

ILA NEWSLETTER

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INTERNATIONAL
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INTERNATIONAL

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FROM THE EDITOR - Professor J. Craig Barker

The devastating attacks on the London transport network on 7 July 2005 are at the forefront of peoples' minds as this Newsletter goes to press. Our thoughts are with those families who lost loved ones in the attacks and with those who were injured in the blasts. We are thankful for the fact that, having occurred so close to the London Headquarters of the ILA, no one associated with the organisation appears to have been directly affected. Juliet and Natalie at the Headquarters office have asked me to pass on their thanks to everybody who has written to them since the attacks expressing their good wishes.

Apart from the fact that it appears increasingly likely that the attacks were carried out by suicide bombers, the first such attacks in Europe, perhaps the most chilling aspect of the attacks is the developing news that the four bombers were British-born. Perhaps unsurprisingly this has resulted in immediate calls for a strengthening of domestic measures directed against terrorism. However, international lawyers continue to have an important role to play in the combating of terrorism worldwide. The International Law Association and its members are extremely well placed to contribute to the continued development of international law in this area.

In this issue of the Newsletter we have news from the Executive Council and from a number of branches. With the 72nd ILA Biennial Conference now less than 1 year away, we have a report from the Canadian team on their preparations and on what to expect at what looks like being an extremely interesting Conference. There are also reports from events which have taken place since the publication of the last issue.

Although shorter than hoped, this issue of the Newsletter contains a number of interesting reports from national branches. As ever, I am keen to continue to receive contributions from branches and from individual members. All contributions for this Newsletter can be sent to ILA HQ info@ila-hq.org or directly to me at j.c.barker@sussex.ac.uk.

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A meeting of the Executive Council was held on Saturday 14 May in London

Tribute was paid to two former Members of the Executive Council, E K Lee and Ambassador Enrique Syquia. The Chairman reminded Executive Council Members of E K Lee's regular attendance at Executive Council meetings, his quiet twinkle and of the excellent regional conference he had arranged in Taiwan. He had done a great deal to maintain Taiwan's links with ILA. Ambassador Syquia had been one of the ILA's greatest supporters, attending all meetings and conferences until ill-health had prevented him from doing so. He had vied with other branches to bring the largest delegation to ILA conferences. (Full tributes had been published Newsletter 22).

Professor Nico Schrijver on behalf of the Netherlands Branch announced the death of Cornelius Daniel van Boeschoten. C D van Boeschoten had been a co-opted Member of the Executive Council for many years following his lengthy service to the Netherlands Branch which he had served as both Treasurer and President.

The Treasurer presented the Annual Accounts for 2004 and other financial reports. He pointed out that a small surplus had been achieved in 2004 although a deficit had been budgeted. This was largely due to some additional income generated by the administrative support provided by HQ staff to ILA Branches and to a saving on expenditure on computer support and website developments.

The Director of Studies, Professor Christine Chinkin presented her first report to the Council, in addition to changes to some committee officers, it was suggested that a Study Group should be formed to consider the proposed reforms recently announced by the United Nations. It was agreed that an international law viewpoint on these should make a very important contribution to any such reforms and the formation of a study group on UN Reform was approved.

It is hoped that a new committee on Indigenous Persons might be announced in November 2005. With the next two conferences due to take place in regions where this topic has such relevance, it is hoped that an initial meeting could take place during the Toronto conference, with a first substantive report by Brazil in 2008.

A proposal for a new committee on Regional Economic Co-operation Law is also being considered for the meeting in November.

Professor Chinkin also particularly thanked the former Director of Studies, Professor Fred Soons and Christopher Ward as well as the Conference Reporters for their work on the Berlin Conference report.

The Treasurer reported that the result of the survey of the ILA Membership carried out by the publishers of FORUM had led to the regrettable decision that neither they nor the ILA would be able to finance the future publication of this excellent journal.

Members of the Executive Council stressed that this was no reflection on the quality of material published and that the standard of the publication had been excellent. The Editor in Chief, Professor Catherine Kessedjian and her Editorial Board were to be congratulated on the high standards they had achieved.

All issues will remain on the ILA website.

Milos Barutciski, President of the Canadian Branch reported on progress made in the planning of the Toronto Conference. The dates as agreed at an earlier meeting are 4 – 8 June. The excursion will take place after the Conference itself on the Friday and will include a visit to Niagara Falls and nearby wineries. The Gala Dinner will take place on the Thursday evening.

It has been decided that there will be complementary sessions to the ILA Committee's working sessions. These will

be arranged to enhance the Committee's work and not to detract from attendance of the working sessions. The organisers hope for around 600 delegates.

Significant support for the event has already been raised, both in financial terms and in the personal support of Officials such as the Governor General of Canada and the Chief Justices of various provinces of Canada.

The Conference will take place in the Royal York Hotel which will offer room rates to delegates which should be similar to those charged by the conference hotel in Berlin. The organisers will also seek less expensive accommodation for students and those on low budgets. Registration fees will be at a similar level to those for Berlin. These rates will be announced at the end of this year. (Ed. Further information on the Preparations for the Conference is included below)

An invitation from the Bulgarian Branch to host the 74th Conference in Sophia 2008 was presented and accepted with pleasure.

The 75th Conference in 2010 will take place to mark the Centenary of the Netherlands Branch in The Hague.

The re-election of both David Wyld as Secretary General and of Bruce Mauleverer as Vice Chairman was announced.

The President of the Bulgarian Branch, Professor Yankov announced that Lord Slynn had been awarded an Honorary Distinguished Award of Justice by the Bulgarian Ministry of Justice for his contribution to the development of law in that country and to European law more generally.

The next Executive Council meeting will be held in London on Saturday 12 November 2005 (*it will start at the earlier time of 10.00*).

The following one will be held during the Toronto Conference in June 2006.

Toronto to host 72nd International Law Association Biennial Conference in June 2006

The Canadian Branch of the International Law Association will host the 72nd Biennial Conference of the ILA. The Conference will take place June 4-8, 2006 at the Fairmont Royal York in Toronto, Canada. This will be the first ILA Biennial Conference to be held in North America since 1982 when Montreal hosted the Conference.

The 2006 ILA Conference in Toronto will be one of the most noteworthy global international law conferences held in North America in recent years.

In addition to the consideration and adoption of important reports and recommendations of the ILA's committees at numerous working sessions, there will be an exciting complementary programme of lectures and panel presentations by leading academics, international judges and practitioners. The committee meetings and complementary programs will provide coordinated, in-depth sessions in numerous key areas of international law including arbitration, litigation, investment, cross border securities, trade, intellectual property, competition law, sustainable development law, recognizing UN reform, the international criminal court, and terrorism.

One highlight of the conference will be a program on indigenous law featuring leading Canadian and international aboriginal speakers. The program will launch the new

Indigenous Law Committee of the ILA.

Another highlight will be ILA Arbitration Day which will include a program called "The Changing Face of International Commercial Arbitration". The program will focus on the challenges posed by the new diversity in the international commercial arbitration community, including the involvement of more women, persons of color, younger arbitrators, and people from all parts of the world.

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The Conference will follow immediately after the International Council for Commercial Arbitration (ICCA) Congress, a major international arbitration conference, and a London Court of International Arbitration Symposium, in Montreal. The combined attraction of these major international legal conferences should bring to Canada a truly impressive number of leading members of the international legal community from around the world.

Her Excellency the Right Honourable Adrienne Clarkson, C.C., C.M.M., C.O.M., C.D., Governor General and Commander-in-Chief of Canada, is the Honorary Patron of the 2006 ILA Conference in Toronto. The Advisory Board for the

Conference includes many prominent Canadians, starting with the Chief Justice of Canada. The Chief Justices of Ontario, Alberta, Québec, and the Federal Court of Canada are on the Advisory Board, as well as the Chief Justices of the other Ontario courts, and other prominent judges. Other members of the Advisory Board include prominent leaders in government, business and law. A complete list may be viewed at the conference website.

The Canadian Branch has in recent years become a more active contributor to the work of the ILA. It has attracted many new members, several of whom have been appointed to ILA committees during the past three years.

The conference will offer a wonderful opportunity to meet old friends and colleagues from around the world and to make new professional contacts, particularly with our new Canadian members. There will also be many opportunities to socialize at complementary receptions which will be held in exclusive venues such as Toronto's historic court house, Osgoode Hall. A trip to Niagara Falls at the end of the conference will also be on offer.

The Conference Organizing Committee would be delighted to hear from ILA members who are willing to help with the Conference. As our plans progress, we will post information on our site at www.ila2006.org. To receive information directly, there is a pre-registration form available on that website.

ARGENTINE BRANCH

The Argentine Branch has organized a number of academic meetings during 2005:

June 7th.: Polish Ambassador to Argentina, Mr. Slawomir RATAJSKI lectured on "The Recent Performance of Poland as related to the European Union and Argentina".

June 14th: Dr. Rafael MANOVIL lectured on "Applicable Law to companies constituted abroad".

July 5th Dr. Eduardo Clariá lectured on "International Circulation of Documents"

All three events were followed by academic and practical exchange of opinions among a number of participants.

On August 10th., Admiral Jorge Fraga will lecture on "Maritime Conflicts in Argentina".

BRAZILIAN BRANCH

The Brazilian branch, in co-operation with the Department of International Law of the University of São Paulo and the Institute of International Law and International Relations, has sponsored a course given in the Law School of the University of São Paulo. The main issue of the course is the experience of Brazilian authorities and scholars in international organization such as the International Court of Justice, the International Penal Tribunal, the Inter-American Court of Human Rights, the Commission of International Law of UN and others. The course started in April and will continue up to November of 2005.

FRENCH BRANCH

La Branche française de l'Association de Droit International a entendu :

Le 26 avril 2004, une communication de Madame Françoise Monéger,

Professeur des Facultés de droit, Université de Paris 8, sur le thème : "**Mariage homosexuel et droit international privé**".

Le 28 juin 2004, Communication de Monsieur Jean-Michel Jacquet, professeur à l'Institut Universitaire des Hautes Etudes Internationales, sur le thème : "**Les contrats de reconstruction de l'Iraq**".

Le 6 décembre 2004, une communication de Monsieur Gilbert Guillaume, Président de la branche française de l'ILA, sur le thème :

"L'avis consultatif de la Cour internationale de justice du 9 juillet 2004 sur les conséquences juridiques de l'édification d'un mur dans le territoire palestinien occupé".

Le 25 février 2005, une communication de Monsieur Jean-Pierre Cot, Juge au Tribunal international du droit de la mer, Professeur émérite à l'Université de Paris I, sur le thème : "**le Tribunal international du droit de la mer**".

Le 30 mai 2005, à l'approche de la réunion de la Conférence de La Haye en session diplomatique (15 au 30 juin 2005) pour discuter un projet de convention sur l'élection de for, les membres français de l'ILA se sont réunis pour émettre une avis. Madame Catherine Kessedjian a accepté d'introduire la discussion en donnant quelques informations sur la genèse du texte et en appelant l'attention des participants sur les dispositions du projet qui sont les plus controversées.

INDIAN BRANCH

BRANCH WEBSITE :
www.phparekh@phparekh.com

NO. OF MEMBERS : 158 as on 21.5.2005

The Indian Branch has reported on a number of highly successful events

organised by them in the last twelve months.

On 29 September 2004, a Conference was held at Allahabad Centre of ILA (Regional Branch, India). Hon'ble Mr. Justice R.C. Lahoti, The Chief Justice of India and the President of the ILA (Regional Branch, India) has inaugurated the 6th Centre at Allahabad of the ILA (Regional Branch, India). The function was attended by Hon'ble Mr. Justice Vijender Jain, Judge High Court of Delhi and Hony. Secretary as well as Mr. P.H. Parekh, Hony. Org. Secretary. Other speakers from the Allahabad High Court were:- Hon'ble Mr. Justice M. Katju, the then Acting Chief Justice of Allahabad High Court, Dr. Justice B.S. Chauhan, Judge and Mr. Justice Dilip Gupta, Judge. The event was attended by about 250 delegates.

On 9 April 2005, a Conference was held at Chennai (Madras) center of ILA (Regional Branch, India) During this event the Chennai Centre of the ILA (Regional Branch, India) was inaugurated by the Hon'ble Mr. Justice Y.K. Sabharwal, Judge Supreme Court of India. The function was attended by Hon'ble Mr. Justice Vijender Jain, Judge, Delhi High Court and Hony. Secretary and Mr. P.H. Parekh, President, Supreme Court Bar Association, India and Hony. Organizing Secretary. From Chennai it was attended by the Chief Justice of Madras High Court, Hon'ble Mr. Justice M. Kartju. This Conference was attended by 300 delegates.

The Annual Seminar of the ILA (Regional Branch, India) will be held in August 2005 dealing with the topics of (i) International Law on Foreign Investment and (ii) Space Law

The Indian Branch will be inaugurating two further centres at Nainital and Hyderabad during 2005

ITALIAN BRANCH

Annual meeting and colloquium of the Italian Branch

On 10th June the Italian Branch held its first annual meeting after its re-constitution last summer. The new board, headed by Prof. Luigi Ferrari Bravo and Prof. Luca G. Radicati di Brozolo, aims to re-launch the activities of the branch in Italy and to broaden its membership.

As a first event on the occasion of the annual meeting the Italian Branch held a colloquium on the *Independence and impartiality of international judges and arbitrators*. Panelists were Prof. Riccardo Luzzatto of the University of Milan, a very well-known arbitrator, who spoke of the interference with the arbitration procedure by the courts of the State of the seat of the arbitration; Prof. Giorgio Sacerdoti, member of the Appellate

Body of the WTO, who discussed the issue of independence and impartiality with regard to international judges; Ms Teresa *Giovannini*, Partner of the Lalive firm, who reviewed the case law on the impartiality and autonomy of international arbitrators and Ms Loretta *Malintoppi*, counsel with Eversheds in Paris, who discussed the practice of the International Court of Arbitration of the ICC.

The colloquium, which was held at the seat of the Italian Branch in Milan, was well attended, both by members and non-members.

The Italian Branch aims to hold similar events in the coming months. It will *inter-*

alia co-sponsor the XXXVI Round Table on Community Law of the Catholic University of Milan to be held on October 7 in Milan on the subject of "Towards Financial Integration in Europe: Harmonization and Competition".

NORWEGIAN BRANCH

The Secretary of the Norwegian Branch has asked that the website of the Norwegian branch be included in this Newsletter. The address is www.nfir.no.

TOP COMMONWEALTH LAWYERS GATHER IN LONDON

Hundreds of prominent lawyers and judges from all fields of practice in the 53-country Commonwealth will meet in London this year at the Commonwealth Law 2005 conference.

Scheduled for 11-15 September, the event will celebrate the Golden Jubilee of the Commonwealth Law Conference. It will be the first time the Commonwealth Law Conference has been held in London since it was launched there 50 years ago.

As many as 1,500 lawyers are expected at the prestigious event, which will be held at Westminster Central Hall and the Queen Elizabeth II Conference Centre in Westminster and attended by the Lord Chancellor, Lord Chief Justice, Master of the Rolls and many of the Commonwealth's chief justices and senior judges. Highlighting the four-day gathering will be several keynote addresses, including speeches from Sir Sridath Ramphal, former Secretary General of the Commonwealth and Lord Bingham of Cornhill, the former Lord Chief Justice of England and Wales and now the senior Law Lord.

Colin Nicholls QC, President of the Commonwealth Lawyers Association, said 'In the last 50 years, the conference has established itself as the premier legal event in the Commonwealth. All branches of the legal profession – judges, magistrates, public and private sector lawyers, academics, paralegals and executives of the Commonwealth's law associations – meet to discuss vital issues affecting the Commonwealth's law and its legal profession.

'The theme of this year's conference; Developing Law and Justice, embraces the momentous issues facing the Commonwealth's lawyers today: globalisation and the environment, security and freedom, discrimination and the protection of the under-privileged, corporate social responsibility, family law and the child, access to justice, and the future of the legal profession itself. There are also sessions on HIV/AIDS, disaster relief, Islamic law and banking.'

In addition to keynote speeches, the programme also will feature workshop streams covering: human rights, criminal law and practice – including constitutional law, the judicial officer, and the law and small states.

Specialist topics will include: environmental law, liabilities at sporting events, freedom of information and the regulation of the media, and the liabilities of public authorities for exercise of statutory powers.

Delegates can benefit from early booking discounts by registering on line at: www.commonwealthlaw2005.com.

The social programme includes a welcome reception and dinners, as well as an accompanying guest programme providing a wide selection of sightseeing and London cultural events.

International Committees

Mr William Duncan was approved as chair of the International Family Law committee.

Nominations are being received for the International Civil Litigation and the Interests of the Public committee (agreed November 2004) and the committee will consider the mandate when it commences work.

Professor Emiliós Avgouleas was appointed as rapporteur of the International Securities Regulation committee.

Study Groups

Mr Gerhard Loibl was approved as chair of the study group on Groundwater Resources.

Mr Eduardo Valencia-Ospina was approved as chair of the study group on Responsibility of International Organisations.

Committee Nominations:

Compensation for Victims of War

Professor Joanna Harrington
HE Ambassador Robbie Sabel

Canadian
Israel
Member
Member

Feminism and International Law

Dr Ineke Boerefijn

Netherlands
Member

International Civil Litigation and the interests of the public

Professor Wouter De Vos
Professor Burkhard Hess
Dr Patrick Kinsch
Judge Gustaf Moller
Professor Marie-Laure Niboyet
Mr Hilmar Raeschke-Kessler
Professor Giuliana Redin
Professor Amos Shapira
Professor Janet Walker

South African
German
Headquarters
Finnish
French
German
Brazilian
Israel
Canadian
Member
Member
Member
Member
Member
Member
Member
Member

International Commercial Arbitration

Advokat Tore Wiwen-Nilsson

Swedish
Member

International Criminal Court

Mr Ivan Korotkov
Mr Gilad Noam

Headquarters
Israel
Member
Member

International Human Rights Law And Practice

Dr Isabel Cabrita
Mr Jonas Christoffersen

Portuguese
Danish
Member
(Alternate to
Mr Srdanovic)

International Law on Biotechnology

Mr Mihalis Kritikos

Hellenic
Member

International Law on Foreign Investment

Professor Rudolf Dolzer
Dr Moshe Hirsch
Ms Katia Yannaca-Small

German
Israel
Hellenic
Member
Member
Member

International Law on Sustainable Development

Dr Tomer Broude
Dr Moshe Hirsch

Israel
Israel
Member
(Alternate to
Dr T Broude)

Maria Leichner Reynal
Dr M C W Pinto

Argentine
Headquarters
Member
Member

International Monetary Law

Dr Adesegun Alin-Olugbade

Headquarters
Member

International Securities Regulation

Professor Stephanie Luiz

South African
Member

Outer Continental Shelf

Judge Vicente Marotta Rangel

Brazilian
Member

Space Law

Professor Ram Jakhu

Canadian
Member

Teaching of International Law

Professor Manuel Almeida Ribeiro

Portuguese
Member

OTHER NEWS

Trail-blazing Franco-British LLM to start this September

In September, the first cohort of students for the LLM in International Mobility, Globalisation and the Law will be welcomed to the University of the Transmanche, the world's first ever Franco-British Higher Education institution. It was launched in September 2004, with the backing of French President Jacques Chirac and British Prime Minister Tony Blair, as part of the Entente Cordiale Centenary celebrations. Institutions participating in the Transmanche LLM are the University of Kent, the Université du Littoral Côte d'Opale, Boulogne and the Université du Droit et de la Santé, Lille.

Comparative, European and International law in context

Providing an in-depth knowledge of trans-mobility law and English and French legal cultures, mentalities, methodologies, institutions and concepts, this course offers students from all around the world the unique opportunity

to gain legal skills, analysis, reasoning and theory at a European rather than a national level. Students study comparative law, globalisation, European and International Mobility, European competition law and more on both sides of the channel in both English and French. Applications for this September will be taken until the end of July.

The future

The Réseau Universitaire Transmanche aims to build on its cross-Channel academic trail blazing reputation by offering undergraduate programmes in September 2006.

For further information

Tel 01277 824108
Email transmanche@kent.ac.uk
www.kent.ac.uk/transmanche

TRIBUTE

Professor Alexis Goh

We have been informed that our very distinguished member, Professor Alexis Goh (Australia), passed away last June after a long illness which disabled her from attending the ILA Conferences in New Delhi and Berlin. This is a very sad loss for the ILA, its Space Law Committee and her colleagues and friends. We shall miss her enormously and always remember Alexis's warm personality, friendliness and valuable contribution to our work.

By Professor Maureen Williams,
Chairperson of the ILA Space Law Committee

International Symposium on Global and European Challenges for Air and Space Law at the Edge of the 21st Century, held under the auspices of the Institute of Air and Space Law of Cologne University and the German Aerospace Centre

Contribution by Prof. Dr. Stephan Hobe, LL.M (McGill), Director of the Institute of Air and Space Law of the University of Cologne.

The Institute of Air and Space Law of the University of Cologne, the oldest institution of its kind in the world, has celebrated its 80th anniversary with an international symposium from 8 to 10 June 2005 in Cologne. With around 120 participants from 20 countries the symposium was very well attended.

Among the participants were three former and acting judges of the International Court of Justice, among them former President Gilbert Guillaume. The symposium itself was directed by Prof. Dr. Stephan Hobe, Director of the Institute of Air and Space Law of the University of Cologne and Rapporteur of the ILA Space Law Committee.

It ended a four year Research Project 2001 Plus and thus reflected the work done before on different topics.

Session 1 investigated perspectives for more national space legislation that is necessary due to an increasing amount of private space activities. In the second session, the features of a framework for globalized international aviation – current problems of post-bilateralism were investigated. Here, the participants reached the conclusion that the international legal framework for aviation

activities is about to change considerably in the future. The third session dealt with the current and future relationship of ESA and EU and thus with the fact that in more recent times, the European Union has asked for more responsibility in the administration of space affairs in Europe. Finally, session 4 under the directorship of Prof. Maureen Williams, Chairperson of the ILA Space Law Committee, dealt with common issues in air and space law: envisaging future aerospace applications – the examples of registration and liability and investigated in particular problems of space tourism that is partly related to the air law regime and partly to space law. Therefore, it was interesting to mirror the liability and registration notion in air respectively space law.

Professor Maureen Williams writes:

The officers and various members of the Space Law Committee met in Cologne during 8-10 June 2005 on the occasion of the International Symposium on Global and European Challenges for Air and Space Law at the Edge of the 21st Century, held under the auspices of the Institute of Air and Space Law of Cologne University and the German Aerospace Centre.

The meeting was organised and conducted by Professor Stephan Hobe (German Branch), director of the above mentioned Institute and General Rapporteur of the ILA Space Law Committee. Other members present, acting in different capacities, were Professor Karl-Heinz Boeckstiegel (ILA World President and member of the Committee), Professors Gilbert Guillaume and Armel Kerrest (French Branch), Dr. Frans von der Dunk (Netherlands Branch), Professor Vladimir Kopal (Czech Republic Branch), Dr. Mahulena Hofmann (German Branch), Professor Sergio Marchisio (Italian Branch), Mr. Niklas

Hedman (Swedish Branch), Prof. Elisabeth Back Impallomeni (Austrian Branch) and the present writer (HQ, Chair of the ILA Space Law Committee). The Symposium - which marked the end of Project 2001 plus, a far-reaching research programme directed from the University of Cologne by Prof. Hobe - consisted of four working sessions, each of which focused on highly topical questions relating to Air and Space Law. Inter alia, mention should be made of the questions surrounding national space legislation and the difficulties of its implementation, current and future relationships between the European Union and the European Space Agency, and common issues in air and space law with special emphasis on future aerospace applications and the examples provided by registration and liability in both fields.

The meeting gave way to intensive and realistic debates concerning the different subjects involved. Furthermore, the close relationship between the topics addressed in Cologne and the terms of reference of the ILA Space Law Committee for the 72nd ILA Conference (Toronto 2006) provided an excellent scenario for the exchange of views among the many specialists from different parts of the world attending the Symposium. The debates were of a clear interdisciplinary nature thus reflecting the sign of our times.

The Report of the ILA Space Law Committee for the Toronto Conference, focusing on remote sensing, national space legislation and registration issues, is now entering its final phase.

“Regional Trade Agreements and the World Trading System” ILA British Branch Spring Conference, 27-28 May 2005

Alan Boyle and Lorand Bartels of the University of Edinburgh write

Hosted and organised by the University of Edinburgh School of Law and held in Edinburgh for the first time since 1996, the British Branch's Spring Conference attracted over 130 participants from at least twenty-five countries and several international organisations including the WTO and EU. Addressing the relationship between regional trade agreements and WTO law, the long list of speakers included Ernst Ulrich Petersmann, Frederick Abbott, Thomas Cottier, Bill Davey and Armand de Mestral from the ILA Trade Law Committee, Joost Pauwelyn, Ignacio Garcia Berceo, Audley Shephard, James Mathis, Andreas Ziegler, Piet Eeckhout and Markus Krajewski. Many of the governmental delegates from Australia, Hong Kong, Sri Lanka, New Zealand, Finland, and the United Kingdom are currently involved in the negotiation of trade agreements. Former ECJ judge Sir David Edward gave the after dinner speech in the Royal Society of Edinburgh, and Jeremy Carver, President of the British Branch, brought the conference to a close after two very full days of well-attended discussions. It is planned to publish the conference papers as a book. Draft papers can be accessed at www.hss.ed.ac.uk/ila.

Fiona McKenzie Ph.D. writes of the conference

This conference was an important meeting in the field of international trade law focusing specifically on the strained relationship between multilateralism and regionalism. Although, both multilateral and regional approaches to trade have sound economic and political rationales, multilateral and regional trade policies differ with respect to the extent of trade liberalisation, discrimination and diversion.

Conference speakers addressed the relationship between regional trade agreements (RTAs) and multilateral rules contained in the World Trade

Organisation (WTO) agreements. Although WTO rules enable WTO Members to conclude preferential trade agreements in the form of customs unions, free trade areas, interim agreements leading to the formation of such unions and areas, and economic integration agreements, thereby authorising WTO Members to depart from their most-favoured-nation (MFN) obligations under restricted conditions pertaining to trade coverage, elimination of internal trade restrictions, avoidance of additional barriers for third countries and requirements on preferential rules of origin, potential for conflict remains.

The exponential growth of RTAs (one speaker humorously remarked that in certain regions such agreements are being concluded "every other day"), the difference in scope of preferential agreements (some having rather simple configurations, others paralleling in many ways the reach of the WTO agreements) as well as the conclusion of agreements between different preferential trade agreements, results in an extensive, complex and developing network encompassing areas such as goods, services, IPR, government procurement, competition, environment and dispute settlement.

In view of the proliferation of preferential trade agreements it is important that a clarification and improvement of WTO substantive and procedural requirements with respect to RTAs is performed in order to encourage the development of RTAs that are compatible with WTO agreements thereby preventing excessive trade distortion and future disputes.

In order to minimise the potential for conflict between WTO and RTA obligations, the WTO panels and Appellate Body should interpret WTO rules by taking into account other relevant rules of public international law. In cases where it is not possible to iron out incompatibil-

ities through interpretation, and where the relationship between the WTO and a given RTA is not explicitly covered in the RTA, incompatibilities need to be resolved in accordance with the law of treaties. However, rules on treaty interpretation concerning conflicting treaty norms such as *lex posterior*, *lex specialis* and *inter se* modifications cannot always be applied conclusively and, therefore, as Professor Cottier noted that it would be appropriate for the WTO to explicitly define its relationship with other agreements.

A review of the WTO enforcement process should also be considered in order to develop the legitimacy of the WTO dispute settlement mechanism. The WTO system of compensation as well as suspension or withdrawal of trade concessions is inadequate not only in providing a powerful deterrent to breaches of WTO law but also in providing a suitable remedy, in particular, for WTO Members with limited economic power.

These and other issues raised at the conference are an integral part of the process of developing new approaches and innovative solutions that contribute to resolving tensions, increasing co-operation between WTO Members and ensuring that coherence in international law is not jeopardised.

The level of expertise, commitment, creative thinking demonstrated at this conference was admirable and will undoubtedly contribute greatly to the development of this area of international law.