

THE BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW

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NEWSLETTER

RECENT ACTIVITIES

Law and Development Work at the British Institute of International and Comparative Law: Legal Consultants Sought

The British Institute of International and Comparative Law plays an important role in providing research, advice, and strategic consulting services in law reform projects around the world. It seeks to facilitate the improvement and use of legal resources in the development process, contribute to good governance and the rule of law in developing countries and countries in economic transition, and to assist countries in the development of their foreign investment framework and international trade.

As well as all of the Member States of the European Union, the countries with which the Institute has worked in the last five years include the following: Afghanistan, Armenia, Botswana, Cameroon, China, Cyprus, Ghana, Hong Kong, Kenya, Lesotho, Malawi, Mongolia, Nigeria, India, Indonesia, Iran, Pakistan, Russia, Rwanda, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe. Its range of countries and depth of experience is constantly expanding. In addition, the Institute is also frequently approached by various partner organizations to nominate legal specialists for a wide range of assignments.

The Institute therefore keeps a database of legal consultants for use on its own projects and to recommend to other organizations. We are constantly seeking experienced practitioners and academics who are interested in this type of work, for assignments of greatly varying scope and duration.

If you would like your details to be held by the Institute for possible future assignments, please email your CV to Hugo Warner (h.warner@biicl.org), stating which of the areas specified below you are able to cover. The Institute would make an assessment of your suitability and then contact you as soon as an appropriate opportunity arises.

Potential consultants should have a minimum of five years of substantive experience in at least one of the areas of practice mentioned in the list below. Recent experience in the implementation of legal, governance or judicial reform programmes in developing or transition economy countries is highly desirable.

Areas of Expertise:

- Access to justice
- Anti corruption and ethics
- Civil service regulation
- Commercial law
- Comparative law
- Competition law
- Consumer protection
- Electoral Issues

- Employment law
- European accession and integration
- Freedom of information
- Good governance
- Human rights
- Intellectual property
- Information technology and the law
- International trade law
- Judicial/court administration
- Labour law
- Legislative drafting
- Parliamentary administration
- Poverty reduction
- Public law
- Public prosecution
- Public sector finance
- Public-private partnerships, privatisation and contracting out
- Regulation
- Tax Law

Please note: by sending us your details, you acknowledge your personal details and CV will be stored on the Institute's internal database. These details will be used to identify possible opportunities and stored for a period of two years, subject to a further extension if desired. The Institute will share this information with associated organizations only for the purpose of finding a suitable opportunity.

European Research Network in the Fields of International Private Law, Civil Law and Civil Procedure: BIICL's Application

The European Commission has commissioned a feasibility study on the creation of a European research network in the fields of international private law, civil law and civil procedure. The study is currently led by the German publisher IPR-Verlag and the T M C Asser Institute. The network will involve both academics and practitioners who deal with private international law matters. One function of the 'network' to be developed would be to assist the EU Commission in its policy, providing more feedback from practitioners and academics than is the case in the present situation.

Given its clear interest in the field, the Institute is submitting an application to be involved in the Commission's network, in which we hope as many supporters of the Institute will be involved as possible. The application form can be found at http://www.european-research-network.org/questionnaire_network.pdf.

We would be delighted if members with an interest in this area were to complete the relevant parts of this form (pages 1 and 2) and return it to Hugo Warner at BIICL (h.warner@biicl.org).

New Research Programme: Digital Evidence

A new programme has been initiated, to undertake long-term research into digital evidence, the Digital Evidence Research programme. This programme is designed to take an international and comparative approach to digital evidence. Further details are to be found at: <http://www.biicl.org/index.asp?contentid=1010>

Institute Publications

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

Investment Treaty Law Current Issues Volume I

Edited by Federico Ortino, Audley Sheppard and Hugo Warner

In 2004 The British Institute of International and Comparative Law established its Investment Treaty Forum with the principal objective of carrying out applied research, analysis and policy discussion in the field of investment treaty law and arbitration. As part of its research activities, the Forum held two major conferences in 2004: *Appeals and Challenges to Investment Treaty Awards: Is it Time for an International Appellate System?* and *The Relationship between Local Courts and Investment Treaty Arbitration*.

The first conference addressed the feasibility and implications of the establishment of a mechanism for the hearing of appeals from investment awards. It focused in particular on the questions of whether there is an actual demand for an appellate mechanism in investment treaty arbitration and, if so, how best to establish the necessary institution taking into consideration issues such as the role and nature of investment treaty arbitration and the legitimacy of investment awards.

The second conference dealt with issues arising in respect of the co-existence of local and international courts and remedies stemming out of the complex web of international investment agreements and the ever-growing number of legal proceedings—both at the national and international level—brought by foreign investors against host States.

This publication records the presentations given by some 40 experts in the field as well as the ensuing debate on these two interesting and complex topics, making available an abundance of insights and ideas at a time when the need for addressing the systemic challenges of treaty investment law becomes ever more acute.

Testing the Boundaries of International Humanitarian Law

Edited by Susan C Breau and Agnieszka Jachec-Neale

This collection of essays comes as the first British Institute of International and Comparative Law publication in the field of international humanitarian law in over a dozen years. It was inspired by extensive work of Lady Hazel Fox and Mr Michael Meyer as well as the Institute's Discussion Group in the area of international humanitarian law, which resulted in the two books in this field in 1989 and 1993.

Contributors to this volume are Professors Charles Garraway, Leslie C Green, Michael Newton, Michael N Schmitt, Col Kenneth Watkin, Dr Roberta Arnold and Dr Robert Cryer. The Institute's IHL team, Dr Susan C Breau and Agnieszka Jachec-Neale, also contributed chapters, as well as editing this publication.

This new book explores the important and topical subject of 21st century conflict and the implications for international humanitarian law. Areas covered include in-depth analyses of such topical issues as terrorism and complex security situations, legal fault-lines, contemporary warfare, post-conflict management and in particular problems relative to occupation, interrelations between humanitarian law and human rights, and the Security Council use of IHL. A special part is dedicated to the creation and role of the Iraqi Special Tribunal.

PAST EVENTS

COMPETITION LAW

On 20 January 2006 the **GE/Honeywell Post-Mortem Practitioner Workshop** was held at the Institute. Chaired by Simon Baxter, Clifford Chance, speakers included Hendrik Bourgeois, GE; Matthias Pflanz, CRA International; Miguel de la Mano, European Commission, Chief Economist office; Francisco Enrique González Díaz Cleary Gottlieb Steen & Hamilton LLP; and Carles Esteva-Mosso, European Commission. This event was kindly sponsored by Clifford Chance.

Competition Litigation in the EU: Where do we stand? This event took place on 3 February 2006 at the Institute. Topics included; the Role of the UK's Competition Appeal Tribunal, the Commission's Green Paper on Private Enforcement/Public Versus Private Enforcement, Competition Litigation Developments in the EU, as well as a Litigation Workshop: 'Viewpoints On Bringing An Antitrust Action In The EU'.

Chaired by Stephen Kon, SJ Berwin LLP, speakers were Marion Simmons QC, Competition Appeal Tribunal; Vincent Smith, Director of Competition Enforcement, Office of Fair Trading; Polly Weitzman, Director of Competition Law & Head of Legal Team, Ofcom; Paul Lasok QC, Monckton Chambers; Mark Hoskins, Brick Court Chambers; Sam Szelesinger, Denton Wilde Sapte; EU: Donncadh Woods, European Commission, DG Competition; Vincent Smith, Director of Competition Enforcement, Office of Fair Trading; Joseph Simons, Paul, Weiss, Rifkind, Wharton & Garrison LLP; Germany: Alexander Rinne, SJ Berwin LLP; Spain: Javier Ruiz Calzado, Latham Watkins; UK: Peter Roth QC, Monckton Chambers; France: Marc Lévy, SJ Berwin LLP; Netherlands: Weijer VerLoren van Themaat, Houthoff Buruma N.V.; Mike Walker, Charles River Associates; Lesley Farrell, SJ Berwin LLP; US perspective : Aidan Synnott, Paul, Weiss, Rifkind, Wharton & Garrison LLP; Industry perspective: Simon Persoff, Wanadoo. This event was kindly sponsored by SJ Berwin.

On 24 February 2006 **Reform of Article 82** took place at London House.
Topics were:

- Evaluating the 'discussion paper': a step forward or a step back?
- Implementing the 'discussion paper' in practice: focus on rebates
- Dominance - the lost child? Do effects-based rules mean the end of dominance analysis?
- Article 82 and the Courts

The event was chaired by Bill Allan, Linklaters and Philip Marsden, BIICL. Speakers were, Christian Ahlborn Linklaters, Philip Collins, OFT ; Emil Paulis, European Commission ; Felix Engelsing, BKartA ; Simon Bishop, RBB Economics ; Professor Emeritus Valentine Korah, UCL ; Lucas Peepkorn, European Commission ; Greg Werden, US DOJ ; Sir John Vickers, Oxford University ; Professor Thomas Eilmansberger, University of Salzburg; Gerald F. Masoudi , US DOJ; Konrad Ost, BKartA ; Ali Nikpay, OFT ; Professor Ulrich Ehrlicke, Dusseldorf Court of Appeal and University of Cologne. The event was kindly sponsored by Linklaters.

EUROPEAN LAW

Regulatory and Corporate Reforms in Italy: How will they affect Europe? This event was held on 24 March 2006 at King's College London. The event was chaired by Andrew Whittaker of the Financial Services Authority and the speaker was Professor Luigi Spaventa.

PUBLIC INTERNATIONAL LAW

The Role of Domestic Courts in the Implementation of International Responsibility was held on 24 January 2006 at the Institute. This lecture was given by Professor André Nollkaemper, Professor of Public International Law, University of Amsterdam.

Ninth Annual Review of the Arbitration Act. This lecture took place on 31 January 2006 at the Institute. Introduced by Professor Gillian Triggs, Director of the Institute, the event was chaired by Lord Steyn of Essex Court Chambers. Speakers were Dr Julian Lew QC, 20 Essex Street; Khawar Qureshi, Serle Court Chambers; Stewart Shackleton, Eversheds; V V Veeder QC, Essex Court Chambers. The commentator was Dominique Brown-Berset, Lalive and Partners, Geneva. This event was kindly sponsored by Eversheds.

On 15 February 2006 a jointly hosted event between the British Institute of International and Comparative Law and Chatham House took place at Chatham House. The speech, given by **Louise Arbour, UH High Commissioner for Human Rights**, was entitled '**Counter-terrorism and compliance with human rights**'. Lord Bingham chaired.

As part of the **International Law in Domestic Courts Series, International Law in the European Court of Justice** took place on 28 February 2006 at the Institute. The event was chaired by Professor Margot Horspool, Visiting Fellow, BIICL and the speech was given by Judge Allan Rosas Court of Justice of the European Communities.

The **Institut de Droit International meeting** was held on 4 March 2006. This event was organized by Lady Hazel Fox.

International Law in the European Court of Human Rights. This event was held on 21 March 2006 as part of the **International Law in Domestic Courts Series**. The event was chaired by Professor Anthony Aust and the speaker was Judge Luzius Wildhaber, President of the European Court of Human Rights.

TORT LAW

'This House has seen the collapse of principle in the tort of negligence' This Oxford-style debate was held by the Tort Law centre on 29 March 2006, at the Institute. Moderating the debate was Lord Hoffmann. Supporting the motion were Martin Spencer QC, Hailsham Chambers; Elizabeth Gumbel QC, 1 Crown Office Row; Andrew Edis QC, Atlantic Chambers. Opposing the motion were Nicholas Davidson QC, 4 New Square; Guy Mansfield QC, 1 Crown Office Row; Susan Rodway QC, 39 Essex Street. A panel of debate judges, led by Mr Justice Jackson, included, David Howarth MP; Laura Hoyano, Wadham College, Oxford; Professor Ken Oliphant, University of Cardiff; Roderick Bagshaw, Magdalene College, Oxford; Robert Stevens, LMH, Oxford.

DATA PROTECTION

On 9 February 2006, '**India: An up-date on data protection legislation**', was held at the Institute. Topics were:

- Overview of the current way that India has attracted investment from other countries, especially in relation to handling personal data;
- What, if any, pressure there is on politicians to pass a data protection act;
- What previous attempts there has been made to pass a data protection act;
- What recent attempts have been made to pass legislation, and why such legislation has not been passed;
- Where the pressure is coming from to enact a data protection act;
- The perception of the need for a data protection act – do politicians in India think it is necessary? Who is the prime moving force for a data protection act? i.e. identity theft; because of the nature of the outsourcing work undertaken by Indian firms; does commerce want such an act? Is the pressure from consumer groups?; and
- An outline of the number of acts that may have been prepared to date with, perhaps, some indication of the similarities and differences between them.

The speaker was Tejas Karia, Associate at the law firm of Amarchand & Mangaldas & Suresh A Shroff (Advocates & Solicitors), New Delhi.

GENERAL

A Written Constitution for the United Kingdom? This event took place on 20 March 2006 at the Institute. The event was chaired by Justice Robert French, Judge of the Federal Court of Australia, Inns of Court Fellow, Institute of Advanced Legal Studies. Speakers were: Professor Vernin Bogdanor, Professor of Politics and Government, University of Oxford; Professor Anthony Bradley, Barrister, Cloisters, London; Professor Cheryl Saunders, Arthur Goodhart Visiting Professor of Legal Science, University of Cambridge, President, International Association of Constitutional Law .

FORTHCOMING EVENTS 2006

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

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 Members will receive priority on bookings.

To register please email: eventsregistration@biicl.org

April 2006

Friday 21
09.00 - 18.00
Atlantic House,
Holborn Viaduct

[Pharmaceutical Regulation and Product Liability](#)

Convenor: Dr Duncan Fairgrieve.

Sponsored by Lovells, 4 New Square; Institut droit et santé

Topics:

Future challenges of pharmaceutical regulation

- The importance of dialogue between regulators: EMEA.
- The changing shape of Pharmaceutical risk.
- The PREP Act: Liability Protection to Ensure Public Health Protection Against Pandemic Flu.

Pharmaceuticals, Investors and the Media

- Regulation under the scrutiny of the Media.
- The financial impact of pharmaceutical regulation and litigation.

Pharmaceutical litigation on a global playing field

- Obstacles to access to justice in pharmaceutical cases.
- A worldwide Forum?
- European trends in pharmaceutical litigation.
- US trends in pharmaceutical litigation.

Liability arising from clinical trials.

Chair/s: Mr Justice Underhill; Sarah Houlton, Global Correspondent, Pharmaceutical Executive magazine; John Meltzer, Lovells; Jeremy Stuart-Smith QC, 4 New Square.

Keynote Speech:

'Recent Developments in US Pharmaceutical Regulation: Update on FDA Physician Labeling Rule' Sheldon Bradshaw, Chief Counsel, US Food & Drug Administration (FDA).

Speakers Include: **Jeffrey Bucholtz**, US Department of Justice; **Prof Salvatore Vincenzo**, Head of Legal; **Dr Peter Feldschreiber**, MHRA; **Simon Gregor**, Director of Communications, Medicines and Healthcare products Regulatory Agency; **Andrew Baum**, Pharmaceutical Research Team, Morgan Stanley; **Martyn Day**, Leigh Day and Co; **Nicholas Diamand**, Lieff, Cabraser, Heimann & Bernstein, LLP, New York ; **Ina Brock/Joe Cyr**, Lovells; **Duncan Fairgrieve**, BIICL; **Stefan Lenze**, BIICL/ Lovells; **Marco Bona**, Università «Bocconi» di Milano; **Rob Weiner**, Arnold & Porter; **Leigh-Ann Mulcahy**, 4 New Square.

[Additional Information](#)

Tuesday 25

[The Future of Consumer Law](#)

Convenor: Dr Duncan Fairgrieve.

Sponsored by Domestic and General and Which

Topics will include:

- The Future and Past of Consumer Law
- Fundamental Rights, Fundamental Freedoms And Fundamental Consumer Rights
- Crime, Punishment And Consumer Protection
- The Future Of Consumer Law – The Perspective From A Small Island State
- Developing Countries' Perspectives on Consumer Law In The New Millennium
- The Future Of Consumer Law In The United States--As The Civil Justice System goes, So Goes Consumer Law
- Consumers and Services of General Interest
- Consumer Bankruptcy Law And Incentives To Borrow, Default And Seek A Discharge
- Credit Reporting And Credit –Scoring
- Relationships Between Consumer Law And The Civil Law In France
- Adapting Choice Of Law Rules For Electronic Consumer Contracts

Speakers: **Thierry Bourgoignie**, University of Quebec; **Jules Stuyck**, University of Leuven; **Peter Cartwright**, University of Nottingham; **Richard Alderman**, University of Houston; **Lorna Gillies**, University of Leicester; **Peter Rott**, University of Bremen; **Rae Nield**, Solicitor; **Karen Gross**, University of New York; **Paul Micallef**, Malta Consumer Affairs Council; **Edward Janger**, Brooklyn Law School; **A Rajendra Prasad**, Andhra University; **Gail Pearson**, University of Sydney; **Jean-Sébastien Borghetti**, University of Nantes; **Hans Micklitz**, University of

Bamberg; **Iain Ramsay**, Osgoode Hall Law School; **Christian Twigg-Flesner**, University of Hull; **Duncan Fairgrieve**, British Institute of International and Comparative Law

[Additional Information](#)

Wednesday 26
18.00 - 19.00

[An Overview of the Data Protection Legislation in the Channel Islands, Isle of Man and Gibraltar](#)

Convenor: Stephen Mason

Topics: • European DP Directive in each jurisdiction • Adequacy status and transfers • Comparison with UK DPA 1998 highlighting differences • Practical issues for local compliance

Speaker: **Kevin Broadfoot**, BSc, MSc, PG Dip Law, Research Assistant, British Institute of International & Comparative Law.

[Additional Information](#)

Wednesday 26
17.30 – 19.00

[Rome I: The Law Applicable to Contractual Obligations](#)

Convenor: Hugo Warner

In December 2005 the European Commission adopted and made public a proposal for a Regulation of the European Parliament and Council on the law applicable to contractual obligations ('Rome I'). Its aim is to turn the 1980 Rome Convention on the law applicable to contractual obligations into a regulation based on Article 61(c) of the EC Treaty. That way, national courts of last resort can refer questions to the Court of Justice for its interpretation. In aim is to ensure that the courts in all the Member States apply the same law to a dispute concerning an international contract, which is a condition for the mutual recognition of judgments in the European Union. This discussion will give a brief overview of the history of Rome I and then launch into the more controversial issues surrounding the proposal.

Chair: **The Rt Hon Lady Justice Arden DBE**

Speakers: **Andrew Dickinson**, Consultant, Clifford Chance LLP; Honorary Fellow, British Institute of International and Comparative Law.

Professor Jonathan Harris, University of Birmingham

Oliver Parker, Department for Constitutional Affairs

Jacob van de Velden, British Institute of International and Comparative Law

[Additional Information](#)

Thursday 27
18.00 - 20.00

[Chalfen Memorial Lecture: 'Transnational Corporations and the UN: The Evolution of the International Policy and Legal Debate Over 30 Years'](#)

Convenor: Ruth Eldon

Sponsored by British American Tobacco

Chair: **Stephen Walzer**, Competition Commission/Law Society Regulation Board

Speaker: **Dr Karl P Sauvant**, Executive Director of the Columbia Program on International Investment, Lecturer in Law at Columbia Law School and Special Advisor to the UN Millennium Project. He is also Guest Professor at Nankai University, China.

[Additional Information](#)

May 2006

Thursday 4
18.00–19.00

[Digital Evidence Research Programme: 'Cost Effective Dispute Resolution in the Electronic Era'](#)

Topics: Resolving disputes in the electronic era – background

- The challenges of the revised CPR 31 Practical solutions addressing issues of proportionality and speed
- Handy hints and tips
- What the future holds

Speakers:

Nigel Murray, Managing Director, TRILANTIC

Simon Sloane, Partner at Holman Fenwick & Willan

[Additional Information](#)

Friday 5
09.15 - 15.30

[Sixth Investment Treaty Forum Public Conference](#)

The Honourable Society of
Gray's Inn

Convenor: Dr Federico Ortino, Hugo Warner

Topics include:

- Protecting Investors' Property under Domestic Law
- The Eminent Domain Doctrine in US Constitutional Law
- Expropriation Provisions under Investment Protection Treaties: Recent Decisions and New Drafting
- Indirect Expropriation: Elements of a Definition
- Partial Expropriation
- The Relationship with other Investment Treaty Standards
- The Standard of Compensation for Expropriated Property
- Lawful and Unlawful Expropriation
- The Taking of Financial Instruments
- Expropriation Insurance

Chair/s: Lord Steyn Essex Court Chambers, London; Professor Vaughan Lowe All Souls College, Oxford and Essex Court Chambers;

Speakers include:

Dr Federico Ortino Director, Investment Treaty Forum, British Institute of International and Comparative Law; *The Taking of Property in International Law: An Historical Perspective*; Jan Paulsson Freshfields Bruckhaus Deringer, Paris; Professor Ole Spiermann University of Copenhagen; Gary B Born WilmerHale, London; Sophie Nappert Denton Wilde Sapte, London; Professor Dr Christoph Schreuer University of Vienna; Domenico di Pietro Mayer Brown Rowe and Maw, London; David Fraser Baker and Mackenzie, London; Greg Reid Linklaters, London; Abby Cohen Smutny White & Case, Washington DC; Audley Sheppard Clifford Chance LLP, London; Todd Weiler Naftaclaims.org; Dr Zachary Douglas University of London and Matrix Chambers; Robert Volterra Latham & Watkins, London; Nigel Blackaby Freshfields Bruckhaus Deringer, Paris.

[Additional Information](#)

Tuesday 9
17.00 - 18.30

[International Law in Domestic Courts Lecture Series:](#)

Convenor: Dr Susan Breau.

Topic: Polemics and Persuasion - The use of international Law by NGOs

Speaker: Peter Carter QC.

Friday 12
09:15 - 17:00

[The Future For Takeovers in the EU - Implementation of the Takeover Directive](#)

Convenor: Jane Welch

The EU Takeover Directive is due to be implemented by all Member States by May 20, 2006 at a time when 'economic nationalism' is rearing its head in the EU. This conference sets out to compare the implementation of the Directive in several Member States, focussing on the likely impact of the Directive on barriers to cross-border takeovers by EU and non-EU companies

Chairs: Jonathon Rickford CBE; Professor Dan Prentice

Speakers: Mike Edbury, DTI, UK; **Professor Michel Menjuq**, University of Paris I, France; **Professor Peter Muelbert**, University of Mainz, Germany; **Professor Rolf Skog**, Stockholm Centre for Commercial Law, Sweden; **Professor Marco Ventrizzo**, Bocconi University of Milan, Italy; **Mark Warham**, Director -General, Takeover Panel, UK; **Daniella Weber-Rey**, Clifford Chance, Frankfurt.

[Additional Information](#)

Monday 22
09:00 - 17:00

[GATS and Financial Services Seminar](#)

Convenor: Dr Federico Ortino

Topics Include:

- Panel 1: Cross-border trade in banking and investment services
Trade in banking services and securities markets: liberalization and competitiveness
- Panel 2: Trade in Insurance Services and Developing Countries
The Hong Kong Ministerial, UNCTAD Report on Insurance Services
- Panel 3: Domestic Regulation, Regulatory Capacity and Financial Services
Regulatory Transparency, Institutions, International Standards, Sustainability, PTAs
- Panel 4: GATS dispute settlement and financial services
Implications of Gambling report for financial services: reinterpreting market access obligations and prudential carve out exceptions?
-

Chairs: **Kern Alexander**, University of Cambridge; **Prof Mads Andenas**, Leicester University; **Hamid Mamdouh**, Director, Trade in Services Division; **Juan Marchetti**, Trade in Services Division, WTO; **Jonathan Taylor**, Director General, London Investment Banker's Association (LIBA)

Speakers: **Prof Mads Andenas**, Leicester University; **Prof Christine Breining**, Institute of International and Comparative Law, University of Zurich; **John Cooke**, Financial Leaders Working Group Insurance Evaluation Team; **Alastair Evans**, Head, Government Affairs, Lloyd's Worldwide Markets, London; **Prof Mary Footer**, University of Nottingham; **Juan Marchetti**, Trade in Services Division, WTO; **Richard O' Toole**, Goldman Sachs International, London; **Dr Federico Ortino**, British Institute of International Comparative Law; **Dr Dan Sarooshi**, University of Oxford; **David Snyder**, American Insurance Association; **Cory Strupp**, Federation of American Bankers; **Alastair Sutton**, White & Case, Brussels; **Lode Van Den Hende**, Herbert Smith, Brussels; **Stefan Zlepting**, University of Vienna.

[Additional Information](#)

Tuesday 23–Wednesday 24
08.30 - 18.00
The Honourable Society of
Gray's Inn

[Sixth 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 the Journal of International Economic Law. Co-sponsored by Sidley Austin LLP.

Convenor : Dr Federico Ortino

Topics include:

Panel 1: What conduct is a Member responsible for?

This panel will look at WTO jurisprudence on Members' discretionary measures, omissions, and attribution to governments of private parties' conduct.

Panel 2: Exceptions to the rules: evolving jurisprudence

This panel will trace the evolution of the application of "General Exceptions" to WTO obligations (Article XX GATT, Article XIV GATS) in recent cases such as *Soft Drinks*, *Internet Gambling*, and *Dominican Republic Cigarettes* in light of earlier jurisprudence from *Shrimp-Turtle*, *Korea-Beef* and *Asbestos* cases. Has the GATS context sharpened the inquiry? Has there been a shift in the burden of proof?

Panel 3: Jurisdictional issues in WTO disputes: 'judicial economy' and 'completing the analysis'

This panel will look at the role that WTO panels and the Appellate Body have played in framing the scope of review, including the exercise of judicial economy and its implications for implementing the Dispute Settlement Body's recommendations and rulings. While some complain about over-reaching, is there also concern about under-reaching?

Panel 4: Treaty Interpretation Revisited: Interpreting Schedules of Concessions

This panel will consider the challenges that a panel faces in interpreting WTO Members' schedules of concessions, as demonstrated by the recent *Chicken Cuts* and *Internet Gambling* cases and the earlier dispute on *LAN equipment*. Do customary international law rules of interpretation really help in this context? Can negotiators in the Doha Agenda talks avoid the pitfalls of drafting their commitments?

Chairs: **Prof John H Jackson**, Director, Institute of International Economic Law, Georgetown University Law Center; and **The Rt Hon Sir Francis Jacobs KCMG QC**, King's College, University of London; former Advocate-General, European Court of Justice

Speakers: **Lorand Bartels**, University of Edinburgh Law School; **Jan Bohanes**, Appellate Body Secretariat, WTO; **Jane Bradley**, Georgetown University Law Center; **Marco Bronckers**, WilmerHale, Brussels; **Thomas Cottier**, World Trade Institute, University of Bern; **William Davey**, University of Illinois College of Law; **Piet Eeckhout**, European Law Centre, King's College, University of London; **Lothar Ehring**, EC Commission, Brussels; **Todd Friedbacher**, Sidley Austin, Geneva; **Gary Horlick**, Wilmer Cutler Pickering Hale & Dorr, Washington DC; **Valerie Hughes**, Gowlings, Ottawa; **Nicolas Lockhart**, Sidley Austin, Geneva; **Petros Mavroidis**, Columbia University School of Law; **Donald McRae**, University of Ottawa Law School; **Federico Ortino**, British Institute of International and Comparative Law; **Joost Pauwelyn**, Duke University Law School; **Donald Regan**, University of Michigan Law School; **Debra Steger**, University of Ottawa Law School; **Peter van den Bossche**, University of Maastricht Faculty of Law; **Gaetan Verhoosel**, Debevoise & Plimpton LLP, Paris; **Bruce Wilson**, Legal Affairs Division, WTO; **Werner Zdouc**, Appellate Body Secretariat, WTO.

[Additional Information](#)

Wednesday 31
14.30 - 17.15

[The Law on Secured Transactions: The Need for Reform](#)

Convenor: Jane Welch

Topic:

The law of security interests is the subject of several law reform initiatives at national, European and international level. The main object of the reform is economic: it is believed that a quick, cheap and simple proprietary security right is essential to stimulate investment, trade and ultimately economic growth. This workshop will give an overview of the current reform initiatives elaborated by the UNCITRAL, European Bank for Reconstruction and Development, UNIDROIT and, at the domestic level, by the UK Law Commission

Speakers include:

Professor Hugh Beale, Law Commission
Professor Michael Bridge, Dean of the Faculty of Law, UCL
Frederique Dahan, Senior Counsel, European Bank for Reconstruction and Development
Philip Wood, Special Global Counsel – Allen & Overy LLP
Herbert Kronke, Secretary General, UNIDROIT

[Additional Information](#)

June 2006

Thursday 1–Friday 2

[Testing the Boundaries of International Humanitarian Law](#)

In association with The McCoubrey Centre for International Law

Convenor: Dr Susan Breau and Agnieszka Jachec.

Topic

Events in the last decade, including the establishment of the international criminal courts, and the launching of the 'global fight on terror' have generated broad public and academic interest in international humanitarian law. Consequently, the British Institute of International and Comparative Law has developed a research initiative in international humanitarian law as a part of its Public International Law programme, with the aim of building on high-level research studies and serving as a common forum for various experts from the field. One of BIICL's core objectives is to serve as a forum for exchanges between and among British and international academicians and practitioners. Fittingly, then, the launch of this initiative is being marked by the first BIICL publication to address IHL in over a dozen years. The purpose of this conference is to complement the launch of this publication by providing an opportunity for the contributors to present their articles, and a forum for various experts from this field.

Speakers include:

Professor Françoise Hampson, Essex Centre for Human Rights; **Professor Michael N Schmitt**, **George C Marshall**, European Centre for Security Studies; **Professor Michael Newton**, School of Law, University of Vanderbilt; **Dr Avril Mc Donald**, TMC Asser Instituut; **James Johnson**, Chief of Prosecutions, Sierra Leone Special Court; **Dr Robert Cryer**, University of Nottingham; **Dr Susan Breau**, BIICL; **Mathew Happold**, University of Hull; **Steve Crawshaw**, Human Rights Watch.

[Additional Information](#)

Saturday 10
Edinburgh University

[The Antarctic Treaty System: Legal, Environmental and Policy Issues](#)

The British Institute of International and Comparative Law, in collaboration with the International Law Association (British Branch) and the Scottish Society of International Law, is arranging a conference on international legal issues arising from the Antarctic Treaty regime. The conference is to coincide with the forthcoming Antarctic Treaty Consultative Party Meeting to be hosted by the United Kingdom from 12–23 June, 2006 in Edinburgh. A one day conference will be held on Saturday 10th June to which both Antarctic legal scholars and delegates to the Consultative Party Meeting will be invited to give papers and participate in discussions.

The aim of the conference is to provide a forum for analysis of Antarctic legal and policy issues which have a contemporary value both generally and for the purposes of the subsequent Consultative Party Meeting itself. It is hoped to encourage geographical representation among participants. While participants will be asked to fund their own travel and accommodation, some funds will be available to assist those from the developing member States.

Convenor: Professor Gillian Triggs

Topics Include:

- **'The Antarctic Treaty System: Some History Notes'**
- **'Antarctic Environmental Issues'**
'Liability for Environmental Degradation in the Antarctic'
'Vessel-sourced pollution in the Southern Ocean'
- **'Marine Protected Areas'**
'Marine Scientific Research and the ATA: interaction with UNCLOS'
'IUU Fishing in the Southern Oceans'
- **'The Antarctic Treaty System: institutional practices and future development'**
'Capacity of the ATS to work with other legal regimes: whaling, bioprospecting, climate change and continental shelf claims'.
'Future Challenges for the Antarctic Treaty System'.
'Antarctic Bioprospecting'

Speakers include:

Professor Gillian Triggs; **Professor Alan Boyle**; **Christopher Joyner** (Georgetown University); **Ivana Zovko** (University of Zagreb)
Karen Scott; **Stuart Kaye**; **Professor Don Rothwell**; **Dr Marie Jacobsson**; Swedish Foreign Ministry; **Patrizia Vigni** (University of Siena)

[Additional Information](#)

Monday 12
14.00-20.00
The Honourable Society of
Gray's Inn

[Arbitrating Competition Law Issues: A European and US Perspective](#)

This event has been organised in association with SJ Berwin LLP

Convenor: Hugo Warner and Dr Philip Marsden

Chairs: Stephen Kon, SJ Berwin LLP, London; **Tim Taylor**, SJ Berwin LLP, London; **Philip Marsden**, BIICL.
Speakers: **Dr Marc Blessing**, Bär & Karrer, Zurich; **Michael Bowsher**, Monckton Chambers, London; **Dr Robert Briner**, Chairman of the ICC International Court of Arbitration, Paris; **Prof Radicati di Brozolo**, Università di Milano; **Barry Hawk**, Skadden, Arps, Slate, Meagher & Flom LLP, New York; **Prof Hans van Houtte**, Katholieke Universiteit Leuven; **Dr Christoph Liebscher**, Wolf Theiss, Vienna; **Dr Johannes Lübking**, European Commission, Brussels; **Dr Renato Nazzini**, Principal Case Officer of the Office of Fair Trading, London; **Gordon Blanke**, SJ Berwin LLP, London.

Friday 16
09.30-17.00

[Annual Conference](#)

Saturday 24
University of Leiden

[Leiden / London meeting: Legal Aspects of EU-US Relations](#)

This meeting is in association with The University of Leiden and will be held in Leiden, Holland.

Speakers include:
Piet Jan Slot, Europa Institute, University of Leiden

Professor George A Bermann, Gellhorn Prof. of Law & Jean Monnet Prof. of European Union Law Columbia University School of Law
Professor Matthias Herdegen, Law Faculty, Rheinische Friedrich-Wilhelms-Universität Bonn
Anthea Roberts, Debevoise and Plimpton LLP
Professor Jan Wouters, Professor of International Law and International Organizations, University of Leuven
Professor Steve Peers, Professor Department of Law, University of Essex

[Additional Information](#)

Monday 26
17.30–19.30

The Cross-border Use of Public Documents: Legalization in the 21st Century

Chair: David Anderson QC, Brick Court Chambers

Speakers: **Dr Christophe Bernasconi**, Hague Conference for Private International Law; **Peter Beaton**, European Commission; **Andrew Dickinson**, BIICL visiting fellow for private international law; **Prof Jukka Snell**, University of Wales Swansea.

July 2006

Thursday 6–Friday 7
Atlantic House, Holborn
Viaduct

[The Sixth Annual Trans-Atlantic Antitrust Dialogue](#)

Sponsored by Lovells and Freshfields.

Convenor: Dr Philip Marsden

Speakers include :
Margaret Bloom, King's College London; **Oliver Bretz**, Clifford Chance LLP; **Cristina Caffara**, CRA International; **Tim Cowen**, BT; **Michael Hutchings** OBE; **William E Kovacic**; US Federal Trade Commission; **Philip Lowe**, European Commission; **Bruce McDonald**, US Department of Justice; **Professor Richard Whish**, King's College London.

NEW PUBLICATION

Investment Treaty Law: Current Issues Volume I

Edited by Federico Ortino, Audley Sheppard and Hugo Warner

ISBN 1-905221-05-3

Paperback

Price £60/US\$120

In 2004 The British Institute of International and Comparative Law established its Investment Treaty Forum with the principal objective of carrying out applied research, analysis and policy discussion in the field of investment treaty law and arbitration. As part of its research activities, the Forum held two major conferences in 2004: *Appeals and Challenges to Investment Treaty Awards: Is it Time for an International Appellate System?* and *The Relationship between Local Courts and Investment Treaty Arbitration*.

The first conference addressed the feasibility and implications of the establishment of a mechanism for the hearing of appeals from investment awards. It focused in particular on the questions of whether there is an actual demand for an appellate mechanism in investment treaty arbitration and, if so, how best to establish the necessary institution taking into consideration issues such as the role and nature of investment treaty arbitration and the legitimacy of investment awards.

The second conference dealt with issues arising in respect of the co-existence of local and international courts and remedies stemming out of the complex web of international investment agreements and the ever-growing number of legal proceedings—both at the national and international level—brought by foreign investors against host States.

This publication records the presentations given by some 40 experts in the field as well as the ensuing debate on these two interesting and complex topics, making available an abundance of insights and ideas at a time when the need for addressing the systemic challenges of treaty investment law becomes ever more acute.

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