

David F Ballantyne

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Year of Call 1992

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Experience

Graduated LLB, Aberdeen University; **Post-graduate Diploma in Business Management**, Strathclyde University.

1980 **Solicitor**: After an early IT career as a systems analyst, latterly as Computer Development Manager for Central Regional Council, returned to law. Practised as a court solicitor for 8 years, partner for 6 years, with C&PH Chalmers, Aberdeen. Mainly civil litigation, licensing, employment, planning, leasing. Tutor in advocacy on Diploma in Legal Practice at Aberdeen University 1987-88.

1988 **Attorney General of Tuvalu, Pacific**

Litigated in London to stop fraud on Government: *Attorney General of Tuvalu v Philatelic Distribution Corporation* [1990] 2 All ER [CA] 216. Stated case to High Court of Tuvalu to resolve constitutionality of procedures for inheritance of English statute law under Commonwealth Secretariat project. Organised and completed first law revision since independence from UK (1978).

Negotiated exchange of civil aviation rights with Fiji and Marshall Islands to improve Tuvalu's international air service. Negotiated with France and Fiji a maritime trijunction point to define Tuvalu's Exclusive Economic Zone under UN Convention on Law of the Sea.

Conducted training needs analysis for 10 island states and devised a "learning by doing" programme of continuing legal education, in a report entitled "*Continuing Legal Education in the Pacific*" adopted by the Commonwealth Secretariat for the Pacific. Developed career of two Tuvaluan crown counsel. On my departure, the post was localised.

1991 **Faculty of Advocates:** civil practice after calling in June 1992.

1992-1998 **Attorney General of Turks & Caicos Islands** (on secondment from HMG).

Prosecutions: insurance fraud involving USA and British Virgin Islands; local drugs conspiracy using wire-tap evidence; drugs interdiction involving 400 kilos of cocaine.

Negotiated Mutual Legal Assistance Treaty between TCI and Canada. Introduced legislation to regulate Legal Profession, private and public bar. Secured enactment of Proceeds of Crime law.

Increased AG's Chambers from 5 to 10 lawyers (6 under UK aid), including law reform and law revision, and introduced local lawyers. Renovated courthouse in Providenciales, localising Court of Appeal.

In Washington DC, negotiated and drafted Memorandum of Understanding with USA to provide safe-haven involving 900 US troops on Grand Turk to safeguard refugees from 1994 Haitian crisis. Later in Port au Prince, negotiated MOU with Republic of Haiti for legalisation or repatriation of illegal migrants, securing assistance from International Organisation of Migration.

As Acting Governor, TCI in association with US authorities, managed armed aircraft hijack in Providenciales to successful outcome (1993). Managed crisis over petition for removal of Governor by organising politicians to visit London and securing Governor's return (1996).

1998 **Faculty of Advocates:** advocacy skills course, induction course for sheriffs. Civil practice and sitting as Temporary Sheriff at Glasgow, Aberdeen and Central Scotland.

2003 **Foreign & Commonwealth Office, Legal Advisers**

Legal Adviser mainly on sanctions and UK overseas territories (OT) issues. Advised on UN and EU sanctions against third countries, drafting UK and OT implementing secondary legislation.

Advised policy-makers on constitutional, prosecutorial, legislative and judicial review matters, and scope of royal prerogative power. Advice on Pitcairn trials and prison arrangements. Legislative measures to maintain the security of the UK/US Exchange of Notes on use of Diego Garcia. Legal adviser to Human Resources Directorate and Consular Directorate.

2004-2006 **Faculty of Advocates:** civil practice. Consultant to Commonwealth Secretariat on civil and common law model anti-money laundering laws, accredited to IMF as money laundering expert, meeting with IMF and World Bank experts in London and Vienna.

2006-2010 **Foreign & Commonwealth Office: Legal Consultant; Senior Legal Consultant (2008)**

Lead role on UN and EU sanctions, mainly against North Korea (DPRK) and Iran. Drafting implementing UN and EU measures, and UK and OT legislation. Litigation with Iranian banks in High Court and ECJ (Bank Melli) and UN listing of Bank Sepah. Introduced UK legislation with new powers to interdict sanctions breaches on the high seas by DPRK and Iran with human rights safeguards. Led for FCO at Royal Navy Round Table on maritime interdiction at Oxford University.

Advised Foreign Secretary on Mau Mau case. Reviewed aid framework MOUs with World Bank and IMF for DfID and DECC, regarding fund structures and governance. Advised FCO Human Resources

Directorate on risk analysis and duty of care to employees in hostile environments and to external partners on counter-extremist projects.

Successfully defence of £40m claim against FCO by Commonwealth Institute. Identified crucial argument in *R (Bancoult) v Secretary of State for Foreign & Commonwealth Affairs* [2008] UKHL 61 establishing constitutional validity of legislation for British Indian Ocean Territory.

2015 **Foreign & Commonwealth Office: Legal Consultant**

1998 - 2003 **Attorney General of the Cayman Islands**

Addressed international issues threatening financial services industry. With the OECD and other tax havens, led the development of a model treaty for tax information exchange and concluded the first Tax Information Exchange Agreement between Cayman and USA. Engineered wholesale reform of the legislative and institutional framework of the Cayman anti-money laundering regime and secured removal of the Cayman Islands from the blacklist of the Financial Action Task Force. Integrated the Cayman approach to counter money laundering, bringing the first institutional prosecution of a bank.

Argued successful appeal concerning legality of judicial fetter on prosecutorial discretion of the Attorney General under the Constitution of the Cayman Islands: *Attorney General v Euro Bank Corporation, Evans and Robb Evans and Associates* [2002 CILR 334].

Headed Legal Department of 25 lawyers, comprising criminal and civil crown counsel, legislative draftsmen, Cayman Islands Law School (Liverpool University degrees), Law Revision Commissioner.

Maritime boundary negotiations with Cuba, Jamaica and Honduras. Established an Exclusive Economic Zone for Cayman with Honduras by agreeing an adjusted median line.

2003 **Foreign & Commonwealth Office, Legal Advisers**

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2015 **Foreign & Commonwealth Office: Legal Consultant**

Advice on sanctions; statutory instrument template refresher course; drafting UK and Overseas Territories legislation.

2018 **Faculty of Advocates:** resumed civil practice to specialise in public law.

Guest Speaker

- 2001 Nineteenth International Symposium on Economic Crime, Cambridge: *“Global Financial Business and the Implications for the Effective Control of Money Laundering”*
- 2002 Twentieth International Symposium on Economic Crime, Cambridge: *“Putting the crooks out of business: the financial war on organised crime and terror”*
- 2002 Commonwealth Secretariat Oxford Conference: The Changing Face of International Cooperation in Criminal Matters in the 21st Century:
“Multilateral Policy Development and the “Listing” process: balancing fairness versus effectiveness”
- 2008 Lecture at Senior Academic Seminar, Aberdeen University Law Faculty:
“Global Financial Initiatives on Tax and Money-laundering: an offshore perspective”
- 2010 Lecture at Academic Seminar, Liverpool John Moores University Law Faculty:
“the sanctions question” on UN and EU sanctions process.

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