



THE BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW

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NEWSLETTER

RECENT ACTIVITIES

New Director, Professor Gillian Triggs

I would like to take the opportunity provided by this newsletter to introduce myself. I have recently taken up my position as Director of the British Institute of International and Comparative Law, being a public international lawyer from the University of Melbourne. I join the Institute at a time when international law is recognised, as never before, as central to the public debate about international affairs and the rule of law. The founding aims of the Institute are 'to move freely over the boundaries that divide the law' and 'to understand and influence the development of law on a supranational basis'. These aims retain their contemporary relevance. Indeed, global problems—terrorism, climate change, refugees, natural disasters, civil conflict, poverty and trade disputes—call for integrated global responses that are founded in public and private international law and the comparative legal method.

The rule of law is not, however, a static concept. It has a dynamic capacity to adjust to a rapidly changing international environment. The nation State has been joined on the international stage by trans-national corporations, non-governmental organisations and individuals, each attracting responsibility for their internationally wrongful acts. Dispute resolution procedures are now available under new tribunals such as the International Tribunal for the Law of the Sea, the WTO's Appellate Body, the International Criminal Court and international commercial tribunals, stimulating a burgeoning, and possibly fragmenting, jurisprudence. New doctrinal issues command attention including judicial review of the Security Council, the 'democracy deficit' arising with increased regulation and the balance to be struck between national security and fundamental human rights.

Drawing upon its support from the practising and academic profession throughout the United Kingdom, the Institute is well placed to conduct legal research that reflects this contemporary landscape. With recent funding from the Department of Constitutional Affairs, two new projects of interest to practitioners have been initiated. The first concerns the quantum of damages awarded by international courts and tribunals; the second deals with the kinds of evidence required and admitted before these bodies.

A notable strength of the Institute lies in its wide membership of judges, solicitors, barristers, corporate counsel, academics, government officials and politicians. The Institute plans to improve benefits to our members and to encourage them to contribute to workshops and seminars. I hope over the coming months to meet as many as possible of our members at Institute events and look forward to receiving their ideas and comments on the future direction of its activities and research.

Institute Publications

The Institute is delighted to announce the recent publication of several new titles:

Human Rights Manual and Sourcebook for Africa

Keir Starmer QC and Theodora Christou (eds)

This critical manual is the first of its kind for the African Region and will prove an invaluable resource to Human Rights practitioners, academics and interested parties. At a time when the issue of human rights in Africa is making many advances, this publication introduces easy-to-use jurisprudence that turns a previously difficult research task into a simple procedure. The Africa section looks at 13 countries in depth while the manual and all the jurisprudence covers the whole region.

WTO Law and Process

Mads Andenas and Federico Ortino (eds)

The 10th anniversary of the WTO and of its successful dispute settlement mechanism in 2005, provides the opportunity for a review of how to improve the efficiency and legitimacy of WTO law and process. The present book collects the papers and discussion at the last three British Institute's Annual WTO Conferences (2002-2004), where judges, officials and policy-makers of different sorts meet with the established scholars and more recent recruits to the discipline. Topics covered include the jurisprudential and procedural features of the dispute settlement system, institutional issues such as the allocation of powers between different organs within the WTO as well as between the organization and its members, the relationship between the WTO legal system and international law, compliance issues, the interrelation between trade liberalization and other non-trade concerns

such as environmental protection and labour standards. 'This book makes available an abundance of insights and ideas at a time where the need for addressing the WTO future institutional challenges has been brought to the fore.'

PAST EVENTS

COMPETITION LAW FORUM

On the 8 September 2005, The Competition Law Forum jointly hosted a meeting with the Association of Competition Economists at Fondation Universitaire, Bruxelles. The ACE-CLF Seminar on Non-horizontal mergers was hosted by Dr Philip Marsden, BIICL; Speakers included Jeffrey Church, Professor, University of Calgary; Andrea Lofaro, Partner, RBB Economics; Michael Salinger, Director of the Bureau of Economics, Federal Trade Commission.

Combined meeting of the Competition Law Forum and the Regulation Forum. 14 September 2005. The meeting was chaired by Diana Guy, Competition Commission; Peter Rodford, European Commission; Gordon Moir, British Telecom; Simon Gleeson, Allen & Overy.

FIFTH INVESTMENT TREATY FORUM

The Fifth Investment Treaty Forum Public Conference was held at The Society of Grays Inn on 9th September 2005. The conference on Fair and Equitable Treatment in Investment Treaty Law included discussions on principal areas such as: The minimum standard of treatment in international customary law; NAFTA & BIT experiences of the fair and equitable treatment standard; Equivalent standards under domestic administrative law: a comparative perspective; Elements of the investment treaty standard of fair and equitable treatment; The relationship with other treaty standards (full protection and security; non-discrimination; national treatment; transparency); The Standard of compensation for a violation of the F&E Treatment standard; The relevance of the conduct of the investor; The emergency exception/state of necessity. The event was chaired by Simon Nesbitt, Lovells. Speakers Included, Dr Federico Ortino; Director, Investment Treaty Forum; Professor Dr Christoph Schreuer; University of Vienna, London; Professor Antonio Crivellaro; Bonelli Erede Pappalardo, Milan; Professor Dr Rudolph Dolzer; University of Bonn; Lluís Paradell; Freshfields Bruckhaus Deringer, Rome; Professor Gillian Triggs; Director, British Institute of International and Comparative Law; Professor Giacinto della Cananea; University of Naples Federico II; Katia Yannaca Small; Legal Adviser on International Investment, OECD; Stephen Fietta; Latham & Watkins LLP, London; HE Judge David Anderson CMG; ITLOS; Matthew Weiniger; Herbert Smith, London; Professor Peter Muchlinski; SOAS, University of London; Ian Laird; Davis & Company LLP, Toronto; Nigel Blackaby; Freshfields Bruckhaus Deringer, Paris; Daniel M Price; Sidley Austin Brown and Wood LLP, Washington DC.

COMPANY LAW CENTRE

On 6 July 2005 the Company Law centre hosted *Harmonisation of Shareholder Rights on EU level: Implications for the UK*. The effective exercise of shareholder rights is one of the pillars of good corporate governance. In the light of the proportion of the share capital in EU companies which are in non-resident hands, the facilitation of the cross-border exercise of shareholder rights is a crucial condition for an effective control of the company's board. The aim of this seminar is to explore the proposals for a harmonisation of shareholder rights on EU level and to look at the implication these proposals have for the UK and other Member States. Speakers and discussants: Professor Jonathan Rickford, Director of the Company Law Centre, BIICL; Dr Matthias Pannier, Research Fellow in European Law, BIICL; Sarah Wilson, Managing Director, Manifest; Vanessa Knapp, Chairman Company Law Committee, Law Society.

CENTRE FOR FRENCH LAW

On the 16 September 2005 the Institute hosted an event with Franco British Lawyers Society Colloquium. The one day event titled *French and British Environmental law with North American comparisons* included speakers including Guy Canivet, Premier Président de la Cour de cassation ; The Rt Hon Lord Reed ; The Rt Hon Lord Prosser; Rt Hon Lord Justice Carnwath CVO; The Hon Justice Charles Doherty Gonthier, Retired judge of the Supreme Court of Canada; Dominique Guihal, Conseiller référendaire à la Cour de cassation; Michael Smith Chief Attorney ExxonMobil Corporation; Gerard Jeanpierre, Head of Environmental Law Veolia Environment SA; Andrew Waite; Partner at Berwin Leighton Paisner; Professor Mark Poustie, University of Strathclyde, Professor Nicholas Robinson, PACE University Law School, New York, Christophe Bourdel ; Granrut Avocats; Helen Keele, Pinsent Masons, Gary A. Jones, Senior Environmental Counsel Siemens Corporation; Kathy Mylrea, Consultant CMS; Brian Clarke, General Counsel Veolia Water North America; Christophe Asselineu, Partner at Simmons & Simmons; Mike Nash, Partner at Simmons & Simmons; Patrick Spilliaert, Secrétaire Générale Veolia Water SA, Hugh Mercer; Barrister Essex Court Chambers

On 7 October 2005, the Institute hosted an event entitled *European Influences on Public Law: 5 years of the Human Rights Act 1998 in the UK and Recent developments in France*. To mark 5 years of the application of the Human Rights Act, this conference focused on the influence of European law on both French and English public law. Leading British and French academics, judges and practitioners examined the impact of European law on administrative and constitutional law. The topics included: The Charter of Rights, its impact on Member States as well as the EU, and the inter-relationship with the ECHR; Application of Article 9 ECHR in French and English law: how deep is the Channel?; The impact of the HRA on English public law – a practitioner's view; The interaction between Strasbourg and the English courts regarding positive obligations upon governments to respect Convention rights. Lord Woolf of Barnes was in the Chair. Speakers included: Judge John Hedigan, European Court of Human Rights; Bernard Stirn, Roger Errera and Mattias Guyomar of French *Conseil d'Etat*. Madame Noelle Lenoir, formerly French Minister for Europe and former member of French *Conseil Constitutionnel*; Lord Justice Sedley; Mr Justice Paul Walker; Richard Gordon

QC, Brick Court Chambers; Professor Paul Craig, University of Oxford; Professor David Feldman, University of Cambridge; Professor John Bell, University of Cambridge; Professor François Lichère, University of Montpellier; Cherie Booth QC, Matrix Chambers; Professor Andrew Le Sueur, University of Birmingham; Professor Patrick Birkinshaw, University of Hull; Professor Alastair Mowbray, University of Nottingham; Professor Mads Andenas, University of Leicester; Clive Lewis, 11 King's Bench Walk; Professor Anthony Bradley; Stephen Grosz, Bindman & Partners; Professor Robert Wintemute, King's College London; Rosalind English, 1 Crown Office Row; Dr Duncan Fairgrieve, BIICL.

EUROPEAN LAW

On 1 July 2005, the 44th Leiden-London Meeting was held at the British Institute of International and Comparative Law. The subject of this year's meeting was *Past and Future Judicial Protection in the European Union*. Participants Included; Professor Rick Lawson Leiden University; Professor Francis Jacobs QC Advocate General at the European Court of Justice, Luxembourg; Josh Holmes Monckton Chambers, London; Dr Monica Claes Maastricht University; Professor Piet Eeckhout Kings College London; Eleanor Sharpston QC Hailsham Chambers and Cambridge University.

BIICL NEW PUBLICATION

Global Financial Sector Development

Professor Joseph J Norton and Dr Christos Hadjiemmanuil

ISBN 0-903067-94-3; Hardback; Price: £80/\$160; Members Price: £48

It is now axiomatic that a priority policy and practical goal of countries—developed and developing—is the creation and maintenance of viable, robust, yet stable financial markets (bank, capital, insurance, mortgage, and pension) for the purpose of fostering broader, sustainable economic growth and development. To achieve such financial markets requires significant financial infrastructure law reform and related technical assistance. This volume endeavours to capture a selection of the main developments in the area on an international, regional, and major country basis.

On the international level, discussion is provided as to the evolving role of international financial institutions in the area of legal development cooperation (Dean Sandgren), the growing global trend of 'privatization' in modern bank regulation, the role of the International Organization of Securities Commissions (IOSCO) in convergence and creating an 'international passport' for securities offerings (Professor Arner), the intervening concerns of fighting the financing of terrorism (Gardella), and the treatment of financial services under the WTO–GATS regime (Wang).

On the regional level, this volume presents critical perspectives from Africa (Dr Adesegun Akin-Olugbade), MERCOSUR Region (Dr Holz), the European Union (Tagliamonte). With respects to selective key country financial sector reform and developments, consideration is given to the US (Restrepo), PRC (Wu), South Korea (Baik), and Iraq (Al-Nuwaier).

The volume and its related *Contemporary Studies Series* is a joint publication effort of the British Institute of International and Comparative Law (London), the SMU Institute of International Banking Finance (Dallas) at the SMU Dedman School of Law, and the London Forum for International Economic and Development Law, with the editorial assistance of the SMU International Law Review Association (Dallas). The *Contemporary Studies Series* is the successor to the former Kluwer Law International *Yearbook on International Financial and Economic Law*. The General Editors of the Studies Series are **Professor Joseph J Norton** of the SMU Dedman School of Law and **Dr Christos Hadjiemmanuil** of the London School of Economics and Political Science.

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An order form can be found on the back of this newsletter

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 by email: eventsregistration@biicl.org

November 2005

Tuesday 8

F.A. Mann Lecture and Dinner

The Mating Game - Coupling and Uncoupling in the Modern World

The 29th of a series of annual lectures in honour of the late Dr F.A. Mann QC, Arranged by the partners of Herbert Smith.

Tuesday 8 17.00 - 19.15

PLF event: 'Product Liability Forum Seminar on "Insurance Perspectives on Product Liability"'

Speakers include: Alex Hamer of Reynolds Porter Chamberlain, Guy Malyon, Marsh, Arthur Lightbody, AIG, Phil Bell, Royal & Sun Alliance Insurance plc. Topics include: Comparing approaches to product liability insurance law and terms, Product liability and product recall insurance, industry perspectives on development of the product liability risk, practical approaches to product liability risk.

Thursday 10

London Public International Lawyers Discussion Group

Friday 11

4th Annual BIICL Merger Conference

Topics Include: The Substantive Test for Merger Review; Unilateral Effects –Oracle PeopleSoft; Devil's Advocate Panels (internal checks); Keeping Merger Authorities on the Straight and Narrow, Is Judicial Review an Effective Remedy for Merger Prohibitions?

GE/Honeywell – Post-mortem;

Panellists Include: Sir Christopher Bellamy, Competition Appeal Tribunal; Simon Bishop, RBB. Hendrik Bourgeois, GE; Chris Bright, Shearman and Sterling, LLP; Goetz Drauz, European Commission; John Fingleton, OFT; Wolfgang Heckenberger, Siemens; René J.P. Jansen, Netherlands Competition Authority; Philip Marsden, BIICL; Penny Newman, Bertelsmann; Ali Nikpay, OFT; Lars-Hendrik Roeller, European Commission; Derek Ridyard, RBB; John Schmidt, Shearman & Sterling, LLP; Debra Valentine, UTC.

Tuesday 22

Cost to attend: BIICL/CLA members £60, Non-Members £100, Students £15.00; prices include VAT and refreshments. CPD hours available.

Joint BIICL-CLA Practitioner workshop: Reform of Article 82: Ramifications for innovation, competitiveness and competition

Convenor: Dr Philip Marsden, Competition Law Forum. Chair: Peter Roth, QC, Monckton Chambers. Speakers: Lars-Hendrik Roeller, Chief Competition Economist, European Commission; Zoltan Biro, Frontier Economics; Andrea Appella, Vice President & Associate General Counsel, Time Warner Group

Wednesday 23

Cost to attend: BIICL/Peopil Members £40, Non-Members £75, Academics £45 Students £15; prices include VAT. CPD hours are available.

'Principles of European Tort Law: A Prelude to Harmonisation?'

To mark the recent publication of the European Group's Principles of European Tort Law, the British Institute is organising an evening seminar bringing together distinguished experts from practice and academia to examine the desirability of further convergence in the sphere of tort law. Topics to be covered: Update on harmonisation of European Private Law, Critical examination of the newly-published Principles of European Tort Law, Practical obstacles to the European-wide harmonisation of tort law, Diversity of tort law regimes across Europe. Speakers include: **Ken Oliphant**, Cardiff University; **Professor Marco Bona**; Professore, Università «Bocconi» di Milano; **Philip Mead**, Old Square Chambers; **John Price**, BondPearce.

Thursday 24

Regulation Forum Meeting

Tuesday 29 17.05- 18.30

International law in Domestic Courts Lecture Series, Lecture 2: Dapo Akande - The Application of International Law by English Courts: Doctrines of Restraint and Non- Justiciability

Friday 30

Data Protection Directive: Spea10 Years on

December 2005

Thursday 1

By invitation only.

2005 Competition Law Forum Series

Twelfth CLF Meeting

Thursday 1 19.00 By invitation only.	2005 Competition Law Forum Series Competition Law Forum Dinner
Monday 5 17.30 -19.00 The Honourable Society of Gray's Inn Free to Attend	Annual Grotius Lecture 'A Global Community of Courts' Speaker: Anne-Marie Slaughter Dean of Woodrow Wilson School of Princeton University
Monday 5 £70 per individual and £630 per table of 10.	Annual Grotius Dinner Sponsored by Linklaters, London
Wednesday 7 14.00 – 17.30 By invitation only.	2005 Data Protection Research and Policy Group Series Eighth DPRPG Meeting
January 2006	
Tuesday 17	Regulation Forum Meeting
Wednesday 18	'Testing the Boundaries of International Humanitarian Law'
Tuesday 24	International Law in Domestic Courts
May 2006	
Friday 5	Sixth Investment Treaty Forum Public Conference
Monday 22	GATS and Financial Services Seminar
Tuesday 23	Sixth Annual WTO Conference The Annual WTO Conference, organized by the British Institute of International and Comparative Law in association with the Institute of International Economic Law at Georgetown University Law Center, and chaired by Advocate General Francis Jacobs and Professor John Jackson, is firmly established as the most important annual event for international scholarship and policy discussion in the field of international trade. Judges, officials and policy-makers of different sorts meet with the established scholars and recent recruits to the discipline, to confront experiences and reflections about the functioning of the WTO and its dispute settlement system. The Sixth Annual WTO Conference (23–24 May 2006) will again focus on the evolving jurisprudence of the WTO dispute settlement system (first day) and around a couple major themes stemming out of the Hong Kong Ministerial Meeting in December 2005 (second day). For any further information, contact Dr Federico Ortino, Fellow in International Economic Law at the BIICL (f.ortino@biicl.org).
June 2006	
Thursday 15	Regulation Forum Meeting



**British Institute of
International and
Comparative Law**

Annual Grotius Lecture

5th December 2005

Professor Ann-Marie Slaughter, Dean of Woodrow Wilson School of Princeton University will give this year's Lecture

**The Honourable Society of Gray's Inn
5.30pm -7pm**

Dean Slaughter writes and teaches broadly on global governance, international criminal law, and American foreign policy. She is the author, most recently, of *A New World Order*, in which she identifies transnational networks of government officials as an increasingly important component of global governance. She is also the convener and academic co-chair of the Princeton Project on National Security, a multi-year research project aimed at developing a new, bipartisan national security strategy for the United States.

In addition to her numerous scholarly writings, Dean Slaughter is a frequent contributor to national and international news media. She also lectures regularly to academic audiences and civic groups.

Dean Slaughter is a former President of the American Society of International Law and currently serves on the boards of a number of organizations, including the McDonalds Corporation, the Council on Foreign Relations, the New America Foundation, and the Canadian Institute for International Governance Innovation. She is also a fellow of the American Academy of Arts and Sciences. Among other honors, Slaughter gave a set of Millennial Lectures at the Hague Academy of International Law in 2000 and won the Francis Deak Prize awarded by the American Journal of International Law in 1990 and 1994.

There is no cost to attend this lecture. RSVP by fax to 020 7862 5152, email to eventsregistration@biicl.org. We also hope you are able to join us following the Lecture for the Annual Grotius Dinner which is kindly sponsored by Linklaters and will also be held at The Honourable Society of Gray's Inn. We are able to accept individual as well as table bookings and we invite you to use the occasion to entertain a table of clients. The cost for dinner is £70 per individual and £630 per table of 10. We very much hope you will join us for **Annual Grotius Lecture/Dinner**.

Membership News

The British Institute of International and Comparative Law would like to announce as of November 2005 the administration of our membership will be dealt with by the BIICL events team. Membership of the institute will run on a calendar year basis and we have introduced a membership category for academics.

Membership of BIICL

The British Institute of International and Comparative Law exists to advance scholarship and the understanding of international and comparative law and to promote the rule of Law in international affairs. As a member of The British Institute of International and comparative Law you will enjoy a comprehensive range of benefits.

Membership Benefits

- Free subscription to the ICLQ (International and Comparative Law Quarterly) both in print and online.
- Bulletin of legal Development every two weeks (via email)
- As a member of the institute you will receive 40% discount on all our events.
- The Institute holds approx 200 CPD regulated events per year. Subjects include Comparative Law, Competition Law; Private International Law; WTO & International Law, Environmental Law; Human Rights; Company Law; Regulation Law; Data Protection; European Law; Public International Law, Tort Law, French Law, Investment Treaty Law.
- Networking opportunities, we hold receptions after a large proportion of our events enabling you to meet professionals from all aspects of the Law profession
- 40% discount on British Institute of Comparative Law publications
- Access to discussion groups on various topics
- Access to the British Institute Library for research purposes and as a meeting area.
- We offer the access to a coffee shop and studying area in Russell Square.
- Priority booking for all Institute public events
- Members rates for accommodation at Goodenough Club, WC1.

Membership, from November 2005.

Individual membership - £110; Full time academic rate - £75; Full time student rate - £25

**Corporate membership 1 £450; Corporate membership 2 - £750;
Corporate membership 3- £1250**

Retired lifetime membership- £1000

To register for membership visit www.biicl.org
or call: 020 7862 5151

