

Institution: University of Dundee

Unit of Assessment: 20 Law

a. Context:

Applied research is at the heart of our activities and is central to our impact strategy and international reputation. The impact of our work benefits policy makers, legislators, the legal profession, trade associations, NGOs, the public sector and international organisations. The last are a particularly important constituency for impact in water and energy law. We aim to maximise the impact of our research by: (1) a practical focus of academic research and scholarly writing; (2) a tradition of Public Engagement with Knowledge Exchange; (3) the provision of (i) expert advice, and (ii) CPD training.

b. Approach to impact:

(1) Academic research & scholarly writing: We support staff to build professional networks to ensure their research reaches beyond the academy, and they stay in touch with current practice and emerging policy. Publication of core texts has a key role in our engagement across professions and sectors. Monographs frequently cited in court and/or arbitration proceedings include: **McEleavy's** *Private International Law*; *The Hague Convention on International Child Abduction*; and his chapters in *Dicey, Morris & Collins on the Conflict of Laws*; **P Cameron's** *Competition in Energy Markets*; and his *International Energy Investment Law*; and **Churchill's** *The Law of the Sea*. Other key texts heavily relied on in legal practice include **Bekker's** *The Legal Position of Intergovernmental Organizations*; **Ervine's** *Small Claims Handbook* and his *Consumer Law in Scotland*; and **Raitt's** *Evidence*. Both **Reid's** *Nature Conservation Law* and **Ross's** *Sustainable Development Law in the UK* are widely used by lawyers and environment officers, with whom they have regular dialogues. **Ford** and **Cross's** *Stair Memorial Encyclopaedia* entry is a primary reference point for practitioners and charity regulators. **Wouters'** comprehensive examination of the rules of law that govern Asia's transboundary waters led to an invitation to join the Chinese government's 1000 Talents Programme and to establish China's first international water law programme.

(2) Public engagement and knowledge exchange: The [Centre for Freedom of Information](#) (CFI) is a joint venture between the Law School and the Scottish Information Commissioner. Drawing heavily on **Page's** research, it organises seminars throughout the year, providing a forum for engagement between policymakers, FOI professionals and civil society. **Ferguson** and **Raitt's** research underpinned two series of workshops funded by the Scottish Universities Insight Institute: [Expert Scientific Evidence](#), and [Re-thinking Responses to Rape](#). Participants included NGOs, prosecutors, advocates, forensic scientists and the judiciary, from multiple jurisdictions. **Belcher** and **Kirk** hosted four workshops as part of an AHRC Network for Research on Institutional Governance, attended by legal practitioners, staff of the Commonwealth Secretariat, representatives from NGOs, charities, companies, NHS managers and the senior Scottish Charity Regulator. Knowledge exchange has also embraced electronic media, with **Bastida** and **P Cameron's** research showcased in the [Extractive Industries Source Book](#). Attracting more than 5,000 global visitors a month, this provides assistance to governments in post-conflict, emerging, and poorly resourced societies, identifying research on good practice in the design of laws, model contracts and economic arrangements. Supported, *inter alia*, by the World Bank, dedicated workshops on its work were held in Indonesia, Tunisia, Washington DC and Cape Town. Workshops also featured in a large project within the FP-7 Framework on energy policy, and in several projects in water law and policy of a multi-disciplinary and collaborative character: **Allan**, **Bergmann**, **Bonell**, **Hendry**, **Rieu-Clarke** and **Spray** participated in or led workshops and conferences in India, Norway, Scotland, South-East Asia and Turkey.

(3) Provision of (i) expert advice for policy makers, practitioners and NGOs: Our staff regularly respond to invitations to provide expert advice to a range of bodies, e.g. **P Cameron** (to the House of Lords on EU energy matters, to the Scotland Office on unconventional oil and gas, and mining law and policy; and to the Scottish Parliament on the Lisbon Treaty); **Bekker**, **P**

Cameron and **Dow** (to the Scottish and UK Governments on international law; and on renewable energy and its regulation); **Fiorini** (to the European Parliament on the legislative methods the EU should employ and to the government of Montenegro, on behalf of the European Commission); **Cross** (to the Scottish Parliament's Justice Committee on his edited report: [Fatal Road Collisions in Europe](#)); **Hendry** (to the Scottish Parliament on the Water Resources (Scotland) Bill and the Regulatory Reform (Scotland) Bill); **Ross** and **Reid** (to the Environment, Food & Rural Affairs Committee of the House of Commons inquiry into the Outcome of the Farming Regulation Task Force: the Committee referred to their evidence in its [Tenth Report 2010-2012 HC 1266](#)); **Ross** and **Reid** (to the Commission for Scottish Devolution's inquiry (Calman Commission), which used findings from their AHRC project in its First Report). **Vinogradov** has advised several UN organisations: UNEP (on land-based pollution), UNECE (on the protection of trans-boundary waters), OSCE (on regional environmental security), and UNDP/GEF (on aquatic ecosystem protection). Staff regularly respond to government and Law Commission (LC) proposals: e.g. **Cross** and **Ford** (their response to the discussion paper on *Unincorporated Associations* influenced the Scottish Law Commission's (SLC) final report recommendations); **Ervine** (his response to a consultation on *Consumer Redress* was referred to on 10 occasions in the SLC's final report, and there were also citations to his book) and **Ferguson** and **Raitt** (invited to give oral evidence to the Scottish Parliament, based on written submissions to the SLC's proposals on sexual offences reform, and to the Carloway Review of Criminal Procedure, respectively). **Ross's** work underpinned the introduction of a dedicated Bill for Sustainable Development (SD) in Wales - the then [Minister for the Environment](#) in Wales relied on her work to call for new legislation - and has influenced Parliamentary scrutiny of SD in the UK and in Scotland. **Reid's** written comments and oral evidence on the Wildlife and Natural Environment (Scotland) Bill were cited frequently in the subsequent Rural Affairs & Environment Committee's Report. The LC's consultation paper on Conservation Covenants (No. 211) had eight references to **Reid's** work, and the House of Commons Justice Committee used his evidence to support its conclusions on the future of the [Administrative Justice & Tribunals Council](#).

Membership of advisory bodies also allows our research to have a wider impact, e.g. **Bekker** (designated member for the International Court of Justice in the Directory of Experts by Topic maintained by the American Society of International Law); **Comerford**, **Cross**, **Ford**, **Reid** and **Ross** (various Law Society of Scotland Law Reform committees); **Churchill** and **Page** (Advocate General for Scotland's Legal Forum, set up to consider issues arising from the debate on Scotland's constitutional future); **Fiorini** (Scottish Government stakeholder group on private international law); **Ford** (Scottish Government Working Group on the regulation of Scottish Charitable Incorporated Organisations); **Hendry** (Customer Forum, set up to improve customer representation in price-setting for water services; and WaterLex, an NGO working on the human right to water); **Kirk** (academic adviser for workshops run by the [Arctic Council](#)); **Page** (founding member of [Scottish Constitutional Futures Forum](#) - this hosts public discussions on key constitutional questions; expert adviser on the Scotland Bill); **Raitt** (Advisory Group to the SLC's *Similar Fact Evidence Consultation*; Scottish Government's *Justice Leaders Network*); **Reid** (member of two working parties of the UK Environmental Law Association; UK Nature Conservation Working Group; Scottish Working Group; Convener of the Nature Conservation sub-group); and **Vinogradov** (Legal Expert group of the UN Economic Commission for Europe).

Commissioned research offers a direct mechanism for influencing policy and practice, e.g. **Churchill**: commissioned to undertake research for Seafarers' Rights International; **McEleavy**: to advise the UK government on the negotiation of the Brussels IIa Regulation (conflict of laws issues in family matters) and the implementation of the 1996 Hague Convention on the Protection of Children; and to write a [Practice Guide on the 1996 Hague Convention](#) for the Ministry of Justice; **Raitt**: by Rape Crisis Scotland to research independent legal representation (ILR) for complainants of sexual offences. Her [ILR Report](#) led to the development of a model for ILR, presented to the Scottish Government; **Rieu-Clarke** and **Vinogradov**: to advise UN agencies (Economic Commission for Europe, GEF, UNDP and UNEP) and OSCE, and to draft intergovernmental agreements on environmental protection and use of resources (for the Black and Caspian seas, and the Aral, Baikal, Dniester & Kura basins).

(3) Provision of (ii) CPD: This has been provided to a range of professionals and on a variety of specialisms, e.g. to: legal practitioners in private practice; (**Bekker**: international arbitration; **Cross**: intellectual property); the Scottish Government Legal Service (**Page** and **Reid**: devolution); the Scottish judiciary (**Ferguson**: criminal law; **Raith**: vulnerable witnesses; expert evidence); the Legal Services Agency (**Reid**: environmental law). Training seminars have been given by **Fiorini** (as a member of the panel of experts of the **TAIEX** Office of the European Commission in Bulgaria, Malta, Ukraine and the Western Balkans); and by **McEleavy** (also on the TAIEX panel), for the Council of Europe, EU & Russian Government, Scottish Judicial Studies Committee/Judicial Institute, Commonwealth judges and the English Bar. **Bekker**, **Raith**, **Ross** and **Shields** each gave *Cafe Science* presentations, a popular public series for research dissemination organised by the University. The UoA assists researchers in these endeavours by providing: facilities for hosting events (e.g. the CFI); strong administrative support (event management is a focus for one of the office staff); travel grants to facilitate discussions with policy-makers/stake-holders, and funding to organise and attend knowledge exchange programmes, conferences and seminars. Potential impact is a major factor in development and internal review of grant applications. The University offers media training for academic research staff, and the Press Office and College Business Development Manager assist with press releases, media enquiries and funding applications. Potential sources of research funding are circulated by the University, generally on a weekly basis.

c. Strategy and plans:

The University's School Operating Plans (currently 2013-2015/16) require regular revised plans from research active staff. Future plans reflect the increasing significance of impact. Our sabbatical policy will incentivise staff to focus on funded activities with proven impact value, including those described above, and to pursue funded opportunities which welcome participation from various sectors – those with whom we have well-established relationships, and new ones. Impact is already being sustained and developed through strengthened administrative support mechanisms at University and College level, as well as existing School ones, specifically a dedicated Research & Innovation Services team for grant-getting; a new communications team devoted to raising staff public profile and running public lectures; a new website and PURE staff profiles through the University Discovery portal; hands-on support by the Research Committees for staff through feedback on draft papers and book proposals; lunchtime staff presentations; and general mentoring. Staff are encouraged (and, indeed, expected) to participate in public engagement/impact-related activities, both as part of current research and to ensure that past work of continuing relevance is not forgotten. They are also encouraged to seek external funding which automatically includes a commitment to ensuring impact for awards from RCUK and many of the charitable funders.

d. Relationship to case studies:

Each case study reflects the UoA's success in enabling research which produces both quality academic publications *and* tangible public impact to a broad range of users. We will build on this strategy, embedding it in our institutional and individual research plans, including funding applications, writing projects, sabbatical criteria and public engagement. The priority is to develop a natural alliance between publishing at the highest level and disseminating that knowledge to the widest possible audience. In so doing, we will mine the varied and valuable lessons from the case studies, each of which underlines that careful investment of funds can ensure a complementary gain for both publication and cross sector impact. Thus, **McEleavy's** experience of combining his funded advisory role for the UK Ministry of Justice with core research activity illustrates one effective model of achieving two distinct outcomes. **Raith's** attendance at conferences and workshops organised by relevant NGOs was supported financially by the UoA, and produced reports for policy makers in the criminal justice sector, as well as academic outputs. Research by **Rieu-Clarke** and **Wouters** into international conventions on water law over many years accentuates the international reach of the UoA's research.