

INTERNATIONAL & COMPARATIVE LAW QUARTERLY

VOLUME 65

PART 3

JULY 2016

ARTICLES

- Private Commercial Law Conventions and Public and Private International Law:
The Radical Approach of The Cape Town Convention 2001 and its Protocols *Roy Goode*
- Private International Law and EU External Relations: Think Local Act Global,
or Think Global Act Local? *Alex Mills*
- Contractual Networks in European Private International Law *Uglješa Grušić*
- The Problem of Causality in International Human Rights Law *David McGrogan*
- The End of Amnesty or Regional Overreach? Interpreting The Erosion
of South America's Amnesty Laws *Louise Mallinder*
- The Law Applicable to The Arbitration Agreement: Towards
Transnational Principles *Renato Nazzini*
- Protecting Mobile Money Customer Funds in Civil Law Jurisdictions
David Ramos, Javier Solana, Ross P Buckley and Jonathan Greenacre

SHORTER ARTICLES AND NOTES

- Overseas Territories in the WTO *Matthew Kennedy*

BOOK REVIEWS



**British Institute of
International and
Comparative Law**

ABOUT THE BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW

The British Institute of International and Comparative Law (BIICL) is a leading independent legal research and membership organisation with charitable status, unaffiliated to any university. It is the only body of its kind in the UK and one of very few in the world. It is not publicly or privately funded by any one government, institution or person. Established in 1958 and based in London with a dedicated team of staff, it brings together legal practitioners in private and public practice, in-house counsel, scholars and students, as members and contributors. It has developed a strong global network in international and comparative law and the rule of law.

BIICL undertakes five key activities: applied legal research, events, capacity-building training, publications and membership services. We conduct research around the world across the broad range of public international law, private international law, comparative law, competition law, European law and international investment law and the rule of law. Our focus is on applied research, based on strong conceptual foundations, which is practical, offers examples of good practice, and recommendations for policy and legal actions. Our activities often cross the traditional boundaries of law, so as to engage with contemporary national, regional and international issues, and we consistently have an impact on law and policy worldwide.

BIICL has created a diverse community of scholars and practitioners and serves as an unrivalled focal point for our substantial membership base. BIICL members include judges, practising lawyers, government officials, regulators, international civil servants, academics and students. We keep our members abreast of the latest developments in international and comparative law.

Within BIICL, the Bingham Centre for the Rule of Law is devoted to the study and promotion of the rule of law worldwide. Launched in 2010, the Centre has established a broad base of work internationally that highlights threats to the rule of law while promoting high quality studies and training.

BIICL GOVERNANCE

President

THE RT HON THE LORD PHILLIPS OF WORTH MATRAVERS KG PC QC

Vice Presidents

THE RT HON THE LORD COLLINS OF MAPESBURY

THE RT HON SIR DAVID EDWARD KCMG

SIR CHRISTOPHER GREENWOOD CMG QC

Director

PROFESSOR ROBERT MCCORQUODALE

Board of Trustees

Chairman: SIR FRANKLIN BERMAN KCMG QC

PROFESSOR JOHN BELL

GARY B. BORN

SIR STANLEY BURNTON

ANDREA COOMBER

PHILIP HABERMAN

JUDITH GILL QC

SIR FRANCIS JACOBS, KCMG QC

SIR PAUL JENKINS

PROFESSOR ROSA LASTRA

THE RT HON SIR DAVID LLOYD JONES

IAIN MACLEOD

PROFESSOR DAWN OLIVER QC

NIGEL PARR

THE RT HON LORD REED

PROFESSOR MALCOLM SHAW QC

ANDREW WHITTAKER

VAN VECHTEN VEEDER QC

Advisers to the Board of Trustees:

LADY JUSTICE ARDEN DBE

MARTIN PAISNER CBE

International and Comparative Law Quarterly

2016

BOARD OF EDITORS

General Editors

PROFESSOR SIR MALCOLM EVANS KCMG, OBE, University of Bristol
PROFESSOR ROBERT MCCORQUODALE, Director of BIICL

PROFESSOR IAN CRAM, University of Leeds

PROFESSOR PAULA GILIKER, University of Bristol

DR LOUISE MERRETT, University of Cambridge

PROFESSOR DOMINIC MCGOLDRICK, University of Nottingham

PROFESSOR CHRISTINE GRAY, University of Cambridge

PROFESSOR JOANNE SCOTT, University College London

Assistant Editor

Anna Riddell

BOOK REVIEW EDITOR

PROFESSOR IAN CRAM, University of Leeds

INSTRUCTIONS FOR CONTRIBUTORS

The ICLQ welcomes the submission of contributions for consideration by the Board of Editors with a view to publication. All manuscripts must be submitted online via the website: <http://mc.manuscriptcentral.com/iclq>

The Board of Editors will only consider material which complies with the following:

1. The submission should be an original, unpublished work not currently under consideration for publication elsewhere. Please note that our exclusive submission policy means you cannot submit your work to another journal until you have received a decision from us. If you would like to submit to another journal, you must withdraw your article from consideration by the ICLQ.
2. The ICLQ publishes articles that deal with public international law, private international law, comparative law, human rights law and European Union law. It particularly encourages the submission of innovative and original articles whose theme or content illuminate more than one of these subject areas. Articles which do no more than rehearse familiar and well-known material, or which are concerned only with national law (other than private international law) in a non-comparative way, should not be submitted.
3. *Long articles should not exceed 12,000 words (16,000 words including footnotes)*. Pieces of up to 6,000 words will usually be considered for the 'Shorter Articles and Notes' section. The editors will decide on the section to which all contributions, irrespective of length, are best suited should they be accepted for publication. ScholarOne will require you to enter the word count (including footnotes) when submitting your article, and to indicate if you intend it for the 'Shorter Articles and Notes' section.
4. Footnotes should be numbered consecutively throughout the article and be in the form normally used by the ICLQ. Please see the Style Guide for further information. *Footnoting should not be excessive*.
5. A short (50–100 words) abstract of the article should be supplied. We reserve the right to edit abstracts for length and style. Please also supply a minimum of five keywords (maximum ten) for your article to enable digital searching.
6. Authors should state their present academic or professional affiliation and indicate any professional or personal involvement in the subject matter of the article.
7. The ICLQ only accepts submissions online via the ScholarOne platform. To upload your manuscript please go to: <http://mc.manuscriptcentral.com/iclq>. Detailed instructions for submitting your manuscript online can be found at the submission website by clicking on the 'Instructions and Forms' link in the top right of the screen; and then clicking on the 'Author Submission Instructions' icon on the following page. The Editor will acknowledge receipt of the manuscript, with a reference number, which should be quoted in all correspondence.

For the ICLQ Style Guide, please visit www.journals.cambridge.org/iclq/ifc. In all matters not included in this Guide, the ICLQ follows the OSCOLA citation system for house style; please visit www.law.ox.ac.uk for details.

SUBSCRIPTIONS

Subscriptions, orders, and enquiries should be sent to the British Institute of International and Comparative Law, Charles Clore House, 17 Russell Square, London WC1B 5JP, telephone 020 7862 5151. The subscription to the *ICLQ* for 2016 is £287, \$572, air mail postage extra. There may be other subscription rates available; for a complete listing please visit journals.cambridge.org/ICLQ. Back issues of all volumes are now available at the current cover price (casebound extra).

The views expressed in the contributions to this journal are those of their author(s) and do not necessarily reflect the views either of the board of editors of the journal or of the British Institute of International and Comparative Law (BIICL). BIICL is a registered charity and an independent research institute committed to supporting high standards of scholarship in all aspects of international and comparative law.

The ICLQ has been selected for coverage in Thomson Reuters' products and services. The journal will be indexed and abstracted in the Social Sciences Citation Index, the Journals Citation Reports/Social Sciences Edition and Current Contents/Social and Behavioral Sciences

PERMISSIONS

For all matters concerning rights and permissions please contact Linda Nicol, Cambridge University Press, Shaftesbury Road, Cambridge, CB2 8RU

© 2016

British Institute of International and Comparative Law

Printed in the United Kingdom by Bell and Bain Ltd, Glasgow

This journal issue has been printed on FSC-certified paper and cover board. FSC is an independent, non-governmental, not-for-profit organization established to promote the responsible management of the world's forests. Please see www.fsc.org for information.

International and Comparative Law Quarterly

Volume 65

July 2016

Part 3

ARTICLES

- PRIVATE COMMERCIAL LAW CONVENTIONS AND PUBLIC AND PRIVATE
INTERNATIONAL LAW: THE RADICAL APPROACH OF THE CAPE TOWN
CONVENTION 2001 AND ITS PROTOCOLS *Roy Goode* 523
- PRIVATE INTERNATIONAL LAW AND EU EXTERNAL RELATIONS: THINK LOCAL
ACT GLOBAL, OR THINK GLOBAL ACT LOCAL? *Alex Mills* 541
- CONTRACTUAL NETWORKS IN EUROPEAN PRIVATE INTERNATIONAL LAW
Uglješa Grušić 581
- THE PROBLEM OF CAUSALITY IN INTERNATIONAL HUMAN RIGHTS LAW
David McGrogan 615
- THE END OF AMNESTY OR REGIONAL OVERREACH? INTERPRETING THE EROSION
OF SOUTH AMERICA'S AMNESTY LAWS *Louise Mallinder* 645
- THE LAW APPLICABLE TO THE ARBITRATION AGREEMENT: TOWARDS
TRANSNATIONAL PRINCIPLES *Renato Nazzini* 681
- PROTECTING MOBILE MONEY CUSTOMER FUNDS IN CIVIL LAW
JURISDICTIONS *David Ramos, Javier Solana, Ross P Buckley
and Jonathan Greenacre* 705

SHORTER ARTICLE AND NOTES

- OVERSEAS TERRITORIES IN THE WTO *Matthew Kennedy* 741

BOOK REVIEWS

- EMILY CRAWFORD *Identifying the Enemy: Civilian Participation in Armed
Conflict* (William Boothby) 763
- CL LIM and BRYAN MERCURIO *International Economic Law after the
Global Crisis* (John Linarelli) 764

ANDREW DICKINSON, MARY KEYES and THOMAS JOHN <i>Australian Private International Law for the 21st Century: Facing Outwards</i> (Johannes Landbrecht)	767
BORIS KOZOLCHYK <i>Comparative Commercial Contracts: Law, Culture and Economic Development</i> (Jie (Jeanne) Huang)	768