

# ILA Newsletter

## In Memoriam

JOHN H. MCNEILL, Principal Deputy General Counsel of the Department of Defense, was chairman of the Branch's Committee on Maritime Neutrality and was the Branch's member in the ILA Committee on Arms Control and Disarmament and the ILA Committee on Maritime Neutrality. Jack was beloved by all who knew him. His passing, just before International Law Weekend, was a shock to all and is a tremendous loss to the Association.

Memorial tributes to Professor Richard B. Lillich are still arriving. The moving comments of Lord Slynn of Hadley, Chairman of the ILA's Executive Council, were distributed with the last Newsletter. Raymond Greenburgh, for many years a leading member and officer of the British Branch, wrote: "I wish to express to

you and the American Branch of the I.L.A. my deepest sympathy and condolences. Richard was a tremendously loyal and influential member of the Executive Council and his tireless devotion to the Association's work will long be remembered while the memory of his friendship will certainly be treasured."

## American Branch Activities

### International Law Weekend

International Law Weekend was held as usual at the House of the Association of the Bar of the City of New York. The dates were 31 October-2 November 1996. Cassettes of many of the panels are still available. Those interested should write to Stephen J. Shapiro, Esq., 101 West 57th Street, Suite 2D, New York, NY 10019-2215. Please enclose a check for \$4. per cassette.

International Law Weekend 1997 will begin on Thursday evening 6 November 1997. There will be a full program, ending on Saturday afternoon, 8 November 1997. International Law Weekend 1995 emphasized the 50th anniversary of the United Nations, and International Law Weekend 1996 emphasized the increasing emphasis given to Human Rights in international legal discussion. It seems appropriate now to focus International Law Weekend 1997 more on problems of transnational legal practice. The focus will be on the effect of public and private international law in the domestic sphere. As usual, there will be panels on many subjects, not all dealing with the main topic. Tentative and more or less final programs will be distributed well before the Weekend.

For more information, please contact the Chair of the 1997 Program Committee:

### IN THIS ISSUE...

|   |   |
|---|---|
| In Memoriam                                 | 1 |
| American Branch Activities                  | 1 |
| International Law Weekend                   | 1 |
| ILA-AB Honorary Treasurer                   | 2 |
| 1997 Dues                                   | 2 |
| International Practitioner's Notebook       | 2 |
| American Branch Proceedings                 | 2 |
| ILA Biennial Conference                     | 3 |
| Other Conferences of Interest to the Branch | 3 |
| ILA Committees                              | 3 |
| International Committee Membership          | 4 |
| Other ILA Business                          | 4 |
| American Branch Committee Activities        | 4 |
| Committees Policy                           | 4 |
| Committees of the American Branch, ILA      | 5 |
| Other Notices                               | 7 |
| ILA Committees 1997                         | 7 |

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## **ILA-AB Honorary Treasurer**

It was noted in the last Newsletter that after four years of extraordinary service our Hon. Treasurer, Scott Horton (Patterson Belknap Webb & Tyler) has asked to be relieved of his duties. The search for a replacement has not gone well, and an interim Hon. Treasurer has stepped in to keep the organization together while it goes on. We owe great thanks to Stephen J. Shapiro, Esq., for bearing this burden until things can be established on a sounder basis.

## **1997 Dues**

It is time to pay your 1997 dues! Please complete the form enclosed with this Newsletter and send it, together with your dues, to:

Stephen J. Shapiro, Esq.  
101 West 57th St., Suite 2D  
New York, NY 10019-2215.

While attendance at any part of International Law Weekend is open to all without registration or fees other than the costs of meals for those who wish to buy them, such services as the production and mailing of this Newsletter and our International Practitioners Notebook do involve some costs. And the Association's Headquarters in London employs a single Executive Secretary to hold the organization together; she must be paid out of Branches' contributions. Please help us continue our activities by paying your 1997 dues promptly.

When the last Newsletter was published in October 1996, it was expected that a final decision raising membership

dues by £5 per annum would be taken at November's Executive Council meeting in London. It was not taken. Nonetheless, such an increase in dues is expected and will require the Executive Committee of the American Branch to consider raising the Branch dues to compensate. We operate on a very tight budget, with no surplus. If an increase in the per-member assessment is decided on, it would not go into effect until January 1998, therefore, it is not reflected in the 1997 dues structure for membership in the American Branch.

## **International Practitioner's Notebook**

The International Law Students Association (ILSA) published and distributed International Practitioners Notebook just before International Law Weekend 1996. Nova Southeastern University Law School did the essential work under the direction of J. Craig Garrett, the editor of the ILSA Journal. The substantive papers are a selection of the papers presented at International Law Weekend 1995.

Arrangements have been made for the ILSA Journal of International and Comparative Law to continue to publish and distribute our International Practitioner's Notebook, with papers culled from International Law Weekend. Those who attended International Law Weekend 1996 will especially appreciate the work done in editing and publishing these papers.

## **American Branch Proceedings**

The biennial Proceedings of the American Branch of the International Law Association are being compiled, as usual. The Editor is again Professor John E. Noyes, Director of the International Legal Studies program at California Western School of Law in San Diego. 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, but only 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 to be given at International Law Weekend 1997.

## ILA Biennial Conference

The planning for the 1998 biennial ILA meeting has already begun. The host will be the Taiwan Branch. The dates have been provisionally fixed for 24-30 May 1998.

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

## Other Conferences of Interest to the Branch

The Annual Meeting of the American Society of International Law is scheduled to be held 9-12 April 1997 at the ANA Hotel in Washington, D.C.

Together with the Netherlands Branch of the International Law Association and the American Society of International Law, the Branch is co-sponsor of a Conference to take place 2-5 July 1997 at the Kurhaus Hotel, The Hague. Our representative on the Program Committee is:

Prof. David J. Bederman  
University of Virginia School of Law  
580 Massie Road  
Charlottesville, VA 22903-1789

## ILA Committees

At the ILA Executive Council meeting in London in November 1996 it was agreed to allow the chairs of ILA committees to nominate up to five persons to membership in their committees regardless of Branch affiliation. Each such nomination will need the approval of the Director of Studies. The new 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 or two members of any particular branch have 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.

There have been several changes in ILA Committees since the Helsinki Conference. Of particular interest to members of the American Branch will be the election of Professor George K. Walker, Wake Forest University School of Law, to the Committee on Maritime Neutrality. Professor Walker replaces the late and much lamented John McNeill as a member of the Committee. Professor Alfred P. Rubin, The Fletcher School of Law & Diplomacy, remains an alternate member.

The Chairman of the Committee on International Trade Law nominated Professor William J. Davey of the University of Illinois, currently chief legal officer of the World Trade Organization, to membership. Since Professor Davey has not been a member of the Branch, it was decided that his membership in the Committee would best be achieved by his joining the Headquarters Branch as an International Organization employee. Professor Alan Swan, Chairman of the parallel American Branch Committee was nominated for membership in the International Committee by the Branch and that nomination was accepted by the Chairman of the International Trade Law Committee. Professor Swan joins Professor John Jackson and Gary Horlick, Esq., as American Branch members of the Committee. The usual rule of one member and one alternate from any one Branch has

been relaxed for the International Trade Law Committee in view of the expertise and interest of members of the American Branch.

Although the nominations were received too late for formal election in November by the Executive Council in London, other nominations are expected to be approved at the next opportunity, and will be considered effective immediately. John Rhineland, Esq., will replace Professor Phillip Trimble as the American member of the ILA Committee on Arms Control and Disarmament. The Alternate member will be Amb. Thomas Graham. Mary Elizabeth Hoinkes, Esq., will be chair of the parallel American Branch Committee on Arms Control and Disarmament. Members of the Branch who are interested in joining should contact her directly.

A new ILA Committee on Diplomatic Protection of Persons and Property has been formed under the Chairmanship of Professor Richard B. Bilder. At Professor Bilder's request, the American Branch nominated Professor David Caron to membership in the Committee and Professor David Bederman as alternate member. Professor Bederman will take the chair of a parallel Branch committee. Those interested in participating in the parallel Branch Committee to review the work of the Reporters of the ILA Committee and perhaps write Reports of their own on the subject should contact Professor Bederman directly.

## **International Committee Membership**

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 the general membership and 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.

A full list of international committees and their American Branch members and alternates is included in this Newsletter.

## **Other ILA Business**

The statutes of two new Branches were approved by the Executive Council in London: New Zealand, which now assumes an existence independent of the Australian Branch, and Estonia.

## **American Branch Committee Activities**

Branch committee chairs are always looking for reporters and members who want to be active. A current listing of Branch 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 Director of Studies 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.

## **Committees Policy**

Membership in international committees is based on individual reputation and achievement and does not represent any Branch orthodoxy. Nominations to international committees are normally reserved to members of

the Branch who have established 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.

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 Director of Studies directly.

## Committees of the American Branch, ILA

### ARMS CONTROL AND DISARMAMENT

Chair: Mary Elizabeth Hoinkes, GC  
U.S. Arms Control & Disarmament Agency  
320 21st St., NW  
Washington, DC 20451

### COMMERCIAL ARBITRATION

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

### COMMERCIAL LAW

Chair: Houston Putnam Lowry, Esq.  
Brown & Welsh, P.C.  
Meriden Executive Park  
538 Preston Ave.  
P.O. Box 183  
Meriden, CT 06450-0183  
71561.1601@compuserve.com  
Tel: (203)235-1651  
Fax: (203)235-9600

### DIPLOMATIC PROTECTION OF PERSONS AND PROPERTY

Chair: Prof. David J. Bederman  
University of Virginia School of Law  
580 Massie Road  
Charlottesville, VA 22903-1789

### ECONOMIC SANCTIONS

Chair: Professor Michael P. Malloy  
Fordham Univ. Sch. of Law  
140 West 62nd St.  
New York, NY 10023

### ENVIRONMENT

Chair: Prof. Stephen McCaffrey  
McGeorge Law School  
University of the Pacific  
3200 Fifth Avenue  
Sacramento, CA 95817  
smccaffrey@unix1.cc.uop.edu

### EXTRADITION AND HUMAN RIGHTS

Chair: Professor Christopher Pyle  
Department of Politics  
Mt. Holyoke College  
S. Hadley, MA 01075-1484

### FORMATION OF A RULE OF INTERNATIONAL LAW

Chair: Davis R. Robinson, Esq.  
Leboeuf Lamb Leiby & MacRae  
Suite 1200  
1875 Connecticut Ave., NW  
Washington, DC 20009  
Fax: (202)986-8102

### HUMAN RIGHTS

Chair: Charles D. Siegal, Esq.  
Munger, Tolles & Olson

355 S. Grand Ave., 35th Fl.  
Los Angeles, CA 90071-1560

Associate Counsel  
The Chase Manhattan Bank, N.A.  
270 Park Ave., 40th Fl.  
New York, NY 10017

## **INTELLECTUAL PROPERTY**

Organizer:

Professor Karl Jorda  
Franklin Pierce Law Ctr.  
2 White St.  
Concord, NH 03301  
kjorda@fplc.edu

## **PROTECTION OF THE FAMILY**

Chair: Prof. Gail McKnight Beckman  
Georgia State University  
University Plaza  
Atlanta, GA 30303-3083

## **INTERNATIONAL CIVIL AND COMMERCIAL LITIGATION**

Chair: Peter Trooboff, Esq.  
Covington & Burling  
P.O. Box 7566  
1201 Pennsylvania Ave. N.W.  
Washington, D.C. 20044

## **INTERNATIONAL CRIMINAL COURT**

Chair: Prof. Leila Sadat Wexler  
Washington University  
School of Law  
Campus Box 1120  
One Brookings Drive  
St. Louis, MO 63130-4899

## **INTERNATIONAL INSOLVENCY** [Vacant]

## **INTERNATIONAL MONETARY LAW/LEGAL ASPECTS OF SECURITIES REGULATION**

Chair: P. Nicholas Kourides, Esq.  
Vice President & Senior

## **INTERNATIONAL TRADE LAW**

Chair: Professor Alan C. Swan  
P.O. Box 248087  
University of Miami  
School of Law  
Coral Gables, FL 33124-8087

## **ISLAMIC LAW**

Chair: Professor Frank Vogel  
Harvard Law School  
Cambridge, MA 02138

## **LAW OF THE SEA**

Chair: Dr. Samuel Pyeatt Menefee  
Center for Oceans Law and Policy  
Univ. of Virginia School of Law  
580 Massie Road  
Charlottesville, VA 22903-1789  
(804)924-7441  
Fax: (804)924-7362  
colp@virginia.edu

## **MARITIME NEUTRALITY**

Chair: Professor George K. Walker  
Wake Forest Univ. Law School  
P.O. Box 7206, Reynolds Station  
Winston-Salem, NC 27109-7201

### SPACE LAW

Chair: Prof. Stephen Gorove  
 University of Mississippi  
 School of Law  
 University, MS 38677

### STATE IMMUNITY

Chair: Prof. Joseph W. Dellapenna  
 Villanova University  
 School of Law  
 299 N. Spring Mill Rd.  
 Villanova, PA 19085-1682

## Other Notices

Some of our members might be interested to know that the Permanent Bureau of the Hague Conference on Private International Law has requested nominations for a post as a junior (grade A2/3) staff member beginning between 1 July and 1 October 1997. They seek a lawyer with good knowledge of private international law and a law school education in a system based on "common law and equity." English as a native language with a good command of French is required. For details, contact:

Peter H. Pfund, L/PIL  
 Suite 203, South Building  
 2430 E Street, NW  
 Washington, DC 20037-2800  
 Fax:(202)776-8482    pildb@his.com

## ILA Committees 1997

| <i>Committee Name</i>                            | <i>Chair</i>          | <i>Reporter(s)</i>                     | <i>U.S. Member(s)</i>                     |
|--|-----------------------|--|---|
| Accountability of International Organizations    | P.H. Kooijmans (Neth) | Malcolm Shaw (UK)<br>K. Wellens (Neth) |   |
| Arms Control and Disarmament Law                 | J. Dahlitz (A/NZ)     | D. Fleck (G)<br>E. Dahinden (Swi)      | John Rhinelander<br>Thomas Graham (alt)   |
| Coastal State Jurisdiction Over Marine Pollution | A.H.A. Soons (Neth)   | E. Franckx (B/Lux)                     | Daniel Bodansky                           |
| Cultural Heritage Law                            | P. J. O'Keefe (A/NZ)  | James A.R. Nafziger (USA)              |   |
| Diplomatic Protection of Persons & Property      | R. Bilder (USA)       | B. Kokott (G)                          | David Caron<br>David Bederman (alt)       |
| Extradition and Human Rights                     | A.P. Rubin (USA)      | J.Dugard (SA)<br>C.Vd Wyngaert (B/Lux) | Christopher Pyle<br>Kenneth Gallant (alt) |
| Extraterritorial Jurisdiction                    | I. Sinclair (UK)      | K. Meessen (G)                         | Cecil Olmstead                            |
| Feminism and International Law                   | C. Chinkin (A/NZ)     | K. Knop (Can)                          | Virginia Leary                            |
| Formation of Customary International Law         | M.H. Mendelson (UK)   | R. Müllerson (HQ/Est)                  | Davis Robinson                            |

| <i>Committee Name</i>                               | Chair                         | Reporter(s)                                    | U.S. Member(s)  |
|---|-------------------------------|--|---|
| Inter-Country Adoption and Protection of the Family | J. Lisbonne (Fr)              | M.J.L. Grill (Arg)<br>J. Lisbonne (Fr)         | G. McK. Beckman   |
| Internally Displaced Persons                        | L.Lee (USA)                   | R. Hoffman (G)<br>Y. Shimada (J)               | James A.R. Nafziger<br>Mary Ellen Fullerton (alt)                     |
| International Civil and Commercial Litigation       | P.E. Nygh (A/NZ)              | C. McLachlan (UK)<br>P. Blanquier-Cirelli (Fr) | Peter Trooboff<br>Friedrich K. Juenger (alt)                          |
| International Commercial Arbitration                | E. Gaillard (Fr)              | H.A. Grigera Naon (Arg)<br>P. Bowden (UK)      | Philip D. O'Neill   |
| International Human Rights Law and Practice         | [Vacant]                      | A. Bayefsky (Can)                              | Thomas M. Franck<br>H. Hannum (alt)                                   |
| International Law in National Courts                | G. Guillaume (Fr)             | I. Shearer (A/NZ)<br>T. Stein (G)              | S. Schwebel<br>E. Gordon (alt)  |
| International Monetary Law                          | M. Giovanoli (It)             | D. Carreau (Fr)<br>T. Treves (It)              | Cynthia Lichtenstein<br>A.W.G. Newburg (alt)<br>Ernest Patrikis (alt) |
| International Securities Regulation                 | C. Lichtenstein (USA)         | K. Hobér (Swed)                                | Edward H. Fleishman<br>Barbara J. Green (alt)                         |
| International Trade Law                             | T. Oppermann (G)              | E.-U. Petersmann (Swi)<br>F.M. Abbott (USA)    | John Jackson<br>Gary N. Horlick (alt)<br>Alan Swan                    |
| Islamic and International Law                       | A.K. Aboulmagd (Egy)          | L.R. Sykiäinen (Rus)                           | Frank E. Vogel  |
| Maritime Neutrality                                 | D. Schindler (Swi)            | M. Bothe (G)                                   | George K. Walker<br>Alfred P. Rubin (alt)                             |
| Refugee Procedure                                   | K. Hailbronner (G)            | D. Martin (USA)                                | Ved Nanda   |
| Regional Economic Development Law                   | J. Dutheil de la Rochère (Fr) | R. Ida (J)<br>H. Hartnell (USA)                | Eric Stein<br>Fred Abbott (alt)                                       |
| Space Law   | K.-H. Böckstiegel (G)         | M. Williams (Arg)                              | Carl Q. Christol<br>Stephen Gorove                                    |
| State Succession                                    | H. Bokor-Szegö (Hn)           | B. Stern (F)                                   |   |
| Sustainable Development                             | K. Hossain (B'desh)           | N.C. Schrijver (Neth)                          | David Leebron<br>Oscar Schachter<br>Alan Swan                         |
| Water Resources Law                                 | C.B. Bourne (Can)             | [nominated]                                    | A.E. Utton (sec'y)<br>L.A. Teclaff (alt)                              |