

# ABILA Newsletter

ISSUE NO. 55

ILA - Founded 1873

June 1999

James P. Beggans, Jr., our Hon. Treasurer when I joined the ABILA almost 30 years ago, a member of our Executive Committee and the Webmaster of our website, died suddenly on Wednesday, 28 April 1999. His son, James P. Beggans, III, e-mailed the news and it was passed on to the Executive Committee. We are all in some state of shock.

Prior to the tragic news of Jim Beggans's death, a Vetting Committee had been appointed to assist him in deciding what should appear in our website. The Vetting Committee consists of James Nafziger, John Noyes, Stephen Shapiro, Charles Siegal and Ruth Wedgwood, with Jim's successor in the 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

When Jim died, he was exploring a possibility for law firms to "link" to our web page. Anybody interested in exploring this possibility further should contact our new Webmaster as soon as possible.

We plan to include American Branch Committee Reports, the Newsletter, news of International Committees and Study Groups and other ILA happenings in the website. Also, op.ed. pieces, letters to the editor and other comments that the Vetting Committee agrees are worth wider distribution

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can be submitted directly to the new Webmaster.

Visit our Website: <http://www.ila.ambranch.org>

Other organizational changes are in process. Our Hon. Treasurer, Stephen J. Shapiro, has asked to be relieved. We are extremely lucky that Michael Gruson of Shearman & Sterling has agreed to take on the duties. Steve will remain a member of our Executive Committee and various other committees of the ABILA, much to our joy.

As if that were not enough, Peter Oppenheimer, our Hon. Secretary, has changed positions and no longer has the support of a law firm to help with the record keeping. We think we have found a new Hon. Secretary, but will pass the final word on that when things are a bit more clear. Peter has been extraordinarily active in the ABILA and has completely reformed our records.

More on the changes in administration later.

## International Law Weekend 1999

International Law Weekend 1999 is scheduled to take place Thursday evening through Saturday afternoon, 4-6 November 1999, at the House of the Association of the Bar of the City of New York, 43 West 44th Street. Arrangements are being made for Continuing Legal Education credit to be given as appropriate under the new regulations of the Association of the Bar of the City of New York. A committee to oversee the new arrangements was appointed. Kelly Askin will be in the chair, assisted by Malvina Halberstam, Scott Horton, Stephen Shapiro and Mark Zaid.

The gala dinner is scheduled for Friday evening, 5 November, at the Harvard Club, 27 West 44th Street.

The luncheon on Saturday, 6 November, will be at the House of the Association of the Bar as usual. The speaker will be Edwin Williamson, Legal Adviser to the Department of State in the Reagan Administration.

The overall theme is tentatively: *Entering the New Millennium: Public and Private International Law between the 20th and 21st Centuries*. And 1999 is the centennial of the Hague Conventions of 1899. Tapes of the recorded

panels are expected to be available from:

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

The Program Committee for ILW 1999 Chair is:

Professor Kelly Askin  
University of Notre Dame  
Center for Civil & Human Rights  
Notre Dame, IN 46556

## International Practitioner's Notebook

The International Law Students Association (ILSA) are set to publish a selection of the 1999 ILW papers.

## American Branch Proceedings

The 1999-2000 Proceedings will be sent after International Law Weekend 1999 to all 1999 members of the ABILA. They will, as usual, contain copies of the luncheon and dinner speeches at International Law Weekend, and Reports of our active Committees.

The Editor will again be:

Prof. John E. Noyes, Director  
International Legal Studies Program  
California Western School of Law  
225 Cedar Street  
San Diego, CA 92101

## ABILA Executive Committee Meeting

The Executive Committee of ABILA met during the Annual Meeting of the American Society of International Law in Washington, DC on Friday, 25 March, 1999.

A motion to authorize the election of a "President-Elect" was discussed at some length. Questions arose regarding the impact of the proposed new office in the absence of a limit on re-elections of an existing president. It was decided to refer the matter back to the Nominating Committee for further consideration.

James Nafziger, chairman of the Membership Committee, presented an interim report.

Charles Siegal, Director of Studies, sent his regrets at being unable to attend, and reported that our committee work was proceeding with only the normal strains.

The Honorable David R. Andrews, Legal Adviser to the Department of State, has requested the views of the president as to the qualifications of various people nominated to fill positions in the International Court of Justice at The Hague. A committee was appointed to review the issues and make the appropriate recommendations. It is headed by Edward Gordon (chairman of the Executive Committee and former president of the Branch), assisted by former Branch president and chair of the Executive Committee Cynthia Lichtenstein, and the current vice-presidents of the Branch: P. Nicholas Kourides, John Murphy, James Nafziger, Charles Siegal and Ruth Wedgwood.

## OTHER MEETINGS OF INTEREST

The Brazilian Branch is presenting a Regional Latin American Conference of the ILA in São Paulo, Brazil, 25-27 July 1999. The Conference is divided into three parts: MERCOSUL and International Law and the Environment are featured in panels on Monday, 26 July, and Human Rights will be the subject on Tuesday, 27 July. Many of the scheduled panelists will be familiar to members of the American Branch, including Lord Slynn, the Chairman of the ILA Executive Council, Hungdah Chiu, the President of the ILA, Cynthia Lichtenstein, former President of the American Branch, and others.

The Registration fee for ILA members after 1 May 1999 is US\$250; somewhat less for those who registered earlier.

## Dues

Notices of 1999 dues were sent not only to all 1998 members, but to recent past members who might have neglected to pay their dues for 1998 and to teachers of International Law and related topics at schools members of the Association of American Law Schools and to all American resident members of the American Society of International Law. Many of you will have received duplicate notices of dues. We hope you will understand the difficulties of limiting duplication, given our small organization, with no permanent staff and minimal dues. We certainly hope that you will rejoin us and remain active in the Branch. We try to keep track of accidental duplicate payments, and, as in the past, will try to either return the overpayment to you or, with your permission, calculate any overpayment as a partial payment of dues for the next year. We also remind you that The ABILA is a tax exempt 501(c)(3) organization and no goods or services are provided to members in return for their dues.

## News of Members

Professor Carl Q. Christol, for many years a Branch member of the ILA's Space Law Committee, was presented with a Lifetime Achievement Award of the International Astronautical Federation's International Institute of Space Law. The presentation was made at the Federation's 49th annual Congress at Melbourne, Australia in October 1998.

## ILA Executive Council Meeting

The Executive Council of the International Law Association met in London on Saturday, 22 May 1999. The ABILA was represented by Professors Cynthia Lichtenstein and James A.R. Nafziger.

Of particular interest to the ABILA was a proposal to hold a regional meeting of the ILA during the year 2001 in the Caribbean. If any member of the Branch is interested in helping to organize such a meeting, please get in touch with the President of the ABILA, Professor Alfred P. Rubin, at [arubin@tufts.edu](mailto:arubin@tufts.edu).

For those planning our events well in advance, the next biennial Conference of the Association is fixed for the last week in July of the year 2000 in London. The Conference for 2002 will be held at Easter time in New Delhi, India, and Berlin, Germany, will be host to the meeting in 2004.

A new publication has appeared: the "International Law FORUM du droit international." The bilingual title symbolizes the two official languages and multinational composition of the ILA. It is multi-disciplinary and welcomes submissions. It will cost US\$ 41 to individual members of the ILA (the regular price will be US\$ 127!), including all regular and contributing members of the American Branch. The FORUM will be available for no extra cost at the ILA website: <http://www.ila-hq.org>.

Manuscripts should be sent to:

Ms Annebeth Rosenboom  
Kluwer Law International  
P.O. Box 85889  
2508 CN The Hague  
The Netherlands  
tel.: (31-70)308-1528  
fax: (31-70)308-1515  
[Annebeth.Rosenboom@kli.wkap.nl](mailto:Annebeth.Rosenboom@kli.wkap.nl)

The publisher requests four double-spaced typewritten copies with consecutively numbered footnotes. 25 free offprints will be provided for each accepted paper.

## ILA Committees Policy

Under rules adopted formally at Taipei, Chairs of ILA Committees are empowered to 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 has 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.

Branches with more than 100 members may nominate two members to ILA Committees; branches with more than 250 members may nominate up to three. The American Branch currently has almost 250 members. All nominations are subject to the approval of the chairs of the respective committees and appointments to ILA committees are made by the ILA Executive Council at its semi-annual meetings.

## 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.

For example, a new ILA Committee on Teaching International Law has just been organized. The Reporter is Professor John King Gamble, and the two co-chairs of the parallel American Branch Committee, Professors Michael Scharf and Valerie Epps, have been nominated to be the ABILA members. The nomination of a third is currently under consideration.

Nominations to ILA Committees must be submitted by Branch Presidents eight weeks before a semiannual meeting of the ILA Executive Council, and be accompanied by a curriculum vitae. Membership in ILA Committees must be

approved by the Executive Council, which usually meets in London in mid-November and mid-May.

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.

### **ILA Study Groups**

The ILA has begun forming "Study Groups" with one member from each Branch to supplement the work of its committees. The Branch member is selected by the Chairman of the Study Group subject to the approval of the Director of Studies and the President of the pertinent Branch.

To date, there have been two such Study Groups established. One on the proposed International Criminal Court is headed by John Dugard of the South African Branch; the ABILA member he requested is Professor Leila Sadat Wexler, the Chair of the parallel American Branch committee. Another is a Study Group on the Law of State Responsibility. Its charge is to help evaluate the work of the International Law Commission on this topic. The Chair is Professor Dr. Peter Malanczuk of the Netherlands Branch; the ABILA member is Professor David Caron.

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 ILA committees, their chairs, reporters and American Branch members is appended to this Newsletter.

## **American Branch Committee Activities**

A number of other ABILA committees have been relatively inactive for the past two years and their chairs are now vacant. Persons interested in subject matter that might come within the purview of any of those committees and with a plan for a Reporter or other active work should contact the Director of Studies. In the absence of interest in continuing the work of those committees, they will be "sunsetting."

The new Chairman of the American Branch Committee on Extradition and Human Rights (a subject that might be of

particular interest to those following the Pinochet proceedings in England and Spain) has specially indicated that his Committee would welcome new members. Those interested may contact him directly:

Professor William Aceves  
California Western School of Law  
225 Cedar Street  
San Diego, CA 92101  
wja@cwsl.edu

For further information on this and other committees, please contact the Branch Director of Studies:

Charles D. Siegal, Esq.  
Munger Tolles & Olson, 35th Fl.  
355 South Grand Avenue  
Los Angeles, CA 90071-1560  
SiegalCD@mto.com

## **American Branch Committee Policy**

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 of the American Branch, ILA**

### **ARMS CONTROL AND DISARMAMENT**

Chair: vacant

### **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.  
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. Günther Handl  
John Giffen Weinmann Hall  
6329 Freret St.  
Tulane Univ. School of Law  
New Orleans, LA 70118-5670  
Tel: (504) 862-8825  
Fax: (504) 862-8855  
ghandl@law.tulane.edu

#### EXTRADITION AND HUMAN RIGHTS

Chair: Professor William Aceves  
California Western School of Law  
225 Cedar Street  
San Diego, CA 92101

#### EXTRATERRITORIAL JURISDICTION

Chair: vacant

#### FORMATION OF RULES OF CUSTOMARY 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 Karl Jorda  
Franklin Pierce Law Ctr.  
2 White St.  
Concord, NH 03301  
kjorda@fpic.edu

#### 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 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: Professor George K. Walker  
Wake Forest University Law School  
P.O. Box 7206, Reynolds Station  
Winston-Salem, NC 27109-7201  
Tel: (336)758-5720  
Fax:(336)758-4496

Vice-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

SPACE LAW

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

LEGAL ASPECTS OF INTER-COUNTRY  
ADOPTION AND PROTECTION OF THE FAMILY

Chair: Prof. Gail McKnight Beckman  
Georgia State University College of Law  
University Plaza  
Atlanta, GA 30303-3083  
Tel: (404) 651-2715  
Fax: (404) 651-4219

TEACHING INTERNATIONAL LAW

Co-Chairs:

Professor Valerie Epps  
Suffolk University School of Law  
41 Temple St.  
Boston, MA 02114  
Tel: (617)573-8562  
Fax: (617)573-8143

Professor Michael P. Scharf  
New England University School of Law  
154 Stuart St.  
Boston, MA 02116  
Tel: (617)457-3009  
Fax: (617)422-7453  
mscharf@fac.nesl.edu

REFUGEE LAW

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

## ILA Committees 1999

<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) K. Wellens (Neth)	Paul Szasz
Arms Control and Disarmament Law	J. Dahlitz (A)	D. Fleck (G) E. Dahinden (Swi)	John Rhinelander Thomas Graham George Walker
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)	James A.R. Nafziger (USA)	
Diplomatic Protection of Persons & Property	R. Bilder (USA)	B. Kokott (G)	David Caron David Bederman
Feminism and International Law	C. Chinkin (Aus)	K. Knop (Can)	Virginia Leary
Formation of Rules of Customary International Law	M.H. Mendelson (UK)	R. Müllerson (HQ/Est)	Davis Robinson
International Family Law	(being reorganized)		Gail McK. Beckman
Internally Displaced Persons	Luke T. Lee (USA)	R. Hoffman (G) Y. Shimada (J)	James A.R. Nafziger Mary Ellen Fullerton Louis Sohn

<i>Committee Name</i>	<i>Chair</i>	<i>Reporter(s)</i>	<i>U.S. Member(s)</i>
International Civil and Commercial Litigation	P.E. Nygh (A) P. Blanquier-Cirelli (Fr)	C. McLachlan (UK)	Peter Trooboff Friedrich K. Juenger
International Commercial Arbitration	Pierre Mayer (Fr)	P. Bowden (UK) Nagla Nassar (Eg)	Philip D. O'Neill Charles N. Brower Michael F. Hoellering David W. Rivkin
International Environmental Law	A.E. Boyle (UK) (being formed)	S. McCaffrey (USA)	
International Human Rights Law and Practice	M. Scheinin (Fi)	Iwasawa (J) A. Byrnes (HK)	Thomas M. Franck Hurst Hannum Charles D. Siegal
International Monetary Law	M. Giovanoli (Swi)	D. Carreau (Fr) T. Treves (It)	Cynthia Lichtenstein Michael Gruson A.W.G. Newburg Ernest T. Patrikis
International Securities Regulation	Edward H. Fleishman (USA)	K. Hobér (Swed) P. Willis (Aus)	Barbara J. Green Roberta Karmel Cynthia Lichtenstein
International Trade Law	E.-U. Petersmann (Swi)	P. Mavroidis Frederick M. Abbott (USA)	John Jackson Gary N. Horlick Alan Swan
Islamic and International Law	vacant	vacant	Frank E. Vogel
Refugee Procedures	K. Hailbronner (G)		Ved Nanda Stephen Legomsky
Regional Economic Development Law	J. Dutheil de la Rochère (Fr)	R. Ida (J) H. Hartnell (USA) P. Borba Casella (Brz)	Eric Stein Fred Abbott
Space Law	K.-H. Böckstiegel (G)	M. Williams (Arg)	Carl Q. Christol Stephen Gorove Michael Schmitt Edward R. Finch (Alt.)
State Succession	Brigitte Stern (Fr)	Wlad. Czaplinsky (Po)	
Sustainable Development	K. Hossain (B'desh)	N.C. Schrijver (Neth)	David Leebron Oscar Schachter
Teaching of International Law		John King Gamble (USA)	Valerie Epps Michael Scharf
Water Resources Law	C.B. Bourne (Can)	J. Dellapenna (USA) P. Wouters (UK) (ass't)	
ILA Study Group on State Responsibility	Peter Malnczuk (Neth)		David Caron
ILA Study Group on the International Criminal Court	John Dugard (S. Afr)		Leila Sadat Wexler

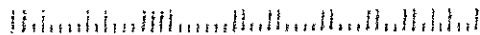
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American Branch *of the International Law Association*

# *ABILA Newsletter*