



THE BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW

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NEWSLETTER

RECENT ACTIVITIES

Study on Legalisation of Documents between Member States of the European Union

The Institute has been awarded a major contract by the Justice and Home Affairs Directorate of the European Commission to study the difficulties faced by citizens and economic operators because of the obligation to legalize documents within the Member States of the European Union, and the possible options for abolishing or simplifying this obligation.

The citizens of Member States of the European Union should benefit, at least in theory, from expedited procedures in the authentication of documents. Starting with the 1961 Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, there are a number of international agreements—and provisions of European Community law—that eliminate the need for legalization of certain documents. Whether this has been effectively realized is uncertain, however. Therefore the proposed Study will be concerned with the extent to which legalization (or equivalent formality) of a specified range of documents constitutes a barrier to the exercise of the freedoms established in the Treaties, most notably the free movement of persons and freedom of establishment.

The Study will examine the nature and frequency of such problems, the possible solutions in the context of the Treaty freedoms, as well as the creation of a common area of law and justice in the European Union. The ultimate objective of the Study would be the formulation of a proposal for the 'free movement of documents', perhaps by reference to the principle of mutual recognition according to which Member States would be required to recognize and give effect to certain legal consequences of the execution of document in, or relating to, other Member States. Such a proposal, if adopted, would, for example, enhance the mutual recognition of the status of both legal and natural persons and the simplification of formalities governing the reciprocal recognition and enforcement of judgments and arbitral awards.

A substantial advisory board and network of national rapporteurs have been developed for this project, representing all 25 Member States. In addition, however, the Institute would be keen to benefit from the assistance of those of its members with relevant experience in this field. Please contact Hugo Warner (h.warner@biicl.org) for further information.

Iranian and European Judge's Conference: Prosecutor's Role in Fair Trial

Three representatives from BIICL attended a conference entitled *Iranian and European Judge's Conference; Prosecutor's Role in Fair Trial* on 7th and 8th December in Tehran. The conference was organized by the British Embassy in Tehran in conjunction with the Organization for Defending Victims of Violence (ODVV), our local partner for the Iran Project, a three year comprehensive project funded by the European Commission focusing on the promotion of human rights and democratization in Iran. Dr Susan Breau was invited to give a paper on the Right to Defence and was accompanied by Dr Maria Vogiatzi, the Project Manager, and Ms Anna Riddell the project researcher.

Following the conference the BIICL team spent several days meeting with ODVV and with lawyers, including the Iranian Bar Association, Judges, and academics, in order to forge useful links for future project training ventures.

The conference and meetings that followed revealed a significant willingness on the part of the Iranian judiciary and academics to engage in human rights dialogue with European counterparts, and the project's future endeavours look set to make a significant contribution in facilitating co-operation and exchange of information.

The next element of the project will be the production of a Human Rights Manual in Iran, comprising international and Iranian human rights instruments and standards as well as in-depth studies on individual rights. In addition, a number

of seminars and training workshops will be organized in Tehran and other cities for lawyers and other human rights defenders, in order to promote knowledge of human rights.

A Century of Reports: Inquiries into Collective Security Law

On the 15th and 16th December, Dr Susan Breau attended a workshop at the University of Utrecht hosted by the Centre for Conflict and Security Law and the Journal of Conflict and Security Law entitled *A Century of Reports: Inquiries into Collective Security Law*. This event was co-chaired by Professor Nigel White and Professor Eric Myjer. Among the participants of this symposium were Professor Michael Glennon of the Fletcher School of Law and Diplomacy; Dr Natalino Ronzitti, Professor of International Law of LUISS G Carli, Rome; Dr Bardo Fassbender, Humboldt-Universität Berlin; Professor Nico Schrijver of Leiden University; Dr Noelle Quinevet, Institute for International Law of Peace and Armed Conflict in Bochum; Professor Terry Gill of the University of Utrecht; and Nicholas Tsagourias of the University of Bristol. Dr Breau delivered a paper entitled 'The Impact of the Responsibility to Protect on Peacekeeping'. Papers from this workshop will be published in a special edition of the Journal of Conflict and Security Law in 2006.

Institute Publications

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

Global Financial Sector Development

Professor Joseph J Norton and Dr Christos Hadjiemmanuil

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 respect 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.

Current Competition Law Volume IV

Philip Marsden and Michael Hutchings OBE (eds)

This book is a collection of papers and speeches given at our main competition law events during 2004–2005, in particular:

- the Institute's annual conference on merger control in December 2004;
- a conference we held on October 2004 on comparative issues in competition litigation, and;
- our two-day trans-Atlantic Antitrust Dialogue in May 2005.

Areas covered include in-depth analyses of such topical issues as cartels, pricing practices and mergers, and provides comparative perspectives from European and North American experts, as well as important statements of policy by competition officials.

Of the first volume in this series, *Competition Law Yearbook 2002*:

'The quality of the speakers and their talks is comparable with those of the Fordham Corporate Law Institute. Many experts are in the audience and the discussions after the talks are also perceptive... This newcomer to publications on competition law and policy is warmly welcome.'

(Valentine Korah, Professor Emeritus of Competition Law, University College London).

PAST EVENTS

COMPETITION LAW

On 11 November 2005, The Competition Law Forum held the **4th Annual BIICL Merger Conference** at London House. The event brought together top competition officials from national authorities and the European Commission. Senior practitioners, economists and in-house counsel provided expert commentary and opinion on the most pressing issues in merger control: including the substantive test for approval of mergers, Remedies decision, a review of unilateral effects analysis and the Oracle PeopleSoft merger, and court and tribunal review of national and Commission decisions. The event was sponsored by Shearman & Sterling and RBB Economics. Speakers included: Christian Ahlborn, Linklaters; Andrea Appella, Time Warner; Simon Baker, RBB; Sir Christopher Bellamy, Competition Appeal Tribunal; Simon Bishop, RBB.; Chris Bright, Shearman and Sterling, LLP; Nadia de Souza, European Commission; Goetz Drauz, European Commission; John Fingleton, OFT; Wolfgang Heckenberger, Siemens; René J.P. Jansen, Netherlands Competition Authority; Alexander Kopke, European Commission; Martin Low QC, McMillan Binch Paul Luard, Philips International B.V; Philip Marsden, Hans Jeurgens Meyer-Lindemann, Shearman & Sterling, LLP; BIICL; Ali Nikpay, OFT; Lars-Hendrik Roeller, European Commission; John Schmidt, Shearman & Sterling, LLP; Debra Valentine, UTC; Mark Williams, NERA.

'Reform of Article 82: Ramifications for innovation, competitiveness and competition'. On 22 November 2005 this joint BIICL-CLA Practitioner workshop was held at the Institute. The event was chaired by Peter Roth QC of Monkton Chambers and speakers included Lars-Hendrik Reoller, Chief Competition Economist, European Commission; Zoltan Biro, Frontier Economics; and Andrea Appella, Vice President & Associate General Counsel, Time Warner Group.

The **Twelfth CLF Meeting (Remedies)** was held at the Honourable Society of Gray's Inn on 30 November 2005. The meeting was chaired by Michael Bowsher.

EUROPEAN LAW

'Principles of European Tort Law: A Prelude to Harmonization?'. On 23 November 2005, this joint BIICL/PEOPIL event was held to mark the recent publication of the European Group's Principles of European Tort Law. This evening seminar held at the Institute brought together distinguished experts from practice and academia to examine the desirability of further convergence in the sphere of tort law. Topics included an update on the harmonization of European Private Law, a critical examination of the newly-published Principles of European Tort Law, a discussion of practical obstacles to the European-wide harmonization of tort law and an examination of the diversity of tort law regimes across Europe. In the Chair was Guy Mansfield QC, Chairman of the Bar, speakers included Professor Jaap Spier, Advocate-General in the Supreme Court of the Netherlands (founder of the European Group on Tort Law); Professor Bernhard A Koch, University of Innsbruck (member of the European Group on Tort Law); Ken Oliphant, Cardiff University; Professor Marco Bona, Professore, Università «Bocconi» di Milano; Philip Mead, Old Square Chambers; John Price, BondPearce; and Marten Schultz, Researcher and lecturer, Faculty of Law, Stockholm University.

PUBLIC INTERNATIONAL LAW

On 8 November 2005, **FA Mann Lecture and Dinner**, the 29th in the series of annual lectures in honour of the late Dr FA Mann QC (Hon) was held at The Honourable Society of Lincoln's Inn, entitled 'The Mating Game- Coupling and Uncoupling in the Modern World.' This lecture was arranged by the partners of Herbert Smith. The speaker was the Rt Hon Baroness Hale of Richmond. The lecture was chaired by The Right Hon Sir Andrew Morritt V-C.

A conference entitled **'Public sector reform: achieving effective delivery of the development agenda – lessons from the front line'** was held on 24 November 2005 and organized with PricewaterhouseCoopers. The event brought together over 120 public, private and voluntary sector specialists dedicated to working with international development agencies to reform the public sectors in developing and transitioning countries. The objective of this conference was to consider ways of bridging the gap between the strategic intent and design of development programmes and their subsequent implementation and delivery on the ground. In addition to being a platform for debate, this conference presented a forum for participants from public, private and voluntary organizations to benefit from each other's insights and experience of supporting development—especially public sector reform—on the front line. It addressed topical and challenging issues in international development, and in doing so sought innovative approaches to dealing with them.

A lecture in the **International law in Domestic Courts Lecture Series** was held at the Institute on 29th November 2005. This lecture on **'The Application of International Law by English Courts – Doctrines of restraint and non-justiciability'** was given by Dapo Akande. Dapo Akande is a university lecturer in Public International Law at Oxford University and a fellow of St Peter's College.

On 15 December a joint event between the Institute and Brunel University Centre for International and Public Law on **International Terrorism and Human Rights** was held at the Institute. The Event was chaired by Dr George Letsas, Director of the Centre for International and Public Law. Topics discussed included Professor Javid Rehman on 'Changing the Rules of the Game: International Law, War on Terrorism, Human Rights Law - After the 7th July Bombings', Dimitrios Giannouloupoulos, discussing 'The Return of Judicial Torture: A Criminal Justice Perspective' and Dr Alexandra Xanthaki's speech on 'Multiculturalism under attack: current perspectives'.

FRENCH LAW

On 9 December 2005 **'Aspects of the French Criminal Justice System'** was held at the Honourable Society of Gray's Inn. The seminar consisted of demonstrations and panel discussions. Speakers included: Maître Emmanuel Piwnica, Président de l'Ordre des avocats aux Conseils; Maître Stephane Bonifassi, Avocat au Barreau de Paris; Maître Daniel Soulez Lariviere, Avocat au Barreau de Paris ancien membre du Conseil de l'ordre; Monsieur François Cordier, Procureur adjoint au Tribunal de Paris. Also present were Lord Justice Keene, Bruce Hodder QC, David Clark of CPS and liaison judge, France 2001/03, and Joshua Rozenburg.

DATA PROTECTION

A conference discussing **Data Protection Directive: 10 Years on** was held on 30 November 2005 at Linklaters.

INVESTMENT TREATY LAW

On 8 December 2005 an **Investment Treaty Forum lecture** was held at Lovells. The event was chaired by Professor Gillian Triggs, Director of the Institute and included a seminar with Andrea Menaker, Chief, NAFTA Arbitration Division, Office of the Legal Adviser, US Department of State.

GENERAL

The **Annual Grotius Lecture and Dinner** was held on 5 December 2005 at the Honourable Society of Gray's Inn. The lecture was given by Professor Ann-Marie Slaughter, Dean of Woodrow Wilson School of Princeton University. Her lecture was entitled 'A Global Community of Courts'.

FORTHCOMING EVENTS 2006

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

January 2006

Tuesday 17 Lincoln's Inn 9.00-18.30 Registration from 8.15	Interpretation under the Vienna Convention on the Law of Treaties – 25 Years on Conference Chairman: Rt Hon Lord Slynn of Hadley. For a full list of speakers and topics please see conference programme available at www.biicl.org . Hosted by Eversheds, Oxford University Press, Queen Mary, University of London, and the British Institute of International and Comparative Law. All queries should be directed to Mrs Janette Monk, Department of Law, Queen Mary, University of London, Mile End Road, London, E1 4NS UK Tel: +44(0)20 7882 5139 Fax: +44(0)20 8981 8733 email: j.a.monk@qmul.ac.uk .
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Tuesday 17 13.30-19.30	Regulation Forum Meeting
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Friday 20	GE/Honeywell post-mortem practitioner workshop Sponsored by Clifford Chance LLP. Chair: Simon Baxter, Clifford Chance. Speakers: Hendrik Bourgeois, GE; Matthias Pflanz, CRA International.
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Tuesday 24 17.00-19.00	The Role of Domestic Courts in the Implementation of International Responsibility International Law in Domestic Courts Lecture Series. Speaker: Professor André Nollkaemper, Professor of Public International Law, University of Amsterdam
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Tuesday 31 17.00-19.00 Cost to attend: Non-Member £90, Member £54, Academic £80, Academic Member £48, Student £25, Student Member £15	Ninth Annual Review of the Arbitration Act Sponsored by Eversheds. Chair: Lord Steyn, Essex Court Chambers. Speakers: Dr Julian Lew QC, 20 Essex Street; Khawar Qureshi, Serle Court Chambers; Stewart Shackleton, Eversheds; V V Veeder QC, Essex Court Chambers. Commentator: Dominique Brown-Berset Lalive and Partners, Geneva.
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February 2006

Friday 3 9.00-17.00	Competition Litigation in the EU: Where do we stand? Topics: The role of the UK's competition appeal tribunal, competition litigation developments in the EU and the US, and a Litigation workshop: viewpoints on bringing an antitrust action in the EU. Chair: Stephen Kon, SJ Berwin LLP. Panelists include: Sir Christopher Bellamy QC, Competition Appeal Tribunal; Vincent Smith, Director of Competition Enforcement, Office of Fair Trading; Polly Weitzman, Director of Competition Law and Head of Legal team, Ofcom; Paul Lasok QC, Monkton Chambers; Mark Hoskins, Brick Court Chambers; Sam Szlezinger, Denton Wilde Sapte; Donnach Woods, European Commission, DG Competition; Alexander Rinne, SJ Berwin LLP; Luigi Vita Samory, Studio Vita Samory, Fabbrini e Associati; Javier Ruiz Calzado, Latham Watkins; Aidan Synnott, Paul Weiss, Rifkind, Wharton, Garrison; Mike Walker, Charles River Associates; Lesley Farrell, SJ Berwin LLP; Simon Persoff, Wanadoo.
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Friday 24 9.30-18.00	Competition Conference - Article 82
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Tuesday 28 17.00-19.00 Free to attend	International Law in the European Court of Justice International Law in Domestic Courts Lecture Series Lecture 4 Speaker: Judge Allan Rosas Court of Justice of the European Communities
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March 2006

Tuesday 21 17.00-19.00 Free to attend	International Law in the European Court of Human Rights International Law in Domestic Courts Lecture Series. Speaker: Judge Luzius Wildhaber, President of the European Court of Human Rights
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April 2006

Tuesday 25	The Future Of Consumer Law
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May 2006

Friday 5	Sixth Investment Treaty Forum Public Conference
Tuesday 9	International Law in domestic Courts Lecture Series: Polemics and Persuasion - The use of international Law by NGOs Speaker: Peter Carter QC

Monday 22	GATS and Financial Services Seminar
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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

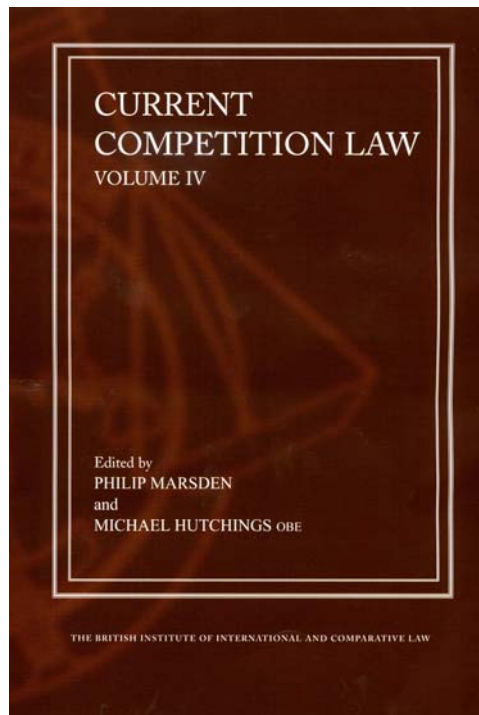
Thursday 15
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Regulation Forum Meeting

NEW BIICL PUBLICATION

CURRENT COMPETITION LAW VOLUME IV

Edited By: Philip Marsden and Michael Hutchings OBE



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