

American Branch of the International Law Association

ILA Newsletter

Issue No. 52

May 1998

Dues

Your dues for 1998 membership were payable as notified in the January Newsletter. If you have paid, thank you very much and you need read this paragraph no further. For those who have not yet paid according to our (sometimes fallible) records, an invoice on brightly colored paper is enclosed with this Newsletter as a gentle reminder. In the January Newsletter we noted that failure to pay the 1998 dues would result in your being dropped from our mailing list and being made ineligible for membership in either international committees or American Branch committees. Nonetheless, the Executive Committee at its meeting of 3 April 1998 authorized the distribution of one last Newsletter to the mailing list, coupled with a truly final dues notice. Regular membership costs \$60 per annum; Sustaining membership \$100; Institutional membership \$70. Student associate status is free. Those wishing to join or renew membership in the American Branch of the International Law Association should send a check immediately to our Hon. Treasurer:

Stephen J. Shapiro, Esq.

101 West 57th St., Suite 2D

New York, NY 10019-2215

International Law Weekend 1998

International Law Weekend 1998 will take

International Practitioner's Notebook

The International Law Students Association (ILSA) published and distributed International Practitioners Notebook just before International Law Weekend 1996. The substantive papers are a selection of the papers presented at International Law Weekend 1995. A second IPN containing papers from many of the panels of International Law Weekend 1996 was produced and distributed by ILSA in May 1997. Nova Southeastern University Law School did the essential work under the direction of J. Craig Garrett, the editor of the ILSA Journal. A third IPN containing papers selected from ILW 1997 is in preparation.

American Branch Proceedings

The 1996-1997 Proceedings of ABILA were are now being mailed out to all 1997 members of the Branch. If you have not received yours within the next month, please inform the Editor:

Fax:(619)696-9999

[Prof. John E. Noyes, Director](#)

**International Legal Studies Program,
California Western School of Law, 225
Cedar Street, San Diego, CA 92101**

place 12-14 November at the House of the Association of the Bar of the City of New York, 43 West 44th Street, as usual. The gala dinner will be on Friday evening, 13 November, at the Harvard Club, 27 West 44th Street beginning with a cocktail reception at 6:00 PM.

Mark your calendar now.

We feel very fortunate that the Hon. Antonia Chayes, former Undersecretary of the Air Force and a Professor at Harvard University, has accepted our invitation to speak at the dinner on Friday, 13 November. She is currently Director and Senior Adviser, Conflict Management Group, Cambridge, MA.

The luncheon on Saturday, 14 November will be honored with an address by Professor Thomas M. Franck, President of the American Society of International Law.

The co-sponsoring organizations so far are:

The Association of the Bar of the City of New York, its Council on International Affairs and Committees on Arms Control and International Security Affairs, International Law, International Trade, International Human Rights, Inter-American Affairs, International Environmental Law, Military Affairs and Justice, and Independent States of the Former Soviet Union; the American Society of International Law; the American Foreign Law Association; the International Law and Practice Section of the American Bar Association; the International Law Students Association and its Journal of International and Comparative Law. Arrangements are being made again for tapes of the recorded panels.

The Program Committee for ILW 1998 Chair will again be:

Mark S. Zaid, Esq., Suite 1175, 1501 M St., NW Washington, DC 20005

e-mail: zaidms@aol.com, Fax:(202)223-4826

The Proceedings are thicker than usual this time (making up in a way for the thinness of the last Proceedings) as several ABILA Committees have recently completed their reports. Aside from Branch Committee Reports and other usual documents, the Proceedings for 1997-1998 will contain copies of the formal dinner and luncheon speeches given at International Law Weekend if the speakers make them available to us. By a quirk in our tradition, the available speeches for 1994 and 1995 appear in the 1995-96 Proceedings, and the speeches by the Hon. Edward McWhinney, Q.C., M.P., the Canadian Parliamentary Secretary (Fisheries and Oceans) and Judge Charles N. Brower, President of the American Society of International Law, both given at International Law Weekend 1996, will appear in the 1997-98 Proceedings along with the speeches given at International Law Weekend 1997, for the Hon. David R. Andrews, Legal Adviser to the Department of State, and by Judge Charles N. Brower, then President of the American Society of International Law.

Other Activities of the ABILA

The Executive Committee of the American Branch met on 3 April 1998. The major items were:

1. The election of a new Honorary Secretary:

Peter H. Oppenheimer, Esq.

c/o Bryan Cave, LLP, Suite 600, 700 13th Street, NW, Washington, DC. 20005

Thanks were offered to Joel Trachtman for his four years of service in this position.

2. Professor John F. Murphy of Villanova Law School, a Vice President of the Branch, has accepted appointment as Chairman of

A Co-Chair has been appointed:

Professor Kelly Askin, University of Notre DameCtr. for Civil & Human Rts., Notre Dame, IN 46556

People with suggestions for panels should contact either of them. Ideas are always welcome, bearing in mind that the object of our panels is to expose problems and differing views on controversial topics relating to international law and practice.

Attendance at any part of International Law Weekend remains open to all without registration or other fees than the costs of meals for those who wish to buy them.

For those planning a longer stay in New York, the Maritime Law Association is planning its semi-annual meeting at the House of the Association of the Bar of the City of New York for Friday, 6 November 1998. We have been discussing the possibility of combining the two meetings in 1999.

International Law Association Biennial Conference

The 1998 biennial ILA meeting will take place in Taipei 24-30 May 1998. The Taiwan Branch will be host. By our Constitution, Branches of the Association are regional, and not necessarily national. Therefore, the Conference in Taiwan does not imply any position with regard to the future governance or territorial integrity of China.

A Registration Form has already been prepared by our hosts. It can be obtained from:

The ILA 68th Conference Secretariat

P.O. Box 1-556, Mucha (116)

Taipei, Taiwan, ROC

the Nominating Committee for 1998. Invitations to join the Nominating Committee have been sent to three other members of the Executive Committee. Professor Rubin indicated that he would be willing reluctantly to continue as President for another two-year term, if the Nominating Committee so recommended, but would refuse renomination after that; in his opinion, it would be a disservice to the organization for him to serve more than six years as President.

3. A proposal was made to encourage regional events sponsored by local law firms. Professor Cynthia Lichtenstein agreed to organize a pilot project along those lines.

4. It was decided to authorize the establishment of a web-page along the lines recommended by a Committee chaired by James P. Beggans, Esq. Those interested in the work of maintaining the page and updating its contents should contact Mr. Beggans directly:

[James P. Beggans, Jr., 9 Luddington Terrace, West Orange, NJ 07052](mailto:James.P.Beggans.Jr.9.LuddingtonTerrace@WestOrangeNJ07052)

Professor Peter Winship, the Branch's representative in the State Department's Advisory Committee on Private International Law, mentioned that notices of Committee meetings are published at the State Department's web site (<http://www.state.gov>) and suggested that they be cross-listed in the Branch's home page.

Other ILA News

The British Branch will be host for the jubilee year 2000. Planning has begun around the starting date of 13 August 2000.

The ILA is preparing a "Home Page" for the world wide web.

Tel:(886-2)936-7831; fax:(886-2)936-4024

E-mail:ILA68@tpts4.seed.net.tw

The Registration Fee for ILA members registering after 31 March 1998 is US\$500; accompanying persons and full time students \$300. The registration fees for non-ILA members and their accompanying persons are \$700 and \$400 respectively. (It is cheaper to join the Branch and pay the members' fee than to register as a non-member.)

Information about air fares and schedules can be obtained only by calling the designated air lines directly. Bookings must be made directly with the airlines to obtain concessionary rates. For EVA Air call 1-800-695-1188; for China Air call 1-800-2275118.

Although visas can be obtained on arrival at the airport in Taipei, it will save time and effort to get your visa in advance. To do so, contact any of the twelve Taipei Economic and Cultural Offices in the United States.

American Branch Committee Activities

Branch committee chairs are always looking for reporters and members who want to be active. A current listing of [ABILA committees](#) and their chairs and reporters is appended to this Newsletter. Any member of the Branch wishing to organize a new Branch committee on any topic within the purview of the ILA should contact the ABILA Director of Studies, Charles D. Siegal, Esq., proposing a topic, a reporter, and a plan for the recruitment of qualified members. The proposer may also take the chair and serve as reporter for a new committee if a membership of the committee that is large enough and diverse enough can be achieved.

A proposal was made for the ILA to establish at the Taipei Conference a "study group" on state responsibility to parallel the work of the International Law Commission. The study group is not to be a Committee of the Association, but an aid to the ILC. Nominations are invited.

The ILA is seriously considering establishing a new publication to consist of short "think-pieces" that stimulate discussion of international legal issues. Apparently something along the line of our own International Practitioner's Notebook in its original incarnation is envisaged: "op. ed." pieces and letters to major newspapers would be circulated internationally. This publication would supplement the existing ILA Newsletter, which would continue to be circulated at no additional cost to all members. It would be called something like "International Law Forum de Droit International." The apparent redundancy would reflect the equality of English and French as the official languages of the ILA.

New Committee rules were recommended by the ILA Executive Council in London for Adoption in Taipei. They allow for more Committee members from the larger Branches of the Association. Under existing rules, only one Member and one Alternate Member are allowed from each Branch, although there are some historical remnants of a looser arrangement. Under the new rules, there would be one Member in any committee allowed from any Branch of the Association; two members from Branches with more than 150 members; and three members from Branches with more than 250 members. The American Branch normally has about 350 Members; thus we would be entitled to three Members in any ILA Committee. As soon as the new rules are adopted by the Full Council in Taiwan, all our Alternate Members in ILA Committees will be made full Members.

ILA Committees

There is yet another way to join an ILA Committee. Under the newly approved rules expected to be adopted formally at Taipei, Chairs of ILA Committees will be empowered to nominate up to three persons to membership in their Committees regardless of Branch affiliation. Each such nomination needs the approval of the Director of Studies. This procedure does not limit the existing authority of each Branch to nominate members to places in ILA committees subject to the approval of the chair of the committee, but provides the chairs with an additional source of expertise in case more than one, two or three members of any particular branch has expertise believed important to the work of the ILA committee. Nor does the new procedure limit the existing arrangement whereby chairs and reporters' positions can be filled by the Director of Studies without regard to Branch memberships.

Branch nominations: All ABILA memberships in the current ILA Committees are noted in the list attached to this Newsletter.

ILA Committee Membership Policy

Membership in international committees is based on individual reputation and achievement and does not represent any Branch orthodoxy. Nominations by the American Branch to international committees are normally reserved to members of the Branch who have achieved a reputation sufficient to support the nomination. Active work as Reporter or Chair of a Branch committee is frequently the most persuasive criterion to establish a reputation adequate to support nomination to an international committee.

Several international committees do not have American Branch members or alternates. The easiest way to be nominated to membership in an international committee is to serve as an organizer/chairman or reporter of an American Branch committee dealing

with a related subject.

If there is no international committee currently dealing with a significant topic of sufficient interest, the easiest way to form one is to organize an American Branch committee on that topic, produce a report that can be circulated to our counterparts in the parent organization, and then propose an international committee. The successful proposer of an international committee is usually asked to be its organizer, chair or reporter. The process is not difficult.

There is constant turnover in membership of both American Branch and ILA committees. Those members of the Branch interested in participating more actively in the committee work of the organization at any level should contact the chairs of existing committees or the ABILA Director of Studies directly.

For further information, please contact the ABILA Director of Studies:

Charles D. Siegal, Esq.

**Munger Tolles & Olson, 35th Fl., 355
South Grand Avenue, Los Angeles, CA
90071-1560**

ILA Committees 1998

<i>Committee Name</i>	Chair	Reporter(s)	
Accountability of International Organizations	P.H. Kooijmans (Neth)	Malcolm Shaw (UK) K. Wellens (Neth)	U P
Arms Control and Disarmament Law	J. Dahlitz (A)	D. Fleck (G) E. Dahinden (Swi)	J T
Coastal State Jurisdiction Over Marine Pollution	K. Hakapää (Fi)	E. Franckx (B/Lux) E. Molenaar (Neth)(ass't)	J J

Cultural Heritage Law	P. J. O'Keefe (NZ)	J.A.R. Nafziger (USA)	
Diplomatic Protection of Persons & Property	R. Bilder (USA)	B. Kokott (G)	D D
Extradition and Human Rights	A.P. Rubin (USA)	J.Dugard (SA) C.Vd Wyngaert (B/Lux)	C K
Feminism and International Law	C. Chinkin (Aus)	K. Knop (Can) A-R Ketokoski (Fi)	V
Formation of Rules of Customary International Law	M.H. Mendelson (UK)	R. Müllerson (HQ/Est)	D
Inter-Country Adoption and Protection of the Family	To be reorganized		
Internally Displaced Persons	Luke T. Lee (USA)	R. Hoffman (G) Y. Shimada (J)	J. M
International Civil and Commercial Litigation	P.E. Nygh (A)	C. McLachlan (UK) P. Blanquier-Cirelli (Fr)	P F
International Commercial Arbitration	E. Gaillard (Fr)	P. Bowden (UK) H.A. Grigera Naon (Arg)	P
International Human Rights Law and Practice	M. Scheinin (Fi)	Iwasawa (J) A. Byrnes (HK)	T E
International Law in National Courts	G. Guillaume (Fr)	I. Shearer (Aus) T. Stein (G)	S E
International Monetary Law	M. Giovanoli (Swi)	D. Carreau (Fr) T. Treves (It)	C A E

International Securities Regulation	C. Lichtenstein (USA)	K. Hobér (Swed) P. Willis (Aus)	E B
International Trade Law	T. Oppermann (G)	E.-U. Petersmann (Swi) Fred Abbott (USA)	J C A
Islamic and International Law	vacant	vacant	F
Maritime Neutrality	D. Schindler (Swi)	W.H. von Heinegg (G)	C A
Refugee Procedure	K. Hailbronner (G)		V S
Regional Economic Development Law	J. Dutheil de la Rochère (Fr)	R. Ida (J) H. Hartnell (USA) P. Borba Casella (Brz)	E F
Space Law	K.-H. Böckstiegel (G)	M. Williams (Arg)	C S
State Succession	H. Bokor-Szegö (Hn)	B. Stern (Fr)	
Sustainable Development	K. Hossain (B'desh)	N.C. Schrijver (Neth)	D C A
Water Resources Law	C.B. Bourne (Can)	J. Dellapenna P. Wouters (UK) (ass't)	A L