

Preface

A cartel, restricting competition among suppliers and getting rid of consumers' welfare, among other things, has been actively regulated mostly by advanced economies. International organizations tried to reach international agreement on competition law and policy, including cartel regulation. In spite of tens of countries in North America and Europe with experiences of serious law enforcement on competition law, such trials have faced hurdles since a multilateral negotiation on Doha Development Agenda (DDA) dropped competition policy from the discussion table in 2003. After dropping the issue, DDA has still produced few, if any, noticeable fruits. A different view between advanced economies and developing countries and its consequential rupture of the discussion are analyzed to be main factors of standstill of DDA.

In order to achieve a binding international agreement on cartels, international community needs to focus on hard core cartel (HHC) activities, narrower than its original definition, because most countries agree with the necessity of regulating such narrowed cartels and because international agreements have been developed with such focuses. Moreover, interstate commodity agreements (ICAs) or inter-governmental producers associations (IPAs) are to be treated differently under the area of international commodity law in light of international law history. Several cases of international cartels, made up of competing private companies, ICAs, and IPAs under suspicion of cartels are to be reviewed with in-depth research.

Four advanced countries, USA, UK, France, and Germany, with experiences of cartel regulations and competition law enforcements are to be addressed in contrast to examples of four developing economies, South Africa, South Korea, People's Republic of China, and Mexico, with less experiences than the four countries. Historic study of international development law and its results will be applied to international agreement on cartel regulation since such study on law sheds light on future international law on cartel regulation reflecting developing countries' interests.

Up until now, international competition law, particularly international agreement on cartels, has grown up centering on soft-law-typed multilateral agreements and binding-powered bilateral agreements. Based upon the observation and research on

international law development, two strategies, short-term and long-term approaches, are suggested for achieving a binding international agreement on cartels. By reducing fear of developing countries that international cartel regulation may seriously interfere with their economic interests, international organizations' efforts to have effective international cartel regulation can increase the probability of success.

Meanwhile, distinctive features of commodity led to international commodity agreements under the agenda of sustainable development, formerly defunct, requiring, for adjustment to current trade law system. The following are to be proposed for the adjustment: ①productivity-focused model and ②multilateral cooperation model to reflect multistakeholders' interests.

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