

ABILA Newsletter

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INTERNATIONAL LAW WEEKEND

The ABILA is holding its annual International Law Weekend October 23-25, 2003 at the Association of the Bar of the City of New York (42 West 44th Street in New York). You will be receiving a copy of the program brochure in the mail shortly and may also access it online at the ABILA website, www.ila.ambranch.org.

This year, the theme of International Law Weekend is **International Law in Crisis — and in Business**, covering a broad range of both public and private international law topics. The following are some of the Weekend's highlights:

- Two exciting panels will open the Weekend on Thursday late afternoon and evening, October 23: "International and Transnational Justice Initiatives" and "Arresting Indicted War Criminals: Hypocrisy in Policy and Practice." These panels will feature, among other speakers, Carla Del Ponte and Patricia Wald. You also are cordially invited to attend an opening evening reception between the two panels.
- A special United Nations Day reception will be held Friday evening, October 24, at the Permanent Mission of the Republic of Singapore.
- The program for Friday and Saturday includes panels on such topics as the future of the Security Council, WTO dispute resolution, international commercial dispute resolution, the 2003 UN Human Rights Committee Meeting, preemptive self-defense, the precautionary principle, and implementation of the Sarbanes-Oxley Act.
- The annual luncheon speaker Saturday, October 25, will be Professor Thomas Franck, of the New York University School of Law and Honorary Vice President of the ABILA, speaking on "Common Sense and Presumptions at the ICJ."

Admission is free for ABILA members and for members of co-sponsoring organizations; others will be charged \$50 at the door. Registration in advance is necessary for all meals – box lunches on Friday, the Friday Executive Committee lunch, and the Saturday annual luncheon. The receptions are free of charge. For further information on the Weekend and a registration form, please access the ABILA's website at

www.ila.ambranch.org, or contact Professor Philip Moreman at moremeph@shu.edu.

ANNUAL GENERAL MEETING

The Annual General Meeting of the ABILA will take place during International Law Weekend at 1:45 p.m., October 24, 2003. The venue is the Cromwell Room of the Association of the Bar of the City of New York.

The most important items on the agenda will be the election of officers to fill two vacancies and action on proposed amendments to the ABILA Constitution. Because the proposed amendments are related to the ABILA election process, both of these key items on the agenda have been submitted by the Nominating Committee (Kelly Dawn Askin, Cynthia Lichtenstein (Chair) and Ved Nanda). Excerpts from the Report of the Nominating Committee follow:

1. Election of Officers

The Nominating Committee for 2003 proposes the election of **Professor Leila Sadat** to fill a vacancy among the Vice Presidents. Since Professor Sadat is presently a member of the Executive Committee, her election as Vice President would leave her position as a member of the Executive Committee vacant. The Nominating Committee proposes the election of **Professor Roger Alford** to fill this vacancy as a new member of the Executive Committee.

Professor Sadat, of the Washington University School of Law, currently serves in the ABILA as Co-Director of Studies and a member of the Executive Committee. Before entering the teaching profession, she practiced law in New York and Paris. She is a leading authority on international criminal law and the International Criminal Court, having authored or co-edited two books in that field. She is currently serving as a member of the board of directors of the International Law Students Association and as a Commissioner with the United States Commission on International Religious Freedom.

Professor Alford, of the Pepperdine University School of Law, is a new Co-Director of Studies of the

ABILA. After several years of law practice, Professor Alford served as a senior legal advisor with the Claims Resolution Tribunal for Dormant Accounts in Switzerland, the tribunal established by the Volcker Commission to resolve claims to Holocaust-era dormant Swiss Bank accounts. He has authored numerous scholarly articles and is the founder and editor-in-chief of International ADR (www.internationalADR.com), a comprehensive online portal that provides relevant information on international arbitration.

2. Amendments to the Constitution

a. [The ABILA Constitution currently provides inexplicably for election of a President-Elect by the Executive Committee rather than by the Annual General Meeting. The proposed amendment would correct this anomaly by providing for election of the President-Elect by the Annual General Meeting, as is the case with other officers.] The Committee therefore proposes that Article 7 of the Constitution be amended to read as follows:

“If the President is elected to serve a second two-year term, **there shall also be elected** a President-Elect....”

b. [In order to bring the Constitution into conformity with the long-standing practice of continuing service by a retiring President as Chairman of the Executive Committee] the Nominating Committee proposes that Article 8 of the Constitution be amended to read as follows:

“the retiring President of the Branch shall serve [] as Chairman **for the duration of the terms of the President’s successor....**”

The Nominating Committee has also proposed to the Executive Committee minor Bylaws amendments that correspond to the proposed Constitutional amendments.

NEW CO-DIRECTOR OF STUDIES

Professor Roger Alford, of the Pepperdine University School of Law, filling a vacancy, will join Leila Sadat, of the Washington University School of Law, as the ABILA’s Co-Directors of Studies (see article on ABILA Committees below).

NEW COMMITTEE ON DISPUTE RESOLUTION

Professor Louise Teitz of the Roger Williams School of Law will chair a new ABILA committee on civil and commercial dispute resolution. Professor Teitz will also serve as the ABILA’s representative to the State Department’s Advisory Committee on Private International Law. If you would be interested in serving on the new committee, please contact her, as follows:

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ILSA FALL CONFERENCE

Our sister organization, the International Law Students Association, will hold its 2003 Fall Conference October 16-18, 2003, in New Orleans, Louisiana. The Conference, titled “International Criminal Law: The Expansion of Individual Rights & Responsibilities for Human Rights Violations,” is hosted by the ILSA Chapter at Loyola University New Orleans School of Law. The keynote speaker will be Maureen Harding Clark, former judge ad litem of the International Criminal Tribunal for the Former Yugoslavia.

The Conference will feature a number of panels on the new International Criminal Court and international criminal law generally, as well as presentations on succeeding in the Jessup Competition, writing and administering an international law journal, and running a successful ILSA chapter. The ILSA Fall Congress, which is the business meeting of ILSA chapters and members, will also be held during the Conference.

Registration is US\$20 for ILSA members and members of ILSA Chapters. For further details, see <http://www.ilsa.org/fallconference.html> [the ILSA website].

FORUM — THE JOURNAL OF THE INTERNATIONAL LAW ASSOCIATION

Volume 5, Issues 2 and 3 of FORUM, are now available in PDF format on the members-only area of the ILA website www.ila-hq.org. To assist you in accessing FORUM vol. 5 issue 2 and issue 3 directly, go to <http://www.ila-hq.org/members/FORUMvol5issue2.pdf> for Issue 2, May 2003, and <http://www.ila-hq.org/members/FORUMvol5issue3.pdf> for Issue 3, August 2003. The contents page for these issues can be viewed on http://www.ila-hq.org/html/main_forum.htm.

You will be asked on-line for the ILA user name and password. Please note that only members of branches who have paid membership fees are eligible to receive the password for the restricted members area. If you have mislaid or did not receive these details, please request them at info@ila-hq.org.

ILA WEBSITE UPDATES

The ILA headquarters in London has upgraded the search facility for members. Entering the last name or first few letters of an ILA member's name in the search field provides contact details for that person (postal address, telephone, fax and e-mail). Please check that your own details are correct and advise the ILA headquarters (info@ila-hq.org) of any necessary changes. Please also advise the headquarters if you do not wish for your details to be available to other ILA members on the website. The path to the members area is <http://www.ila-hq.org/members/members.htm>, for which you will need the password, which is available by request at info@ila-hq.org.

REGIONAL AND LOCAL MEETINGS

The executive Committee encourages the organization of periodic regional and local meetings in addition to the annual International Law Weekend in New York and biennial International Law Weekend–West in southern California. Members interested in organizing a regional meeting should contact Prof. James Nafziger, ABILA President (tel. (503) 370-6408 or e-mail: jnafzige@willamette.edu).

Plans are underway for a colloquium in the Washington, D.C. area to be organized by Karen Hudes, Senior Counsel at the World Bank and member of the ABILA Executive Committee. Washington-area members will receive further details on time, place and theme when they become available.

BOOK REVIEW

Robert J. Beck, Anthony Clark Arend and Robert D. Vander Lugt, *INTERNATIONAL RULES: APPROACHES FROM INTERNATIONAL LAW AND INTERNATIONAL RELATIONS*, Oxford: Oxford UP, 1996. xiv, 310 pp. Soft cover.

Reviewed by James Kraska*

Few books in international law are genuinely unique; this book is one of them. Of great potential interest to international law and international relations scholars, this anthology grew out of a graduate seminar at the University of Virginia. It offers a roadmap for interdisciplinary dialogue among specialists in international law and international relations on the nature of international rules. The book's introductory and closing chapters are especially compelling because they provide a map to the corresponding theoretical landscape. In sketching out ways to approach and compare the schools of thought, the first chapter asks four key questions of interest to international lawyers and scholars in international relations: (1) What relationship exists (or

should exist) between international rules and morality?; (2) Why do state and non-state actors comply with international rules?; (3) How do domestic politics affect behavior related to international rules?; and (4) How are international rules created?

Following the introduction, the book's chapters are apportioned among the major theoretical approaches to international law: Natural Law, Legal Positivism, Classical Realism, The New Haven School, Structural Realism, Institutional Approaches, New Stream Scholarship and Feminist Voices. These chapters provide a brief overview of each school of thought; excerpts from representative scholarly works; and explanations of the nature of international rules, their purpose, origins, and the role that rules play in the struggle for power and peace in international politics. The book will be a valuable tool for research and teaching, beginning with the introductory chapter on prospects for interdisciplinary collaboration, which outlines the disciplines and their respective approaches to international rules.

The process of examining international law and international relations scholarship on an equal plane is not easy. The lines demarcating international law and international relations are not always clear and are further obscured by competing perspectives within each academic discipline. The two disciplines of international law and international relations theory grew from and are still dominated by a state-centered perspective, even if they are both coming to a greater appreciation of the significance of non-state actors.

The two disciplines also share a core value in international peace, prosperity and cooperation. Both disciplines share the same conceptual divides: an "empiricist-critical" divide reflecting the disciplines' basic methods, and an "explanatory-prescriptive" divide which reflects the disciplines' principle objectives. For comparative purposes, the first chapter arranges the schools of thought on a two-by-two matrix, which the reader will find useful while reading the anthology.

Despite differences in methods and objectives, the two disciplines of international law and international relations theory address many of the same questions. This volume successfully captures in one place commentary and excerpts from leading scholars on the great inquiries within the two disciplines, and the relationship between them.

* International Law Attorney, U.S. Navy Judge Advocate General's Corps.

BOOK REVIEW OPPORTUNITY

Oxford University Press has offered to provide free evaluation copies of its new international law books to any ABILA members who prepare short book reviews for publication in the Newsletter. Book reviews are limited to 500 words in length.

Prospective reviewers should consult the list of recently published international law titles on Oxford University Press's web site at <http://www.oup.co.uk/law/>. Members may also receive details of new Oxford University Press law books in their chosen area of interest on a monthly basis by signing up at <http://www.oup.co.uk/law/services/email-news>. Thereafter, contact Executive Committee member Peter Oppenheimer (poppenheimer@yahoo.com). Mr. Oppenheimer serves as the ABILA contact with Oxford University Press in overseeing the book reviews.

IN MEMORIAM: JOAN M. FITZPATRICK

Professor Joan M. Fitzpatrick of the University of Washington School of Law died May 16, 2003. Professor Fitzpatrick was an active member of the ABILA Committee on Human Rights, having helped prepare an ILA report on exceptions for states of emergency. The author of several books on human rights and international law, she served as a consultant to the United Nations High Commissioner for Refugees and on the boards of numerous human rights organizations.

ABILA COMMITTEES

Any member who is interested in becoming an active member of an ABILA committee should contact the chair of that committee, as listed below. Any member of the Branch wishing to organize a new Branch committee on any topic within the purview of the ILA should contact either of the Co-Directors of Studies, Professors Leila Sadat and Roger Alford, to propose a topic, a reporter, and a plan for the recruitment of qualified members.

The Co-Directors of Studies are in an annual process of confirming the records about ABILA committees, their chairs, and ABILA membership on ILA committees at the international level. Please notify either of them of any discrepancies in the information that follows.

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