Michael Waibel – Friday 5 February, 12.30-1.45pm, G11

Boilerplate Treaties

In contrast to extensively negotiated multilateral treaties, many bilateral treaties in areas as diverse as extradition, investment, tax and civil aviation, involve little negotiation, and no fanfare on signature. They resemble boilerplate contracts, and are often negotiated on the basis of model treaties. This work-in-progress analyses an extensive collection of treaties using quantitative and qualitative tools. The aim is to shed light on how model treaties influence the bilateral treaty-making in international law.

David Feldman – Friday 19 February 2016, 12.30-1.45pm, G11

Archival Research as Socio-Legal Research

In the last few years I have conducted archival research in connection with four projects: the background to Entick v. Carrington (1765); the preparation and publication of A. V. Dicey’s Lectures Introductory to the Study of the Law of the Constitution (1884-85 and subsequent editions); the politics, process and law of administering the Egypt Fund in the Foreign Compensation Commission, litigating Anisminic, and the legislative sequel (1956-69); and the attempt of the Secretary of the Cabinet and other public servants to control the publication of Richard Crossman’s diaries (1974-75). Working with letters, official files, case files and other documents has prompted me to think about the extent to which such research would be regarded as ‘socio-legal’, the methods which can be applied to analysing the sources, and the implications which one can draw from them.

Veronica Fikfak – Friday 4 March 2016, 12.30-1.45pm, G11

Compensating for Human Rights Violations

When individuals are mistreated by European governments, the European Court of Human Rights is responsible for reviewing state actions under the European Convention of Human Rights. If the individuals are successful in proving a violation, the ECtHR may award them damages for the treatment suffered. Whilst domestic courts of the 47 Council of Europe Member States, over which the Court has jurisdiction, usually award damages on the basis of scales that are public, this is not the case with the ECtHR. The Court sets out no rules or guidelines as to when individuals are likely to get compensation; it also does not explain which elements of their treatment applicants should emphasise or how much they should ask for. The project quantitatively analyses 12,000 cases of the ECtHR to determine when and how the Court awards damages for human rights violations. The aim is to reveal the legal principles that guide the Court’s practice.

Julius Weitzdörfer - Friday 29 April 12.30-1.45pm, G11

Causation and the Lives Claimed by Fukushima: Evacuation Stress, Solitary Deaths, Suicides, and Excess Abortions

With over two million victims and a scope of 200 billion Euros, the Fukushima Nuclear Accident constitutes the largest civil liability case in legal history. While the majority of compensation claims are dealt with under government guidelines outside of courts, thousands of pending lawsuits are based on the tortious liability the power plant operator, TEPCO. Although nuclear law generally imposes strict liability, recent court judgments, largely unknown outside of Japan, had to deal with very difficult questions of causation, e.g. when awarding damages for evacuees who committed
suicide out of frustration in the wake of the accident. This project draws on public health and medical research results gathered during fieldwork in Japan in the spring of 2016. By way of an assessment of evacuation stress, solitary deaths, suicides, and excess abortions, it seeks to legally challenge the assertion that the Fukushima accident has not claimed any lives and thus nuclear energy remains ‘safe’.