversary of the Institute, and there will be a raft of special events showcasing our research in European and comparative law. These will include the annual conference of the Society of European Contract Law (SECOLA), a symposium on contract law in Latin America and a major comparative conference on the law of succession, analyzing traditional and modern devices that can be employed as substitutes for the time-honoured will. The festivities will culminate in a major event focusing on the intersection of European law and comparative law in September.

Venturing towards new shores does not imply neglect of our home turf. Course 2 with our European partners has already been mentioned; it has long received extremely generous funding from Clifford Chance LLP, our main supporters. Our teaching in French law continues to be strengthened by us hosting the annual Oxford French Law Moot, now in its seventh year and still funded by Gide LLP. Further support for our teaching activities in French law was obtained by an extra grant from Clifford Chance Paris. Our academic collaboration with Scandinavia, truly unique in the English speaking world, continues to flourish, not the least because we were able to secure generous new funding from the Torsten Söderbergs Stiftelse and the Ragnar Söderbergs Stiftelse. Suffice it to say that the generous support that we continue to receive is much appreciated. We would not have been able to travel this far without it; nor would we dare venturing even further.

*Stefan Vogenauer*

*Linklaters Professor of Comparative Law*

## Arrivals in 2014-15:

**3rd Stockholm Centre Oxford Fellow:** Dr Laura Carlson

Research: Grappling with democracy: trade unions, representation and the law

**Stockholm Senior Visiting Fellows:**

Professor Sideek Mohamed Seyad (Trinity 2014)  
Research: The impact of the European Banking Union on the internal market and the EMU

Professor Christina Ramberg (Hilary 2015)  
Research: The development of commercial contract law through case law – comparisons of English and Swedish law; and a comparative study of inactive behaviour, passivity and waiver in light of modern business and expectations.

**Max Planck Fellow:** Dr Felix Steffek

**3rd Paris Visiting Fellow** (University of Paris I):  
Professor Muriel Fabre-Magnan

## Events in 2013-14:

Perspectives on the Unitary (EU) Patent System, 4-5 October 2013

The Image(s) of the "Consumer" in EU Law: Legislation, Free Movement and Competition Law, 27-28 March 2014

See page 76: Mooting

7th Oxford French Law Moot, 17 March 2014

Statutes, Intentions and the Courts: What Place Does the Notion of Intention (Legislative or Parliamentary) have in Statutory Construction?, Justice Kenneth Hayne AC, 4 April 2014

Round Table Discussion on Private Enforcement and Access to Justice, 29 April 2014

Five Years Legally Binding EU Charter of Fundamental Rights. What is the State of Play in the Protection of Fundamental Rights in the EU?, 9 May 2014

CJEU workshop (Advisory Council), 11 June 2014

The 10th Symposium on Trends in Retail Competition: Private Labels, Brands and Competition Policy was held on 13 June 2014. The theme of this year's symposium was 'Does regulatory intervention make markets work better?'

The Antitrust Enforcement Symposium, 27-28 June 2014

## Oxford Intellectual Property Research Centre

The Centre's move to the Faculty of Law in 2008 represented a wonderful opportunity for consolidation and growth for IP law. It comes at a time of wider growth in IP at Oxford, through such initiatives as our postgraduate Diploma in Intellectual Property Law and Practice and the creation of a new Associate Professorship in IP.

## Oxford International Intellectual Property Moot

A record number of teams entered submissions in the 2014 Annual Oxford International Intellectual Property Moot, held at the Faculty of Law and Pembroke College from 20-22 March. Mooting was spread across three days and participants were invited to a variety of related events including the IP Conversazione and Grand Final Dinner.

The 2014 problem centred on an exhibition at the fictitious Erehwonian Museum. Digital images of an ancient mosaic and a contemporary illustration were made available for educational use in a password-protected portal, but they were reproduced without authorisation by a subscriber in a political blog, raising issues concerning both copyright and moral rights. On the basis of written submissions submitted in December 2013, 24 teams from Australia, Canada, China, France, Germany, India, Singapore, the UK and US were invited to the oral proceedings in March. Marking of the submissions was conducted by a team of practitioners overseen by Catriona Smith of Rouse. The highest aggregate score for the submissions (and the winner of the Best Written Submissions award) was the University of Ottawa.

After the four preliminary rounds, the eight highest-ranked teams



Teams from the University of Hong Kong and the University of Toronto

progressed to the quarter-finals, with Boston University placing first after the preliminary rounds. This year, two mooters shared the Sir Nicholas Pumfrey Best Individual Mooter award for their performance in the rounds: Byron Chiu of the University of Hong Kong and Patrick Kenny of Boston University. Following a busy day of finals on the Saturday, the grand finalists, University of Hong Kong and University of Toronto, competed at Pembroke College in front of a panel comprising Lord Justice Kitchin, Lord Justice Floyd and Mr Justice Birss. Both teams performed extremely well, with the Hong Kong team prevailing. The Grand Final Dinner and prize giving ceremony was held later that day, also

at Pembroke. Following a vote of the teams, the Professor David Vaver Spirit of the Moot Award was won by Brunel University.

The Organising Committee would like to thank all those involved in making the Moot a success, including the judges of the written and oral aspects of the competition, the Moot sponsors (8 New Square, Freshfields, OUP, Powell Gilbert and Rouse), His Honour Michael Fysh QC SC, Professor Liz Fisher, Huw Edmunds and his team from Pembroke, and the Faculty of Law, most notably Jenny Hassan and Ellen Moilanen.

Emily Hudson

## The OIPRC Intellectual Property Invited Speaker Series



The series featured a spectacular range of speakers across a wide range of topics. Fourteen talks were given by leading academics and practitioners from Europe, North America and Asia, including Professor Maurizio Borghi (University of Bournemouth), Professor Christine Greenhalgh (University of Oxford), Professor Phillip Johnson (University College Dublin), Dr Emily Hudson (University of Oxford), Gavin Millar QC (Doughty Street Chambers), Dr Catherine Ng (University of Aberdeen), Dr Frederick Mostert (Richemont), Dr Will Slauter, (Florida State University), Professor Robert G Burrell (University of Sheffield), Jonathan Griffiths, (Queen Mary, University of London), Dr Paul Wragg, (University of Leeds), Dr Rosana Pinheiro-Machado (University of Oxford), Professor Poh Kam Wong (University of Singapore), and Professor Tim Wu (Columbia Law School). The speakers came from a variety of subject areas including Law, History, Anthropology, and Economics. Topics ranged from future innovation policy in India, to journalism in Britain in the 18th century, counterfeiting in China and Brazil, copyright reform in Australia, as well as an increasing number of talks focused on the intellectual and policymaking challenges that the internet creates for intellectual property law.

## News of Centre Members

Professor Graeme Dinwoodie spent Michaelmas 2013 and Hilary 2014 on sabbatical in the United States working on a number of projects, including his forthcoming book *International Trademark Protection: Territoriality in a Post-National Age* (Oxford University Press 2015), and made a series of presentations of the ideas advanced in that book in the United States, the United Kingdom and Europe. He also completed the latest edition of his book *Trademarks and Unfair Competition: Law and Policy* (with Mark Janis, Aspen Law Publishing 4th ed. 2014), and saw the publication of three edited volumes: *Trademark and Unfair Competition Law: Themes and Theories* (with Mark Janis, Edward Elgar 2014); *Trademark and Unfair Competition Law: Doctrinal Debates* (with Mark Janis, Edward Elgar 2014); and *Methods and Perspectives in Intellectual Property* (Edward Elgar 2013). He also served as the Thomas Edison Scholar at the United States Patent & Trademark Office, researching the procedures by which that office seeks to ensure that the trademark register reflects commercial reality.

## Discussion Group

The academic year has seen the Intellectual Property Discussion Group (IPDG) host a number of successful events with established speakers presenting on a diverse array of topics. A focus on recent developments in the fields of biotechnology, computing and digital humanities has allowed for forward-thinking discussions on the dynamic relationship between law, technology and commerce. The group has also had the opportunity to reflect upon various historical developments in the field of intellectual property; an engaging account of 19th century Champagne trade in the UK providing a notable example. Most importantly, the IPDG has continued to provide an informal space for students, senior members and visiting academics to exchange ideas on an expansive and rapidly developing area of law.

Tom Dysart

## The Oxford Intellectual Property Research Centre



The Oxford Intellectual Property Research Centre provides a focus in the Law Faculty for a multidisciplinary community of intellectual property scholars. This year Centre members hosted and participated in a number of projects with colleagues in non-law disciplines and partners from several institutions. The topic for this year's *Conversazione* was 'Can Copyright Preserve Culture?', at which we heard from Professor Barton Beebe (New York University School of Law), Alexander Herman (Institute of Art & Law), The Rt Hon Sir John Mummery (formerly Lord Justice of Appeal, and now also an Honorary Fellow of the Centre), Michael Regan (King's Cultural Institute, King's College London), and Anna Vernon (British Library). The event was introduced by Dr Barbara

Lauriat (King's College London) and moderated by the Registrar, Professor Ewan McKendrick.

The Centre hosted a number of *ad hoc* speakers outside the context of the Speaker Series, often in combination with colleagues elsewhere in the University. Most recently, the HeLEX Centre for Health, Law and Emerging Technologies co-hosted a seminar on *The Legal Ecology of Resistance, Or Why Normal IP Rules Should Not Apply to Antibiotics*, with presentations by Professor Kevin Outterson (Boston University) and a Visiting Research Fellow of the Centre, Dr Timo Minssen (University of Copenhagen). Our collaborations have also involved partnering with institutions abroad and with events taking place both in Oxford and elsewhere. In the latter category, this year, the Engelberg

Center on Innovation Law and Policy, New York University School of Law and the United States Patent and Trademark Office hosted a workshop on Empirical Studies of Trademark Data in the United States. The Centre organised this event along with NYU, the USPTO, the Center for Law & Economics, ETH Zurich, and the University of East Anglia, with whom we had organised the workshop in Oxford on which the US event built. Similarly, the Centre continued its collaboration on design protection with the Centre for Intellectual Property Research at the Indiana University Maurer School of Law in organizing a workshop hosted in Munich by the Max Planck Institute for Intellectual Property Law on design protection attended by scholars from the US and Europe. And the inaugural Oxford-UNSW Copyright Scholars Roundtable took place at the University of New South Wales in December, covering a number of topical issues in copyright law at an opportune time in Australian copyright law. A number of leading Australian scholars participated, along with Dr Emily Hudson and Daniela Simone from Oxford.

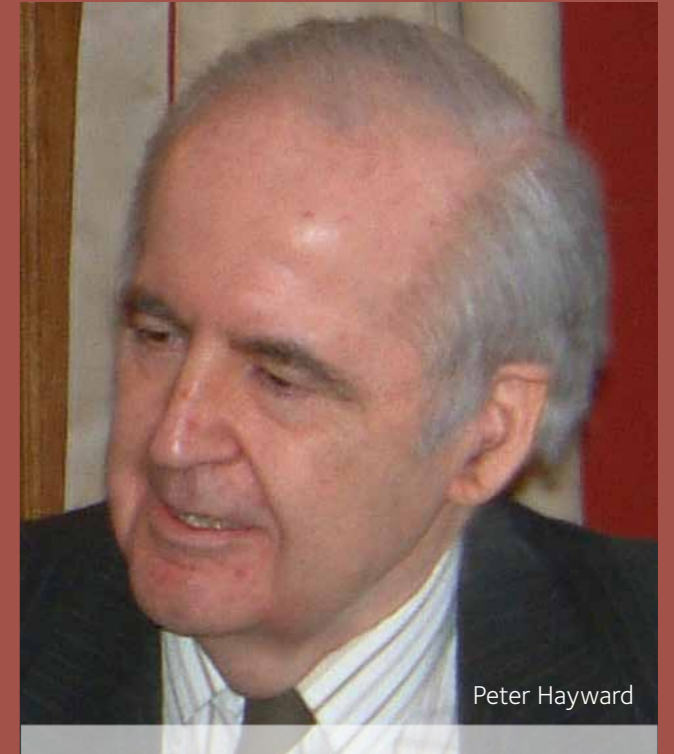
The Centre collaborated with the McCarthy Institute for Intellectual Property and Technology Law, Microsoft and the International Trademark Association to co-host a two-day event in mid-March. A major international symposium on 'Trademark Law and its Challenges' took place at the British Library on 13 March, addressing topical issues such as the multi-jurisdictional *Apple v Samsung* patent and design litigation as well as trademark infringement liability for online intermediaries such as eBay. Professor Graeme Dinwoodie, the

Director of the Centre, was a keynote speaker for this event. It was followed by a smaller workshop in Oxford on 14 March, where an invited audience interacted with two expert panels, debating recent trademark as well as competition law developments arising from litigation involving search engines like Google. This was an enjoyable event for all present, since its seminar format very quickly broke down the barriers between panels and audience, leading to a very satisfying discussion allowing for multiple perspectives.

Many of these collaborations will extend into the coming year. The Centre will host the 2015 Trademark Scholars Roundtable at Pembroke College along with Indiana University and the Max Planck Institute, and with the help of funding from the Intellectual Property Institute. The second Oxford-UNSW Copyright Scholars Roundtable will take place in Sydney in December, and that same month Professor Dinwoodie will speak at the second Oxford-University of Melbourne Intellectual Property seminar in Melbourne. We hope that this gives us the chance to meet up with many of our Australian alumni.

We are also building new partnerships. In May, the Centre signed a Memorandum of Understanding with the Centre d'Études Internationales de la Propriété Intellectuelle (CEIPI) of the Université de Strasbourg, committing each institution to working together on a number of projects. We look forward to this more regular engagement with another of Europe's leading IP research centres.

This year also saw some personnel changes at the Centre. While Professor Dinwoodie was on sabbatical, Dr Emily Hudson served as Acting Director. We welcomed Dr Dev Gangjee as a Centre member on his appointment to the Associate Professorship in Intellectual Property Law. Dev was previously a Research Fellow of the Centre. We were very sad to lose Ellen Moilanen as Administrator of the Centre to the Oriental Studies Department. We are immensely grateful for Ellen's work in the first years following the Centre's relocation to the Faculty. However, the Faculty has generously supported the creation of a position dedicated to Intellectual Property law, and we are delighted that Victoria Campbell has taken over the new combined role as Centre Administrator and Administrator of the IP Diploma.



Sadly, this year also saw the death of the founding Director of the Centre when it was established at St Peter's College. Peter Hayward, who was Fellow and Tutor in Jurisprudence at St Peter's for over thirty years, died after a long illness; he never lost any of his passion for intellectual property law.

The very successful collaboration of the Faculty with the Intellectual Property Lawyers' Association in teaching the Oxford Postgraduate Diploma in Intellectual Property Law and Practice is of course an important part of Intellectual Property law at Oxford, and operated with the involvement of a number of Centre members (as well as colleagues from outside intellectual property law). Dr Dev Gangjee has taken up the Directorship of the Diploma, and we were honoured to have Lord Neuberger speak at our Diploma alumni event at the Royal Society. We hope that the partnerships established and strengthened through our collaboration with the IPLA will also be part of the growth of the Centre over the coming years.

Graeme Dinwoodie

## Oxford Diploma in Intellectual Property Law and Practice

The Diploma in Intellectual Property Law and Practice is taught jointly by senior Oxford academics and senior practitioners from law firms and chambers, in partnership with the IP Lawyers' Association. It provides top quality advanced training for newly qualified solicitors and barristers embarking on a career in intellectual property law.

## Tax Law Group

Oxford University is one of the foremost centres in Europe for the study of Tax Law and now is undoubtedly one of the most exciting times to study the subject. Tax Law has been taught at Oxford University since the 1960s, when Professor Ash Wheatcroft first introduced the Personal Tax course onto the BCL.



The academic year began for the Tax Law Group with a reception in London to mark the support of international law firm Pinsent Masons for tax law research and teaching in Oxford. In recognition of the generosity of the firm, the statutory chair in Tax Law in the Faculty, held by Professor Judith Freedman, was renamed the Pinsent Masons Chair. A gathering that included leading members of the Revenue Bar and alumni from the Oxford tax courses heard Ian Barlow, Lead Non-Executive Director of HMRC, express the gratitude of the tax community to Pinsent Masons for their contribution. Mr Barlow, who had been influential in the original establishment of the Tax Chair by the University in 2001, discussed the importance of the academic study of taxation, especially in the current

environment where there is much debate on taxation issues and when evidence-based policy and analysis of issues, as well as informed and thoughtful tax practitioners, are vital to making our tax system fit for the 21st century.

The Tax Law Group comprises academics teaching tax law in the Faculty as well as research lawyers based in the Oxford University Centre for Business Taxation (OUCBT). Much of their research is interdisciplinary and much has policy impact. OUCBT has a busy programme with regular seminars and conferences. As usual the tax law academics have participated in these events and have also made presentations at academic and policy conferences in the UK and around the world.

## Highlights include:

### Dr Glen Loutzenhiser

spent two weeks at the University of Sydney Faculty of Law working with Professor Richard Vann on their very topical joint research project 'Growing Inequality in Incomes and Wealth and the Taxation of Capital Income', which is funded by a grant from the Australian Research Council. He presented a paper on this research at the Max Planck Institute for Tax Law and Public Finance in Munich.

### Edwin Simpson

working with Professor Miranda Stewart of Melbourne University, published *Sham Transactions* (OUP, 2013) examining such arrangements in a broad range of contexts and jurisdictions. The volume includes tax chapters by Edwin Simpson, Glen Loutzenhiser, John Vella and Malcolm Gammie CBE QC as well as contributions in other fields from Lord Neuberger, Robert Miles QC, Susan Bright, ACL Davies, Hannah Glover, Mike Macnair and Jeremias Prassl, all with strong Oxford connections.

### Judith Freedman

was honoured to be a speaker at the first international tax law conference held by Strathmore Law School in Nairobi to mark the establishment of their Tax Research Centre. She also participated in a seminar in Oslo on 'Corporate Income Tax in a Small Open Economy' hosted by the Norwegian Tax Commission, and spoke at Hong Kong University, where she was participating in the Oxford Asia alumni weekend. Whilst there she gave a talk organised by the Hong Kong University Law Faculty's Taxation Law Research Programme (TLRP) and the Asian Institute of International Financial Law on the current debate over international tax law reform. In the UK she gave evidence to the House of Lords Committee on Personal Service Companies and to the House of Lords Economics Affairs Finance Bill Sub-Committee on the topics of partnership taxation and on tax law reform.

Amongst the conferences organised by OUCBT was one titled 'Tax risk management: new approaches to tax compliance' at which Dr John Vella and Professor Freedman presented the results of their survey of 180 companies. This examines the new approach to regulation of large businesses by HMRC, known as 'co-operative compliance'. Other speakers at the conference, which was chaired by Vanessa Houlder of the Financial Times, included Joshua Blank, Professor of Tax Practice at New York University School of Law, who delivered a paper on corporate tax privacy, and Jason Collins of Pinsent Masons who spoke on his experience of the workings of the Litigation and Settlement Strategy.



Chris Gloag

Judith Freedman, Pinsent Masons  
Professor of Taxation Law



Photovibe

Right: Vanessa Houlder, Financial Times; Jason Collins, Pinsent Masons and Guy Hooper, HMRC

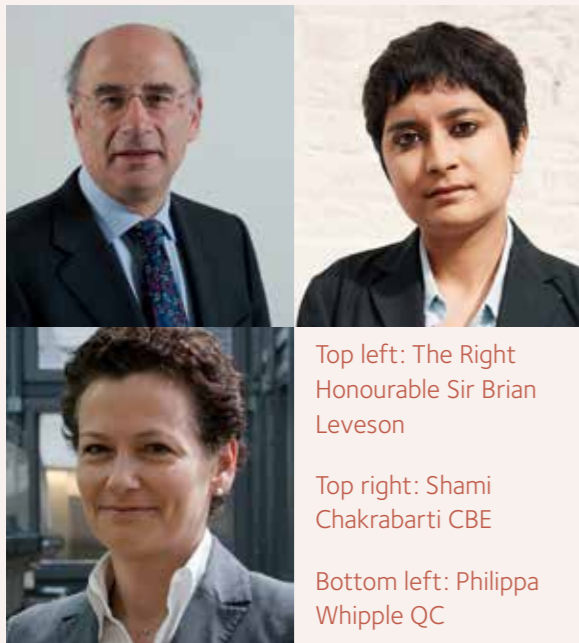
# COLLEGE NEWS



## Harris Manchester

The 2013-2014 academic year has been a productive and enjoyable one for lawyers at Harris Manchester College. Over the course of the academic year, a team of undergraduate and postgraduate students has been working with Allen & Overy and Professor Philip Wood QC to complete an assessment of English commercial law for the Global Universities Comparative Law Project. The team welcomed a group of students from Paris II who have been working on the same project from a French law perspective, and a workshop was held to enable comparative discussion between the teams.

In Hilary term the College also held its first law moot against the University of St Andrews. The moot was judged by Mr Justice Ross Cranston (pictured together with the two teams and HMC law tutors, Professor Louise Gullifer and Kristin van Zwieten, Clifford Chance Associate Professor of Law and Finance), and was a tremendously successful event.



Top left: The Right Honourable Sir Brian Leveson

Top right: Shami Chakrabarti CBE

Bottom left: Philippa Whipple QC

## Merton College

### Oxford Lawyers invited to join the Merton Conversation on Liberty

As part of Merton College's 750th Anniversary Year, a series of six conversations on a range of topics of global significance are being held around the world. On Tuesday 7 October, in the heart of London at the prestigious BAFTA headquarters, Merton will hold its fifth Conversation; bringing together two of Britain's top legal minds, the Rt Hon Sir Brian Leveson (Merton, 1967) and Shami Chakrabarti CBE to discuss 'Liberty' before an audience of Oxford alumni and their guests. The Conversation will be moderated by Philippa Whipple QC (Merton, 1984) and will be followed by an opportunity to mingle and to continue the scintillating debate over wine and canapés.

All Oxford alumni and their guests are welcome. Tickets can be bought online at [www.merton.ox.ac.uk/event/merton-conversation-liberty](http://www.merton.ox.ac.uk/event/merton-conversation-liberty).

## Teaching Fund

Joint posts in Law are the distinctive feature of our academic community, but it has been difficult to finance these essential academic positions. However, in the last few years this has changed with the introduction of matched funding from the University's Clarendon Fund.

If colleges are able to raise £1.2 million, the Clarendon Fund will provide £800,000 allowing a Tutorial Fellowship to be funded in perpetuity. The aim of this funding initiative was to save humanities teaching across the collegiate university and the results have been magnificent.

The Law Faculty now has more positions created from this funding initiative than any other department in the Social Sciences Division. Maureen O'Neill, Development Director, said this scheme has been 'transformative in the provision of law teaching in colleges'

In the first phase of fund-raising, six colleges have created new posts: St Hilda's, Univ, Teddy Hall, Brasenose, Exeter and Keble. Worcester are hoping to reach their target in the second phase and Exeter are looking to be successful again.

## St Hilda's

### St Hilda's College Lord Hoffmann Law Fellowship Celebration

The College and the St Hilda's Law Network held an event in April at the Athenaeum to celebrate the completion of its appeal to raise £1.2 million to endow its share of the Clarendon Lord Hoffmann Law Fellowship. The Oxford Teaching Fund has contributed a matching grant of £800,000 to endow the Faculty's share of this post, creating the College's first fully-endowed post and its first endowed post in law. The celebration began with a talk by Baroness Hale of Richmond, Deputy President of the Supreme Court and the most senior female judge in the UK, on 'Women and the Judiciary'. Guests included Professor Timothy Endicott, Dean of the Law Faculty, the Chair and Committee members of the St Hilda's Law Network, Mavis Maclean CBE, Senior Research Fellow, Sarah Green, Associate Professor of Law and Fellow, Professor Katja Ziegler, former St Hilda's Law Fellow and donors to the appeal, Senior Members and current law students.



## Keble College

### Keble hosts lecture in Hong Kong

In October Keble Law Fellow and Tutor, Professor Ed Peel gave a lecture open to all Oxford Law alumni and friends. The lecture at Allen & Overy was made possible by Roger Lui (Keble 1994) and was followed by a dinner generously hosted by Edward Cheng (Keble 1977).

Ed Peel has been a Fellow and Tutor in Law at Keble College since 1994. He is also a qualified solicitor and continues to act as a consultant to law firms including Clifford Chance LLP. He is the author of *Treitel on the Law of Contract* and co-editor of four books. His principal research interests are Contract, Torts, and the Conflict of Laws.

The lecture was very well attended, Oxford law alumni taking the opportunity to meet up with former colleagues and Faculty members. The Warden of Keble, Sir Jonathan Phillips and Director of Development, Jenny Tudge were also in attendance.

## Fundraising success! Completion of The Clarendon Harris Law Fellowship

We are delighted to announce the completion of our international campaign to protect the Senior Law Fellowship at Keble in perpetuity. The post, named in memory of Professor Jim Harris, is that currently held by Ed Peel. The funding will enable us to continue to provide outstanding teaching and maintain the wonderful track record of Law at Keble. Old Members and Friends have made donations and pledges totalling £1.2million which will be augmented by £800k from the University's Clarendon Teaching Fund. The College would like to thank all Keble lawyers who have contributed to the fund for their generous support. The success of the fundraising will be celebrated at The Harris Society Dinner on Friday 3 October 2014.

# The value of academic freedom

Associate Professor **Liora Lazarus** brings academic research to politics

*'My work has always bridged the divide between the academy and the world of practice and policy making. I analyse both positions, but as an academic, I am independent and only answerable to my conscience.'*



Liora Lazarus has to pitch her research in different ways to different audiences. Researching the area of the law where security, human rights and criminal justice interlink, Liora has been able to engage with political activity at a policy level and seen her research included in Parliamentary reports on more than one occasion. At the same time, her role in the public forum is firmly based on her academic freedom and the independence of her research.

*My work has always bridged the divide between the academy and the world of practice and policy making. I analyse both positions, but as an academic, I am independent and only answerable to my conscience.*

The attainment of security, and the minimisation of the threat of insecurity, is an antique problem of social and political order. Liora's most recent research sought to explore the complex and contradictory conditions in which law and security interact. It examined how the notion of security is defined and expressed in law, how security shapes and is shaped by law, and the implications of the fact that the pursuit of security so often sits at odds with legality and the rule of law.

This purely academic research exists alongside a range of public work which has had particular impacts: most recently she has appeared in Parliament to give evidence to the Joint Committee on the Draft Modern Slavery Bill. It is hoped that the Bill will be enacted before the end of this Parliament (her proposed amendments to the legislation included specific changes to the proposed Slavery and Trafficking Prevention Orders). Moreover, her work on the treatment of rape victims (*The Stern Review* 2010), the balance between public protection and human rights (MOJ 2007 report), and the relationship between rights and responsibilities (MOJ 2010 report), and even her work on prisoners rights related to whole life sentences, have all been influential in emerging debates and policy in the UK.

While this output has been in the political sphere, Liora sees her role to depend on her impartiality and her ability to draw on her academic authority and freedom.

## The Stern Report

Liora was invited to provide legal advice on the duties of the state in regards to rape victims for Baroness Stern's independent review of how rape complaints are handled by public authorities, known as the Stern Report. For Baroness Stern, it was essential to understand where the law stood in these cases in order for her to discover where the faults – if there were any – lay in the system.

*The criminalisation of rape, and the enforcement of criminal laws relating to rape, is the subject of a number of international law provisions. These provisions, while not directly enforceable as a matter of domestic law within*

*the United Kingdom, are important for two reasons. They are binding on the United Kingdom as a matter of international law, and they have evidently influenced the approach of the European Court of Human Rights to the development of human rights safeguards relating to sexual violence.*

*International law on rape has also been developed within the framework of the treaties and institutions established to address gender-based violence, which is viewed as a violation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Article 2 of CEDAW enjoins states to "take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise" and "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women".*

When discussing the report, Baroness Stern commented: 'Whether the rape is reported or not, whether the case goes forward or not, whether there is a conviction or not, victims still have a right to services that will help them to recover and rebuild their lives. Victims and those who work with them told us that the criminal process is important, but getting support and being believed is as important. Processes should be in place that are about "honouring the experience". Victims need to know that the police and prosecution did their best, and victims need to be respected.'

The report set out clear recommendations for better treatment of rape complainants, how to encourage more victims to report rape in the first place, how to ensure more cases progress further through the criminal justice system and how to build confidence in the way complaints are handled. Almost all of the recommendations from this report were implemented by the current Parliament in March 2011, most importantly including the recommendations for improved help for all victims of rape, regardless of whether the accused rapist is convicted, or whether the case goes to court.

## Reports for the Ministry of Justice

For many years some have argued that if Britain were to replace the Human Rights Act with a British Bill of Rights, the government would gain greater flexibility in areas such as addressing terrorist threats. Liora, along with colleagues from the Faculty – Professor Benjamin Goold and Gabriel Swiney – produced analysis for the Ministry of Justice showing that this assumption was incorrect.

The first report, titled *Public Protection, Proportionality, and the Search for Balance*, published in 2007, was a comparative analysis of carefully selected cases where courts had to balance security demands against human rights in the UK, Germany, France, Spain, and in the European Court of Human Rights, and this research helped shape public and parliamentary debate on

the merits of a domestic Bill of Rights for Britain. The findings of the team informed reports to the Ministry of Justice, were influential in hearings of the Joint Committee on Human Rights and among human rights professionals, and were later used in Ministry of Justice training materials for judges on the nature of 'proportionality' in human rights adjudication. The report has situated one of the most controversial debates in British politics on a more secure evidential foundation, and provided reliable information to governments and others on the way courts can be expected to handle certain human rights cases.

*... Common misperceptions continued to dog the political debate about whether there should be a UK Bill of Rights, but this research authoritatively laid to rest the misperception that, in countries with national Bills of Rights, laws and policies designed to counter terrorism are subject to less intrusive scrutiny by the courts than is the case in the UK under the Human Rights Act.*

## Legal Advisor to the Joint Committee on Human Rights

The 2007 report began an ongoing programme of collaborative research between Liora and Professor Goold for the Ministry of Justice which continued until 2010, and during this time the government published its Green Paper on Rights and Responsibilities, using their research once more. This was published after a lengthy political debate in which the Lazarus/Goold Report was quoted by the Minister of Justice in a public lecture, and by human rights specialists testifying before Parliament's Joint Committee on Human Rights. In the Green Paper, the Government restated its commitment to the Human Rights Act, and said that any British Bill of Rights and Responsibilities would have to work as a complement to it.

The second research project complemented the earlier research by studying the potential risks associated with any attempt to incorporate 'responsibilities' into the existing constitutional framework. The research explained the importance of ensuring that justiciable legal rights do not become some kind of contingent reward for performing nebulous responsibilities.

The influence of Lazarus and Goold's work also reached beyond the MoJ. It was absorbed and relied upon by human rights experts in the wider community, including the Commissioner at the Equality and Human Rights Commission between 2006 and 2009:

*The technical answer to your question is found in this research, which I commend to all members of the Committee, if you have not already read it. It is by the Ministry of Justice and Oxford University, called "Public protection, proportionality and the search for balance". It is a comparative*

*study of jurisdictions where the Convention is incorporated and there is an additional Bill of Rights. In every case, in a nutshell, it was found that actually, in jurisdictions that had additional Bills of Rights, as well as incorporating the Convention, the courts tended to, if you like, let the government off the hook far less frequently: they were far more diligent and rigorous in their application of the fundamental rights that were in their Bills of Rights and they took a more strenuous approach to the proportionality principle which is in play in security versus individual freedom cases... So I think this idea that having your own Bill of Rights somehow means that you get Strasbourg off your back is not based on any evidence or research.*

## Profile

Liora is an Associate Professor in Human Rights Law, an Associate Director of the Oxford Human Rights Hub, and a founder and member of Oxford Pro Bono Publico. She has just completed an edited collection entitled *Reasoning Rights* and has recently come to the end of a British Academy Mid-Career Fellowship. This has enabled her to undertake research towards the completion of two monographs: *Securing Legality* and *Juridifying Security*. The completion of this work will continue to be funded by the Oxford Martin Programme on Human Rights for Future Generations.

## Media

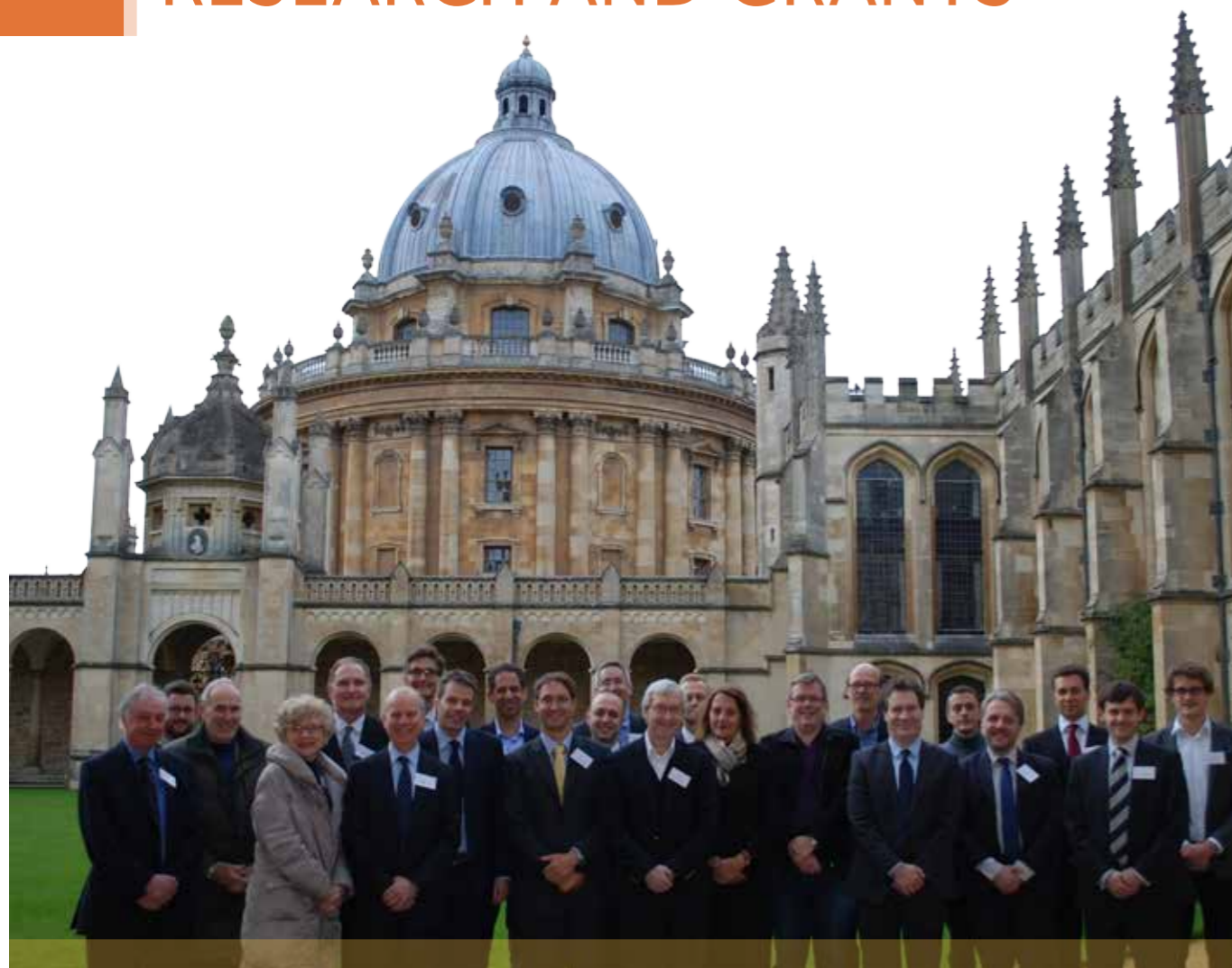
See a video showing how Liora's research led to impact at Westminster on the University's research pages: [www.ox.ac.uk/research](http://www.ox.ac.uk/research). In February, she spoke on BBC Radio about the Court of Appeal's decision in *R v McLoughlin* [2014] EWCA Crim 188 in relation to 'whole of life' sentences.



Professor Benjamin Goold and Baroness Stern

See page 70: Publications

# RESEARCH AND GRANTS



## Limits of Liability conference

A conference entitled *The Limits of Liability: Defences in Tort Law* was held in All Souls College on 10 and 11 January 2014. The proceedings of the conference will be published by Hart Publishing in a collection edited by Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith. This conference will be the first in a series of four concerned with defences in private law. Andrew, Fred and James jointly convene the Obligations Discussion Group at Oxford and this series of conferences is a spin-off from that group.

L-R: Professor David Ibbetson (Cambridge), Dr Simon Douglas (Jesus College, Oxford), Frank McArdle, the Rt Hon Chief Justice Beverley McLachlin PC (Supreme Court of Canada), the Rt Hon Sir David Lloyd Jones PC (Court of Appeal and Law Commission), David Hertzell (Law Commission), Roderick Bagshaw (Magdalen College, Oxford), Dr David Blankfein-Tabachnick (Pennsylvania State

University), Professor John Goldberg (Harvard Law School), the Hon Justice James Edelman (Supreme Court of Western Australia), Paul Davies (St Catherine's College, Oxford), Professor Graham Virgo (Cambridge), Professor Andrew Burrows (All Souls College, Oxford), Lorenz Mayr (University of Passau), Professor Barbara McDonald (University of Sydney), Professor John Gardner (University College, Oxford), Professor Stephen Smith (University of McGill), Donal Nolan (Worcester College, Oxford), Dr Luís Duarte d'Almeida (University of Edinburgh), Professor Robert Stevens (Lady Margaret Hall, Oxford), Dr James Goudkamp (Keble College, Oxford), Andrew Dyson (Corpus Christi College, Oxford), Dr Frederick Wilmot-Smith (All Souls College, Oxford).

*James Goudkamp*

## Aileen Kavanagh awarded British Academy Mid-Career Fellowship



We are delighted to announce that Dr Aileen Kavanagh was successful in her application for a British Academy Mid-Career Fellowship for the duration of the academic year 2014 - 2015. The scheme enables outstanding individual researchers with excellent research proposals to focus on their project, by obtaining time freed from their normal teaching commitments.

Aileen's research project is entitled: 'Parliament and the Courts: Protecting Rights as a Joint Enterprise'. Although it may sometimes seem as if politicians and judges are on a collision course when it comes to protecting rights, Aileen will explore the possibility that they are in fact partners in a joint enterprise where Parliament and courts have shared responsibilities. Aileen added: 'It is only by understanding the dynamics of this complex relationship that we can assess the impact of the Human Rights Act on law and policy.'

## Images of the Consumer in EU Law

On 27 and 28 March 2014 a group of scholars gathered at St Anne's excellent conference facility to discuss 'The Image(s) of the 'Consumer' in EU Law: Legislation, Free Movement and Competition Law'. The intent: to discuss the concepts of consumer welfare, consumer protection and the consumer interest as they arise in different contexts across the sweep of European Union law. The outcome: a bold success!

A rich mix of challenging papers interrogated diverse and sometimes competing visions of the 'consumer'. The two days featured exploration of the different types of 'consumer' we find scattered across EU law (empowered, confident, alert, information-seeking, victim of unfairness, vulnerable) and assessed whether this constitutes apt reflection of rich diversity or instead erupts across a troublingly chaotic landscape. Discussion of these questions proved particularly timely a few short years after the entry into force of the Treaty of Lisbon, which reformed EU objectives to include a 'social market economy', and the rise of the Charter which elevated 'consumer protection' to the (contestable!) status of a fundamental right. The project was partially funded by a grant from the John Fell Fund of the University of Oxford and the organisers, Dr Dorota Leczykiewicz and Stephen Weatherill, Jacques Delors Professor of European Law, will publish in 2015 a book collecting the several contributions made at the conference under the Hart imprint, in the series named for the Law Faculty's Institute of European and Comparative Law.

*Dorota Leczykiewicz*

## New ESRC grants awarded to Faculty members

The new Economic and Social Research Council Impact Acceleration Account made three awards to the Law Faculty in January, targeted at knowledge exchange activities.

**Sue Bright & Lisa Whitehouse (Hull University)** will work with the Association of District Judges and the Community Law Partnership on a 12-month project on housing possession court cases. The project will look at the possession process, the participation of defendants and the non-financial aspects of possession. (£6,520). See more on page 62.

**Dan Awrey** will organise the first of a series of annual workshops in Chicago

this June in partnership with the Federal Reserve Bank of Chicago, the University of Notre Dame and Columbia University. The workshop will examine the legal arrangements for cross-border resolution and liquidity within over-the-counter (OTC) derivatives markets. (£6,900)

**Louise Gullifer's** project will examine English law related to secured transactions and consider the need and shape of future reform. Conducted in partnership with a number of legal practitioners, including Freshfields Bruckhaus Deringer, as well as other interested parties such as the Asset Based Finance Association. (£7,246)



## Information, Advice and Representation in Housing Possession Cases

Research published by Professor Sue Bright of the University of Oxford and Dr Lisa Whitehouse, Law School, University of Hull

Following three years of research, this collaboration between the University of Oxford and the University of Hull has found that there is a lack of 'joined up thinking' within the legal process in regard to housing possession.

The aim of this project was to discover how the mix of financial and non-financial factors is taken into account during the housing possession process for both mortgaged properties and rented homes. The findings show that the majority of people appearing in court at risk of having their housing repossessed did not attend their hearings, and the researchers also concluded that when defendants had access to legal advice and a housing advisor, outcomes were much more likely to be favourable.

The research for this report was conducted using research methods including legal analysis, interviewing decision-makers involved in housing possession cases and observing court possession days. The initial research aim was to evaluate the extent to which non-financial considerations (such as the welfare of children, exacerbation of health problems, loss of community networks, etc.) are taken into account in possession cases. Surveys were conducted to

obtain detailed information about case management and the legal process of possession including the amount of advice and support available to defendants at court premises.

In the full report suggestions for improvement are made, including a review of court forms, changes to the use made of the rent and mortgage pre-action protocols and consideration of whether the adoption of a less formal process would improve attendance rates whilst reducing demands on the judiciary and other court resources.

Research continues. This next stage is built around an invitation-only seminar to encourage the development and exchange of ideas relating to housing possession cases, in the context of the findings of our report. Participants in the seminar include members of the judiciary, mortgage lenders, legal practitioners, housing advisers, policy advisers, and landlord associations.

The report can be downloaded from the University of Oxford's website, or via this link: [www.law.ox.ac.uk/projects/Housing\\_Possession](http://www.law.ox.ac.uk/projects/Housing_Possession).



## Subjectivity, Identity and Penal Policy: Incarceration in a Global Age

Mary Bosworth, European Research Council Award

This is a long-term interdisciplinary project to understand the nature and effect of globalisation on penal power, paying particular attention to the growing intersections between migration control and criminal justice control. In April 2013, Mary Bosworth established the Border Criminologies research group and website ([www.bordercriminologies.law.ox.ac.uk](http://www.bordercriminologies.law.ox.ac.uk)) with colleagues Ines Hasselberg and Sarah Turnbull to showcase international research in this field. In December 2013 she was awarded funding for a three-year Leverhulme International Network on External Border Control, as part of which she has set up a new open access SSRN legal studies research paper series, Criminal Justice, Borders and Citizenship. In March 2014 the research group organised two one-day international seminars on foreign national prisoners and everyday life in immigration detention, the proceeds of which are due to appear as a special issue of Criminology and Criminal Justice in 2015. Mary's book *Inside Immigration Detention* will be published by Oxford University Press in July 2014.

## Making and breaking barriers

### Assessing the value of mounted police units in the UK

Mounted police are part of our collective consciousness. The Royal Canadian Mounted Police, New York's '10 foot tall cops' (as the city's mounted units were once called by a police commissioner) and Britain's ceremonial units are known the world over. They are imbued with prestige and mystique, and no little fear: witness their role in London's poll tax riots in March 1990, or at any number of British football matches.

But if the symbolic resonance of mounted units has always been clear, their effectiveness and real value has been undocumented. Pioneering research by the University of Oxford's Centre for Criminology is set to change this.

Conceived in late 2012, the mounted policing project Making and Breaking Barriers was set up by Ben Bradford and Chris Giacomantonio, of the Centre for Criminology, with the aim of determining whether or not mounted police could be said to have value for UK public policing – a pressing question in an era of austerity. The project was originally intended to last just four months, but its success, which has seen a remarkable degree of cooperation among researchers and the police, soon led to its expansion.

The current phase of the project is funded by an ESRC 'Knowledge Exchange' grant, in conjunction with Gloucestershire Police. One piece of research took place between February and April 2014 when Gloucestershire Police, in conjunction with the Oxford's Centre for Criminology, RAND Europe and the Metropolitan Police Service, conducted a 'quasi-experiment' into the effect of mounted police community patrols on public trust and confidence.

'Six areas were selected, four in Gloucestershire and two in South London,' says Bradford. 'After an initial period of surveying in each of the areas in February 2014, mounted community patrols took place in three of them in March. A second round of surveying took place in April. Early results reveal a measurable value and impact of mounted police in neighbourhood settings. People who have recently seen mounted patrols tend to have higher levels of trust and confidence in police.'

Observations of mounted units continued at football matches and at an English Defence League demonstration. This research was aided considerably by the use of mobile technology for tracking police activities on deployments, with Dr Giacomantonio, formerly a DPhil student at the

Centre of Criminology and now at RAND Europe, developing two app-based solutions to generate real-time data in his role as project manager. By way of testimony to the usefulness of these apps, their further development is supported both by the College of Policing and the Police Federation with a view to use not just by mounted units but among officers in general.

Knowledge exchange, says Bradford, has been a hallmark of the project. 'We have received outstanding levels of support from the police throughout the project, and we have been able to engage in a genuinely two-way process of knowledge exchange. Importantly, though, we have also been able to retain our academic independence throughout.'

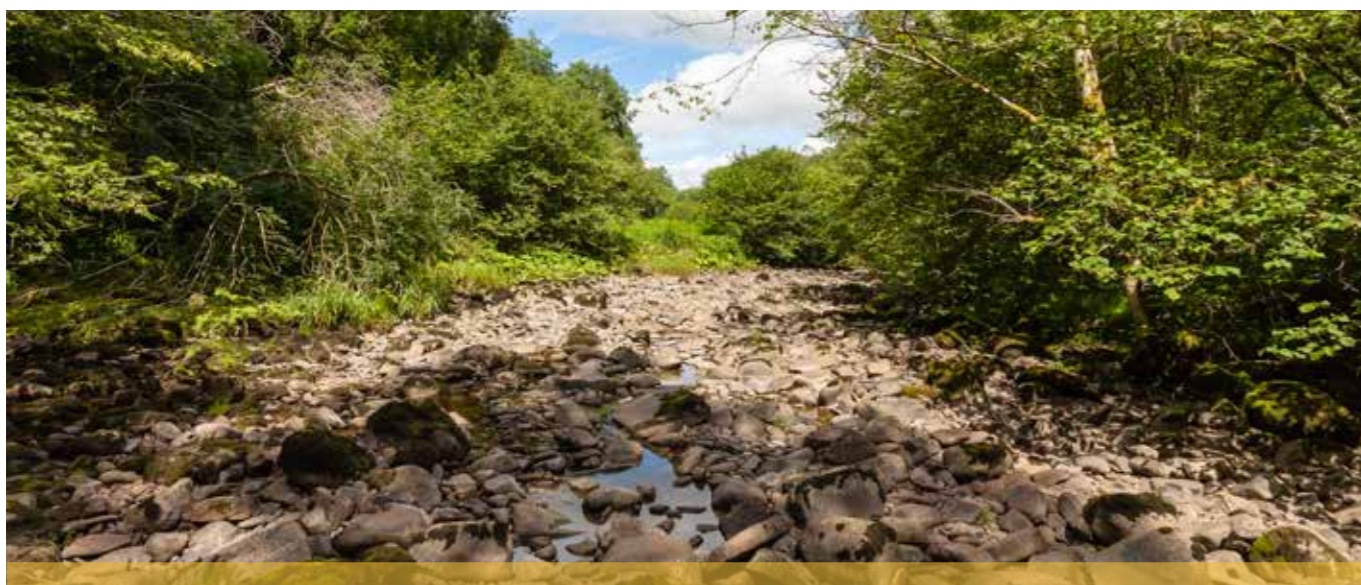
Focussing on the extent to which mounted units have a tangible, positive value in community policing, their usefulness in public order settings, and the relative costs involved, Making and Breaking Barriers will not only shed light on this hitherto under-studied aspect of policing, but will also, in the process, help us understand what policing means in the early 21st century.



*'It does not feel right to lose such a historic and versatile capability due to short term financial challenges without fully understanding how sadly it would be missed. That doesn't mean to say there aren't more cost effective ways of delivering mounted policing, and this academic research will help sign post those alternatives. It will also equip, for the first time, strategic decision makers with an evidence base. I feel very fortunate to have Dr's Bradford and Giacomantonio bringing their academic expertise to bear and on such a relevant topic.'* - DCC Rod Hansen, Gloucestershire Police

[www.rand.org/randeuropa/research/projects/mounted-police-uk.html](http://www.rand.org/randeuropa/research/projects/mounted-police-uk.html)

Alex Wade



## The Law Faculty and the Environment

### Questioning knowledge practices in the legal regulation of droughts

Two innovative socio-legal research projects – funded through a grant of £588,000 from the Natural Environment Research Council – will analyse how legal rules for the management of water resources can contribute to the sustainable supply of water, and in particular how droughts can be prevented and managed. Climate change is associated with increasingly severe weather events, such as flooding and droughts. The south east of the UK, for instance, experienced serious drought conditions in 2010–12. Legal rules for managing water resources established in the 1990s under key legislation such as the Water Resources Act 1991 and the Water Industry Act 1991 seem no longer appropriate for dealing with a rapidly changing environment.

In co-operation with regulators and abstractors the research will examine legal decision making in relation to key regulatory tools for preventing and managing droughts, such as the drafting of statutory and voluntary drought plans by water companies and the Environment Agency as well as the variation and revocation of licences for the abstraction of water from the environment. A central purpose of the projects is to understand how various, sometimes controversial knowledge practices lead to the adoption of specific drought management options. Both from a historical and contemporary perspective the projects will therefore examine how, for instance, strategic environmental assessments and cost-analysis inform legal ways of thinking about and managing droughts. The three- and four-year projects are carried out by a team based in the Centre for Socio-

Legal Studies, comprising Associate Professor Bettina Lange, Dr Christopher Decker and Dr Christina Cook.

### MaRIUS: Managing the risks, impacts and uncertainties of droughts and water scarcity

Bettine Lange and Chris Decker's work also ties into a wider cross-disciplinary Oxford-wide research project led by Professor Jim Hall from the Environmental Change Institute and titled MaRIUS.

The project will adopt a risk-based approach to the management of droughts and water scarcity, drawing upon global experiences and insights from other hazards to society and the environment. It will use real case studies and model future scenarios, analysing drought at multiple levels, from households and farms to river basins and national scales.

The researchers will work closely with stakeholders in government, businesses and NGOs who will benefit from improved evidence of the risks and impacts of droughts and water scarcity. Better understanding of the effectiveness of different measures will help decision-makers make more informed decisions, from real-time drought management to longer-term planning.

The MaRIUS consortium incorporates expertise across the range of drought impacts from environmental, social,

humanities, economics and engineering perspectives. Moreover, the consortium has a track record of innovation in the development of interdisciplinary science and stakeholder engagement. The consortium partners (Oxford, Bristol and Cranfield Universities, the Centre for Ecology and Hydrology and the Met Office) have worked together in a variety of collaborations, and are motivated by the prospect of developing an interdisciplinary and integrative approach to drought impacts analysis and risk management, which we consider to be very timely, both scientifically and in practice.

*Our vision is that management of droughts and water scarcity will in future be more explicitly risk based, incorporating authoritative analysis of the full range of drought impacts for people and the environment, and a systemic understanding of their interactions and*

*uncertainties. A risk-based approach will enable the development of management measures whose costs and impacts are in proportion to the probability and consequences of water scarcity, informed by a mature understanding of perceptions of droughts from the perspectives of a range of communities and stakeholders. Improved understanding of associated uncertainties will provide the basis for identification of management responses that are robust to uncertainty and will help to make the case for adaptive management approaches informed by targeted data acquisition.*

The start-up meeting for this project was held in May and the team will be sharing their work on the website [www.water.ox.ac.uk](http://www.water.ox.ac.uk).

Karis McLaughlin

## Beyond 2020

Angus Johnston of the Centre for Competition Law and Policy has led the University's contribution to a major European-wide research project on future EU renewable energy policy. This project came to an end at the beginning of 2014.

The European Parliament and Council laid the grounds for the policy framework for renewable energies until 2020 with the Directive 2009/28/EC. The aim of the project has been to look more closely beyond 2020 by designing and evaluating feasible pathways of a harmonised European policy framework for supporting an enhanced exploitation of renewable electricity in particular, and renewable energy sources (RES) in general. Strategic objectives have been to contribute to the forming of a European vision of a joint future RES policy framework in the mid- to long-term and to provide guidance on improving policy design.

The work comprised a detailed elaboration of feasible policy approaches for a harmonisation of RES support in Europe and the final outcome has been a fine-tailored policy package, offering a concise representation of key outcomes, a detailed comparison of pros and cons of each policy pathway and roadmaps for practical implementation. The project has been embedded in an intense and interactive dissemination framework consisting of regional and topical workshops, stakeholder consultation and a final conference.

Angus contributed to a number of parts of the project, including the main body of the legal analysis, setting up an inventory of relevant EU law provisions and concepts, and then applying them in analysing the scenarios researched

in other work packages. He commented 'This was with a view to assessing the legal feasibility of pursuing different approaches, whose viability on economic and other grounds was assessed in other work packages.' He also constructed pathways for implementation of possible harmonised EU renewables policy, including some legal guidelines to be taken into account when drafting such legislation and a final report on the project.

As well as the summary reports, the project also produced an article published in a leading legal journal in the field, co-authored by Angus and his project assistant, Eva van der Marel, which conducted the first in-depth analysis of Article 194(2) TFEU. The Article defines the new EU legal competence to act in the energy field, and the paper analysed some of the difficulties arising from the wording of this provision and its attempts to safeguard Member States' 'energy rights'. Further papers are currently in preparation.

The legal contribution to this project was important in helping to adopt clearer definitions of what was to be analysed, making clear to our colleagues and the wider policy community that there were difficult questions of EU law which would shape – and might constrain – what kinds and extent of EU-level legislation could be adopted in this area. This involved both matters of substance (like free trade, the scope of the EU's legislative competence and so forth) and of procedure, such as looking at how measures are adopted at EU level and by which institutions, and the implications of these points for how any EU legislation in renewable energy would be developed, and would need to be framed and justified. [www.res-policy-beyond2020.eu](http://www.res-policy-beyond2020.eu)

# HONOURS



Mim Saxl

John Gardner

## John Gardner, Fellow of the British Academy

John Gardner, Professor of Jurisprudence and a Fellow of University College, has been made a Fellow of the British Academy.

The British Academy, established by Royal Charter in 1902, promotes and supports the humanities and social sciences. It aims to inspire, recognise and support excellence and high achievement across the UK and internationally. 42 new Fellows were elected at the Annual General Meeting on 18 July 2013.

Professor Gardner was a Fellow of All Souls College, Oxford (1986-91), Fellow and Tutor in Law at Brasenose College, Oxford (1991-6), and Reader in Legal Philosophy at King's College London (1996-2000), before being appointed as successor to Professor HLA Hart and Professor Ronald Dworkin, as Professor of Jurisprudence in Oxford.



Baroness Helena Kennedy

## Baroness Helena Kennedy made Fellow of the British Academy

Baroness Helena Kennedy of the Shaws QC, FRSA has been made an Honorary Fellow of the British Academy, and of the Royal Society of Edinburgh.

Helena Kennedy is Principal of Mansfield College. She has spent her professional life giving voice to those who have least power within the system, championing civil liberties and promoting human rights.

Baroness Kennedy is one of two new Honorary Fellows elected this year, alongside Mr Robert B Silvers, Editor of The New York Review of Books.

The Royal Society of Edinburgh is Scotland's national academy of science and letters. Established in 1783, it currently has more than 1500 Fellows, including people from a wide range of disciplines – science & technology, arts, humanities, medicine, social science, business and public service.



Andrew Burrows

## Andrew Burrows Vice-President Elect of SLS

Professor Andrew Burrows, Senior Research Fellow of All Souls College, was elected Vice-President Elect at the Society of Legal Scholars (SLS) conference in Edinburgh in September 2013. Andrew will become Vice-President in 2014-15, and President in 2015-2016, during which time the annual SLS conference will be held 6-9 September 2016 at St Catherine's College, Oxford.

The SLS is the learned society for those who teach law in a university or similar institution or who are otherwise engaged in legal scholarship. The SLS has over 2900 members consisting of academic and practising lawyers in a wide variety of subject areas. The SLS was founded in 1908. More information can be found on their website, [www.legalscholars.ac.uk](http://www.legalscholars.ac.uk).



James Goudkamp

## James Goudkamp appointed to the Inner Temple

Dr James Goudkamp has been appointed as an Academic Fellow of the Honourable Society of the Inner Temple. The Inner Temple's Academic Fellows Scheme, which was launched in 2009, aims to recognise the outstanding contribution of legal teaching and research of early to mid-career academics. It also aims to support their research and to build a stronger relationship between the Bar, judiciary and legal academia.

## New Year's Honours 2013

Three Oxford law alumni were recognised in the New Year honours which were announced on 31 December.

Keir Starmer QC was appointed Knight Commander of the Order of the Bath (KCB) for services to law and criminal justice. After studying law at Leeds University (LLB) and Oxford University (BCL), Keir Starmer was called to the Bar in 1987 and appointed Queen's Counsel in 2002. He was Human Rights Lawyer of the Year in 2001 and QC of the Year in Human Rights and Public Law in 2007. He was Director of Public Prosecutions and Head of the Crown Prosecution Service from 2008 - 2013.

Harvey McGregor QC was appointed Commander of the Order of the British Empire (CBE) for services to law and education. He was an undergraduate at the Queen's College, Oxford before going on to complete the BCL in 1952. He was called to the bar in 1955 and took silk in 1978. He is the author of *McGregor on Damages* (18th edition, 2012, Sweet and Maxwell), the leading authority on the law of damages and was warden of New College from 1985 - 1996.

Patrick Rarden (BA in Jurisprudence, Worcester) received an MBE for services to Policing.

## Oxford Silks 2014

Congratulations to all Oxford alumni who were made up to silk this year. This is a great accomplishment, and reflects well on their talent and hard work.

Oxford University alumni appointed as Queen's Counsel in 2014:

Alexander Antelme	Nic Fletcher	Sean O'Sullivan
Kelyn Bacon	Matthew Gearing	Duncan Penny
Oliver Campbell	Patrick Goodall	Ben Quiney
Graham Chapman	Nicholas Goodwin	Ian Rogers
Charles Ciumei	Jonathan Hall	John Russell
Andrew Clutterbuck	Richard Hitchcock	Kathryn Skellorn
Christopher Coltart	James Howells	David Southern
Michael Davey	David Lewis	Roger Thomas
John de Bono	Nicholas Lobbenberg	Adam Tolley
Jonathan Evans	Charlotte May	Tom Weisselberg

# PUBLICATIONS

## Cape Town Convention Academic Project conference and new website

The second conference of the Cape Town Convention Academic Project took place in the Cube at the Oxford Law Faculty on 10 and 11 September 2013 with 60 delegates from many different jurisdictions. Topics ranged from discussion of particular provisions of the Convention and the Protocols (such as the treatment of non-consensual interests, intangible rights, jurisdiction and choice of law, and the public service exception) to the wider significance of the Convention in the context of transnational commercial law and public international law. The conference is part of the ongoing Cape Town Convention Academic Project, whose purpose is to facilitate the academic study and assessment of the Convention on International Interests in Mobile Equipment together with its Protocols, for the benefit of scholars, practising lawyers, courts and governments, and which is involved in creating a database of all the primary and secondary material relating to the Cape Town Convention and its Protocols, as well as pursuing research in all aspects of the Convention and broader legal and economic themes arising from its implementation. The conference was kindly sponsored by Abagados Sierra y Vazquez, Blake, Cassels & Graydon, Clifford Chance, Holland & Knight and Kaye Scholer.

Leading on from the success of the conference, the Faculty joined forces with the University of Washington's School of Law to launch the Cape Town Convention Academic Project official website: [www.ctcap.org](http://www.ctcap.org). The new website contains a searchable database of primary and secondary materials on the Convention and Protocols. Professor Jon Eddy said: 'The site will assist scholars, lawyers, government officials, and commercial parties around the world with readily available and comprehensive materials on this important treaty.'



Professor Peter Winship,  
Professor Roy Goode



Mr Bryan Welch, Mr John Pritchard,  
Professor Jeffrey Wool



Professor Sandeep Gopalan,  
Professor Roy Goode, Professor  
Jeffrey Wool



Professor Jeffrey Wool, Professor  
Henry Gabriel and Mr Howard  
Rosen

## American Journal of International Law

Dapo Akande has been elected to the Board of Editors of the American Journal of International Law (AJIL). The AJIL is one of the pre-eminent international law journals in the world, and appointment to its board of editors is a significant recognition of esteem for scholars of international law. Dapo has been a member of the Scientific Advisory Board of the European Journal of International Law, the other leading international law journal and was, from 2007 until March 2013, a member of the Board of Editors of the African Journal of International and Comparative Law.



## Oxford Scholars Launch New Journal of Financial Regulation

Dan Awrey, Associate Professor in Law and Finance, Georg Ringe, Departmental Lecturer at the Faculty of Law and Professor of Commercial Law at Copenhagen Business School, and Geneviève Helleringer, Leverhulme Trust Early Career Fellow, are amongst the first editors of the new Journal of Financial Regulation (JFR), to be published by Oxford University Press.

The JFR is intended as an international forum for the publication of world-class scholarship examining theoretical,

policy and practice-oriented issues relating to the regulation of financial markets and institutions. The JFR will seek to publish scholarship which examines these issues from an interdisciplinary, international, and comparative perspective. In furtherance of this objective, the JFR has assembled a diverse and internationally recognized editorial board including Howell Jackson (Harvard), Doug Arner (Hong Kong), Julia Black (London School of Economics), Eilis Ferran (Cambridge),

Oxford's leadership in the area of financial law and policy. Our ambition is to make the JFR a leading international forum for interdisciplinary scholarship exploring this exciting, important and constantly evolving field' - Dan Awrey.

The first issue of the journal will be published in early 2015. Further information on the JFR, including details of its launch conference and call for papers may be found at [bit.ly/1jgBJCD](http://bit.ly/1jgBJCD).

Paul Davies (Allen & Overy Professor of Corporate Law, Oxford), Roberta Romano (Yale) and Zhongfei Zhou (Shanghai).

'The JFR will continue to strengthen

## Economic, Social, and Cultural Rights in International Law: Contemporary Issues and Challenges



Dr Gilles Giacca recently co-edited a book titled *Economic, Social, and Cultural Rights in International Law: Contemporary Issues and Challenges* (Oxford University Press). Recent years have seen a remarkable expansion in the scale and importance of economic, social and cultural rights (ESC rights) within international law, culminating in

the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in December 2008, which gave individuals and groups the ability to bring complaints about rights violations before the UN Committee. In this context, this book centres on the question of how the fundamental socio-economic human rights that are enshrined in international law are defined, interpreted, understood, and implemented. It assesses how effective efforts have been in realising ESC rights by investigating the contemporary challenges obstructing their protection. It investigates the impact of the global financial crisis and austerity measures, the human rights responsibilities of corporations, and the trends in the justiciability of those rights at the national and international

level. The interrelationship between ESC rights and other legal regimes such as international economic law, trade and investment law, environmental law, international criminal law, or international humanitarian law is also thoroughly examined. It provides a careful analysis of the new tools and indicators available to measure the progressive realisation of ESC rights.

This book clarifies and illuminates multiple aspects of the law governing ESC rights by bringing together the different aspects of ESC rights, restating the challenges they face, and assessing the progress that has been made in expanding their adoption. After an introduction by the editors on ESC rights and the contemporary issues that impact their realisation, the book contains seventeen further essays on the main questions which couch the progressive realisation of ESC rights and their monitoring mechanisms. The authors of the chapters, both scholars and practitioners, adopt interdisciplinary approaches that move beyond traditional analyses of ESC rights, contextualising their discussions through wider contemporary international law challenges. In reflecting this diversity of perspectives, this book sheds light on new methodologies for the implementation of ESC rights as well as the various obstacles they face.

## Recent books by Faculty members

- Ashworth A and Zedner L, *Preventive Justice* (Oxford University Press 2014)
- Bjorge E, *The Evolutionary Interpretation of Treaties* (Oxford University Press 2014)
- Bogg A and Novitz T, *Voices at Work* (Oxford University Press 2014)
- Bogg A, Costello C, Davies A C L and Prassl J (eds), *The Autonomy of Labour Law* (Hart Publishing 2014)
- Bosworth M, *Inside Immigration Detention* (Oxford University Press 2014)
- Briggs A, *Private International Law in the English Courts* (Oxford University Press 2014)
- Cartwright J, *Formation and Variation of Contracts* (Sweet & Maxwell 2014)
- Costello C and Freedland M, *Migrants at Work* (Oxford University Press 2014)
- Descheemaeker E (ed), *The Consequences of Possession* (Edinburgh University Press 2014)
- Descheemaeker E (ed), *The Roman Law of Obligations*, by Peter Birks (Oxford University Press 2014)
- Dickinson A, John T and Keyes M (eds), *Australian Private International Law for the 21st Century* (Hart Publishing 2014)
- Dill J, *Legitimate Targets? Social Construction, International Law and US Bombing* (Cambridge Studies in International Relations, Cambridge University Press 2014)
- Dinwoodie G and Janis M D (eds), *Trademark and Unfair Competition Law: Doctrinal Debates* (Edward Elgar Publishing 2014)
- Dinwoodie G and Janis M (eds), *Trademark and Unfair Competition Law: Themes and Theories* (Edward Elgar Publishing 2014)
- Dinwoodie G and Janis M, *Trademarks and Unfair Competition: Law and Policy* (4th edition, Aspen Law Publishing 2014)
- Dyson A, Goudkamp J and Wilmot-Smith F (eds), *Defences in Tort* (Hart Publishing 2014)
- Eekelaar J and George R (eds), *Routledge Handbook of Family Law and Policy* (Routledge 2014)
- Ezrachi A, *EU Competition Law – An Analytical Guide to the Leading Cases* (Hart Publishing 2014)
- Foster C, Herring J J W and Doron I, *The Law and Ethics of Dementia* (Hart Publishing 2014)
- Freedland M and Prassl J (eds), *EU Law in the Member States* (Hart Publishing 2014)
- Galligan D, *Constitutions and the Classics* (Oxford University Press 2014)
- Gardner J, *Law as a Leap of Faith* (Oxford University Press 2014)
- George M and Dickinson A (eds), *Statutes on the Conflict of Laws* (Hart Publishing 2014)
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- Higgins A, *Legal professional privilege for corporations* (Oxford University Press 2014)
- Hodges C, *Law and Corporate Behaviour* (Hart Publishing 2014)
- Hood R and Hoyle C, *The Death Penalty* (Oxford University Press 2014)
- Hunt M, Hooper H and Yowell P, *Parliaments and Human Rights* (Hart Publishing 2014)
- Janis M D, Jervis H H and Peet R C, *Intellectual Property Law of Plants* (Oxford University Press 2014)
- Janis M W & Noyes J E, *International Law Cases and Commentary*, 5th edition (West 2014)
- Jones E, Menon A and Weatherill S, *The Oxford Handbook of the European Union* (Oxford University Press 2014)
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- McKendrick E, *Contract Law* (6th Ed, Oxford University Press 2014)
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- Pila J and Wadlow C, *The EU Unitary Patent System* (Hart Publishing 2014)
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- Ryberg J and Roberts J V, *Popular Punishment* (Oxford University Press 2014)
- Sarooshi D, *Responsibility and Remedies for the Actions of International Organizations* (Martinus Nijhoff, Hague Academy of International Law 2014)
- Slot P and Johnston A, *An Introduction to Competition Law* (Hart Publishing 2014)
- Sokol DD, Ezrachi A and Crane D (eds), *Global Antitrust and Compliance Handbook* (Oxford University Press 2014)
- Van Parijs P, *Linguistic Justice for Europe and the World* (Oxford University Press 2014)
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## STUDENT NEWS

### Postgraduate Scholarships

Name of scholarship	Candidate name	Course	College
Myers	Victor Lei	BCL	Keble
Myers	Rowan Minson	BCL	Lady Margaret Hall
Graduate Assistance Fund	Ian Bergson	BCL	Balliol
Graduate Assistance Fund	Joshua Folkard	BCL	Merton
Graduate Assistance Fund	Janine Leeder	MLF	Worcester
3VB Chambers	Charlotte Gilmartin	BCL	Linacre
Paul Hastings	Maame Mensa-Bonsu	BCL	Trinity
Graduate Assistance Fund	Mathias Chung	BCL	Magdalen
Pump Court Tax Chambers	Daniel Cashman	BCL	Merton
Wadham Peter Carter S'hip	Victoria Stephens	BCL	Wadham
Merton Lawyers' BCL S'hip	June Tan	BCL	Merton
South Square Chambers	Ryan Stones	BCL	Corpus Christi
4 New Square Chambers	Sam Williams	BCL	Magdalen
New College 1379 Old Members S'hip	Hasan Dindjer	BCL	New
Roy Goode Scholarship	Alecia Johns	DPhil	Balliol
Graduate Assistance Fund	Alecia Johns	DPhil	Balliol
Graduate Assistance Fund	Sotiris-Ionnis Lekkas	DPhil	St Anne's
Fountain Court	Christopher McConnachie	DPhil	Lincoln
Peter Birks	Brid Ni Ghraíne	DPhil	St Antony's
Graduate Assistance Fund	Brid Ni Ghraíne	DPhil	St Antony's
Graduate Assistance Fund	Andrew Mcleod	DPhil	St John's
Graduate Assistance Fund	Jessica Howley	DPhil	Magdalen
Winter Williams	Alice Irving	DPhil	Merton
Graduate Assistance Fund	Alice Irving	DPhil	Merton
New College/Roche	Julie Vanhoenacker	MJur	New
CEPL	Jonathan Turner	DPhil	University
Graduate Assistance Fund	Tereza Mrockova	DPhil	Balliol
Graduate Assistance Fund	Rudina Jasini	DPhil	Green Templeton

Graduate Assistance Fund	Avani Bansal	DPhil	Linacre
Graduate Assistance Fund	Niranjan Venkatesan	MSt	Magdalen
Graduate Assistance Fund	Harprabdeep Singh Brar	BCL	St Hilda's
Graduate Assistance Fund	Henry Fraser	DPhil	Exeter
Graduate Assistance Fund	Michele Fincke	DPhil	St Hilda's
Graduate Assistance Fund	Shashvata Shukla	BCL	Oriel
Graduate Assistance Fund	Tarek Yusari Khaliliyeh	MJur	St Hilda's
Graduate Assistance Fund	Stephen Daly	DPhil	Lincoln
Graduate Assistance Fund	Javier Solana	DPhil	Balliol



## University Challenge

Congratulations to Zachary Vermeer who represented Somerville in this year's finals of the long-running BBC quiz show University Challenge.

Zachary, a DPhil student in international law, was part of the Somerville College team which defeated a series of opponents including Cambridge Colleges as well as York, Southampton, and SOAS, to vie with Trinity College, Cambridge for the title. Unfortunately, although the game was close until the final minutes, the Somerville team didn't quite make it over the final hurdle. Zachary did well to stand up to Jeremy Paxman's interrogation, showing an impressive knowledge of a wide range of topics, from Kipling's poetry and the works of Marcus Aurelius to epistemology and religion in the 4th century AD. Zachary, who is from Sydney, is not the first Oxford lawyer to compete in the University Challenge final in recent years – another postgraduate student, David Townsend, was a member of the running-up St John's team in 2010, and Jennifer O'Donnell and Jamie Lee of Balliol made up half of the team that lost to Corpus Christi College in the 2004 semi-finals.

## Rhodes House



Rhodes House hosted Justice Rosalie Silberman Abella of the Supreme Court of Canada, discussing the topic 'Justice in the 21st Century'. Around forty Rhodes Scholars and guests attended, including many from the Faculty of Law.

## UNIDROIT

### UK Foundation for International Uniform Law

The Foundation's purpose is the advancement of education in the field of international uniform law, and the promotion and development of the field. The Foundation is active in granting scholarships for the study of international uniform law at the International Institute for the Unification of Private Law (UNIDROIT) in Rome, the University of Oxford and the University of Cambridge.

This year's recipient is Jarrod Hepburn from Balliol. Previous recipients from the University of Oxford include Woo-Jung Jon, who was studying for his DPhil in Establishing an International Registration System for the Assignment of Receivables.

## Mimi Zou – DPhil Candidate

### The Legal Construction of Migrant Work Relations

St John's College and Faculty of Law

Commonwealth Scholar (Australia)

Supervised by Professor Mark Freedland and Professor Cathryn Costello

The dramatic growth of international labour migration in recent decades has been an important factor underlying fundamental changes in the regulation of labour markets in many industrialised countries of the Global North. My doctoral research explores the regulatory interface of immigration law and labour law norms, institutions, and arrangements that shape a spectrum of precarious legal statuses for migrant workers. I critically compare and analyse the legal architecture of contemporary non-permanent labour migration programmes, which have been touted in national and international policy arenas as delivering 'triple wins' for receiving countries, sending countries and migrants and their families. Closer investigation of these regimes reveals how migrants are often tied to their sponsor and/or employer, their labour market mobility is heavily restricted, and they are excluded from a range of fundamental employment and social protections in the host state. My thesis develops the concepts of 'hyper-dependence' and 'hyper-precarity' as the normative framing lens for examining the particular situations of labour unfreedom and exploitation in migrants' work relations that can arise from their precarious statuses under these schemes.

My research aims to inject novel and timely insights into the relatively small but expanding body of legal scholarship on the regulation of labour migration, which stands at the dynamic crossroads of immigration law and labour law. I also draw on salient theoretical insights and methodological tools from sociology, economics, politics, geography, philosophy and history to enrich my analysis of the law in its social, economic, and political context.



The results of my doctoral research so far have included a number of book chapters and international conference proceedings, and hopefully an upcoming journal article.

I will be taking up an Assistant Professorship at the Faculty of Law, Chinese University of Hong Kong from August 2014. I look forward to expanding the comparative inquiry of my research to include countries in the fast-growing region of Asia, which has one of the largest flows of migrant workers in the world.

## Menelaos Markakis

### DPhil candidate in Comparative Public and EU Law

Menelaos is reading for a DPhil in comparative public law and EU law and is an Academy of Athens scholar. His thesis is on the constitutional implications of the financial and public debt crisis for the European Union and its Member States. It examines the revised EU economic governance framework and its bearing on Member States, the respective roles of the EU and national institutions within this framework and the emerging issues in relation to judicial mechanisms of enforcement at national and EU level. Menelaos is supervised by Professor Paul Craig. He holds degrees from the Universities of Athens (LL.B.) and Oxford (MJur). He has previously been an intern at the Greek Parliament and a junior associate in DY Law Firm in Athens, Greece, where he worked on a number of high-profile cases, primarily in the areas of administrative law, environmental law, tax law, energy law, competition law, and public procurement law. He now serves as a graduate researcher for Oxford Pro Bono Publico, an organisation that mobilises graduate students and members of the Oxford Law Faculty for the practice of public interest law on a pro bono basis. Menelaos is fluent in English, French, German and Greek. He has just been awarded a scholarship by the Oxford Law Faculty for the next academic year.



## Rudina Jasini

### DPhil in International Criminal Law and Human Rights Law

Rudina Jasini is a DPhil candidate and lawyer specialising in international criminal law and human rights law. Born in Albania and educated in the United States and England, she has sought to make a meaningful contribution to justice and scholarly understanding in the areas of human rights, international criminal law, and transitional justice in both her academic and working pursuits. Rudina is currently in the last stages of completing her DPhil in Law at the University of Oxford. Her thesis focuses on the examination of the scope and parameters of the participation of victims of mass atrocities as civil parties in international criminal proceedings. The Extraordinary Chambers in the Courts of Cambodia (ECCC) and the International Criminal Court (ICC) are the case studies for her doctoral thesis. Through her research, she seeks to explore how the expansive role afforded to victims to participate in international criminal proceedings enhances the prospect of more inclusive justice in post-conflict societies, and what the potential shortcomings of civil party participation are with regards to the functionality of court proceedings and the defendant's right to a fair and expeditious trial. In this endeavour, she has conducted qualitative research and pro bono work on victim participation at the ECCC in Phnom Penh and the ICC in The Hague.

Rudina holds an LL.M. in International Legal Studies from Georgetown University Law Center and an MSc in Criminology and Criminal Justice from the University of



Oxford. She was a Visiting Researcher at Harvard Law School in the academic year 2012-2013, and at the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany, in 2012. Her research has also been strongly influenced by her professional background as a practitioner. She has worked as Defence Counsel before the United Nations International Criminal Tribunal for the Former Yugoslavia for six years (four years of which concurrently with her doctoral studies). Upon the completion of her DPhil thesis this summer, Rudina will lead a research project into victim participation for six months with Impunity Watch in Cambodia.

# ADMIN STAFF UPDATE

There have been a lot of exciting changes in the Law Faculty's administrative team this year. We have most recently welcomed Hannah Bond, our new Undergraduate Studies and Outreach Officer. This is a newly configured role that will provide dedicated support to undergraduate studies, admissions and outreach. Hannah will become the main administrative contact for admissions, our Open Days, the UNIQ summer school and our new Pathways to Law programme.

This year we have also appointed Victoria Campbell, first as the Administrator for the Masters in Law and Finance and then a promotion to the new role of Administrator for the Intellectual Property Diploma and Centre; Judith Hammond to the new position of Access and Personnel Assistant; Elizabeth Hodges to the new position of Donor Relations Co-ordinator; Nicola Keane as the Course Administrator for the Master's in Law and Finance (maternity cover for Kate Blanshard); and Esme Wilks as the new Communications Manager (replacing our Publications Manager). There have been many important developments in the staffing of the Faculty this year, and we have been incredibly lucky to be able to make so many excellent appointments. We are also delighted to welcome back our Personnel Officer, Emma Gascoigne, from maternity leave, and Joanna Simon, who provided invaluable support for the Research Excellence Framework exercise, and now joins Sam Kukathas in the role of Graduate Conference Administrative Assistant. After last year's great success with three summer interns recruited from within the Oxford student body, this year we look forward to working with Cynthia So, Alison Hendy and Katie Light.

Of course, to make way for all these new appointments, we have had to say goodbye to a number of people. Ellen Moilanen made a huge contribution to the Faculty and was universally liked and respected. We congratulate her on her promotion and wish her very well in her new role at the Faculty of Oriental Studies. Louise Scott worked in the Centre for Socio-Legal Studies for almost sixteen years as the PCMLP Programme Administrator, and is leaving to take a maternity cover post as the Assistant Academic Administrator at Brasenose College. Kate Whetter worked in the Law Faculty as the Publications Manager for a relatively short time, but was a good influence and is much missed.



We must also thank our temporary staff this year, who quickly made themselves part of the team: Valerie Anderson who helped with the lecture list and the Intellectual Property Diploma, Sarah Crake, who helped with publications and Joanna Longhurst, who has helped Maureen O'Neill with a range of topics over the past year.

## MOOTING



## 55th Philip C. Jessup International Law Moot Court Competition

Oxford emerged as one of the top eight teams of the more than 600 law schools that competed in the competition in 2014. More details of the final results are available on the ILSA website: [www.ilsa.org/jessup/archives/2014.php](http://www.ilsa.org/jessup/archives/2014.php).



## 7th International Roman Law Moot

From 5 to 8 April, the Oxford Law Faculty was delighted to welcome students and academics from all over the world to the IRLM, which was held at venues in All Souls College, Magdalen College and Christ Church, with the invaluable support of Clifford Chance LLP.

Oxford's 2014 IRLM team (l to r): Caroline Greenfield (Brasenose), Verity Bell (New College), Regius Professor Boudewijn Sirks, Melody Ihuoma (Balliol) and Liv Utvær (New College).



## Oxford Hong Kong Mooting Competition

This event has become an annual feature in Oxford mooting, thanks to our Hong Kong alumni who have been organizing the Moot with flair since 2011: see <http://oxfordhkmoot.com/>. The 2013-14 Oxford Hong Kong Moot winners were Mathias Cheung (Magdalen) and Theo Taylor (Pembroke). The moot was sponsored by Clifford Chance.



## Medical Law Mooting Competition

James Beeton (Exeter College) and Michelle Kang (Brasenose College) constituted Oxford's team and reached the Quarter Finals of the competition at the University of Leicester.



## Herbert Smith Freehills Moot

The Sixth Annual Herbert Smith Freehills Moot at the National University of Juridical Sciences (NUJS) was held in Kolkata on 21-23 March. As in previous years, the Oxford Law Faculty supported this event by sending one judge for the moot final – this year, Dr Kristin van Zwieten.



## JustCite Procedural Justice Mooting Shield 2014

This new addition to the Law Faculty's mooting programme saw 24 undergraduate and postgraduate students gather at Keble College in February 2014 for nuanced discussions of some thorny issues regarding closed material proceedings and the right to a reasoned decision.

## Grand Final of the Maitland Chambers (Cuppers) Mooting Competition



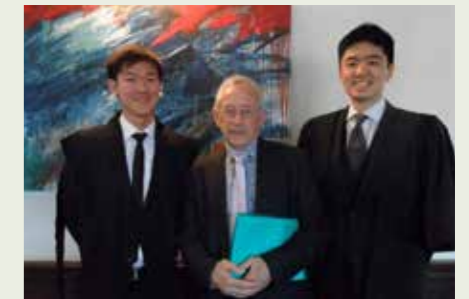
In February 2014, the Grand Final of the Maitland Chambers University of Oxford Inter-Collegiate (Cuppers) Mooting Competition took place. The Grand Final concerned the defence of illegality and exemplary damages in equity.

The final, presided over by the Rt Hon Sir John Mummery PC, was between Caroline Greenfield and Jeff Vinal (Brasenose) and Alison Stonebanks and Zhi Hao Tan (Lady Margaret Hall). Following a hotly contested moot, Sir John awarded victory to the Brasenose team.

## Shearman & Sterling Moot Competition 2014

This year we were delighted and privileged to welcome the Hon Professor Dyson Heydon AC, formerly of the High Court of Australia, as the judge of the Grand Final. Elizabeth Houghton (Exeter) and Jackie McArthur (Magdalen), appearing as the appellants (and cross-respondents), were declared the winners, despite spirited submissions from the respondents (and cross-appellants) Jiahui Huang (Magdalen) and Juliet Wells (Magdalen).

The Law Faculty is most grateful to Shearman & Sterling for its generous support.



## Oxford Legal Assistance Public Law Moot

The winners of this year's competition, Zhi Hao Tan (left) and Wei Jian Chan (right) with the Rt Hon Sir Stephen Sedley (centre) who judged the Grand Final. The competition was followed by a dinner at St Giles House, St John's College.



## Monroe E Price Media Law Moot Court Competition

The inaugural China National Rounds of the Price Media Law Moot Court Competition took place in December 2013, hosted by Renmin University School of Law. In 2013-14 this worldwide programme had regional preliminary rounds Beijing, Delhi, Kabul, Nairobi, New York, Qatar, and Zagreb. In the finals in Oxford in April 2014, the University of Oxford team was the runner-up to Jindal Global Law School.





## ARRIVALS

## New Freshfields Professorship of Commercial Law



Horst Eidenmüller

Horst Eidenmüller will join the Faculty of Law as the first Freshfields Professor of Commercial Law, in January 2015.

Freshfields Bruckhaus Deringer LLP has given major support to Law in Oxford for many years, funding the Freshfields IT room in the Bodleian Law Library, and supporting the provision of graduate scholarships. Freshfields' support for the new Professorship is intended to foster teaching and research at the highest level on the law and its development as applied to the commercial world.

Professor Eidenmüller has already been affiliated with the Faculty as a Visiting Professor, and has taught Corporate Insolvency Law since 2010. One of the world's leading commercial

law scholars, he was born in Munich, Germany. He obtained an LLM at Cambridge (1989) and a PhD from Munich (1994) after working for McKinsey & Co in the 1990s. After his Habilitation in 1998, he was a professor of law at the University of Münster from 1999 until 2003. Since 2003, he has held the Chair for Private Law, German, European and International Company Law at Munich University. From 2007 until 2011, this position was designated as a Research Professorship under the excellence scheme of the German Research Foundation.

Professor Eidenmüller's main research areas are contract law, company and insolvency law, and alternative dispute resolution. He is known for his economic analysis of problems in these fields. He has also pioneered the application of empirical methods to the study of commercial law issues, in particular regarding the effects of regulatory competition. He has made seminal contributions to the study of long-term B2B contracts, consumer protection tools, out-of court and court-supervised business restructurings, European corporate and insolvency law, and negotiation management and mediation concepts. His scholarship is informed by an extensive mediation and arbitration practice.

As a member of expert committees, Eidenmüller has advised both the European Commission and the German Justice Ministry on commercial law reform many times. He has received national and international awards for his academic work, including the George Long Prize for Jurisprudence (Cambridge).

Professor Eidenmüller has held visiting positions at major international universities including Cambridge (2007), Harvard (2011), NYU (2013), and Stanford (2014). From 2008 to 2009, he was a Fellow of the Institute for Advanced Study in Berlin. He is a Research Associate of the European Corporate Governance Institute and a Member of the Berlin-Brandenburg Academy of Sciences and Humanities. Professor Eidenmüller will be a Fellow of St Hugh's College.



Jeremias Prassl

Jeremias Prassl has been appointed as Fellow in Law of Magdalen College, and Associate Professor in the University. Having read law at Corpus Christi College, Oxford and the University of Paris II (MA) as well as Harvard Law School (LLM), Jeremias completed an AHRC-funded DPhil at Magdalen College, Oxford under the supervision of Professor Mark Freedland. Before taking up his Fellowship and Associate Professorship, Jeremias was a Supernumerary Teaching Fellow at St John's College, Oxford. He has also held visiting positions at University College London, Columbia Law School, and the Max Planck Institute, Hamburg. In 2014, Jeremias won the University's Teaching Excellence Award – one of just five across Social Sciences.

Jeremias' principal research interests are in Employment Law, European Union Law, and Civil Aviation. Forthcoming work in these areas includes a book on *The Notion of the Employer* (Oxford University Press) and *EU Law in the Member States* (Hart).



Andrew Higgins

Andrew Higgins has been appointed Associate Professor in Civil Procedure. The appointment reflects the Law Faculty's commitment to redress the neglect of civil procedure in law schools in this country. Andrew studied law at Melbourne University. He came to Oxford in 2004 to study for the BCL and subsequently continued to read for a DPhil, which he was awarded in 2011. In 2010 he was appointed Departmental Lecturer in Civil Procedure. During this tenure he used his time not only to advance his research in the field but also to act as an adviser to the Australian government in its litigation with tobacco companies over plain packaging laws. His book, *Legal Professional Privilege for Corporations: A Guide to Four Major Common Law Jurisdictions* was published by Oxford University Press in 2014.

Andrew is a person of many parts. He runs marathons for SCOPE and he wrote a children's book which has sold more copies than his book on privilege (so far).



Barbara Havelkova

Barbara Havelkova will join Lincoln College as the Shaw Foundation Fellow in Law for five years, beginning in September 2014. The Fellowship, fully funded by the Shaw Foundation of Singapore, was established to develop and strengthen the research profile of the College, and more generally to contribute to maintaining the University as a leading centre for research in law.

Barbara has been a Fellow in Law at Emmanuel College, Cambridge and Balliol College, Oxford. She was educated at Charles University, Prague, and the Universities of Saarland, Harvard and Michigan, before completing the DPhil in Oxford. At Lincoln, she will continue to teach EU Law, Constitutional Law, Administrative Law, and Feminist Jurisprudence, and will join the team teaching the BCL/MJur course Comparative Equality.

Barbara's research focuses on gender equality, with special interest in the regulation of prostitution. She has published her work in Czech, German and English in Europe and the United States.



James Edwards

James Edwards has been appointed as an Associate Professor of Law, in association with a tutorial fellowship with Worcester College and Brasenose College. He will arrive in the Faculty on 1 October 2014. James completed his BA in Law at Cambridge, where he won University prizes in Constitutional Law, the Law of Tort, and Jurisprudence. He came to Oxford for the BCL, which he passed with Distinction, and he completed the DPhil under the supervision of Andrew Ashworth and John Gardner. He was a Stipendiary Lecturer in Law at Hertford College, Oxford before becoming a Fellow in Law of Christ's College, Cambridge. He taught Constitutional Law, Criminal Law, and Jurisprudence in Cambridge, and gave LLM seminars on Philosophy of Criminal Law. His research focuses on the theory of criminal law, with particular interest in the legitimate ends of criminal law, and the means by which those ends can legitimately be achieved. James is Editor of *Reading HLA Hart's The Concept of Law* with Luis Duarte d'Almeida and Andrea Dolcetti (Hart 2013).



Sandy Steel

Sandy Steel has been appointed to an Associate Professorship in Law, and will be a Fellow in Law of Wadham College, commencing September 2014. Sandy completed his BA and PhD in Law at Corpus Christi College, Cambridge, and has been a Fellow in Law of Murray Edwards College, Cambridge, where he taught Tort, Jurisprudence, and Roman Law. From 2010 until his appointment in Oxford he was a Lecturer in Law at King's College London, where he taught Moral and Political Philosophy as well as Tort and Contract, and established an advanced course on the law of obligations. He has written on the theory of torts, unjust enrichment, and remedies, and also on general jurisprudence. His book *Proof of Causation in Tort Law* is being published by Cambridge University Press in 2014, and he is co-author with Nicholas McBride of *Great Debates in Jurisprudence* (Palgrave Macmillan 2014).

## Elected to the Allen & Overy Professorship



Luca Enriques

Luca Enriques has been elected to the Allen & Overy Professorship, in succession to Professor Paul Davies. Established in 1990, the Allen & Overy Professorship is the most longstanding of Oxford professorships supported by a benefaction from the legal profession.

Professor Enriques, one of the world's most widely-cited corporate law scholars, comes to Oxford from the Department of Law at the Guido Carli Free International University for Social Studies (LUISS) in Rome. Having studied law at the universities of Bologna, Harvard, and Bocconi, he started work in the Bank of Italy's Banking Supervision Department, before joining the Law Faculty at the University of Bologna in 1999. Between 2003 and 2007 he was an independent consultant to Cleary Gottlieb Steen & Hamilton, advising them on corporate law, mergers and acquisitions, securities law, and financial regulation. He then became a Commissioner at CONSOB, the Italian Securities and Exchange Commission, followed by an appointment as Nomura Visiting Professor of International Financial Systems at Harvard Law School.

He has been involved in policy-related work both at the domestic level, serving as an adviser in the Italian Ministry of Finance, and the European level, appointed by the European Commission first as a member of the Forum of Market Experts on Auditors' Liability and then of the Reflection Group on the Future of EU Company Law.

His representative publications include *The Anatomy of Corporate Law* (2nd edition, Oxford University Press) (with Reinier Kraakman et al.), *Corporate Governance Reforms in Continental Europe* (with Paolo Volpin), *21 Journal of Economic Perspectives* 117 (2007) and *Creditors Versus Capital Formation: The Case Against the European Legal Capital Rules* (with Jonathan Macey), *86 Cornell Law Review* 1165 (2001). Current research focuses on European banking law, takeover law, and corporate governance in concentrated ownership systems. A Research Fellow at the European Corporate Governance Institute, he is also the Editor of the ECGI Working Paper Series in Law. Professor Enriques takes up the Allen & Overy Professorship in September 2014, and will be a Fellow of Jesus College.



Boudewijn Sirks

Boudewijn Sirks leaves the Regius Chair of Civil Law after eight distinguished and fruitful years. He has maintained and promoted the tradition of classical Roman law at Oxford. He has taught the advanced course in Delict and has also developed a new course on the Roman and Civilian Law of Contracts, demonstrating how historical and comparative methods remain central to an understanding of law in the modern global age. Boudewijn's researches into the Roman law of early and late antiquity showed his mastery of historical as well as strictly juristic sources, placing legislative interventions into juristic law in the Republic and later Empire within a dense context of political and social change. Boudewijn ran many exciting seminars, colloquia and conferences over the years, crowned by his organization of the 66th Session of the Société Internationale 'Fernand de Visscher' pour l'Histoire des Droits de l'Antiquité (SIHDA) in 2012. He has made Oxford an international hub in all these fields of legal learning. Also notable was his leadership of the Roman law moot tradition in Oxford, shared with arch-rivals Cambridge. At a more intimate level, Boudewijn shared his insights into the classical sources at a regular and long-running informal Digest seminar bringing together Faculty and graduate students to learn topics embracing ownership, possession, contribution and inheritance. This was looked forward to by all, not least for Boudewijn's irreverent and kindly sense of humour, and his easy communication of gems from his vast store of learning. Boudewijn has represented the best way of life of the scholar of the European university, and we have been enriched by his intellectual company and leadership – recognized in the elaborate festschrift now offered to him by scholars from across the world, and his high honour as a knight of the Kingdom of the Netherlands. We, his colleagues and friends, wish him a busy and happy post-Oxford career, hopefully spending much of it back in Oxford.

Joshua Getzler

## DEPARTURES



Adrian Zuckerman

Professor Zuckerman's first major contribution to legal scholarship was in the field of evidence. His 1989 book *The Principles of Criminal Evidence* broke new ground by departing from the established trend of conceiving civil and criminal proceedings as forming part of a coherent general system of evidence. Instead, the book revealed how criminal evidence can only be satisfactorily analysed through the unique lens of criminal justice, in the process bringing a fresh doctrinal as well as normative insight to bear on this domain.

Subsequently, he turned his attention to civil proceedings, in which context he sought to address what he identified as both a scholarly and pedagogical neglect. Whereas civil procedure constitutes a compulsory area of study in law schools the world over, in UK law schools it tends to be altogether absent. In 1995 he established the BCL/MJur course Principles of Civil Procedure, dedicated to the investigation of fundamental issues of civil justice common to all developed procedural systems. The course quickly became one of the most popular offerings in the Oxford graduate law programme, encouraging numerous graduates to continue to develop expertise in this field, often by way of embarking on doctoral projects under Professor Zuckerman's supervision. Indeed, to date no fewer than six of his former supervisees have published notable monographs on civil procedure, which, along with his own highly influential book on the subject – now in its 3rd edition, and widely accepted as the authoritative text on the civil procedure in the UK – have established a considerable body of learning and scholarship where none existed before.

Dori Kimel

# ALUMNI NEWS



## New York Reunion

On a perfect spring evening in April, Hogan Lovells hosted the 6th biannual Oxford Law Alumni drinks in New York. Over 50 Oxford alumni and guests attended the reception which coincided with the 'Meeting Minds' North American Reunion taking place that weekend. Baroness Helena Kennedy, Principal of Mansfield College, and Baroness Ruth Deech, former Principal of St Anne's College, joined the gathering. Hogan Lovells Partner, Michael Matthews, introduced the talks given by the Dean, Professor Timothy Endicott, and by Professor Louise Gullifer.



## 2014 MLF Alumni Event, London

The 2014 annual gathering of MLF alumni in London proved to be a popular event with nearly 60 past and present students joining together to enjoy the hospitality of Hogan Lovells on the spectacular top floor of Atlantic House. Dan Awrey said some words of welcome and gave a brief update on the MLF programme, which is thriving in its 4th year: 'We have been able to expand the programme from 30 students in 2010 to 45 today. The students take two of the BCL/MJur subjects, and also complete a core course on the Law and Economics of Corporate Transactions taught in the Law Faculty, and a series of modules on Financial Economics taught by Oxford's Saïd Business School. We now have a cohort of more than 100 MLF alumni pursuing careers in law and finance around the world.'



## Hong Kong Freshfields Reception

Oxford's first Alumni Weekend in Asia gave graduates and friends across the region the opportunity to come together to celebrate belonging to Oxford Law. Freshfields Bruckhaus Deringer offered the ideal setting to gather overlooking the Harbour. Pinsent Masons Professor of Taxation Law Judith Freedman joined the Dean, Timothy Endicott, in welcoming 65 law alumni to the event. Professor William Swadling and Jeffrey Hackney also attended the reception sharing stories and comparing views on Oxford past and present. Organisers of the Oxford Hong Kong Moot also made time to visit. The Dean shared news of current changes in the Law Faculty, including developments of Oxford programmes in China. The evening dovetailed with the inaugural events of 'Meeting Minds Asia' taking place in Hong Kong.



## Oxford Law Alumnus Named Dean of Berkeley School of Law



Sujit Choudhry, a scholar of comparative constitutional law, has been named Dean of the University of California, Berkeley, School of Law. Choudhry, the Cecelia Goetz Professor of Law at New York University School of Law and founder of its Center for Constitutional Transitions, will begin a five-year term on 1 July 2014.

UC Berkeley Executive Vice Chancellor and Provost Claude Steele today called Choudhry a 'brilliant scholar, professor, and mentor,' who would inspire and lead with 'big ideas' during a time of rapid change in the legal profession.

Choudhry is a member of the United Nations Mediation Roster, and has served as a consultant to the World Bank Institute and as an expert in support of constitutional transitions in Egypt, Jordan, Libya, Tunisia, Nepal, and Sri Lanka. He has called the Berkeley Law deanship 'the opportunity of a lifetime.'

An Oxford Law alumnus, Choudhry studied for his BA in Jurisprudence between 1992 and 1994, at University College, and took a First. He says of his time at Oxford 'Because I did my first law degree outside my home jurisdiction (Canada), and first studied constitutional law in the UK I give Oxford credit for launching my career as a scholar of comparative constitutional law.'

He was a Rhodes Scholar and also holds law degrees from Toronto and Harvard.

Further details on Choudhry's academic career can be found on his biography page on Berkeley's website.



Lord Neuberger

### IP Diploma Alumni Event

The Faculty of Law hosted its annual Diploma in Intellectual Property Law & Practice Alumni Reception at the Royal Society in London on 6 March 2014. The event, attended by about 60 Diploma alumni and tutors, featured an insightful talk by Lord Neuberger on the Europeanisation of intellectual property law and practice. The talk addressed both patents and trade mark developments, with the distinguished speaker taking questions from the audience afterwards. The ensuing lively discussion was chaired by the Dean of the Oxford Law Faculty, Professor Timothy Endicott.

The Diploma in Intellectual Property Law and Practice is taught jointly by senior Oxford academics and senior practitioners from law firms and chambers. It provides a top quality vocational experience for newly qualified solicitors and barristers embarking on a career in intellectual property law. See [www.law.ox.ac.uk/postgraduate/odip.php](http://www.law.ox.ac.uk/postgraduate/odip.php).

## Supporting Students with their Careers



What to do on leaving Oxford has always been an important decision to make, but never more so than today when students are faced with an extremely challenging labour market.

The path to securing a job is laden with hurdles even for Oxford's bright and able students, as employers create ever more complex hiring processes – lengthy application forms, psychometric tests, assessment centres, rounds of interviews, case studies and more.

Over the last few years, the Law Faculty and the university Careers Service have been working closely together to ensure that our students are well informed about their possible career choices, and that they are supported throughout the whole process of finding a job.

One way we do this is through the Oxford Careers Network (OCN), a database of Oxford alumni who are willing to provide information about their career paths and answer students' questions about their job via a facility on the Careers Service's website. Allowing a student to contact an Oxford graduate at the click of a button, the OCN is an invaluable resource for students to check out the realities of their dream job, to find tips for applications

or interviews, or simply to confirm that their future career path is possible and has already been plied.

If you would like to join the Oxford Careers Network and help a student who is in the same situation that you were once in, please visit the careers service website: [www.careers.ox.ac.uk/join-the-ocn](http://www.careers.ox.ac.uk/join-the-ocn).

If you would like to contribute in other ways to legal careers activities in Oxford, we would be delighted to hear from you. Some of the areas that alumni get involved in are as speakers for legal occupational talks, through offering mock interviews and internships, or delivering relevant skills sessions. Please contact our Legal Careers adviser, Juliet Tomlinson ([juliet.tomlinson@careers.ox.ac.uk](mailto:juliet.tomlinson@careers.ox.ac.uk)), if you might like to get involved at some point in the future.

Alternatively, if you are an employer looking to hire an Oxford graduate, then there are many ways we can also help you. So please get in touch with our Employer Relations Team at the Careers Service ([recruiters@careers.ox.ac.uk](mailto:recruiters@careers.ox.ac.uk)) who will be able to assist.

Your support helps our students tremendously, thank you.

## Scholarships for Human Rights Students



Over £700,000 in scholarship support has been received in the past year for students from developing countries to pursue the MSt in International Human Rights Law.

The support comes from the Commonwealth Scholarship Commission (for the third year), the Alistair Berkley Charitable Trust, the Brunfield Foundation in Malaysia, Santander Bank PLC, the Vice-Chancellor's discretionary fund and an anonymous donor, with generous additional support from Kellogg College, Oxford.

The course director, Dr Andrew Shacknove says, 'This funding makes it possible for half our students to have access to an Oxford education irrespective of their financial circumstances. The students come from countries with significant human rights challenges and potential. Thus far the students supported by this scheme include a Kenyan war-crimes prosecutor, the director of consumer protection for Nigeria and an award-winning women's rights litigator and academic from the Philippines. Given the current economics of graduate education, the only realistic way to reach such people is with scholarships.'

Current students and graduates from the MSt engage in a range of human rights activities, including working in refugee camps, defending detainees in Guantanamo and at the International Criminal Court, designing a human rights-based curriculum for disabled primary school students in Uganda, engaging in human rights advocacy and research in Afghanistan's Helmand province, in Burma, and in over 80 other countries.

Run jointly by the Department for Continuing Education and the Faculty of Law, the MSt is conducted on a part-time basis with periods of on-line and Oxford-based training. The part-time format allows students to engage in a sustained period of study without a basic disruption to their work commitments.

*Rachel Green*

For more information about the different sources of funding please see:

[www.ihrlmst.conted.ox.ac.uk/finance/funding/](http://www.ihrlmst.conted.ox.ac.uk/finance/funding/)

## Alumni Adventures



### Interview with Chris Drake

The University's China Office recently interviewed Law alumnus Chris Drake (Exeter 1975) about his upcoming plans to lead another fundraising trek to Yunnan Province this September to support the newly established Oxford China Centre. A long-time supporter of the University of Oxford, he is the Chairman of the University's China Advisory Group and was a key volunteer in helping set up the Oxford China Office. In 2011, he was named as a Distinguished Friend of Oxford. In 2013 Chris led an alumni expedition to the summit of Mount Kilimanjaro to

support Exeter College's campaign celebrating its 700th anniversary. He currently works in Hong Kong as a legal advisor in a small family office.

Chris followed in the footsteps of his father in his choice of studying law at Oxford – he also read Jurisprudence at Exeter College. Sir Maurice Drake, who died in April at the age of 91, was a Queen's Bench Division High Court Judge and Treasurer of Lincoln's Inn. He had arrived in Oxford in 1945 following demobilisation from the RAF. Maurice was the High Court's principal libel judge from 1991 to 1995 and presided over a number of high-profile cases.

## What are your most cherished memories of Oxford?

A swirling kaleidoscope of memories is filled with moments such as early-morning runs down to the boat-house, gliding along the river in an eight, lazy summer afternoons and brisk wintery bike journeys, dinners in hall, all-nighters writing an essay as a prelude to a brain-polishing tutorial, afternoons of solitude in the library, the occasional lecture, and of course the terror of Finals followed by exuberantly joyful celebrations – and then the slowly-dawning realisation that it is all over!

## How did Oxford nurture your talents and interests and shape you as an individual?

The intense open surgery of a tutorial in which you come mind to mind for an hour with a leading expert on a topic that you really don't know much about is both an extraordinarily democratic privilege (why should he listen to my thoughts on the subject and debate them with me?) and undeniably a wonderful training for many aspects of professional and personal life ahead. The commitment to academic excellence that Oxford embodies and in which it immerses (or occasionally submerges!) its undergraduates sets a high note to aspire to, and to that must be added the awesome range of social, sporting, artistic and cultural offerings of which college life is woven. With such a rich and diverse range of experiences taking place in such timeless and beautiful surroundings, I think that a tremendous nurturing of the self happens as much by osmosis as the conscious dedication of time to particular endeavours.

## You are a lawyer as well as a leader and volunteer with many non-profit organisations. What motivates you in your engagement with these groups?

That's not so easy to answer! But I think there is much within the saying that 'Man does not live by bread alone' and I have very often found working with less-privileged people to be inspiring and fulfilling. There is perhaps an inherent yearning for something that transcends the self, or to do more than just meet one's own needs; and there are also many great truths to be learned from and much

beauty to be seen in those with less complicated lives than many of us have today. There are many divisions within the global village and an ounce of help from some can make a ton of difference to others; for sure education and learning are keys that can unlock many treasures often otherwise hidden within the individual and are also fundamental to progress and well-being within society.

## You are leading another adventure, this time in Sichuan in China, across the stunning landscapes of the Tibetan borderlands, to raise funds for the soon-to-be-opened University of Oxford China Centre. Tell us more about this trek and what alumni who are considering joining can expect. What level of fitness do you need to achieve before the trek?

We plan to fly to Shangri-la in northern Yunnan on 14 September 2014 and then drive to the Tibetan settlement of Yading in south-west Sichuan before setting off on the Yading 'Kora' Trek. It's reputed to be an extraordinarily scenic trek, combining spectacular Himalayan mountain splendour with cultural and spiritual interest as our route follows a sacred pilgrimage route for local Tibetans circumambulating three sacred 6,000+ metre peaks sanctified in the 8th century.

The trip involves seven days of trekking over some high mountain passes, the highest being at 4,700 metres. Our guide says that no previous similar experience is required, but one needs to be reasonably fit for the regular ascents and descents during around six hours of hiking each day – and imbued with a spirit of adventure! The local support team will take care of logistics such as putting up tents, cooking and carrying everything except our day packs, leaving us free to make the most of it all.

For the full interview, a fascinating video showing the Exeter College Kilimanjaro expedition and details of how you can join the trek, visit the Oxford University China website.

*Victoria Lau and Esme Wilks*

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