
Editorial

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Biographical notes: Peter Gillies (MA, LL.M (Syd), PhD (NSW), Solicitor, NSW) a Professor, Law Division, Macquarie University, Sydney, Australia. He is the author of numerous books and papers in the fields of international trade law, commercial law, environmental taxation, criminal law and evidence. His most recent book is (with Gabriel Moens), *International Trade: Law, Business and Ethics*, 2nd edition, Routledge-Cavendish, Oxon, 2006.

This issue of the *International Journal of Private Law* features papers that deal with converging themes – the ongoing development of international law and international trade law, the transnational harmonisation of law, and the development of law in emerging economies.

Two of the papers deal with topics in international trade law – specifically the Vienna Convention on Contracts for the International Sale of Goods (the CISG), and international commercial arbitration. The Vienna Convention, and the New York Convention on the Recognition and Enforcement of International Arbitral Awards and the parallel UNCITRAL Model Law on International Commercial Arbitration, represent two of the most successful instances of international legislation. The goals in each case were the same – to provide a common legal framework for international commercial transactions and dispute resolution arising from them, in order to facilitate international commerce.

Zeller argues for measures to facilitate the application of the CISG to international contracts for the sale of goods, and thereby to mitigate choice of law problems and to provide for a greater uniformity in the law governing disputes arising from this class of contract.

Luttrell comments on the arbitration law of the Dubai International Finance Centre, and foreshadows imminent changes to this law, which he describes as ‘Model Law Plus’.

Two papers deal with law in the emerging PRC economy. Shao proposes that China’s Software Regulation of 2002 seeks to offer a higher level of protection than the PRC legal system can achieve in practice at the present time, and that it has been unusually influenced by the TRIPS and those lobbying for an ambitious scheme of IP protection in China. French comments likewise on a gap between aspirations for the legal system in China and present day achievements, focusing on the 1995 Advertising Law and its attempt to protect consumers from misleading advertisements. She comments on

the unevenness of enforcement of the law countrywide, and the need for amendments to it. Both regimes – the IP and advertising laws – are designed to harmonise with like schemes in other jurisdictions.

Zimmermann also deals with key lego-cultural issues in a developing economy – that of Brazil – in his review of the gap between the law of Brazil as formally stated and its actual operation. His paper explains how the law operates in practice as contrasted to theory.

Overland deals with the important and current issue of insider trading regulation in the capital markets, focusing on the Australian situation. She analyses the Citigroup case, which she describes as being of transnational interest because it is one of the few cases to deal with claims of insider trading against a corporation. She compares and contrasts the regulation of insider trading across a number of jurisdictions.

Finally, Saba deals with the significant and potentially growing incidence of environmental refugees, people who are displaced by environmental degradation and disasters, but who are not classified as environmental refugees by the international refugee law regimes. She argues the case for this recognition, in an article that has both private and public law dimensions.

The common theme in these papers is the trend for and need for greater harmonisation of regulatory regimes across jurisdictions, through the agency of international models and independently of them, in respect both of the formal law and of its processes.