

AMERICAN BRANCH
OF THE
INTERNATIONAL LAW ASSOCIATION
(FOUNDED 1873)

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ILA NEWSLETTER
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INTERNATIONAL LAW WEEKEND 1988

International Law Weekend will be held as usual in New York City and will take place this year on Friday, November 4th, and Saturday, November 5th. The full program and registration form is included with this Newsletter. 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 promising program includes panel discussions in the morning and afternoon of both Friday and Saturday. New to the program is an "Open Forum", featuring talks on diverse subjects of interest, to be held on Saturday afternoon.

LETTER FROM THE PRESIDENT OF THE AMERICAN BRANCH

To Our Membership:

At our Annual Meeting, to be held November 4, 1988, you will hear reports of the Branch's activities since November 1987. But for those members who unfortunately are unable to attend International Law Weekend, I thought I would use this space in our Newsletter to report on the activities of the Branch since that time.

By now you all must have received the 1987-88 Proceedings and Committee Reports. The publication and distribution of our Proceedings every two years is one of the major functions of the Branch since it is in the Proceedings that our Committees by their reports contribute significantly to the development of international law. We are all deeply indebted to Theodore R. Giuttari, our Vice President and ever intrepid Special Editor of our Proceedings who once again by his patience and diligence enabled us to receive the publication. Thanks also go especially to Prof. Edward Gordon who as Chair of the Committee on Committees oversaw the timely production of the Reports reprinted in our volume. The 1987-88 Proceedings are unique in that three of the committees publishing significant reports were recently created: the Committee on Antarctica, the Committee on Formation of Customary International Law, and the Committee on Recognition and

Enforcement of Foreign Public Law. These committees were formed in response to the emergence of new areas of interest to scholars in international law and their reports seem to me to be a significant contribution to the jurisprudence in their respective areas. Equally, the Committee on International Human Rights has submitted to the Proceedings a report on the right to food, a relatively new interest for this long standing committee of the American Branch. In this connection, you may have noted that the 1987-88 Proceedings list a number of committees with only Chairs. These are committees in formation, again in areas which seem to our "Director of Studies" (actually designated the Chair of the Committee on Committees) Prof. Edward Gordon to be new areas also meriting the attention of interested persons.

One of the characteristics that distinguishes the American Branch of the International Law Association from other international law organizations in the United States is that we are a branch of an international organization headquartered in London. (The Dean of my law school persists in referring to the North American Branch of the ILA because he cannot believe that if our geographic center is the United States we should claim to be the American Branch. Fortunately our Canadian sister branch has not raised any difficulties regarding our name.) Thus a major activity for us is the coming together of all ILA Branches at the bi-annual Conference of the ILA in one of the member countries. In 1988 the host branch was Poland, and the 63rd Annual Conference of the ILA took place in Warsaw on August 21-26. I am pleased to report that the American Branch delegation was the largest delegation other than that of our Polish host, with 34 of our members attending, together with 23 accompanying persons. We were disappointed by the absence of Monroe Leigh, who was temporarily ill at the time of the Conference, although he was to produce a paper for the Workshop on International Dispute Resolution (which was ably read in his absence by Nicholas Doman). Our delegation was extremely well received by our embassy in Warsaw. The Branch members attending the Conference received a briefing and a sandwich luncheon at the Embassy itself, and then that evening were received personally by the Charge d'Affaires Darryl Johnson for a cocktail reception in his home.

As those of you who have attended one of the ILA Conferences know, the work at these Conferences is chiefly carried on in the meetings of the committees of the ILA that are organized at the international level. The American Branch is honored to hold the Chairmanship of five of these international committees: the Committee on the Exclusive Economic Zone (Professor L.F.E. Goldie), the Committee on the Legal Status of Refugees (Dr. Luke T. Lee), the Committee on State Immunity (Mr. Monroe Leigh), the Committee on the Enforcement of Human Rights Law (Prof. R.B. Lillich, with Prof. Joan F. Hartman serving as Rapporteur), and the Committee on Transnational Recognition and Enforcement of Foreign Public Laws (Mr. Robert von Mehren), and brief reports from two of these Chairmen on the work of their respective Committees are included in this Newsletter. In addition to these Chairmen from the American Branch, approximately twenty American Branch members are members of International Committees. In addition, I shall be serving as Rapporteur of the new Committee on International Securities Regulation which is in formation and of which Russell Stevenson, formerly Deputy Counsel of the SEC, will be a member. Several other new Committees are also in formation and I expect that our Executive Committee at its November meeting will be recommending certain of our members to join these committees.

The intellectual work of the committee sessions that I was able to attend seemed to me to be very high and worthy of the Association's long tradition. (For a recounting of this tradition, see pages 42-61 of the Report of the Sixty-Second Conference, Seoul, 1986 which should now be in your hands.) For those of you who are unaware of the relationship between the American Branch and the International Association, each Branch pays a fixed sum received by it as dues as a subscription to Headquarters and it is this sum that supports the Headquarters organization, consisting of the very modest staff of two full time persons. Prof. Cecil Olmstead, a member of our Branch, is presently Chairman of the Executive Committee of the International Law Association and in that capacity contributes

greatly to the work of the international organization. Through our subscriptions to Headquarters, your dues also underwrite the work of the ILA on the international level. In this connection, however, I am sorry to report that there seems to be a fiscal crisis in the umbrella organization stemming principally from the fact that it is headquartered in London, thus incurring all its expenditures in pounds while its subscriptions from national Branches are received in dollars. For a number of years, of course, the ILA profited from the relative exchange rate, but now it is suffering from the fall in the dollar (relative to 1985) in addition to the normal increase in cost of living. At the meeting in Warsaw, therefore, the Full Council voted to increase Branch subscriptions by \$10 per Branch member. Thus the American Branch at its Annual Meeting in November will have to raise dues correspondingly. However, given that our dues are \$40 presently, it would seem that even with the increase, membership in the American Branch will still be a bargain for the opportunity to participate in its work in the field of international law.

Regarding other activities, the annual production of International Law Weekend is now so prestigious that the California Bar Association has decided to sincerely flatter us by imitation. The California Bar Association is sponsoring an "International Law Weekend" on the West Coast the weekend of November 13th. The International Law Section of the Bar Association was courteous enough to call and ask if I had any objection to the use of the name. Of course I felt the call to be a tribute to the reputation that the Weekend has built us over the years since Alona Evans first organized it.

Another activity of the Branch is, of course, the publication of International Practitioners Notebook, founded by Prof. Edward Gordon and ably edited for the past two years by Karen Hudes, Esq. of Washington, D.C. and Prof. Patricia Youngblood of Albany Law School. I am happy to announce that a search committee chaired by Howard Hill, Esq., has found two new editors to succeed Ms. Hudes and Prof. Youngblood: Robert Bostrom, Esq. of New York and Prof. Mark Jones of Mercer Law School. Bob Bostrom and Mark Jones urge all members of the ILA to submit writing to IPN and in particular have forcefully suggested to all members of the Executive Committee that we should consider it a duty of office to submit at least one piece every three years. I heartily concur. In case you have something you have written you wish to have considered for publication, here are their addresses: Robert Bostrom, Esq., Windels, Marx, Davies & Ives, 51 West 51st Street, New York, NY 10019 and Prof. Mark Jones, Walter F. George School of Law, Mercer University, Macon, Georgia 31207.

In this election year, the American Branch has engaged in another highly significant effort, spearheaded by our member Timothy Atkeson. Those of you who attended the 1987 Annual Dinner will remember that the dinner talk written by Cecil Olmstead suggested that the American Branch undertake to organize the various international law organizations in the United States to prepare a list of questions pertaining to the conduct of foreign relations by the United States that might be put to the Presidential candidates. The questions that Cecil proposed in this talk were reprinted in our last Newsletter and we received some comments from our members. We then were able to organize an interorganizational steering committee (with the jawbreaking name of "Committee to Encourage Candidate Discussion of Presidential Foreign Affairs Powers, U.S. Role in the United Nations and OAS, Peaceful Settlement of International Disputes Development of International Law, etc.", or the "Committee to Encourage Candidate Discussion" for short) with Tim Atkeson modestly giving himself the title of Secretary of the group. John Lawrence Hargrove represented the American Society of International Law, Joseph Griffin the International Law Section of the American Bar Association, Steven J. Stein the International Law Section of the Association of the Bar of the City of New York, John A. Perkins the Committee of International Law of the Boston Bar Association, Harry Endsley, the Public International Law Committee of the California State Bar Association, John Kiermaier, the Foreign Policy Association and Prof. Virginia Leary, the International Law and Practice Section of the New York State Bar Association. I attended the initial meeting in Washington D.C. as President of the Branch and the person who had contacted the variety of organizations to ask their participation and the nomination of the represen-

tative to the Committee. The Committee worked diligently to refine the questions (upon which Louis Sohn as President of the American Society of Law commented in detail). The ultimate result has through a number of different channels been presented to the candidates' Campaign Committees in the hope that one or more of the questions will be posed to the candidates in the upcoming debates.

In conclusion, I would like to say a word about one other important aspect of the American Branch. You will have noted in receiving the form for registration at International Law Weekend in this Newsletter that once again the Branch and the other sponsoring organizations are offering the Weekend to the bar, law students and all others interested without a registration fee. This educational service is possible because of the fact that the American Branch has no overhead. All of the officers, the Executive Committee and its Chairman, Bob von Mehren, the Editors of IPN, the members of the Program Committee for International Law Weekend (this year Prof. Michael Glennon, Prof. Mark Janis and Leonard Boudin), the Special Editor of our Proceedings Ted Giuttari, the Honorary Secretary Prof. David Leebron, the Honorary Treasurer Jonathan Blackman and Prof. Gordon as Chair of the Committee on Committees, do all of the work of the Branch without any paid staff. Indeed, we are very fortunate that our respective institutions (in my case Milbank, Tweed, Hadley & McCloy) in effect underwrite the American Branch's work in international law by the provision of secretarial and all other staff help.

Thus almost all of your dues go for our subscription to Headquarters and our printing and mailing costs. (We are also very grateful to Exxon Corporation, which for a number of years has made us an annual grant which helps to underwrite the costs of International Law Weekend and the presence there of the International Law Students Association). Each year International Law Weekend otherwise meets its expenses by receiving a royalty payment from Oceana/Condyne, the distributor of the tapes of the Panels. All I can say is thank you all, both individually and your firms and law schools that have so generously contributed your time and money to support the work of the American Branch.

LOCATIONS OF 64TH, 65TH AND 66TH CONFERENCES OF THE ILA

As previously announced, the 64th Conference of the ILA will be held in 1990 in Queensland, Australia. At the 63rd Conference of the ILA held in Warsaw, it was decided that the 65th Congress in 1992 will be held in Cairo, Egypt, and the 66th Congress in 1994 in Argentina.

CASSETTES OF INTERNATIONAL LAW WEEKEND

Condyne/The Oceana Group, 75 Main Street, Dobbs Ferry, New York 10522 has reproduced in cassette from certain of the panel discussions of International Law Weekend from 1975 through 1987 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.

PROFESSOR WILLIAM W. BISHOP

We sadly report the death of Professor William W. Bishop on December 29, 1987. Professor Bishop was until his death a member of the American Branch. Professor Bishop was one of the most renowned international lawyers in the country and a much beloved teacher. Moving tributes to Professor Bishop are printed in the April 1988 issue of the American Journal of International Law and the fall issue of The International Lawyer.

ANNUAL MEETING OF THE AMERICAN BRANCH

The Annual Meeting of the American Branch will be held on at 4:30 p.m. on November 4th 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 63rd ILA Conference held in Warsaw and the most recent meetings of the Executive Council
6. Recommendation for an increase in Annual Dues
7. Report on 1988 International Law Weekend and Annual Dinner
8. Report on the Administration of the American Branch
9. 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 Robert B. von Mehren, Chairman, Prof. Valerie Epps, Prof. Thomas Franck and Gary N. Horlick have proposed the following slate of officers and members of the Executive Committee to serve for the next two years. The slate will be presented to the membership of the American Branch at its annual meeting at 4:30 p.m. on Friday, November 4th.

PROPOSED SLATE

President	Executive Committee
Cynthia C. Lichtenstein	Robert B. von Mehren, <i>Chairman</i>
	James P. Beggans, Jr.
	Charles N. Brower
	Valerie Epps
	David G. Gill
	Edward Gordon
	Malvina Halberstam
	Howard B. Hill
	Gary N. Horlick
	Karen Hudes
	Mark W. Janis
	Richard B. Lillich
	Jerome Lipper
	John F. Murphy
	James A.R. Nafziger
	Ved P. Nanda
	W. Michael Reisman
	William D. Rogers
	Alfred P. Rubin
	Jan Schneider
	Frederick S. Tipson

*New position

In addition, the following will be renominated as Honorary Vice-Presidents at the meeting of the Executive Committee: John N. Hazard, Louis Henkin, Nicholas R. Doman, Monroe Leigh, Myres S. McDougal, Cecil J. Olmstead, Willis L.M. Reese, Oscar Schachter, Louis B. Sohn, and Richard Young.

SPECIAL REPORTS FROM AMERICAN CHAIRS OF INTERNATIONAL COMMITTEES

SUMMARY OF THE ACTIVITIES OF THE ILA COMMITTEE ON LEGAL PROBLEMS OF EXTRADITION IN RELATION TO TERRORIST OFFENSES Delivered in Warsaw, Poland, 27 August 1988

The Report of the Committee on Legal Problems of Extradition in Relation to Terrorist Offenses was adopted at the working session by an overwhelming majority, about 40-2, following a long and complex discussion which illustrated the technical and ideological difficulties faced and, to a remarkable degree, surmounted by the Committee. The Report includes a draft treaty, an explanatory commentary on that treaty pointing out a number of points of tension and explaining a number of areas in which the Committee went beyond the lex lata to suggest some progressive development of the law or, as some people might feel, regressive development. The Report also includes comments and partial dissents that some individual members of the Committee felt called upon to record separately; and, of course, all is to be published with the oral interventions made at this Conference, which can be cited if scholars, diplomats, lawyers and others find it useful to do so.

This completed the work of the Committee under its "remit."

The Executive Council meeting in London on 19 November will decide whether to discharge the Committee, to give it a new mandate and reconstitute it, which amounts to nearly the same thing, or to recharge it as a continuing body of well-known (in some cases perhaps notorious) experts in extradition law with very wide geographical and legal-system representation, a very open pattern of operation, unusual esprit and a record of what seems to be considerable accomplishment. Issues of principle seem to be involved which cut both ways.

We hope the Executive Council will consider both the needs of the International Law Association for dynamic change in Committee composition and the focus of Committee activity, and the recommendation for continuation with a re-charge passed unanimously by the working session after vigorous discussion of our substantive Report.

Alfred P. Rubin, Chairman

COMPLETION OF WORK OF THE INTERNATIONAL COMMITTEE ON TRANSNATIONAL RECOGNITION AND ENFORCEMENT OF FOREIGN PUBLIC LAWS

The International Committee on Transnational Recognition and Enforcement of Foreign Public Laws completed its work at the Conference. The Report and Draft Resolution of the Committee was discussed in open meeting. After the meeting, the Draft Resolution was put into final form. The Closing Session of the Conference accepted the Report of the Committee and the Resolution submitted by the Committee by acclamation. Thus, having completed its work, the Committee concluded its activities as of the end of the Conference.

Robert B. von Mehren, Chairman

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.

**PROGRAM FOR
INTERNATIONAL LAW WEEKEND
NOVEMBER 4-5, 1987***

Friday, November 4, 1988

10:00 a.m. - 12:15 p.m.

**Panel 1 International Lawyers: International Legal Practice
in the Twenty-First Century**

Moderator: Prof. Mark Janis
University of Connecticut
School of Law

Panelists: Prof. John Bridge
University of Exeter
England

Donald Cuneo
Shearman & Sterling

Prof. William Park
Boston Univ. School of Law

**Panel 2 Directors' Duties and Shareholder Rights in the
United States, Europe, and Latin America**

Sponsored by the American Foreign Law Association

Moderator: Professor Roger J. Goebel
Fordham University School of Law

Panelists: Milton Schwartz
Grant, Hermann & Schwartz

Pierre Raoul-Duval
Gide Loyrette Nouel
Paris, France

Walter F. Petzinger
Coudert Brothers

[U.K. Solicitor invited]

12:30 - 2:00 p.m.

Mid-Year Business Meeting/Fall Congress Session of
the International Law Students Association (ILSA)

*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, N.Y.

2:00 - 4:15 p.m.

Panel 1

**Options for a Law-Abiding United States Policy in
Central America**

Moderator: Prof. Thomas Franck

Panelists: Anne-Marie Burley*
Harvard Law School

Prof. Tom Farer
University of New Mexico
School of Law and
American University School of
International Service

Prof. Mark Janis
University of Connecticut
School of Law

Ambassador Covey Oliver

*Invited

Panel 2

Foreign Investment in the United States

Panel to be Announced

4:30 - 5:30 p.m.

Annual Business Meeting of the American Branch of
the International Law Association

4:30 - 6:15 p.m.

Student Workshops: Conference of Student
International Law Journals and Workshop on
Running an International Law Society

6:45 - 7:30 p.m.

Reception, The Princeton Club of New York

7:30 p.m.

Dinner, The Princeton Club of New York
15 West 43rd Street, New York, N.Y.
(Black Tie optional - \$42 per person)

Speaker: Prof. Tom Farer
University of New Mexico
School of Law and
American University School of
International Service

Topic: "The War over the Vietnam War: Who
Was Wrong and Should We Care?"

Saturday, November 5, 1988

9:00 - 10:00 a.m.

International Law Students Association: Regional
Jessup Competition Workshop

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

Panel 1

The PLO Mission Problem

Moderator: Prof. Harold Koh
Yale Law School

Panelists: Leonard Boudin
Rabinowitz, Boudin, Standard, Krinsky
& Lieberman

Keith Highet
Curtis Mallet-Prevost Colt & Mosle

Prof. Michael Reisman
Yale Law School

Abraham Sofaer
Legal Adviser, Department of State

Panel 2

**The Single European Act of 1992: Implications for
America**

Moderator: Steven J. Stein
Proskauer Rose Goetz & Mendelsohn
Chairman, Committee on International
Law of the Association of the Bar of
the City of New York

Panelists: Steven M. Brecher
Peat, Marwick, Mitchell & Co.
Director of 1992 Program

[Other Panelists to be Announced]

12:00 - 2:15 p.m.

Luncheon, The Association of the Bar of the City of
New York

42 West 44th Street, New York, N.Y.
(\$25 per person)

Speaker: Prof. Louis Sohn
University of Georgia School of Law
President, American Society of
International Law

2:15 - 5:00 p.m.

Open Forum

Moderator: Prof. John Noyes
California Western School of Law

Speakers: Prof. Claudio Grossman
Director, International Legal Studies
Program, American University

Topic: "Honduran Disappearances: The
First Case Decided by the Inter-
American Court on Human Rights
Exercising its Compulsory Jurisdiction"

Cynthia Price Cohen
United Nations Representative, Human
Rights Internat
Research Consultant, Defense for
Children International/U.S.A.

Topic: "The United Nations Draft
Convention on the Rights of the Child"

J. William Futrell
President, Environmental Law Institute

Topic: "Using International Agreements
to Protect Clean Air"