

**AMERICAN BRANCH
OF THE
INTERNATIONAL LAW ASSOCIATION**
(FOUNDED 1873)

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ILA NEWSLETTER

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INTERNATIONAL LAW WEEKEND 1990

International Law Weekend will be held as usual in New York City and will take place this year on Friday, November 2nd, and Saturday, November 3rd. The American Foreign Law Association, The American Society of International Law and the Committee on International Law of The Association of the Bar of the City of New York join the American Branch in sponsoring the Weekend. The program (printed on the last several pages) includes panel discussions on Friday morning and afternoon and Saturday morning. The last page of the newsletter is the registration and reservation form for International Law Weekend and the annual dinner on Friday and weekend lunch on Saturday.

LETTER FROM THE PRESIDENT OF THE AMERICAN BRANCH

To Our Membership:

As you will observe from the registration form elsewhere in this issue of the Newsletter, plans for International Law Weekend are very much in place. This year's Program Committee, consisting of Prof. John Noyes, Chair; Howard Hill, Esq., of Pepper, Hamilton & Scheetz; and SaraLloyd Truax, Esq., of the Dutchess County Attorney's Office have done a superb job of putting the Program together. We are also very fortunate that Howard Hill has agreed to chair the Committee for next year. Any thoughts that any member might have about the Program or possible topics of discussion for next year's International Law Weekend should be addressed to Howard Hill at Pepper, Hamilton &

Scheetz, 100 Renaissance Center, Suite 3600, Detroit, MI 48243.

I am particularly pleased that Sir Gordon Slynn, Chairman of the ILA, has agreed to be the Branch's Annual Dinner speaker for this year. Sir Gordon, as a Judge on the Court of Justice of the European Communities, is particularly well situated to talk to us about the role of that court in the process of European integration. The Branch has not had in the past the good fortune to be addressed directly by a sitting Chairman of the ILA since, unfortunately, when our own Cecil Olmstead was Chairman and scheduled to speak to us, he was temporarily taken ill and his talk given by Monroe Lee. Lord Wilburforce, who held the post as Chairman for eighteen years prior to Cecil Olmstead, was never able, to my knowledge, to visit the Branch apart, of course, from his presence at the New York Conference in 1972. At this time of reorganization and renewal of the International Law Association, it will be very good to have its present Chairman pay us a visit.

And the new directions of the ILA is the main news from the Queensland Conference, the 64th conference of the ILA, held in Broadbeach, Queensland, Australia from August 19th - 25th. Unfortunately, no doubt because of the distances, far fewer members of the American Branch were able to be present, but those who were, were very active indeed. Those of our members who participated in the Working Sessions of the Conference report on the substantive Committee work done in the Working Sessions elsewhere in this Newsletter. Prof. Oscar Schachter did double duty at the conference. He came to be part of the Workshop on the Renewal of the International Court. However, in the absence of Judge Ruda of the International Court, who felt unable to leave his post in the midst of the Iraq/Kuwait crisis, Prof. Schachter took his place and delivered a luncheon talk in which he addressed not only Judge Ruda's topic, the Role of and Prospects for the International Court, but also spoke eloquently of the hard choices to be made by the international community forced at this time with the necessity of enforcing the international norm against the use of force. Peter Trooboff, Esq., was a Speaker at the Workshop on reaching the Foreign Defendant and Prof. Lichtenstein chaired a panel on Special Events presented by the Host Branch on the growing Internationalization of the Securities Markets. Aron Broches of Holtzmann, Wise & Shepard, spoke on the Special Event Panel on Dispute Resolution in International Commercial Matters.

Professors Lillich and Gordon were active in the course of the Conference in urging the ILA to take a public stand concerning the conduct of Iraq. The question of the issuance of a resolution by the ILA on the subject was discussed in the first Full Council meeting; and referred to the Steering Committee which requested Prof. Ian Brownlie, Director of Studies of the ILA, to prepare a draft. By the time of the Friday morning Working Sessions, the draft resolution prepared by Prof. Brownlie and approved by the Steering Committee, was available at each Working Session for consideration and discussion by the delegates present. The next morning at 8:30am, the second meeting of the Full Council approved the draft and voted to have it considered by the final Plenary Session.

Peter Trooboff, Esq., was present at the Full Council meeting and participated actively in consideration of the draft. The final Plenary Session approved by a very large majority the following resolution:

The 64th Conference of the International Law Association meeting in Plenary Session on Saturday 25 August 1990:

CONDEMNS the actions of the government of Iraq resulting in the adoption of Security Council Resolutions 660, 661, 662 and 663, and in particular the invasion and purported annexation of Kuwait and the threats to the lives and security of third State nationals within the boundaries of Iraq and Kuwait; and

STRONGLY SUPPORTS all lawful measures taken to enforce compliance with the decisions of the Security Council.

Sir Laurence Street, AC KCMG, President of the Australian Branch, was elected president of the ILA for a two-year term. Sir Laurence made clear that he intends to participate fully in the revitalization of the ILA, moving it particularly into work in the international environmental and international commercial arbitration areas. As the new President, Sir Laurence will be active, along with the American Branch's Robert von Mehren, Co-Vice Chairman of the ILA, in selecting replacements for Klaus Cuperus who has resigned as Treasurer of the ILA and Prof. Ian Brownlie who will be leaving the post of Director of Studies of the ILA after next December 1st's Executive Council Meeting. The American Branch's representatives to the Executive Council, Prof. Edward Gordon, Prof. Richard Lillich and myself, together with Robert von Mehren, expect to meet in advance of the meeting to coordinate the American Branch's thoughts concerning these posts.

Without doubt, with a considerable amount of new blood coming into the officeship, the international organization will be setting out its goals and direction for the next decade. Our members should also be aware that the next Bi-annual Conference, the 65th, will be hosted by the Egyptian Branch and will take place in Cairo beginning April 20, 1992. The International Committees and their Corresponding Branch committees will have to begin work on their new projects shortly, since, exceptionally, because of Egyptian climate in August, the interval between Conferences is only 20 months.

With best regards to all the members and I hope to see many of you at International Law Weekend.

Sincerely yours,

Cynthia C. Lichtenstein

REPORTS FROM THE 64TH ILA CONFERENCE IN QUEENSLAND, AUSTRALIA

THE INTERNATIONAL COMMITTEE ON THE LEGAL STATUS OF REFUGEES (By Luke T. Lee)

The International Committee on the Legal Status of Refugees held a meeting of its members on August 21, 1990, to plan its future work. It decided to adopt as its main theme "the right of refuge," with three components: (a) Restrictive state practice in relation to the admission of asylum seekers (proposed by Professor David Martin); (b) Screening and monitoring (Professor Shinya Murase); and (c) Protection and solutions (Gervase Coles, the

Rapporteur). It was pointed out that all the components are germane to the "right of refuge," whose rich jurisprudence on such matters as force majeure would in turn help define the scope and content of these components.

A working session of the Conference, under the chairmanship of Professor David Flint, was held the next day, August 22, to discuss the Draft Declaration of Principles of International Law on Compensation to Refugees and Countries of Asylum, which was first proposed at the ILA's 1988 Conference in Warsaw. Like the Declaration of Principles of International Law on Mass Expulsion, already adopted by the ILA in Seoul in 1986, this Draft Declaration is concerned with the responsibility and obligations of countries of origin and, as such, deals with the root causes of refugees and the preventive approach. During the session, some speakers called for further improvement of the Draft, while others pointed out that the suggested changes were of such nature as to lend themselves readily to incorporation into the final text, without having to wait until the next conference. In the end, the working session adopted by consensus the following resolution proposed by Professor Flint:

The 64th Conference of the International Law Association, held in Queensland, Australia, 19-25 August 1990:

APPROVES in principle the Draft Declaration of Principles of International Law on Compensation to Refugees and Countries of Asylum, referred to in the Committee's Report; and

RECOMMENDS that the Committee finalize the Draft Declaration and report on it to the 65th Conference of the Association.

This resolution was adopted also by consensus by the plenary session of the ILA on August 25.

COMMITTEE ON THE ENFORCEMENT OF HUMAN RIGHTS LAW (By Professor Richard Lillich)

At Queensland, the Committee, whose Chair is Professor Lillich and whose Rapporteur is Professor Fitzpatrick, submitted its third and final report on "International Monitoring of Human Rights Practices Under States of Emergency." The brief report summarized and updated the Committee's first and second interim reports, presented to the Seoul and Warsaw Conferences respectively, and included a set of "Guidelines for Bodies Monitoring Respect for Human Rights During States of Emergency."

Support for the Committee's work was unanimous at the session devoted to human rights, and a resolution approving the Guidelines was adopted by consensus. Subsequently the Full Council endorsed the session's action and the "Queensland Guidelines" now will complement, on the enforcement side, the ILA's substantive proposals found in the "Paris Minimum Standards of Human Rights Norms in a State of Emergency." See 79 Am J. Int'l. L. 1072 (1985). It is planned to publish the Guidelines in a forthcoming issue of the American Journal of International Law, and Professor Hartman is at work on a short monograph analyzing them and summarizing the substance of the Committee's three reports.

With its work on the states of emergency completed, the Committee already has begun the study, under the direction of a new Rapporteur, Professor Hurst Hannum, of its next topic: The Status of the Universal Declaration of Human Rights. Various Branch committees are assisting the International Committee in this study, and it is expected that the American Branch's Committee on Human Rights will play a major role in this endeavor over the next few years.

From Professor Albert E. Utton:

A group of international water law specialists from Asia, Africa, Europe and North America met at the Gold Coast meetings, and discussed a number of emerging issues in international water law.

WILLIS L.M. REESE (1913-1990)

The American Branch of the International Law Association has lost one of its most revered and stalwart supporters. For decades Willis L.M. Reese served on the Executive Committee and chaired its nominating committee contributing to its meetings the wisdom acquired in a long and productive career. As a practitioner in his early days and later as an academic on the Faculty of the Columbia Law School, where he directed the Parker School of Foreign and Comparative Law, he combined both the vision of the academic and the practicality of the professional. His recognition internationally as one of the world's most prominent authorities in private international law led to his appointment to the Hague Conference on Private International Law as United States representative. His academic concern for legal education moved his colleagues in Europe to place him on the Curatorium of the Hague Academy of International Law where he shared in planning the program of that preeminent body and taught in its annual sessions. He was elected not only to the American Law Institute where he, as reporter for the Second Restatement of Conflicts of Law reoriented thinking on conflicts of law, but also to the prestigious Institut de Droit International, where he shared in preparation of its influential reports on the progress of law.

His service to the community was not neglected because of his activity in serving the world. Incredibly he found time to develop the first standard admissions test for American Law Schools, to become a special hearing officer for the Department of Justice on conscientious objectors, to serve as Senior Warden of the Church of the Transfiguration, to chair the International Law Committee of the New York State Bar Association, and to preside over the American Foreign Law Association, the Board of Community Action for Legal Services and to serve as a Director of the New York Legal Aid Society.

John N. Hazard, Honorary Vice-President

ANNUAL MEETING OF THE AMERICAN BRANCH

The Annual Meeting of the American Branch will be held at 4:45 p.m. on November 2nd at the Association of the Bar of the City of New York. All members are invited to attend. The tentative agenda is as follows:

1. Report of the Nominating Committee for Officers and other members of the Executive Committee
2. Report on International Practitioners' Notebook
3. Report on the American Branch Committees
4. Report on the finances and membership of the American Branch
5. Report on the 64th ILA Conference held in Queensland, Australia and the most recent meetings of the Executive Council
6. Report on 1990 International Law Weekend and Annual Dinner
7. Report on the Administration of the American Branch
8. Consideration of any other matter which may be brought before the Annual Meeting

REPORT OF THE NOMINATING COMMITTEE

The Nominating Committee of the American Branch consisting of P. Nicholas Kourides, Chairman; Karen Hudes and Cecil Olmstead have proposed the following slate of officers of the Executive Committee to serve for the next two years. The proposed slate of Executive Committee members will be presented at the annual meeting on November 2nd. Members wishing to obtain the proposed slate in advance of the meeting may do so by contacting Carol Murray at 212-854-5633 after October 1st.

PROPOSED SLATE

President

Cynthia C. Lichtenstein

Vice-Presidents

Thomas M. Franck
 Theodore R. Giuttari
 L.F.E. Goldie
 Edward Gordon
 P.N. Kourides

Honorary Secretary

David W. Leebron

Honorary Treasurer

Jonathan I. Blackman

CASSETTES OF INTERNATIONAL LAW WEEKEND

Condyne/The Oceana Group, 75 Main Street, Dobbs Ferry, New York 10522 has reproduced in cassette certain panel discussions of International Law Weekend from 1975 through 1989 and will again do so this year. Members who are interested in obtaining cassettes and finding out which panels are available should contact Ms. Yvonne Heenan, Vice President at Condyne/The Oceana Group, for further information.

AMERICAN BRANCH COMMITTEES

Listed below are the present committees of the American Branch, the name and address of the Chairperson, and a brief description of the present status of their work. If any members of the Branch have a particular interest in a Committee and feel they could make a contribution to the work of the Committee, please write the appropriate Chairperson. General questions should be addressed to Professor Edward Gordon, the Chairperson of the Committee on Committees.

Committee on Air and Space Law

Chair: Professor Alfred P. Rubin, The Fletcher School of Law & Diplomacy, Tufts University, Medford, MA 02155.

Committee on Antarctica

Chair: Professor Christopher C. Joyner, George Washington University, Department of Political Science, Washington, D.C. 20052.

Committee on the Exclusive Economic Zone

Chair: Professor L.F.E. Goldie, Syracuse University College of Law, Ernest I. White Hall, Syracuse, NY 13210.

Committee on Foreign Investment

Chair: David G. Gill, Decker, Hubbard & Welden, 30 Rockefeller Plaza, Suite 4340, New York, NY 10112.

Committee on the Formation of Customary International Law

Chair: Professor Jonathan I. Charney, Vanderbilt University School of Law, Nashville, TN 37240.

Committee on Human Rights

Chair: Professor Claudio Grossman, American University, Washington College of Law, 4400 Massachusetts Avenue, Washington, D.C. 20016. The Committee has created two sub-committees. One, chaired by Charles Siegal, is dealing with the Right to Food; the other, chaired by Christina Cerna, is considering the status of the Universal Declaration of Human Rights.

Committee on International Banking Law

Chair: Robert E. Bostrom, Winston & Strawn, 175 Water Street, New York, NY 10038.

Committee on International Commercial Arbitration

Chair: David W. Rivkin, Debevoise & Plimpton, 875 Third Avenue, New York, NY 10022.

Committee on International Monetary Law

Chair: Prof. Richard W. Edwards, Jr., University of Toledo College of Law, 2801 Bancroft St., Toledo, OH 43606.

Committee on International Terrorism

Chair: Dean Edward M. Wise, Wayne State University Law School, Detroit, Michigan 48202.

Committee on Legal Aspects of a New International Economic Order

Chair: Nicholas R. Doman, 420 Lexington Avenue, New York, NY 10017.

Committee on Legal Aspects of the Internationalization of the Capital Markets

Chair: Russell B. Stevenson, Hale & Dorr, 1201 Pennsylvania Ave., N.W., Washington, D.C. 20004.

Committee on Resolution of Trade Disputes

Chair: Associate Dean Virginia Leary, Faculty-of-Law, State University of New York at Buffalo, Buffalo, NY 14260.

Joint American Branch-ASIL Committee on the Role of the Legal Adviser to the State Department

Chair: Professor Oscar Schachter, Columbia University School of Law, 435 W. 116th Street, New York, NY 10027.

Committee on the Use of Force in Relations Among States

Chair: William D. Rogers, Arnold & Porter, 1200 New Hampshire Avenue, N.W., Washington, D.C. 20036.

CHANGES OF ADDRESSES

Members are reminded that all changes of address and other corrections should be sent directly to the Honorary Treasurer, Mr. Jonathan Blackman, c/o Cleary, Gottlieb, Steen & Hamilton, One Liberty Plaza, 43rd Floor, New York, NY 10006

INTERNATIONAL LAW WEEKEND
NOVEMBER 2-3, 1990*

Sponsored By

American Branch of the
International Law Association

American Society of
International Law

American Foreign Law
Association

International Law Committee,
Association of the Bar of the City of New York

Co-sponsored By

International Law and Practice Section,
New York State Bar Association

Section of International Law and World Peace,
Connecticut Bar Association

Section on International Law and Organizations,
New Jersey State Bar Association

In Cooperation With

Section of International Law and Practice,
American Bar Association

*Unless otherwise indicated, all events will be held at The House of the Association of the Bar of the City of New York, 42 West 44th Street, New York, NY

1990 International Law Weekend, Friday, November 2, 1990

9:00 - 10:00 a.m. Open Committee Meetings

10:00 a.m. - 12:00 noon

Panel 1 The European Community and the New Europe

Chair: Prof. Mark Jones
Mercer University Law School

Panelists: Dr. Rudolph Cölle
Boden, Oppenhoff, Rasor, Schneider & Shiedermaier
New York, NY

Prof. Roger Goebel
Fordham University Law School

Sir Gordon Slynn
Judge, European Court of Justice
(Invited)

Richard C. Wright
First Secretary (Commercial and Trade Affairs)
Delegation of the Commission of the
European Communities
Washington, DC
(Invited)

Panel 2 Self-Determination and the Future of the Nation State

Chair: Prof. Howard Berman
California Western School of Law

Panelists: Prof. Roger Clark
Rutgers University School of
Law, Camden

Prof. Tom J. Farer
American University, Washington College of Law

Dalee Sambo
Adviser, Inuit Circumpolar Conference

Prof. Daniel Turp
University of Montreal

10:30 a.m. - 12:00 noon ILSA Session with Students Obtained Through the
United Nations

12:30 - 2:00 p.m. ILSA Mid-Year Business Meeting/Fall Congress Session

2:30 - 4:30 p.m.

Panel 1 Oil Spill Liability Under U.S. and International Law

Chair: Prof. Ved Nanda
University of Denver College of Law

Panelists: Paul S. Edelman, Esq.
Kreindler & Kreindler
New York, NY

Christopher B. Kende, Esq.
Holtzmann, Wise & Shepard
New York, NY

Dr. Thomas Mensah
International Maritime Organization
London

(Invited)

Panel 2 Structuring Joint Ventures

Chair: A.C. Seward, Esq.
Vice President and General Counsel
Acustar Inc.
Troy, MI

Panelists: Timothy L. Dickinson, Esq.
Gibson, Dunn & Crutcher
Washington, DC

John I. Huhs
LeBoeuf, Lamb, Leiby & MacRae
New York, NY
(Invited)

Lino Piedra, Esq.
Chairman, Diamond-Star Motors

3:00 - 4:30 p.m. ILSA Workshop: Conference of Student International Law Journals

4:45 - 5:45 p.m. Annual Business Meeting of the American Branch of
the International Law Association

4:45 - 6:15 p.m. ILSA Workshop: Running an International Law Society

1990 International Law Weekend, Friday, November 2, 1990

6:45 - 7:30 p.m. Reception

7:30 p.m. Dinner, The Princeton Club of New York
15 West 43rd Street, New York, NY
(\$45.00 by paid advance reservation only)

Speaker: "The Role of the European Court of
Justice in European Integration"
Sir Gordon Slynn
Judge, European Court of Justice
Chairman, International Law Association
(Invited)

Saturday, November 3, 1990

9:00 - 10:00 a.m. ILSA Jessup Regional Competition Workshop

10:00 a.m. - 12:00 noon

Panel 1

Status of Privatization in Eastern Europe
(sponsored by the American Foreign Law Association)

Chair: Richard Lutringer, Esq.
Whitman & Ransom
New York, NY

Panclists: Privatization in general and in Poland:
Prof. V.V. Ramandhan
Coordinator, Interregional Network
on Privatization
United Nations Development Program

Czechoslovakia:
Daniel Arbess, Esq.
White & Case
New York, NY

Hungary:
Dr. Paolina Oros
Hungarian Ministry of Justice
(Invited)

Yugoslavia:
Dr. Branko Vukmir
United Nations Centre on
Transnational Corporations

East Germany:
Dr. Alexander Reuter
Thyssen A.G.
Dusseldorf
West Germany

10:00 a.m. - 12:00 noon

Panel 2

The Act of State Doctrine After Kirkpatrick

Chair: Prof. Edward Gordon
Albany Law School

Panelists: Jeremy Carver, Esq.
Clifford Chance
London

Dean James Crawford
University of Sydney Law School

Michael Gruson, Esq.
Shearman & Sterling
New York, NY

Prof. Thomas Merrill
Northwestern University School of Law
(Deputy U.S. Solicitor General, 1987-1990)

10:30 a.m. - 12:00 noon

ILSA Session on Career Opportunities in International Law

12:15 - 1:45 p.m.

Luncheon, The Association of the Bar of the City of New York
42 West 44th Street, New York, NY
(\$25.00 by paid advance reservation only)

Speaker: Peter D. Trooboff, Esq.
Covington & Burling
Washington, DC

"Responding to a Changing Profession:
What Do International Lawyers Need and
Expect From Their Professional Associations?"

INTERNATIONAL LAW WEEKEND 1990
REGISTRATION AND RESERVATION FORM

To: Carol Murray
Columbia University School of Law
435 W. 116th Street - Room 5W3
New York, New York 10027
Telephone: (212) 854-5633

1. Please register the following participants:

Name: _____

Address: _____

Telephone No.: _____

(Registration is for statistical and planning purposes only; there is no registration fee, although there is a completely voluntary contribution of \$10 [see below].)

2. Please make the following reservations for the dinner on Friday, November 2nd and the luncheon on Saturday, November 3rd:

(a) Dinner, Friday, November 2, at The Princeton Club of New York
(Black Tie optional) -- \$45 per person*

Number of reservations ___ and names for designated seating:

(b) Luncheon, Saturday, November 3, at The Association of the Bar
\$25 per person*

Number of reservations (no designated seating): _____

*Reservations for dinner and/or lunch not accompanied by payment will not be honored.

3. ___ I include an optional contribution in the amount of \$10 to help defray the costs of International Law Weekend

4. Enclosed is my check in the amount of \$_____, to cover above dinner and lunch reservations, and optional contribution, if any. (Please make check payable to the American Branch of the International Law Association.)

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COMPLETE FORM AND SEND TO ABOVE ADDRESS TO BE RECEIVED BY OCT. 19, 1990

