

ILA Newsletter

ISSUE NO. 51

ILA - Founded 1873

January 1998

Dues for 1998

The new assessment schedule has gone into effect. As announced in prior Newsletters, due to increased costs at our Headquarters in London since the last schedule of assessments was agreed, it was felt necessary to raise the annual assessment from £20 per member to £25 per member. As reflected in exchange rates and our need for funds to pay for minimal help in maintaining our records and accounting services, the production and mailing of Newsletters about three times each year, our share of the costs of INTERNATIONAL PRACTITIONER'S NOTEBOOK (now being produced by arrangement with the International Law Students Association and Nova University School of Law) and our biennial Proceedings, it was felt necessary to raise our dues for Regular Members from \$50 to \$60 per annum, and Institutional members from \$70 to \$80 per annum. Dues for Sustaining Members remain unchanged at \$100. For students currently enrolled in a full-time university program, we offer the opportunity to become associates of ABILA at no charge, without the right to be eligible to serve as members of international committees or to receive headquarters publications. Obviously, the budget is extremely tight, and if anybody can find any fat to cut, his or her advice would be very welcome.

This Newsletter is being sent to all 1997 members. Further 1998 publications of the ABILA will be sent only to persons who have paid their dues for 1998 by May 30, 1998.

IN THIS ISSUE...

Dues for 1998	1
International Law Weekend 1997	1
International Law Weekend 1998	2
International Practitioner's Notebook	2
American Branch Proceedings	2
Other Activities of the ABILA	3
International Law Association Biennial Conference	3
ILA Branch Conferences	4
ILA Executive Council Meeting	4
American Branch Committee Activities	5
Committees of the American Branch, ILA	5
ILA Committees, 1998	6

A membership form is enclosed with this Newsletter. Checks should be made payable to the American Branch of the International Law Association. The form and a check should be sent to our Hon. Treasurer:

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

International Law Weekend 1997

International Law Weekend 1997 took place 6-8 November and was the expected grand success. Much of the credit must go to our co-sponsoring organizations:

The Association of the Bar of the City of New York, whose House at 43 West 44th Street was the site of the receptions, substantive panels and the luncheon on Saturday, 8 November. The scheduled speaker for the luncheon, the Hon. David R. Andrews, Legal Adviser of the Department of State, was held in Washington at the last moment, but sent a copy of his address, which was read by Mary Catherine Malin, Esq., of his office. It was followed by a lively discussion. The address will be printed in our usual Proceedings.

Other co-sponsors were the Association of the Bar of the City of New York 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. In addition, generous co-sponsorship was received from 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. To all we are grateful.

Highlight of the gala dinner on Friday, 7 November, at the Century Association was a presentation by Kluwer Law International of an award to Professor Louis Henkin of Columbia University for a lifetime of enlightened dedication to the ideals of international law. The award was a book of essays edited by Professors Jonathan I. Charney, Mary Ellen O'Con-

nell and Donald K. Anton. Professor Henkin titled his address at the gala dinner: Law and the Millennium: Faith, Hope and Schizophrenia.

Tapes of the recorded panels are available at \$10 per panel from:

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

International Law Weekend 1998

International Law Weekend 1998 is already in the works. The dates will be Thursday evening-Saturday afternoon, 12-14 November. The Program Committee for ILW 1998 has been appointed. One Chair will be occupied by:

Mark S. Zaid, Esq., Suite 1175
1501 M St., NW
Washington, DC 20005
e-mail: zaidms@aol.com
Fax:(202)223-4826

A Co-Chair has been appointed:

Professor Kelly Askin
University of Notre Dame
Ctr 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.

In addition to the generous support of our co-sponsoring organizations, a gift of \$1,000 was received "for general support" from the Lillian Baumann Fund administered by The Oregon

Community Foundation. The gift will be used to help defray the costs of maintaining International Law Weekend without registration fees, to assure an ample supply of coffee and bagels during the morning sessions, and to help cover the costs of students attending the other meals at International Law Weekend. We are very grateful to the Lillian Baumann Fund for its help.

International Practitioner's Notebook

The International Law Students Association (ILSA) published and distributed International Practitioner's 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.

Professor Garrett has now left Nova Southeastern University. Nonetheless, 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 1997.

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. 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 by the Hon. David R. Andrews and Prof. Louis Henkin given at International Law Weekend 1997.

1998 Membership in the ILA and Its American Branch

This form may be used to establish or to renew your membership in the International Law Association and its American Branch. Here's what your dues go for: £25 (about \$41) of the total is forwarded to the headquarters in London and buys your membership in the umbrella organization; the balance (about \$19) is retained by the branch to finance branch activities. Membership entitles you to participate in Branch and ILA committees and buys you a subscription to: the *ILA Newsletter*. Proceedings of the ILA's Biennial Conferences, the *AB-ILA Newsletter*, *International Practitioner's Notebook* and the *Biennial Proceedings* of the American Branch. Your membership payment helps to finance all of the Branch's activities, most notably including International Law Weekend, the premier event of its kind in the United States.

Annual Membership Dues

Regular Individual Membership	\$60.00	<input type="checkbox"/>
Sustaining Individual Membership	\$100.00	<input type="checkbox"/>
Institutional (Firm, Corporate or Non Profit)	\$80.00	<input type="checkbox"/>
Student Associate	Free	<input type="checkbox"/>

Are you a new member? renewing member?

Name

Institution and Address

Fax Number and/or Internet Address

Please indicate here any committees on which you wish to serve (or for student associates be an observer) (This information will be forwarded to Charles D. Siegal, Esq., the Director of Studies)

Return to: Stephen J. Shapiro, Esq., Honorary Treasurer
101 West 57th St., Suite 2D
New York, New York 10019-2215

AMERICAN BRANCH of the
INTERNATIONAL LAW ASSOCIATION

Chair of the Executive Committee:
EDWARD GORDON

President:
ALFRED P. RUBIN

Vice-Presidents:

P. NICHOLAS KOURIDES
JOHN F. MURPHY
JAMES A. R. NAFZIGER
CHARLES D. SIEGAL
RUTH WEDGWOOD

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VED P. NANDA
JOHN NOYES
W. MICHAEL REISMAN
DAVID RIVKIN
MICHAEL SCHARF
JAN SCHNEIDER
PETER WINSHIP

Director of Studies:
CHARLES D. SIEGAL

Other Activities of the ABILA

The Executive Committee of the American Branch met on 8 November 1997, during International Law Weekend. The major items were:

1. Review of the proposed new ILA Constitution and committee Regulations;
2. Review of the record-keeping and expenses of the Branch;
3. Review of the publications and other activities of the Branch.

It was agreed that the system of voluntary record-keeping is barely adequate; the *pro bono* efforts of the major law firms and universities interested in our work are no longer adequate to the burdens of membership dues and address-keeping. If you consider the amount of our dues we must render to Headquarters (which is a very minimal operation, dependent largely on voluntary contributions of time and space there, but with some overhead to pay and publications to produce and distribute), plus the cost of producing and distributing our own publications, it is clear that our dues are the absolute minimum necessary to keep us afloat. Indeed, without the small income from our small endowment, occasional and very welcome gifts, the generosity of the co-sponsors of International Law Weekend, the arrangements with Nova Southeastern University with regard to International Practitioner's Notebook, and the voluntary help of many of our members and officials, operations at the current level would be impossible. Be warned: Anybody who complains about our inefficiencies will be asked to shoulder the organizational responsibilities that are the subject of complaint!

James E. Beggans, Esq., undertook to chair a committee to prepare a web-site for the Branch.

The Nominating Committee of the ABILA is being reconstituted. After many years of distinguished and time-consuming service, Professor Valerie Epps has stepped aside and Professor John F. Murphy, a Vice-President of the Branch, has accepted the Chair.

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
Tel:(886-2)936-7831; fax:(886-2)936-4024
E-mail:ILA68@tpts4.seed.net.tw

The Registration Fee for ILA members registering before 31 March 1998 is US\$400; accompanying persons \$200; full time students \$250. The registration fees for non-ILA members and their accompanying persons are \$600 and \$300 respectively. (It is cheaper to join the Branch and pay the members' fee than to register as a non-member.) Chairs and Rapporteurs of ILA Committees can register for only \$200. After 31 March 1998, the registration fee goes up by \$100 for members, their accompanying persons and non-members. The fees for all others increase by \$50 each.

A number of hotels in all price ranges have been reserved for our use. For details, please contact the organizers.

Substantial discounts for airline tickets have been arranged on EVA Air and China Airlines. Both airlines offer connections from Los Angeles, New York and San Francisco. Information about the fares and schedules can be obtained only by calling the airlines directly. Bookings must be made directly with the airlines to obtain the concessionary rates.

For EVA Air call 1-800-695-1188; for China Air call 1-800-227-5118.

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. If you have trouble finding the one nearest you, a full list with telephone numbers can be obtained from Professor Alfred P. Rubin: (617) 627-3700 x-2241; fax: (617)327-3712; E-mail: arubin@emerald.tufts.edu.

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

ILA Branch Conferences

The British Branch is planning a Regional Meeting in cooperation with the Centre for International Studies at Oxford University. The dates are 24-25 April 1998; the site is to be Rhodes House, Oxford. The topic is "The Role of Law in International Politics." The speakers' list is illustrious: Sir Arthur Watts, Professor Adam Roberts and Sir Franklin Berman start it off. Professor Anne-Marie Slaughter of the Harvard Law School and Benedict Kingsbury of Duke University Law School are in the program along with too many familiar names to list from (alphabetically) Canada, England, Finland, France, Germany, Israel, Scotland and Switzerland.

For detailed information, please contact Dr. Michael Byers, Jesus College, Oxford, OX1 3DW, United Kingdom. Telephone: (44-1865)279-680; Fax:(44-1865)279-687; E-mail: michael.byers@jesus.ox.ac.uk.

ILA Executive Council Meeting

The ILA Executive Council met in London on 21 November 1997. It was attended by Alfred P. Rubin, the current President of the Branch, Cynthia Lichtenstein, past-President, and Professor Kenneth Gallant of the University of Idaho School of Law, who was in Europe to attend a meeting of an ILA Committee. The major items for discussion were the new Constitution for the ILA and the reconsideration of rules for membership in ILA Committees. The Constitutional amendments are technical and relate primarily to things necessary under British law to assure the continued tax exemption of the organization. The only item of significant interest to the American Branch is a new provision requiring vacancies in the offices of the Association to be notified to the Executive Council at least 90 days in advance of its next meeting, and nominations to fill those vacancies to be made (by any member of the Executive Council, including the three members from the American Branch) approximately 30 days before elections. A full reprinting of the new Constitution will be published in the ABILA Proceedings and in the Proceedings of the ILA next after its biennial meeting in Taiwan.

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

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 from the branches 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 was suggested that it 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.

ILA Committees

New committee rules were approved. They will 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 at this moment has 344 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.

There is yet another way to join an ILA committee. Under the newly approved rules, chairs of ILA committees may 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 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.

Branch nominations: All ABILA nominations to international committees were approved and the current ILA committee memberships 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 Director of Studies directly.

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

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 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.

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

Co-Chairs:

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

Donald Francis Donovan, Esq.
Debevoise & Plimpton
875 Third Avenue
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

ECONOMIC SANCTIONS

Chair: Prof. John F. Murphy
Villanova Law School
299 North Spring Mill Road
Villanova, PA 19085-1682
Tel: (610)519-7065
Fax: (610) 519-5672

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

INTELLECTUAL PROPERTY

Chair: Professor Kari 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
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 MONETARY LAW/LEGAL ASPECTS OF
SECURITIES REGULATION**

Chair: P. Nicholas Kourides, Esq.
American Express Bank
World Financial Center
New York, New York 10285-2311

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
Tel: (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

REFUGEE LAW

Chair: Professor Stephen H. Legomsky
Washington University School of Law
Campus Box 1120
One Brookings Drive
St. Louis, Missouri 63130-4899
Tel: (314) 935-6469
Fax: (314) 935-6493

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

ILA Committees 1998

<i>Committee Name</i>	Chair	Reporter(s)	U.S. Member(s)
Accountability of International Organizations	P.H. Kooijmans (Neth)	Malcolm Shaw (UK) K. Wellens (Neth)	Paul Szasz
Arms Control and Disarmament Law	J. Dahlitz (A)	D. Fleck (G) E. Dahinden (Swi)	John Rhinelander Thomas Graham (alt)
Coastal State Jurisdiction Over Marine Pollution	K. Hakapää (Fi)	E. Franckx (B/Lux) E. Molenaar (Neth)(ass't)	John E. Noyes
Cultural Heritage Law	P. J. O'Keefe (NZ)	J.A.R. Nafziger (USA)	
Diplomatic Protection of Persons & Property	R. Bilder (USA)	B. Kokott (G)	David Caron David Bederman (Alt)
Extradition and Human Rights	A.P. Rubin (USA)	J. Dugard (SA) C. Vd Wyngaert (B/Lux)	Christopher Pyle Kenneth Gallant (alt)
Feminism and International Law	C. Chinkin (Aus)	K. Knop (Can) A-R Ketokoski (Fi)	Virginia Leary
Formation of Rules of Customary International Law	M.H. Mendelson (UK)	R. Müllerson (HQ/Est)	Davis Robinson
Inter-Country Adoption and Protection of the Family	To be reorganized		
Internally Displaced Persons	Luke T. Lee (USA)	R. Hoffman (G) Y. Shimada (J)	James A.R. Nafziger Mary Ellen Fullerton (alt)
International Civil and Commercial Litigation	P.E. Nygh (A)	C. McLachlan (UK) P. Blanquier-Cirelli (Fr)	Peter Trooboff Friedrich K. Juenger (alt)
International Commercial Arbitration	E. Gaillard (Fr)	P. Bowden (UK) H.A. Grigera Naon (Arg)	Philip D. O'Neill
International Human Rights Law and Practice	M. Scheinin (Fi)	Iwasawa (J) A. Byrnes (HK)	Thomas M. Franck Hurst Hannum (alt)
International Law in National Courts	G. Guillaume (Fr)	I. Shearer (Aus) T. Stein (G)	S. Schwebel E. Gordon (alt)
International Monetary Law	M. Giovanoli (Swi)	D. Carreau (Fr) T. Treves (It)	Cynthia Lichtenstein A.W.G. Newburg Ernest Patrikis (alt)
International Securities Regulation	C. Lichtenstein (USA)	K. Hobér (Swed) P. Willis (Aus)	Edward H. Fleishman Barbara J. Green (alt)
International Trade Law	T. Oppermann (G)	E.-U. Petersmann (Swi) Fred Abbott (USA)	John Jackson Gary N. Horlick (alt) Alan Swan
Islamic and International Law	vacant	vacant	Frank E. Vogel

<i>Committee Name</i>	Chair	Reporter(s)	U.S. Member(s)
Maritime Neutrality	D. Schindler (Swi)	W.H. von Heinegg (G)	George K. Walker Alfred P. Rubin (alt)
Refugee Procedure	K. Hailbronner (G)		Ved Nanda S. Legomsky (alt)
Regional Economic Development Law	J. Dutheil de la Rochère (Fr)	R. Ida (J) H. Hartnell (USA) P. Borba Casella (Brz)	Eric Stein Fred Abbott (alt)
Space Law	K.-H. Böckstiegel (G)	M. Williams (Arg)	Carl Q. Christol Stephen Gorove
State Succession	H. Bokor-Szegö (Hn)	B. Stern (Fr)	
Sustainable Development	K. Hossain (B'desh)	N.C. Schrijver (Neth)	David Leebron Oscar Schachter Alan Swan
Water Resources Law	C.B. Bourne (Can)	J. Dellapenna P. Wouters (UK) (ass't)	A.E. Utton (sec'y) L.A. Teclaff (alt)