Third BJLA lecture

On 4 June 1998 Dr Koji Takahashi, an Associate Research Fellow of the IALS, gave a lecture entitled 'Jurisdiction to grant interim relief to freeze defendant's assets: an Anglo-Japanese comparison'. This lecture was the third in the series organised by the British Japanese Law Association (BJLA) and the Society for Advanced Legal Studies. Dr Takahashi highlighted the differences in the nature and effectiveness of the relief available in the two countries. He then analysed whether and to what extent, jurisdiction to grant relief and the ways discretion is exercised are affected (and ought to be affected) by the effectiveness of the relief, by comparing Japanese law with English law.

Festschrift for Professor Boyle

A dinner to mark the presentation of a Festschrift to Professor Tony Boyle was held at the Oxford and Cambridge Club on 1 July. The Corporate Dimension, published by Jordans, was put together to commemorate Professor Boyle's retirement as Professor of Commercial Law at Queen Mary and Westfield College and the significant contribution he has made to company law over many years — including as editor of Gore-Browne on Companies, joint author of Boyle & Birds' Company Law, and as a regular contributor to The Company Lawyer. Professor Boyle is currently Chairman of the Advisory Board for the Centre for Corporate Law and Practice at the Institute of Advanced Legal Studies.

A number of leading academics contributed to the volume, which contains a foreword by the Rt Hon Lord Templeman and was edited by Professor Barry A K Rider, Director of the Institute of Advanced Legal Studies. Speeches were made by Richard Sykes QC and Richard Hudson, Director of Jordan Publishing Ltd, made the presentation. Those who attended were: Professor Tony Boyle, Dr Joan Boyle, Richard Sykes QC, Lord Justice Mummery, Richard Hudson, Professor B A K Rider, Mr Justice Lightman, Mr J Boyle, Hon Professor L S Sealy, Professor Eva Lomickna, Professor J Henning, Professor Janet Dine, Professor David Sugarman, John Lowry, Ms Helen Parry, Professor Roy Goode QC, Professor Harry Rajak, Ms Jennifer Payne, Dr Christopher Hadjiemmanuil, B Pettet, Ms Joanna Gray, Dr Mads Andenas, Ms Brenda Hannigan, Professor R Cotterrell, S Honey, Professor Gerard McCormack, Alistair Hudson, Jason Haines, Ms Diana Faber, Professor Ross Cranston MP J Powell QC, Dr Chizu Nakajima, Adrian Walters, Julian Harris.

Report from UN General Assembly

The United Nations General Assembly convened a special session in New York from 8-10 June 1998 to consider 'countering the world drug problem together'. The importance of the occasion was marked by the attendance of senior representatives from over 150 of the 185 member states of the UN, including 23 Heads of State and 8 Heads of Government. The 1990's constitute the UN's Decade on Drug Abuse and the priority given to the global drug crisis is reflected in the fact that in its 53-year history this is only the twentieth time that a special session has been held to debate matters of critical concern to the international community; it is the second such session devoted to the drug problem. Previous special sessions have dealt with major issues such as disarmament (1978, 1982 and 1988), apartheid (1989), and drug control (1990).

INFLUENTIAL SUPPORT

UN Secretary-General, Kofi Annan, has denounced the proliferation of drugs as a 'tragic reality' and on opening the session he urged leaders to find common ground in the mission to create a drug-free world in the 21st century. With such a bold objective, the stage was set for participants to tackle the monumental task of developing an effective strategy.

In his opening statement, President of the General Assembly, Hennadiy Udovenko, warned that:

"drugs are tearing apart our societies, spawning crime, spreading diseases ... and killing our youth and ... future."

He cautioned members to not only adopt anti-drug plans but emphasised the greater need to implement them.

Indeed, on this tenth anniversary of the adoption of the UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, although nearly 150 states are party to this ground-breaking convention, only about a third of these are deemed to be in full compliance with its provisions.

As the debate unfolded, speaker after speaker reaffirmed the significance of mobilising efforts for a joint fight against the global drug scourge, particularly in an era characterised by globalisation and liberalisation. As US President, Bill Clinton, stressed,

"the potential for broad co-operation against drugs has never been greater — or more needed."

He added that the dismantling of 'divisive blocs and barriers' around the world— and the spread of technology— can be exploited by criminals but such openness should be used, instead, to enrich our lives by working together for 'a common cause'.

Deputy UK Prime Minister, John Prescott, speaking on behalf of the EU, reiterated that a global approach involves each and every one of us as:
"it is no use stopping opium cultivation in one place just to see more grown elsewhere, [or] closing one trafficking route to see another opened."

Since ‘partnership is essential’ the EU has established ‘Europol’ — a European intelligence network — to ensure the sharing of information quickly and effectively, across the EU and with others, to hamper drug trafficking and money-laundering.

Each speaker spoke of the ill consequences drugs have inflicted on their country. Colombian President, Ernesto Samper Pizano, revealed in graphic detail the destabilising influence drugs have had on that country and hoped that by telling Colombia’s story a valuable lesson could be learned ‘so that what happened to us does not happen to other countries’. However, he condemned the act of pointing the finger of blame at any single country and maintained that global action should be based on the principles of joint responsibility, comprehensiveness and multilateralism.

Many representatives of developing countries shared the sentiment of Bahamian Prime Minister, Hubert Ingraham, that combating drugs stretches resources ‘beyond reasonable limits’. He urged all partners in the anti-drug campaign not to withdraw the critical assistance needed to fight drugs and lamented that the debilitating effects of drugs have ‘robbed us of our innocence’.

SPECIFIC ISSUES

In addition to the general debate, held in plenary meetings, concurrent symposia addressed specific issues such as:

- preventative programmes for the most vulnerable, i.e. young people;
- the effect of drugs on workplace productivity;
- the cost of drugs to society and development;
- the links between drug abuse and AIDS;
- law enforcement efforts to cut drug supply lines;
- the role of the media in ‘telling and selling the drug story’; and
- the laundering of drug proceeds.

It was during the latter discussion that the UN International Drug Control Programme (UNDCP) released their report on the connections between financial havens, banking secrecy and money laundering.

Nicknamed the ‘Drug Summit’, the call to eradicate illegal drugs was virtually universal. The only voices of dissent from within the walls of the UN emanated from representatives of interest groups such as those advocating the recognition of drug use for religious purposes by some ‘indigenous cultures’. Outside the UN Headquarters there was also a handful of placard-bearing protesters (whose number was noticeably exceeded by that of the surrounding police officers), but amidst the overwhelming demand for greater drug counter-action the cries of the antagonists seemed more like whispers in the wilderness.

THREE RESOLUTIONS ADOPTED

The twentieth special session culminated with members adopting three action-oriented resolutions centred on a balanced approach between reducing drug supply and demand. These build upon previous UN initiatives and innovatively assign the same degree of importance to demand reduction as to other aspects of drug control.

The first resolution encompasses the Political Declaration by which member states established 2003 as the date for the implementation of enhanced drug demand-reduction strategies and programmes. These are to be set up in close collaboration with public health, social welfare and law enforcement authorities, and a commitment was made to achieve significant and measurable results in the field of demand reduction by the year 2008. Members also adopted a Declaration on the Guiding Principles of Drug Demand Reduction to direct their actions including setting standards for prevention, treatment and rehabilitation programmes.

In the Political Declaration, members undertook to promote regional and international co-operation among judicial and law enforcement authorities to deal with drug related offences and encouraged states to implement such measures by 2003. That milestone date was also the year by which members resolved to complete strengthening their efforts against money laundering, while 2008 was the date set for members to have installed measures for eliminating or significantly reducing the illicit manufacture, marketing and trafficking of psychotropic substances and the diversion of precursors.

To help achieve the stated objectives, specific steps were outlined in the resolution Measures to Enhance International Co-operation to Counter the World Drug Problem. Action plans were undertaken for the following:

- combating the problem of amphetamine-type stimulants;
- controlling precursors;
- promoting judicial co-operation;
- countering money-laundering; and
- eradicating illicit drug crops and promoting alternative development through viable, lawful and sustainable economic options to illicit drug cultivation.

CONCLUSION

The aspirations of Pino Arlacchi, Executive Director UNDCP, are for the special session to represent ‘a turning point for the world to go forward with renewed energy on drug control’. Certainly the declarations of member states reflect ‘new and serious promises’ and embody a new international partnership based on the principle of shared responsibility. They will be difficult objectives to achieve but as members are: ‘resolved that such commitments will be met by practical action and resources needed to ensure real and measurable results’ then in the idealistic spirit of the occasion one sincerely hopes that ‘together we can meet this challenge.’
SALS News

SALS Transitional Executive Committee Statement

An extraordinary general meeting of the friends of the Institute of Advanced Legal Studies (IALS) was summoned on 10 February 1997 at which a resolution was overwhelmingly carried winning up the friends and recognising the new Society for Advanced Legal Studies (SALS). The SALS was incorporated as a company, limited by guarantee, on 7 May 1997 and HRH the Princess Royal graciously acknowledged the establishment of the Society by unveiling a stone commemorating its incorporation on the occasion of her visit to the IALS on 11 June 1997. The draft constitution of the SALS and its rules were endorsed at the meeting of the friends on 10 February 1998 and pursuant to these, all existing friends of the IALS were translated into either honorary or associate fellows of the Society.

TRANSPORTINAL EXECUTIVE COMMITTEE

Pursuant to art. 37 of the society's articles of association, a Transitional Executive Committee was established consisting of Professor Barry Rider, Director of the IALS (chair); Professor Avrom Sherr, Woolf Professor of Legal Education at the IALS (deputy chair); Mr David Phillips, administrative secretary of the IALS; Mr Christopher Hale, of Travers Smith Braithwaite, the former honorary treasurer of the friends (honorary treasurer); Mr T M Ashe QC and Professor Harry Rajak, of the University of Sussex. The Executive Committee invited Lord Steyn, who had been President of the Friends of the IALS, to become Chairman of the Transitional Advisory Council. The Executive Committee appointed Ms Juliet Fussell, of the IALS, as secretary to the society.

The Executive Committee met on 13 occasions, although individual members of the committee met to discuss specific matters on many other occasions. Members of the Advisory Council were invited to Charles Clore House on two occasions, and matters were put before the council on three occasions. Report has also been made on the work of the Executive Committee to the management committee of the IALS and the board of the IALS.

Much of the work of the Executive Committee during the first six months of its existence was taken up with preparing the rules and regulations of the society and ensuring that the constitutional documents are acceptable to the Charity Commissioners. It proved necessary to make one or two small amendments to the constitution and an extraordinary general meeting was summoned on 29 April 1998 at which these were approved. (The society's application for charitable status was accepted and registered on 20 May 1998.) In finalising these and other documents and in providing general legal support, the Executive Committee would like to acknowledge the generous assistance that it has received from the partners and members of staff of Travers Smith Braithwaite.

FRIENDS NOW FELLOWS

Pursuant to art. 30 all existing honorary friends and friends of the institute were translated into corresponding honorary or associate fellows of the society, and their membership of the society continued through the transitional period. The Executive Committee, after deliberation and consultation, proposed to the Advisory Council the election of a number of highly distinguished academics, practitioners and members of the judiciary and legal service, as honorary fellows. It should also be noted that under art. 4 of the memorandum, a number of honorary fellowships are conferred ex officio. The Executive Committee has on two further occasions submitted names to the Advisory Council for election, in the view that it is good for those of such high distinction to be so associated with the society and its objects. The ranks of associate fellows have been swelled by a significant number of applications and, naturally, the Executive Committee has been keen to promote this category of membership. The Executive Committee, again after deliberation, has of its own motion or on application, elected members who have distinguished themselves in scholarship and/or practice, or the administration of justice, into fellowships of the society.

AMICUS CURIAE

The Executive Committee and the IALS have entered into a contract with CCH Editions pursuant to which Amicus Curiae is published 10 times a year as the official journal of the society and institute. The journal was launched at a reception, generously sponsored by CCH Editions at the Middle Temple in October 1997. Amicus Curiae is provided free of charge to all members of the society, to university law schools and selected other institutions. It is also sent to those who subscribe to various CCH services. As a result, within the space of six months, Amicus Curiae has been able to establish a circulation of nearly 5,000. CCH Editions publish the journal free of charge and make a small contribution to editorial and other costs. The society and IALS cover the cost of mailing. Much of the credit for the success that this new and important publication has already achieved is due to the work of Mr Julian Harris, Senior Information Officer at the IALS, and his staff.

EVENTS

The Executive Committee organised in collaboration with the IALS a series of public lectures during 1997, to commemorate the founding of the society and the jubilee of the institute. Most of the papers that were presented, together with other contributions will be published in due course by Kluwer Law International. The SALS also hosted a public lecture on 9 September 1997 by the Chief Justice of India, introduced by Lord Woolf. There were also several other ad hoc lectures organised under the auspices of the SALS. The Executive Committee is keen to identify venues outside London for lectures and seminars. Having regard to the significant number of members that the society has in Japan, the Executive Committee was grateful for the opportunity to collaborate with the newly formed British Japanese Law Society in organising a series of six public lectures on aspects of Anglo-Japanese law.

In addition to the reception held to mark HRH The Princess Royal’s visit to the IALS, the SALS and IALS held a very well-supported dinner at the Middle Temple on 29 October 1997. Lord Nolan, Lord Justice Millett and Professor Terence Daintith gave after-dinner addresses. The Executive Committee has
organised another dinner which will take place, again in the Middle Temple, in October 1998. The Executive Committee is keen to see a social programme develop for members of the SALS and has supported small receptions after the lectures that have been organised under the society’s auspices.

**WORKING GROUPS**

Given the objective of the SALS to promote and foster cooperation between academics, practitioners and those in the administration of justice in furthering legal research, the Executive Committee has placed much emphasis on the formation of expert working groups under the auspices and with the support of the society. There are now three such groups in operation:

1. **Environmental and Planning Law**, under the chairmanship of Mr Justice Keene;
2. **Issues in Financial Regulation**, under the chairmanship of Mr George Staple of Clifford Chance and the former Director of the Serious Fraud Office; and
3. **Legal Issues that arise in the Cross Border Movement of Children** which is sitting under the chairmanship of Mr Peter Harris, the Official Solicitor.

Each working group has one or more convenors, who play a very important role in supporting the chairman, between 20 to 30 members, including judges, officials, practitioners and academics, supported by research officers and students from the IALS. The Executive Committee has endorsed the setting up of additional working groups in the areas of sports law and legal ethics. The Executive Committee is keen to see this aspect of the society’s work expand, although it is conscious of the need to ensure that such groups as are established can be properly and adequately supported.

**THE FUTURE**

The Institute recognises that the development and advancement of the society is important, not only in the important way in which the friends supported the work of the institute, but also in fostering meaningful interface between scholars and practitioners. Consequently the institute is prepared to shoulder a certain amount of the burden in developing and running the society. Nonetheless it is important for members to appreciate the importance of developing, as soon as possible, a viable financial basis for the society.

The Executive Committee considers that during the formative stage of the society’s development it is useful for there to be continuity. Consequently Mr Christopher Hale, Mr T M Ash QC and Professor Harry Rajak have agreed to allow their names to be put forward for election. Mr David Phillips has been nominated by the board of the IALS pursuant to art. 36(d). The director of the IALS, Professor Barry Rider, remains in office, by virtue of art. 36(e). It is the intention of the existing Executive Committee, if so elected, to exercise its powers under art. 36 to co-opt Sir Franklin Berman, Legal Adviser to the FCO; Mr Justice Manse; Professor Avrom Sherr; Professor Sir David Williams, former Vice-Chancellor of the University of Cambridge and Mr Philip Wood of Allen and Overy. It is also the intention of the Executive Committee to appoint Lord Steyn as chairman of the advisory council for a further term of two years, pursuant to art. 72.

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**Executive Committee**

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**SALS Events**

The Executive Committee of the Society is pleased to announce the following programme of events in London which are open to members of the SALS and their guests.

**24 September 5.30pm, Senate House**

MICHAEL MANSFIELD QC

of 14 Tooks Court

*One law for the rich ....*

**13 October 5.30pm, Senate House**

PROFESSOR LORD RENFREW OF KAIMSTHORN

University of Cambridge

*Preventing the looting of antiquities: the search for a legal basis*

**22 October 5.30pm, IALS**

DR ANTHONY JULIUS

Mishcon de Reya

*T S Eliot: Anti-semitism and censorship*

**29 October**

SECOND ANNUAL DINNER – MIDDLE TEMPLE

**18 November 5.30pm, IALS**

MICHAEL BLAIR QC

General Counsel, Financial Services Authority

*a topic related to financial services regulation to be announced*

Chair: Professor Barry Rider

**22 November 5.30pm, IALS**

THE RT HON THE LORD NOLAN

Chairman of the Board of the Institute of Advanced Legal Studies

*Title to be confirmed*

Chair: Professor Graham Zellick

**15 December 5.30pm, Senate House**

PROFESSOR PAUL DAVIES

Cassell Professor of Commercial Law, London School of Economics and Politics

*Stakeholding and company law*

Further lectures and events will be announced. If you would like to attend any of these events or further information, please contact: Juliet Fussell, Secretary, SALS, Charles Clore House, 17 Russell Square, London, WC1B 5DR; tel: 0171 637 1731; fax: 0171 637 5216; e-mail: sals@sas.ac.uk