

ABILA Newsletter

ISSUE NO. 56

ILA - Founded 1873

September 1999

ABILA Website

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

The Vetting Committee to assist our Webmaster in deciding what should appear in our Website has been expanded. The Vetting Committee will be chaired by our Webmaster, Houston Putnam Lowry, and otherwise consists of James Nafziger, John Noyes, Stephen Shapiro, Charles Siegal, Ruth Wedgwood and Peter Winship.

We plan to include American Branch Committee Reports, the Newsletter, news of International Committees and Study Groups and other ILA happenings in the Website. Op.ed. pieces, letters to the editor and other comments that the Vetting Committee agrees are worth wider distribution can be submitted directly to the Chairman at:

Houston Putnam Lowry, Esq.
Brown & Welsh, P.C.
Meriden Executive Park
530 Preston Ave.
Meriden, CT 06450

71561.1601@compuserve.com
Tel: (203)235-1651
Fax: (203)235-9600

Organizational Changes

Other organizational changes: As reported in the June Newsletter, our Hon. Treasurer, Stephen J. Shapiro, has been relieved by Michael Gruson of Shearman and Sterling. Steve will remain a member of our Executive Committee and various other committees of the ABILA, much to our joy.

And Peter Oppenheimer, our Hon. Secretary, has reluctantly had to resign his post. The new Hon. Secretary is Saurabh Shah, Esq., of Davis, Polk and Ward-well in New York. Peter has become almost indispensable to our organization and we are hoping that he can remain with the Executive Committee.

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, 42 West 44th Street.

The Program Committee Chair for ILW 1999 is:

Dr. Kelly D. Askin, Legal Coordinator
War Crimes Research Office, Rm. 312
Center for Human Rights and Humanitarian Law
American University, Washington College of Law
4801 Massachusetts Avenue, NW
Washington, DC 10016

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(202)274-4184 Fax:(202)274-0783

Arrangements have been 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. The committee overseeing the new arrangements was chaired by Dr. Askin, 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 speaker will be the Hon. John Carey. Judge Carey has worked within the United Nations, practiced law, served on the Board of Editors of the American Journal of International Law and taught international criminal law. The cost of the Dinner will once again be \$80 per person. Student members of the ABILA, ILSA or any of our co-sponsoring organizations may come to the dinner at the highly subsidized rate of \$45.

The luncheon on Saturday, 6 November, will be at the House of the Association of the Bar as usual. The speaker will be the Hon. Edwin Williamson, Legal Adviser to the Department of State September 1990 to January 1993. The cost will be \$35 per person. Student members of the ABILA, ILSA or any of our co-sponsoring organizations may come to the luncheon at the highly subsidized rate of \$20.

Those wishing to have a box lunch for Friday, 5 November 1999, may order them at \$15 each.

A reservation form for box lunches, the dinner on 5 November and the luncheon on 6 November 1999 is enclosed. Since we must reserve a sufficient number of places well before the events, it is vital that your reservations be received by our Hon. Treasurer by the preceding Monday, 24 October 1999.

The overall theme for International Law Weekend 1999 is: *Entering the New Millennium: Public and Private International Law between the 20th and 21st Centuries*. Nor have the organizers forgotten that 1999 is the centennial of the Hague Conventions of 1899. The preliminary program is enclosed herewith. Tapes of the recorded panels are expected to be available.

International Practitioner's Notebook

The International Law Students Association (ILSA) is set to publish a selection of the 1999 ILW papers in the International Practitioner's Notebook again. Editor-in-Chief for 1999-2000 is:

Jason Ciofalo, Esq.
ILSA Journal of International & Comparative Law
Nova Southeastern University
Shepard Broad Law Center
3305 College Avenue
Ft. Lauderdale, FL 33314

Tel.: (954) 262-6005, 6026
Fax: (954) 262-3830
JasonC@nsu.law.nova.edu

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 gala luncheon and dinner speeches at the preceding two International Law Weekends, 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

As reported in the June Newsletter, the Legal Adviser to the Department of State requested the views of the ABILA President as to the qualifications of various people nominated to fill positions in the International Court of Justice at The Hague. A committee has been appointed to 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. The Committee made no recommendation with regard to the scheduled elections, and the President of the ABILA responded to the query from the Legal Adviser based on his own evaluations.

International Law Association Executive Council Meeting

As reported in the June Newsletter of the ABILA, the ILA Executive Council met in London on Saturday, 22 May 1999. Most of the meeting was spent arranging for the biennial ILA Conference, to be held in London the last week in July, 2000.

For those planning our events well in advance, the Conference for 2002 will be held at Easter time in New Delhi, India; Berlin, Germany, will be host to the meeting in 2004.

Other Conferences of the ILA are being discussed. There is a good chance that there will be a Caribbean Regional Conference in 2001. Those interested should contact our member in the ILA organizing committee:

Professor Cynthia Lichtenstein
Boston College Law School
885 Centre St.
Newton, MA 02159

lichtens@bc.edu
(617) 552-4384 Fax: (617) 552-2615

The first edition of "International Law FORUM du droit international" has appeared. The bilingual title symbolizes the two official languages and multinational composition of the ILA. It is multi-disciplinary and welcomes submissions. It costs 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

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

The next meeting of the ILA Executive Council is scheduled to be held in London on Saturday, 13 November 1999.

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 ILA Branch has expertise believed important to the work of the 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.

Any Branch may nominate one member to any ILA committee. 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 about 300 members. Under current ILA regulations, nominations must be made by the President of a Branch and be approved by the chair of the relevant committee before final appointment by action of the Executive Committee at one of its semi-annual meetings. It is important that nominations be submitted well in advance and be accompanied by a recent CV.

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.

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.

Currently, the names and CVs of Professors Guenther Handl, Edith Brown Weiss and David Bederman have been submitted for appointment to the ILA Committee on International Environmental Law.

ILA Study Groups

The ILA has begun forming "Study Groups" to supplement the work of its committees. One member from each of up to ten Branches is selected by the chair 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 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 report 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 chair 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 should 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

ABILA 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.

News of Members

Charles N. Brower has been appointed by the Government of Bolivia to be its Judge *Ad Hoc* in the Inter-American Court of Human Rights in a case involving that Government.

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@fplc.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

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

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

SPACE LAW

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

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

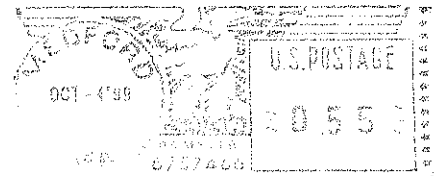
Professor Michael P. Scharf
New England University School of Law
154 Stuart St.
Boston, MA 02116
Tel: (617)457-3009
Fax: (617)422-7453
mscharf@fac.nesl.edu

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
International Civil and Commercial Litigation	P.E. Nygh (A) P. Bianquier-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

<i>Committee Name</i>	Chair	Reporter(s)	U.S. Member(s)
International Environmental Law	A.E. Boyle (UK) (being formed)	S. McCaffrey (USA)	Gunther Handl Edith Brown Weiss David Bederman
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. Hober (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 International Law	Hilary Charlesworth (Austral)	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 Malanczuk (Neth)		David Caron
ILA Study Group on the International Criminal Court	John Dugard (S. Afr)		Leila Sadat Wexler

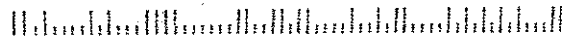
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American Branch of the International Law Association

ABILA Newsletter

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