

NEWSLETTER

RECENT ACTIVITIES

The Promotion of Democratization and Human Rights in Iran

January 2005 was marked by the initiation of the three-year comprehensive project focusing on the promotion of democratization and human rights in the Islamic Republic of Iran. The project is expected to contribute to the adoption and implementation of major UN human rights instruments by raising legal awareness among the wider population and specific focus groups. The Institute plans to invite primarily Iranian but also international academics, lawyers and the judiciary, law-enforcement agencies, human rights NGOs, women's organizations, and leaders of ethnic minorities to participate and to work together during a series of biannual meetings.

Additionally, a number of complementary activities will be implemented as part of this project. These include translation into Farsi and publication of key human rights materials; comparison of experiences related to the adoption and implementation of human rights instruments in other Muslim countries; as well as training and fostering cooperation between academic and other networks of experts.

Damages in International Law

The Institute has recently been awarded a grant of £10,000 by the MacQuarie Foundation to undertake the first stage of a major project on damages in international law, lasting until June 2005. The objective of the initial phase is to develop an in-depth project plan to be completed over the course of the next three years.

The project is a timely one: the principles applicable to the entitlement to and assessment of damages under international law are of central importance to the better understanding of the remedies available to non-State actors. However, the last major comprehensive work on the general question of damages in international law was produced in 1943.

The object of the overall project will be to produce a new and comprehensive survey of the contemporary practice of international courts and tribunals in relation to reparation and the award of damages in international law in general, while also examining the rules applicable to specific areas such as violations of human rights norms and investor protection provisions. One of the principal outcomes of the project will thus be to enable a better understanding of the assessment of damages in cases involving both corporations and individuals. Ultimately the project will result in a substantial work examining the entire subject of damages in international law, identifying the general principles of international law in this regard, while also examining the special rules which apply to particular specialist sub-areas, including a database of relevant international decisions containing a brief summary of the facts of the case, the principles applied and the amount awarded.

Dr Silvia Borelli is the principal researcher on this project, and is assisted by Stefano Bettanin during the preliminary phase. Sir Arthur Watts QC and Professor Vaughan Lowe are providing external advice on the content and structure of the work. Dr Federico Ortino and Hugo Warner are also involved in the project.

Pilot Project of the Council of Europe on State Practice regarding State Immunities

The Committee of Legal Advisers on Public International Law (CAHDI), an intergovernmental committee which brings together the Legal Advisers of the Ministers for foreign affairs of the 43 Member States of the Council of Europe commissioned a study on State Practice regarding State Immunities. The study on State Immunity in State Practice was undertaken by Dr Breau and her team at the Institute, Professor Gerhard Hafner and his team at the University of Vienna and Professor Marcelo Kohen and his team at The Graduate Institute of International Studies in Geneva. The report has also been prepared as a publication which considers State practice in Europe not only in the light of the European Convention on State Immunity but also the United Nations Convention on Jurisdictional Immunities and their property which currently open for signature. The final report has been prepared and will be considered by the Committee of Legal Advisers on Public International Law (CADHI) of the Council of Europe in March 2005.

Investment Treaty Forum

Dr Federico Ortino has joined the British Institute as Fellow in International Economic Law and Director of the Investment Treaty Forum. Dr Ortino is an adjunct professor in International Economic Law at the University of Trento, School of Law and the University of Florence, Economic Law Department. He has worked as legal consultant for law firms in Florence, London and Brussels as well as for the United Nations Conference on Trade and Development in Geneva. In 2004, he was Emile Noël Fellow and Fulbright Scholar at the Jean Monnet Center of New York University.

Dr Ortino's research interests lie primarily in international economic law, in particular WTO law, investment law and EC law, with additional interests in international commercial law and litigation.

Legal Tools in Commonwealth Africa

As part of the “Legal Tools in Commonwealth Africa” project, BIICL and the Bar Human Rights Committee are organizing a Judicial Colloquium in Lake Naivasha, Kenya on 1 and 2 April 2005.

Organized by Theodora Christou and Juan Pablo Raymond, it will be attended by judges from 12 countries in the project including the Chief Justices of Kenya and Lesotho. It will inform on the use of the legal materials assembled by the project and the application of international standards in domestic courts. It will also provide judges with a comparative overview of different strategies used in other African countries with similar problems. The “train the trainers” approach will enable judges to develop similar workshops in their respective countries, ensuring that the experience filters through to a much larger group. The trainers will be Peter Carter QC and Dr Susan Breau, assisted by Mr Justice Owen.

PAST EVENTS

ARBITRATION

On 18 January, the Institute held the *Eighth Annual Review of the 1996 Arbitration Act*, a lecture chaired by Marc Blessing, Bär & Karrer. The speakers were: David Brynmor Thomas, Herbert Smith; Khawar Qureshi, Serle Court Chambers; and Stewart Shackleton, Eversheds.

The Institute, in association with Canning House, held a conference on 17 March entitled *Arbitration in Latin America*. Speakers at the conference were: Nigel Blackaby, Freshfields; Lord Brennan QC Matrix Chambers, Vice-President, Canning House; Cristian Conejero, ICC; Alejandro Escobar, Herbert Smith; Daniel Gonzalez, Hogan & Hartson; Professor Martin Hunter, Essex Court Chambers; David Lindsey, Clifford Chance, New York; Eduardo Silva Romero, Coudert Brothers, Paris; Fernando Mantilla Serrano, Sherman & Sterling LLP; Claus Von Eobeser, Von Wobeser and Sierra; Joao Bosco Lee Chair, Brazilian Arbitration Committee.

COMPANY LAW

A lecture was presented by the institute on 21 January entitled *The Proposal for a new Capital Directive – Towards a new Capital Regime?* The lecture was chaired by Mads Andenas, BIICL. The speakers were: Professor Paul Krüger Andersen, Aarhus School of Business; Professor Jan Andersson, University of Bergen; Professor Jonathan Rickford CBE, Company Law Centre, BIICL; Andrew Lennard, Technical Director, Accounting Standards Board, UK; and Paolo Sentella, European Commission.

As part of its 2005 Company Law Series, the institute presented a lecture on 18 March entitled *New European Company Law and Corporate Governance – The UK and the New Member States*. Speakers Dr Arkadiusz Radwan, Jagiellonian University; Professor Jonathan Rickford, Director Company Law Centre, BIICL; Dr Eilis Ferran, University of Cambridge; Dr Bohumil Havel, University of West Bohemia; Andres Vutt, University of Tartu; James Palmer, Herbert Smith; Dr Krzysztof Oplustil, Institute for Economic Policy, Jagiellonian University; Dr Matthias Pannier, BIICL; Giles Peel, Director of Development, Institute of Chartered Secretaries and Administrators; Professor Maria Patakyova, Comenius University; Professor András Kisfaludi, Head of the Civil Law Department, Eötvös Loránd University Budapest; Julian Francis, Freshfields Bruckhaus Deringer; Dr Rafal Stroński, University of Warsaw; Theis Klauberg, BNT Legal and tax Consultants.

COMPETITION LAW

A lecture entitled *Chilling Competition – Freezer and Cooler Exclusivity under European Competition Law* was presented on 25 January. It was chaired by Dr Philip Marsden, BIICL. The speakers were: Dr Amelia Fletcher, Office of Fair Trading; Nicholas French, Freshfields Bruckhaus Deringer; Matthew Levitt, Lovells; Gabriel McGann, Coca Cola Europe, Euroasia & Middle East; Derek Ridyrd, RBB Economics; and Pieter Kuiper, Unilever UK.

The institute held a workshop titled *Cartel Agreements, Criminal Conspiracy and the Statutory “Cartel Offence”* on 22 February. Speakers were: Sir Jeremy Lever, KMCG, QC, Monckton Chambers; Scott Megreghian, McDermott Will & Emery; John Pike, 7 New Square, Lincolns Inn; Simon Williams, Office of Fair Trading; and Adam Aldred, Addleshaw Goddard (Leeds).

As part of its 2005 Competition Law Forum Series, the institute hosted the ninth CLF meeting *Article 82 Review* on 16 March. Speakers at the event were: Dr Ulf Boge, Bundeskartellamt; Emil Paulis, European Commission; R Hewitt Pate, US Department of Justice; René JP Jansen, Netherlands Competition Authority (NMA); Liza Lovdahl-Gormsen, Lisa Lovdahl Gormsen; Dr Amelia Fletcher, Office of Fair Trading. A dinner followed the event. The event was chaired by Philip Collins, Lovells

CONSTITUTIONAL LAW

A seminar entitled *Reforming the Law of Royal Prerogative* was held on 16 February. The speakers were: Professor Rodney Brazier, University of Manchester; Michael Fordham, Blackstone Chambers; Professor Anthony Bradley, Constitutional Law Group; Professor Dong Heping, Northwest University of Politics & Law; and Maurice Sunskin; Southampton Institute. The event was chaired by Mr Justice L J Beatson, Royal Courts of Justice.

The Institute, in association with Constitutional Law Group, held a seminar on 9 March entitled *Do we need a Civil Service Act?* The event was chaired by Sir Christopher Foster. Speakers were: Lord Anthony Lester of Herne Hill QC, Blackstone Chambers; Philip Agent, House of Commons; and Professor Anthony Bradley, Constitutional Law Group.

DATA PROTECTION

As part of our 2005 Data Protection and Research Policy Group Series, the Institute hosted a lecture entitled *RFID* on 18 January. The speakers were: Rosa Barcelo, European Commission; Robert Bond, Faegre Benson Hobson Audley LLP; Phil Jones, Information Commissioner's Office; and Susanne Lace, National Consumer Council. The event was chaired by John Borking, Borking Consultancy.

Also as part of our 2005 Data Protection and Research Policy Group Series, another lecture entitled *Data Protection in the New EU Member States*, was hosted by the Institute on 15 February. It was chaired by Niovi Ringou, European Commission. The speakers were: Dr Karel Neuwirt, Head of Data Protection Authority, Czech Republic; Dr Attila Péterfalvi, Head of Data Protection Authority, Hungary; Elizbieta Ostrowska, Polish Data Protection Authority; Omer Tene, BIICL.

INVESTMENT TREATY FORUM

The Institute, in conjunction with the International Institute for Sustainable Development (IISD) and Chatham House, held a seminar on 14 January entitled *Investment and Sustainable Development: Towards a New Model International Investment Agreement*. Speakers were: Edward F. Greene, Essex Court Chambers and Professor Philippe Sands, Matrix Chambers.

PUBLIC INTERNATIONAL LAW

On 1 March, in association with Transitional Justice Institute (University of Ulster, Northern Ireland), the institute held a lecture titled *Religion, Human Rights and International Law – A Critical Examination of Islamic State Practices*. The speakers at the lecture were: Professor Kevin Boyle, University of Essex; Professor Shaheen Sadar-Ali, University of Warwick, School of Law; Mr Afrasiab Khattak, Pakistan; Professor Javaid Rehman, University of Ulster; Dr Martin Lau, SOAS, University of London; Dr Siobhan Mullally, National University of Ireland; Professor Kathleen Young, Western Washington University; Dr Nazila Ghanea, Institute of Commonwealth Studies; Dr Susan Breau, BIICL; and Professor Anne – Christine Hubbard, University of Lille.

The Institute hosted a conference on 10 March called *Corporate Accountability for Foreign Government Actions under US Law: The Alien Tort Statute – Recent Developments and Future Prospects*. The speakers were: Richard Hermer, Doughty St Chambers, Rae Lindsay, Clifford Chance; David Cook, Clifford Chance; James P. Loonam, Clifford Chance; Carla Ferstmann, Redress Trust; and Dr Susan Breau, BIICL. The event was sponsored by Clifford Chance and Doughty St Chambers.

The Institute, in association with The Society of Legal Scholars and the University of Hull, hosted the *Law of the Sea Symposium* on the 22 and 23 March. Speakers at the event were: Judge Dolliver Nelson, President ITLOS; Judge David Anderson, ITLOS; Judge Tullio Treves ITLOS; Satya Nandan, International Seabed Authority; Professor David Freestone, World Bank; Professor Robin Churchill, Cardiff University; Professor Erik Franchx, Vrije, Universiteit Brussels; Professor Patricia Birnie, London School of Economics (LSE); Professor Malcolm Evans, University of Bristol; Dr Alex Oude Elferink, NILOS; Professor Catherine Redgewell, UCL; Professor Surya Subedi; University of Leeds; Dr Stefan Talmon, University of Oxford; Professor Stuart Kayek University of Wollongong; Dr Sam Bateman, CSCAP; Dr Richard Barnes, University of Hull; Professor Alan Boyle, University of Edinburgh; David Ong, University of Essex; Sir Michael Wood, FCO; Dr Louise de La Fayette, UN; Natalie McNelis, Wilmer Cutler Pickering Hale and Dorr.

As part of the 2005 Competition Law Forum Series, the institute held a workshop on 22 March entitled *Rethinking US Antitrust and Intellectual Property Rights*. Event speakers were: Professor Rudolph Pertiz, New York Law School and John Kallauger, Latham & Watkins. The event was chaired by Professor Steve Anderman, University of Essex.

REGULATION

A lecture was held by the Institute on 6 January on *Peter Paul Decision of the ECJ*. The speakers were: Professor Takis Tridimas, Queen Mary College, Matrix Chambers; Michelle Ewing, General Counsel's Division Financial Services Authority; Simon Gleeson, Allen & Overy; Mads Andenas, BIICL; and The Hon Mr Justice Walker, Royal Courts of Justice.

The Second Regulation Quarterly Meeting, *International Coordination and Enforcement*, was held on 18 January. Speakers were: Martin Thomas, European Commission; Simon Gleeson, Allen & Overy; Professor Leigh Hancher, Allen & Overy; Steven Preece, Office of Fair Trading (OFT); Alexandre Verheyden, Jones Day; Eric van Heesvelde, European Regulators Group; Shaun Kent, Ofgem; Parashevi Michou, European Commission; Nigel Phipps, Committee of European Securities Regulators.

A seminar entitled *Tackling Regulatory Creep* was held on 7 March. The speakers were: Stephen Haddrill, Department of Trade & Industry; Michael Hunt, Food and Drink Federation; Ian Peters, Better Regulation Task Force; Simon Virley, Regulatory Impact Unit.

TORT LAW

The Institute held a lecture on 20 January on *Expert Evidence in Damages Actions: A Comparative Perspective*. Speakers at the event were: Antoine Garapon, Institut des Hautes Etudes Sur la Justice (IDHE); Patrick Matet; Dr Magdalena

Sengayen, Centre for Socio-Legal Studies, University of Oxford (CSLS); Jeremy Stuart-Smith QC, 4 New Square; Jonathan Wulf, Institute des Hautes Etudes Sur la Justice (IDHE).

On 14 February, a lecture, sponsored by Clifford Chance, was given entitled *The New General Product Safety Regulations – What Has Changed?* Speakers at the lecture were: Graham Bartlett, Department of Trade and Industry; Andrew Edgar, Clifford Chance, and Professor Geraint Howells, University of Sheffield, Law Department.

A conference entitled *Pharmaceutical Regulation and Product Liability* was held on 2 March. The conference was sponsored by 4 New Square and Davies Arnold Cooper. Speakers included: Jalil Asif, 4 New Square; Paul Balen, Freeth Cartwright; David Body, Irwin Mitchell; Jeffrey Bucholtz, US Department of Justice; Richard Goldberg, University of Birmingham; John Leadly, Baker & McKenzie; Alison McAdams, Davies Arnold Cooper; Arundel McDougall, Ashurst; Leigh-Ann Mulcahy, 4 New Square; Simon Pearl, Davies Arnold Cooper; and Shane Sayers, Kennedys. A dinner followed the conference.

A seminar was held on 7 March entitled *Tackling Regulatory Creep*. Event speakers were: Stephen Haddrill, Department of Trade & Industry; Michael Hunt, Food and Drink Federation; Ian Peters, Better Regulation Task Force; and Simon Virley, Regulatory Impact Unit.

FORTHCOMING EVENTS 2005

Unless otherwise indicated, the venue for events is Council Chamber, Charles Clore House, 17 Russell Square, London WC1B

The majority of BIICL events are CPD accredited. Please call +44 (0) 20 7862 5151 for further information.

Prices indicated are inclusive of VAT.

Please note that the cancellation date for refunds is *five* working days prior to each event, and that payment is required prior to attendance or at the entrance to the event. Spaces for some events are limited and are on a first come, first served basis.

Please register via our website: www.biicl.org

by fax: +44 (0) 20 7862 5152 with Mary Clements by email: m.clements@biicl.org

April 2005

Date tbc. Code: 344	2005 Competition Workshop Series Competition Workshop
Date tbc. Code: 364	2005 Data Protection Research and Policy Group Series Data Protection Workshop
Date tbc. West Africa By invitation only. Code: 453	Judges Colloquium In association with the Bar Human Rights Committee
Date tbc. Code: 356	Women and International Commercial Arbitration: Challenges and Prospects
Monday 4 17:30. Code: 363	2005 Data Protection Research and Policy Group Series Data Protection Security
Tuesday 5 14:00-17:30 By invitation only. Code: 374	2005 Date Protection Research and Policy Group Series Corporate Governance and Data Protection (Fifth DPRPG Meeting)
Date tbc. Code: 351	The Rough Justice of Fast Track Arbitration

May 2005

Date tbc. Code: 365	2005 Data Protection Research and Policy Group Series Data Protection Workshop
Date tbc. Nairobi, Kenya By invitation only. Code: 454	Pan African Death Penalty Conference
Date tbc. Code: 357	Confidentiality in International Commercial Arbitration: When and Why?
Friday 6 Code: 293	Investment Treaty Forum Conference
Monday 9 – Tuesday 10 The Law Society, 113 Chancery Lane, London WC2. Code: 292	Fifth Annual Competition Conference
Monday 9 19:00 for 19:30 Drapers' Hall, Throgmorton Street, London EC2. Code: 420	Competition Conference Dinner
Wednesday 11 17:00-19:00 £30 Member; £60 Non Member; £10 Student. Code: 542	The Cross-Border Merger Directive Dr Matthias Pannier, BIICL; Professor Jonathan Rickford, Company Law Centre, BIICL; Vanessa Knapp, Freshfields Bruckhaus Deringer.
Thursday 12 17:00. Code: 462	Annual Commonwealth Lecture Chief Justice Elias, Dr Ross Cranston (Chair)
Monday 16 9:00-16:30 £40 Members; £60 Non Members; £40 Students; £40 Academics. Code: 476	GATS and Financial Services Seminar Organizing Committee: Dr Lazaros Panaourgias; Dr Mads Andenas, Director, BIICL; Jane Welch, Director, European Financial Law Centre, BIICL.
Tuesday 17 – Wednesday 18 9:00- 18:30 Gray's Inn, London WC1 £90 Members; £135 Non Members; £45 Students; £95 Academics.	Fifth Annual WTO Conference – WTO Dispute Settlement In association with the Institute of International Economic Law (Georgetown University Law Center) and the Journal of International Economic Law Chairs: Francis Jacobs, Advocate General, European Court of Justice John H Jackson, University Professor of Law, Georgetown University Law Center

The second day is free to those registered for the first day otherwise, all except students: £40.00, students £20.00. Code: 290	
Tuesday 17 19:00 for 19:30 Gray's Inn, London WC1. Price £65	WTO Dinner
Monday 23 £400 Members, £600 Non Members. Code: 430	Market Abuse: National Responses to a Global Problem – The EU, USA, China and Hong Kong Compared. David Cockburn, Pattinson & Brewer Services; Ales Weingerl, Trinkova ulica 8.
Saturday 28. Code: 536	Owusu v Jackson – demise of forum conveniens?
Saturday 28 17:00. Code: 540	International Sale of Goods in the Conflict of Laws
June 2005	
Date tbc. Code: 345	2005 Competition Workshop Series Competition Workshop
Date tbc. Code: 366	2005 Data Protection Research and Policy Group Series Data Protection Workshop
Date tbc. Code: 358	Revision of Arbitral Awards
Wednesday 8 14:00 – 17:30 By invitation only. Code: 375	2005 Data Protection Research and Policy Group Series Data Protection in the Marketing Context (Sixth DPRPG Meeting)
Friday 10. Code: 318	2005 BIICL Annual Meeting
Friday 10. Gray's Inn, London WC1 Code: 398	2005 Annual Meeting Dinner
Friday 10. Code: 455	Launch of Death Penalty Project Publication
Wednesday 15. By invitation only. Code: 371	2005 Competition Law Forum Series Tenth CLF Meeting Professor Richard Whish, King's College School of Law
Wednesday 15 19:00 By invitation only. Code: 233	2005 Competition Law Forum Series CLF Dinner
Saturday 25 Code: 408	44th London-Leiden Meeting Alison McDonnell, University of Leiden; Judge Arjen WH Meij, Court of First Instance; Dr Matthias Pannier, BIICL; Professor Wulf-Henning Roth, University of Bonn; Professor Piet Jan Slot; The Hon Judge Christiaan Timmermans, Court of Justice of the European Commission
September 2005	
Friday 9. Code: 307	Investment Treaty Forum
Wednesday 14 By invitation only. Code: 372	2005 Competition Law Forum Series Eleventh CLF Meeting
Wednesday 14 19:00 Code: 262	2005 Competition Law Forum Series Competition Law Forum Dinner
Friday 16. Code: 504	Franco British Lawyers Society Colloquium
Wednesday 21 14:00-17:30 By invitation only. Code: 376	2005 Data Protection Research and Policy Group Series Basic Terms and Definitions (Seventh DPRPG Meeting)
October 2005	
Wednesday 5. Code: 486	DPRPG Forum Meeting
November 2005	
Date tbc. Free to attend Code: 298	Annual Grotius Lecture Dean Slaughter, Princeton University
Date tbc. Code: 299	Annual Grotius Dinner Sponsored by Linklaters, London
December 2005	
Thursday 1 By invitation only. Code: 373	2005 Competition Law Forum Series Twelfth CLF Meeting
Thursday 1 19:00 By invitation only. Code: 287	2005 Competition Law Forum Series Competition Law Forum Dinner
Wednesday 7 14:00 – 17:30 By invitation only. Code: 377	2005 Data Protection Research and Policy Group Series Eighth DPRPG Meeting

The Fifth Annual Trans-Atlantic Antitrust Dialogue

The Law Society, 113 Chancery Lane, London, WC2A
9–10 May 2005
9:00–17:00

Keynote speakers:

R Hewitt Pate, Assistant Attorney General for
Antitrust, US Department of Justice
Judge Diane Wood, US Court of Appeals, 7th
Circuit
Philip Lowe, Director General, DG–Competition,
European Commission

Panels:

Competition Policy and Intellectual property —
what is the right balance?
Rights of complainants and third parties
Economics in the Courts — judges' panel
Monopolisation/Abuse — bundling and tying
Unilateral effects in merger analysis
Roundtable with the heads of agencies.

Chairs/Speakers:

Alden Abbott, Federal
Trade Commission
Jean-Yves Art, Microsoft
Cristina Caffarra,
Lexecon
Philip Collins, Lovells
Nicholas French,
Freshfield Bruckhaus
Deringer
David Hull, Covington &
Burling

Michael Hutchings OBE,
Competition Law Forum
Helen Jenkins, OXERA
Judge Frédéric Jenny,
Cour de Cassation, Paris
David Lawsky, Reuters
Mr Justice Lightman,
Royal Courts of Justice
Julian Maitland-Walker,
Maitland-Walker Solicitors
Dr Philip Marsden, BIICL

Joanna McDwyer, FIPRA
Pat Treacy, Bristows
Sir John Vickers, Office of
Fair Trading
Thomas Vinje, Clifford
Chance LLP
Greg Werden, US
Department of Justice
Mark Williams, NERA

Cost to attend: BIICL Members £475, Non-Members £850, and Government Officials / Academics £287, Students
£100.00; prices include VAT.

CPD hours available.

The Conference Gala Dinner will be held on 9 May 2005 at Drapers' Hall, with a speech by Judge Diane Wood.

**The cost for dinner
will be £95 per delegate**

Register on www.biicl.org, or contact:

Events at BIICL, 17 Russell Square, London WC1B 5JP

Tel: 020 7862 5151; Fax: 020 7862 5152; Email: eventsregistration@biicl.org

Payment is required prior to attendance or at the entrance to the event.