

Graduation 2009

Oration for Honorary Graduand Nuala Mole
Orator: Francoise Hampson

Chancellor, the Senate has resolved that the degree of Doctor of the University be conferred upon Nuala Mole.

Nuala Mole read law at St Anne's College Oxford and then went to Bruges to attend the College of Europe, at a time when that was still very unusual, at least for a British citizen. Following some years looking after her young family, Nuala Mole entered the world of paid employment, first specialising in immigration and asylum issues. She then joined Interights, a human rights organisation. Interights dealt with a range of issues on a global basis, including strategic litigation. The late 1980s and early 1990s were a challenging time for human rights groups. The changes in Central and Eastern Europe required them to adapt both what they did and how they did it. Smaller organisations had to decide whether to focus on particular issues or particular regions. Nuala Mole realised that there was an area of significant unmet need. In 1993, she left her job as Director of Interights to establish a new organisation – AIRE or Advice on Individual Rights in Europe. It is for her work at AIRE that Nuala Mole is being honoured today.

In the very way in which it was established we see something highly unusual that reveals the flavour of this non-governmental organisation and its Director. NGOs tend to be very protective of "their" territory and suspicious of other organisations with which they may appear to be in competition. Even before AIRE was established, Nuala Mole consulted other groups, such as Liberty and Justice, as to the need for the type of organisation she had in mind. From its inception, AIRE has had a co-operative and collaborative relationship with other NGOs. That should not be unusual but actually is.

AIRE was set up to provide advice on individual rights under both European Community law (as it was then called) and the European Convention on Human Rights. In order to provide this service, the organisation ran a helpline, a litigation service and also delivered training courses for lawyers, judges and prosecutors in the new member States of the Council of Europe. Initially, AIRE itself represented clients, as well as providing advice to lawyers bringing their own cases on behalf of clients. It originally concentrated on immigration and asylum issues but that changed with the case of *Osman v. UK*, on which case depends all the subsequent case-law on the obligation of States to protect the right to life. Thereafter, AIRE dealt with any human rights issue and developed a particular speciality with regard to human rights in the field of family law. AIRE has never advised on national or domestic law but its advice on European rights law may be used in domestic or international proceedings. Owing to changes in the regulation of litigation, AIRE decided to cease to represent clients itself and to focus on giving advice to lawyers representing clients and on the submission of *amicus briefs*, that is to say independent third party interventions as a friend of the court. It should be remembered that, before the passage of the Human Rights Act, very few lawyers in the UK had any knowledge of how to use European laws on individual rights, either in domestic or international proceedings. Even now, they might have more knowledge and greater awareness of the issues but most of them have very little experience.

As Central and European States joined the Council of Europe, their lawyers needed both training in the relevant laws and assistance in bringing cases. Alongside its role in assisting the legal representation of litigants, AIRE has played and continues to play a vital role in the training of legal professionals in 40 out of the 46 member States of the Council of Europe. What marks out the

training done by AIRE, in contrast to too much other training, is that it starts with what the trainees are familiar with and builds up from there. It is practical, rather than theoretical. This requires far greater preparation than the more common approach but it is very much more effective. If the judges in South-East Europe, especially the Balkans, are doing a fairly decent job in applying the standards of the European Convention on Human Rights, that is largely attributable to the way in which they were trained by AIRE.

Nuala Mole would be the first to say that the success of AIRE is not just down to her. What kind of organisation has been able to deliver so much? From the description of its activities, you might think that it has scores of lawyers in some office block, with suitably battered carpets as befits an NGO. It has about four small rooms at the top of a building in Red Lion Square. It has very few full-time paid staff. It does have an army of interns, fitting in their work around whatever else they are doing and when space is available. The AIRE interns are famous. They get superb training and the ability to hone their practical skills but what really marks them out is that they seem to form a family. They remain in contact with one another and with AIRE itself. They never really escape. Whilst accepting that AIRE's reputation is not based solely on the work of one person, it must equally be remembered how much of that *is* based on the particular contribution of Nuala Mole. She had the initial vision and she has enabled its realisation, on a shoestring and by mobilising others to assist in its delivery. This is reflected in the marks of recognition both AIRE and Nuala Mole have received. In 1998, AIRE was named the human rights organisation of the year by Liberty and the Law Society Gazette. In 2000, Nuala Mole was chosen by the Council of Europe to speak on behalf of all NGOs at the celebrations to mark the 50th anniversary of the European Convention on Human Rights. In 2001 Nuala Mole herself was awarded the prize as Human Rights Lawyer of the Year. In 2005, Nuala was awarded the Prix de l'Ancien – the alumnus of the year prize awarded to a former student of the College of Europe.

Wherever in Europe a lawyer invokes human rights law or a judge or prosecutor wrestles with trying to apply it, there is the hand of AIRE and of Nuala Mole. It may well not be seen on the front-line, pleading the case. But those who *are* dealing with case are likely to have been trained or assisted by AIRE. This is another example of a very great deal being owed by very many to very few. That is why we wish to honour Nuala Mole today.

Chancellor, I present to you Nuala Mole.