

## INTERNATIONAL LAWYER

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# A Dialogue with Judicial Wisdom

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Professor Dr. Asif Hasan Qureshi

## INTRODUCTION

The Journal of East Asia and International Law had the honor and privilege of interviewing Professor Dr. Asif Hasan Qureshi, a highly renowned international law scholar for <International Lawyer: A Dialogue with Judicial Wisdom>. Professor Qureshi was born in Pakistan, a son of Pakistani diplomat and spent his childhood in the international environment accompanying his father to China, Tunisia and Saudi Arabia. At the age of 12, he went to London for his education. He studied law at the University of London and obtained his Ph.D. in international law under the supervision of Professor Rosalyn Higgins at the London School of Economics and Political Science in 1985.

Dr. Qureshi joined the University of Manchester as a law faculty member in 1985 and taught there until 2012 when he moved to the Korea University School of Law. He is a prolific writer with many books, academic articles, consulting reports especially in the field of international economic law to his credit. One of his publications, *INTERNATIONAL ECONOMIC LAW* (co-authored with Andreas Ziegler, Sweet & Maxwell) has been a popular read for many scholars and practitioners in the world. This year, he published the revised version of his highly renowned book, *INTERPRETING WTO AGREEMENTS: PROBLEMS AND PERSPECTIVES* (Cambridge). Professor Qureshi is the founder and chief editor of the Manchester Journal of International Economic Law from 2004. He has visited many top law schools including Yale, Tsinghua, Fudan, Malaya and Osaka University for both teaching and research.

As a leading international lawyer, Professor Qureshi also has a wide range of practical experiences. He is a Barrister of Quadrant Chambers in London, Member of the Roster of WTO Non-Governmental Panelists, and has been consultant to and for various governments and international organizations in particular on WTO law such as Pakistan, Saudi-Arabia, UNDP, ADB, UNCTAD, etc. He is also mentor for the *CHINA AND WTO REVIEW*.

Dr. Qureshi is applauded by many friends and colleagues from Asia and other regions for his humility as well as his devotion to the value of human rights. The following is an edited transcript of his interview with the generous support of Professor Lin Zhang. A video of the interview may be viewed at <Great International Lawyer> available at <http://www.yiil.org>

## QUESTIONS & ANSWERS

*1. Hello, sir! Welcome to <International Lawyer>! The Journal of East Asia and International Law is honored to speak with such a highly renowned international law scholar of your stature. On behalf of the editorial board and our readers, I sincerely appreciate your acceptance for the interview. You are the first Pakistani lawyer to interview with us. First of all, would you share with us your early years? Where were you born? Could you also discuss with us, a brief family history?*

I was born in Pakistan. My parents migrated from Central India to Pakistan upon the creation of Pakistan. My father was a Pakistani diplomat and therefore I was fortunate to have spent my childhood in different countries. I spent my first five years in China and thereafter four years in Tunisia and about one year in Saudi-Arabia. I was about 12 when my father decided to send me to UK for my education. I had all my secondary school education and all my University education in London.

*1-1. Would you say more about your school days in UK shortly? Also, why did you decide to study law?*

I went to a comprehensive school in west London. The school was a humble one with a fairly multicultural student intake. The school was rough and not many students graduated from it to go onwards to study at university. I wanted to study law from an early age. I understood law to be a vehicle for social change and in that respect aspired to make my contribution.

*2. It might have been unusual then to see young law students from Pakistan in the University of London. What inspired you to study there?*

Traditionally, a British education has been highly regarded in Pakistan and the study of law in the UK has been associated with the footsteps of some of the great minds and politicians of the country. As a young man, I was ambitious and wanted to have the best of education I could receive. In London, it was therefore of no surprise to me to meet other Pakistani students. There was a difference, however, as I was a British Pakistani and they were Pakistanis who had come to the UK specially

to study law whereas I was already long settled in the UK.

*2-1. How about your college life in London?*

College life in London was a time for discovery and new friendships although the study of law at the age of 18 proved to be both interesting and challenging. I would have liked to have embarked on the study of law with more experience in life.

*2-2. Would you be able to introduce your friend(s) in London who is/are now working for the Pakistani government or court?*

I have many School and University friends in London and spread all over the world.

*3. Let us speak of your postgraduate research in the field international law. You were awarded your masters and doctorate at the London School of Economic and Political Science ("LSE"), a leading research and educational institutions in the world. LSE has evidenced a strong tradition in the study of international law. We would like to know about your mentor for Ph.D. How would you describe their mentorship?*

My Ph.D. supervisor was Professor Rosalyn Higgins who as you are aware later went on to become the first female judge in the International Court of Justice. She was an inspirational supervisor who was also very helpful particularly in my early academic career. After all these years we have still kept in touch.

*3-1. Fantastic! She is one of the greatest international lawyers in the contemporary world. I have been fully impressed by her research book, PROBLEM AND PROCESS which was originally written as a series of lecture notes for The Hague Academy of International Law (1994). Would you say more about her supervision? What kind of lawyer she was? Any story?*

She was a very diligent supervisor and read my work very thoroughly. My research was on the legal aspects of IMF Conditionality which was not her own main research focus as you must be aware - yet she nevertheless was able to encourage the development of my ideas.

After I completed my Ph.D. she was kind enough to write about me to all the

General Counsels in the UN system recommending me for a position. I was very impressed by this gesture which came entirely at her own initiative. She was kind enough recently to write a Forward to my recent third edition of my book titled *International Economic Law*.

*4. We would love to hear more about LSE and its renowned progressive tradition of international law research. What would you say are the main differences or the most impressive of LSE, in comparison to other colleges of higher learning in the University of London such as Kings', Queen Mary, UCL, SOAS and Imperial?*

I believe LSE had historically a strong reputation in international law certainly in the days of Rosalyn Higgins. But even at the time when she was there the reputation of LSE at an institution being progressive was a matter of historical note. I do not think there is much difference now in terms of international law as between the various colleges under the University of London.

*4-1. Even in this contemporary world, I believe, LSE has a strong tradition which distinguish it from other colleges in London. Take Anthony Giddens as example! It is expected still progressive than UCL or SOAS... Would you say more about international law research trend of LSE? What is the contribution of this college? Would you tell us about other professors including those working now?*

I am not one given to idolising institutions. Moreover, Law Schools have a fairly catholic approach to research and as you are aware academics whatever their speciality tend to be very individualistic. Therefore it is difficult to speak of trends in international law in any given Law School. I think LSE needs to cultivate a strong foundation in *International Economic Law*.

*5. After a long professional careers in the UK, you moved to Korea to teach international law at the Korea University School of Law in 2012. It must have been a big challenge! I believe you have been researching and teaching for over two years in Korea. How would you critically evaluate the international law studies in Korea? What are the main differences in international law research trend, between the UK/US and Korea/Asia? And if possible, would you offer a candid piece of advice for Korean international lawyers?*

It has been a great pleasure and honour for me to have been welcomed in Korea. My experience thus far has been very positive. I have been very impressed by the enthusiasm, hard work, talent and energy in the international law community in Korea. Korean/NEA international law focus understandably tends to be preoccupied with international issues of concern to Korea and the region and can take the form of national advocacy. At some level this can be also the case in the UK/US. But there is more diversity of opinions and scholarship in UK/US.

I think all international law scholars must strive to elevate themselves above 'national advocacy' and understand the distinction between scholarship and advocacy. Moreover, it is important that there is diversity in the international law scholarship. This is an important indicator of an advanced society.

*6. Let's talk about another aspect of your academic pursuits. You have been editing and publishing the Manchester Journal of International Economic Law, a highly reputed scholarly law review of the contemporary world. I also have the honor of having you as a senior partner of mine! Would you share the story around the Manchester Journal of International Economic Law. What is the main purpose of this publication? What do you think is the main function of a law review and its editor?*

I founded the journal to facilitate a diversity of scholarship in particular scholarship that has a development dimension. I believe Law Reviews should facilitate scholarship and diverse perspectives.

*6-1. Would you introduce a little more about the MJIEL?*

The journal has come a long way since its inception. It has a diverse international editorial and advisory board. Every issue of the journal has an editorial in which I take up contemporary themes in international economic relations.

*7. Pakistan is currently in a hard situation in regional and world politics. Even in the recent past, there was a horrible terrorist attack allegedly connected to the Islamic State. Who do you suppose is fundamentally responsible for this result and Why? What solutions do you envision for the IS?*

My focus on international relations is from an international law perspective. That is not necessarily to state I am not an expert in international relations nor that

international relations and international law are not inextricably connected. Violence of whatever nature is simply unacceptable. Extremism of whatever kind has to be deplored. There has to be better enforcement of international norms.

*8. Korea is also facing her own issues significant in global politics. The two Koreas are not well intermingled at the moment. They are even going far away from integration. As a top-tier foreign international lawyer staying and teaching in Korea, you may have different perspective on this conflict. How could they make peace and work toward reunification? What could be the ideal course of action?*

This is a complex issue that does not lend itself to clear answers. Certainly, international law provides the framework for peace and can facilitate reunification. No doubt there are a number of ways of achieving reunification. One effort could be to work on various confidence building measures that eventually facilitate peace and reunification.

*9. What would you say, was/is the most difficult thing in your life? How did you overcome the difficulties you faced in life?*

Racial discrimination in the UK. I took a principled approach to it and requested its elimination.

*9-1. I am deeply sorry to hear your experience of racial discrimination. It is a serious violation of fundamental human right in principle. Of course, we should take a principled approach against such horrible racial discrimination as you did. However, I believe even now there might be some (in)visible human rights violations everywhere in the world. I personally think it is contradictory for British /French or other western(colonial) people to criticize the human rights abuses of the third world without sincere apology for their former colonial policies. As an international lawyer coming from non-colonial power, would you advise the international society how to promote the human rights in a real sense?*

Certainly, I agree with you that human rights are a matter of concern in both developed and developing countries. This is a very open ended question. Briefly I would highlight two issues that I feel are relevant. First, the development of

human rights should not so much be informed by responses to international events but rather their development must draw from the core values of human rights. Second, the effectiveness of the machinery for the enforcement of human rights is inextricably connected with the substantive integrity of the normativity of human rights.

*10. Today, many young professionals and students of East Asia are interested in international law. What would your guidance focus on for them?*

I would counsel them to think independently and beyond their national borders --- to think as global citizens and to think the impossible!

*10-1. Would you say more concretely how they could realize their dream following your advice?*

It is important to be concerned about the development of international law and how it shapes the development of the world order. Interest in international law should not be informed by a desire to work in international organizations alone.

**Interview by Eric Yong Joong Lee**



## RECENT PUBLICATIONS

### Books

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2. INTERNATIONAL ECONOMIC LAW (Sweet and Maxwell, 3d. ed., 2011) [co-authored with Andreas Zeigler]
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6. CRITICAL CONCEPTS IN LAW: INTERNATIONAL ECONOMIC LAW, Six Volumes. (Routledge, 2010). [co-edited with Xuan Gao]
  - Volume I : General International Economic Law: Theory and Fundamental Concepts
  - Volume II : International Monetary and Financial Law
  - Volume III : World Trade Law
  - Volume IV : International Investment Law
  - Volume V : International Development Law
  - Volume VI : International Fiscal Law
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9. *International Trade for Development: the WTO as a Development Institution*, 43 JOURNAL OF WORLD TRADE (2009). SSCI
10. *A Necessity Paradigm of 'Necessity' in International Economic Law*, 41 NETHERLANDS YEARBOOK OF INTERNATIONAL LAW 99-136 (2010). It was published in Chinese, in 19 JOURNAL OF INTERNATIONAL ECONOMIC LAW [国际经济法学期刊] 15-49 (Peking University Press, 2012).
11. *Critical Concepts in the New International Economic Order and its Impact on the Development of International Economic Law - A Tribute to the Call for a NIEO*, 7 MANCHESTER JOURNAL OF INTERNATIONAL ECONOMIC LAW (2010). SCOPUS
12. *The WTO as a 'Facilitator' in the Harmonisation of Domestic Trade Laws*, 8 ASIAN JOURNAL OF WTO & INTERNATIONAL HEALTH LAW AND POLICY 217-47 (2013). [co-authored with N.H.Park) SSCI
13. *Korea's Responses in WTO 'Disputes' and 'reviews': A Perspective of Non-State Actors*, 3 KLRI JOURNAL OF LAW AND LEGISLATION 105-59 (2013). [co-authored with Nay Hur]
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16. *Interpreting Exceptions in the WTO Agreement: Lessons from the New Haven School*, 22 ASIA PACIFIC LAW REVIEW (2014). SSCI
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