

INTERNATIONAL ACADEMY OF COMMERCIAL
AND CONSUMER LAW
16TH BIENNIAL CONFERENCE
NATIONAL AUTONOMOUS UNIVERSITY OF MEXICO
JULY, 2012

PRELIMINARY STUDY

This work, as a whole, provides the analysis of three major lines of research raised and authorized by the Executive Board of the 14th Biennial Conference held at the University of Bamberg, Germany in 2008. The purpose of the central theme, “The Evolution of Global Trade Over the Last Thirty Years,” was to analyze and exchange experiences during the 16th Conference of the International Academy of Commercial and Consumer Law (IACCL), hosted by the National Autonomous University of Mexico (UNAM) in July 2012.

The different studies presented at the conference provided experiences and legal conclusions regarding the events that, during the last three decades, have influenced the evolution of international trade in the various countries where the academics who are members of the IACCL conduct their professional and scientific activities. The sum of the legal, financial, and economic phenomena and experiences embodied in these studies, result not only in updating customs or practices, but in facing the global challenges that in commercial matters are presently occurring in this twenty-first century, which marks the watershed of a new era of our civilization, when great technologies are being incorporated as tools in the new form of Trading.

Without losing sight of the fact that technological progress means the ability to produce goods and services with less effort, in the short-term it may destroy jobs but creates growth in the long-term. Moreover, technological progress increases productivity and social wealth, although alters the distribution of income. On these lines of research, one must maintain the scientific rigor of legal research to mitigate the consequences of the transition to this new age of commercial activity.

One must not forget that the sum of the benefits outweigh the sum of the losses of those who are harmed. Indeed, there are occupations or activities that are slowly becoming extinct, which brings to mind the theory of

Charles Robert Darwin (1809-1882), especially when we think of archivists, telephone operators, administrative assistants, lathe operators, and packers. Technology is altering the home, the streets, and the workspace, and artificial intelligence is advancing tremendously. However, there is no certainly as to its results. As such, international trade is an activity that must go hand in hand with the industrial and technological revolution, without forgetting that the history of humanity cannot be conceived without the history of trade, since also go hand in hand. Therefore, man, as a human being, is the protagonist of commercial activities to meet his needs.

As such, throughout the 30 years of this Academy's existence, legal institutions have contributed or led to the updating of the legal framework that has emerged to regulate, facilitate, and support economic growth, the flow of financial systems, and the harmonization of domestic and international law. These legal institutions have successfully evolved to the rhythm of national, regional, and international commerce.

The analysis and discussion of the issues presented during this conference are of great relevance, especially in these times of commercial, economic, and financial changes. The academics who presented their research findings at the most recent IACCL conference specialize in commercial, or mercantile, law. Through the Academy, they have established a worldwide network of experts in this field of law and their contributions to the field relate to the problems currently affecting trade and commercial activities. Their research is conducive and allows our countries to improve the economic, legal, financial and commercial framework, which are the basis of the current system and a fundamental axis that impacts countries and international organizations in this globalized world, contributing new lines of research within the field of commercial law.

Since 1983, when the IACCL was established in Mexico at the National Autonomous University of Mexico, the Academy has regularly held biennial conferences that other universities have hosted. These include the University of Innsbruck (1984), Harvard Law School (1986), the University of Melbourne (1988), Oxford University (1990), the University of Stockholm (1992), Saint Louis University (1994), Bar-Ilan University (1996), Bond University (1998), the Dickinson School of Law at Pennsylvania State University (2000), the Max-Planck Institute for Comparative and International Private Law (2002), the Riga Graduate School of Law (RGSL) (2004), the University of Texas at Austin (2006), the University of Bamberg (2008), the University of Toronto Faculty of Law (2010), and the National Autonomous University of Mexico (1983 and 2012).

The above mentioned conferences were, respectively, organized by the following members of the Academy: Arcelia Quintana and Miguel Acosta

Romero (1983); Henrick Mayrhofer and Donald King (1984); Boris Kozolchyk Scout Hal (1986); David Allan, Mary Hiscock, and David Harlan (1988); Ross Cranston Roy Goode (1990); Jan Helner and Jan Ramberg (1992); Ulf Bernitz and Donald King (1994); Shalom Lerner, Jacob Ziegel, and Arie Reich (1996); David Alan and Mary Hiscock (1998); Louis Del Duca (2000); Ulrich Drobnig and Jürgen Basedow (2002); Norbert Reich (2004); Jay Westbrook and Ross Cranston (2006); Hans Micklitz and Jürgen Basedow (2008), Anthony Duggan, Stephanie Ben-Ishai, Ben Geud, and Jacob Ziegel (2010); and Hans Miklitz and Arcelia Quintana (2012).

We can now add to this list of prior conferences, now that preparations for the 17th Biennial Conference are already underway. It is to be held in 2014 in Istanbul, Turkey and will be organized by Professor Atamer Yesmin, Professor Anthony Duggan in his capacity as President, and Professor Arcelia Quintana as President-Elect. The 18th Conference is to be held at the University of Kyushu in Japan and will be organized by Professor Toshiyuki Kono and chaired by Professor Arcelia Quintana.

Pairing the President-Elect and President together during the same term has given strength and continuity to the IACCL. Their experiences accumulate and become enriched without interruption, sometimes stimulating and promoting the new issues and legal phenomena that have been presenting themselves in this new era of so-called artificial intelligence and cybernetics, which is closely related to control theory and systems theory, and that has overwhelmed the new trading activity resulting from all approaches to the now-globalized science of commercial law.

By way of precedent and as a tribute to the work of the International Academy of Commercial and Consumer Law, I include the following 1983 document:

I conclude this preliminary study by recognizing that the National Autonomous University of Mexico, over the course of over a hundred years, has served as a bastion of learning and academic research and shown great leadership in Latin America. In keeping with this tradition of excellence, the UNAM, through Rector José Narro Robles, did not hesitate to support the Academy in its efforts during the 16th Biennial Conference held in July 2012. The UNAM was honored to do so in light of how these biennial conferences have enabled the creation of a network of academic cooperation among experts in commercial law throughout five continents.

Elvia Arcelia Quintana-Adriano
President-Elect

International Academy of Commercial
and Consumer Law