ABILA Newsletter

ISSUE NO. 58

ILA - Founded 1873

April 2000

INTERNATIONAL LAW WEEKEND 2000

International Law Weekend 2000 is scheduled to be held 26-28 October 2000 at the House of the Association of the Bar of the City of New York. The principal papers will be published in the International Practitioners Notebook, which will continue to be distributed free of charge to all our members.

The Annual Dinner of the ABILA is scheduled to be held again at The Harvard Club. The speaker is scheduled to be Professor Ivan Shearer, the current holder of the Challis Chair in International Law at the University of Sydney, Australia, and scheduled to be the Charles H. Stockton Professor of International Law at the Naval War College, Newport, RI, during academic year 2000-2001. We expect that his address will be published in our biennial Proceedings.

The next day, the luncheon is scheduled to be addressed by Arthur W. Rovine, Esq., the newly elected President of the American Society of International Law. That address, too, should be published in our next biennial Proceedings.

The chair of the program committee 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

kaskin@wcl.american.edu (202)274-4184 Fax:(202)274-0783

International Practitioner's Notebook

The International Law Students Association (ILSA) has published a selection of the 1999 ILW papers in the International Practitioner's Notebook again. You should receive your copy (gratis) shortly, if you have not received it already. The 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 are being sent to all 1999 members of the ABILA. In addition to the usual printing of the dinner and luncheon speeches given at ILW 1998 and 1999, and ABILA Committee Reports for 1999, the 2000 Proceedings also contain a full listing of ABILA Committees and the Report to the Executive Committee of its Membership Committee headed by Professor James A.R. Nafziger. In addition, an Index of all ABILA Proceedings from 1922 to 2000 has been prepared. Copies will be sold to whoever orders them. The price has not yet been fixed.

Because of the number and length of various ABILA Committee Reports and other documents, and the pending revisions to the ABILA Constitution and By-Laws noted below, it was decided not to print the current Constitution and By-Laws in the 1999-2000 Proceedings.

The Editor-in-Chief of both the 1999-2000 Proceedings and the 1922-2000 Index is:

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

At its mid-year meeting in April 2000, the ABILA Executive Committee considered many items of general

interest.

The most important one for our membership was a proposal to amend our Constitution and By-Laws to provide for the election of a President-Elect. It will be presented for formal discussion and perhaps adoption at the general Business Meeting during International Law Weekend 2000.

Briefly, the amendment to our Constitution provides for the additional officer, the President-Elect, to serve in the final two years of a President's term, and the President's term to be limited to four years (to be followed by a term as Chairman of the Executive Committee of the ABILA). The amendments to our By-Laws provide for the new officer to serve in place of the President in appropriate circumstances. The thought is that two years as President-Elect will enable a succeeding President to be familiar with the operations of the Branch before taking formal office; two years as President alone allow for the usual functions to be performed; and in the final two years of the normal four-year term, the President would be assisted by a President-Elect. Thus, the person acting as President would have six years of some authority in the ABILA, as is frequently the case at present, but would have help in the first and final two years. As we become a more complex organization, that adjustment seems to the Executive Committee to be very useful indeed.

Article 12 of our Constitution provides for Amendments at any regular meeting of the Branch by a vote of three-fourths of the members present (there is no specific quorum requirement in our Constitution, but the more members attend, the more likely the amendment is to be fully discussed and to represent the views of the membership; our By-Laws specify ten members as constituting a quorum for any meeting of ABILA members). Notice of the proposed amendment must have been given in the notice of the meeting and that notice must be given more than twenty and less than fifty days before the date of the meeting. That notice will be repeated in our next Newsletter to fill that basic requirement. All members of the Branch are eligible and invited to attend the general meeting at International Law Weekend on Friday, 27 October 2000.

The Executive Committee may alter the By-Laws, but only in ways consistent with our Constitution, thus the amendment to the Constitution must be presented to the annual meeting for adoption in October and the proposed amendments to the By-Laws will form part of the background necessary for those attending to understand the function of their vote.

Several other Reports were presented and discussed. Of particular interest might be the Report by Professor John E. Noyes, Editor-in-Chief of our biennial Proceedings, about the extraordinary length of the 1999-2000 Proceedings and

the compilation of an Index of past Proceedings back to 1922. In view of the length of the regular Proceedings and our perennial financial difficulties, it was decided to have the new Index printed separately and sold at approximate cost to interested members and others rather than being distributed generally.

Not discussed, but still of potential interest as reported in the ABILA Newsletter last January, our sister organization, the Canadian Branch of the ILA, is interested in closer cooperation between our Branches and would welcome visits from American Branch members. If any member of the American Branch is interested in pursuing this Canadian initiative, please contact the President of the American Branch, Professor Alfred P. Rubin: arubin@tufts.edu.

Dues and Gifts for 2000

Our Regular, Sustaining and Institutional membership for 2000 is not quite at the 250 we need to support up to three members in ILA Committees, but close. Our dues remain at \$60 per year for Regular Memberships, \$100 for Sustaining Memberships and \$80 per year for Institutional Memberships. We lose a little bit on each member but balance our budget with the help of the income from our small endowment plus occasional gifts. It should be borne in mind that a major proportion of our dues must go to support the Headquarters Office in London (£25 per Regular and Sustaining member, £50 per Institutional member), and the costs of producing and distributing our publications are borne by what is left of the dues plus some help from educational institutions which themselves are on a tight budget. Those who have neglected to pay their dues should send in their checks as soon as they can. As noted in the January Newsletter, in lieu of this Newsletter, an invoice and covering explanatory letter is being sent to those past members whose renewal check we have not yet received. We hope that will encourage them to rejoin the organization. Also, those past members who are listed a members of ABILA or ILA Committees but have not paid their dues for 2000 are being reminded or indeed dropped from their respective Committees.

We are very pleased to acknowledge with gratitude a gift of \$1000 from the Oregon Community Foundation. Such gifts make it possible for us to continue the practice of allowing free Student Membership in the Branch. They pay for printing and distributing our publications to students during the year and subsidize meals for student Members at International Law Weekend.

Checks for Regular, Sustaining or Institutional Memberships, and gifts to the Branch should be made payable to the American Branch, ILA, and should be sent to our Hon. Treasurer:

Michael Gruson, Esq. Shearman & Sterling 599 Lexington Avenue New York, NY 10022

Membership application forms are also available and can be downloaded from our website: http://www.ila.ambranch.org.

We are a tax exempt 503(c)(3) organization and no goods or services are provided to members in return for their dues or to donors for their gifts.

International Law Association Biennial Conference

The 69th Conference of the International Law Association is scheduled to be held at Barbican Centre, London, on 25-29 July 2000 with a welcoming reception to be held at the Great Eastern Hotel on Sunday evening, 23 July. The entire day, 24 July, will be spent (at an additional cost of £67.50 per person) on a trip to the Millennium Dome and Greenwich. Other social events at an additional cost include trips to Royal Windsor and Runnymede, Leeds Castle and Canterbury, and an evening at the rebuilt Globe Theatre. Various other social events, such as the gala dinner at Guildhall and various receptions do not involve additional fees but are covered by the Registration fee. Registration for Regular and Sustaining members of the ABILA cost £295 prior to 15 May. After 15 May, the fee rises to £415 and at the Conference itself the fee for Regular or Sustaining ABILA Members will be £470. Students can register prior to 15 May for £105. After 15 May the fee rises to £140 and at the Conference itself to £155. Persons accompanying Members can register for £125 at any time.

All fees include 17.5% VAT. That amount might be refunded to American residents on appropriate application on leaving the United Kingdom. The VAT Registration Number is 749004828.

Payment can be made by sterling check (known in England as a cheque) payable to "International Law Association 2000," or by American Express, Diners Club, Visa, MasterCard, or Eurocard sending the card number, expiry date, name of cardholder and a signature in the Registration Form to:

ILA 2000 P.O. Box 2059 Rayleigh SS6 7DB United Kingdom

Questions about it all are best answered by the ILA people directly at: telephone (44-1268)773-941; fax:(44-207)504-

8391, or e-mail at london@cs.com.

The working program features a number of panels with leading participants in the world of international law. Familiar to members of the American Branch of the ILA might be Mr. Stanley Fisher, First Deputy Managing Director of the IMF, who is scheduled to appear in the panel on Reform of the International Monetary System. HE Judge Rosalyn Higgins should have the chair of the panel on Mass Migration and Humanitarian Intervention. According to the preliminary program, Ambassador Charlene Barshefsky will be on the WTO panel and a panel on Trade and Investment Disputes will be chaired by Professor John Jackson. A panel on Globalization of Civil Disputes will have Conrad Harper; The Hon. Harold Honju Koh will chair a panel on the Use of National Courts in Human Rights and International Environmental Disputes in which Professor Jack Goldsmith and Mr. Peter Weiss will participate. Sixteen concurrent working sessions are scheduled for work on Committee Reports, many of which have ABILA members as chairs or Reporters. In sum, it looks like a busy, productive and exciting Conference.

We are trying to post the preliminary program and registration form in the ABILA website: www.ila.ambranch.org. It should also be available for downloading at the ILA website: www.ila-hq.org.

The formal site of the Conference will be the Barbican Centre, Silk Street, London. Hotel accommodations range in price from the Great Eastern at £268 per night for a double or twin room without breakfast to the Holiday Inn Express at £84.55 including a continental breakfast. There are also single rooms labeled "University Accommodation" (presumably only for students) at Alter Sickert Hall and Sundial Court for £26.30 and £21 per night.

Those making early arrangements should plan on arriving in London on Sunday, 23 July 2000. That evening there is to be a reception at the Great Eastern Hotel. The next day, Monday, will be the excursion day to Greenwich. The gala dinner is scheduled for Friday, 28 July, and the open plenary session of the ILA on Saturday morning, 29 July 2000.

There are no plans to negotiate special air fares. The organizers felt that the prices for tickets now available through travel agents and on the web could not be reduced significantly.

Members of the ABILA might also be interested to note that we have been in touch with the American Embassy in Grosvenor Square, London, and anticipate a reception at the Embassy on Wednesday evening, 26 July 2000, for Americans attending the Conference. Details will be available at the Conference.

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

ILA CARIBBEAN Regional Conference

A Regional Conference of the ILA is being planned for Barbados in April 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

ILA Executive Council Activities

The next meeting of the ILA Executive Council is scheduled to be held in London on Saturday, 20 May 2000. There will, of course, be another meeting of the Executive Council at the Conference

ILA Committees Policy

Under rules adopted formally at Taipei in 1996, 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 just under the 250 needed to continue to qualify us for three members per ILA Committee, and it is expected that we will have the necessary number shortly. 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. Current ABILA chairs, reporters and members of ILA Committees are shown at the end of 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.

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 Nadya Sadat, 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.

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 "sunsetted."

The Branch Director of Studies is:

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.

Committees of the American Branch, ILA

ARMS CONTROL AND DISARMAMENT

Chair: Hon. Linda Wilde The Superior Court

San Bernardino, CA 92415-0240

lwilde@courts.co.san-bernardino.ca.us

COMMERCIAL ARBITRATION

Co-Chairs:

David W. Rivkin, Esq. Debevoise & Plimpton 875 Third Ave.

New York, NY 10022 Tel: (212)909-6671 Fax: (212)909-8323 dwrivkin@debevoise.com

Donald Francis Donovan, Esq. Debevoise & Plimpton 875 Third Avenue New York, NY 10022 Tel: (212)909-6000 Fax: (212)909-6836

dfdonova@debevoise.com

COMMERCIAL LAW

Chair: Houston Putnam Lowry, Esq.

Brown & Welsh, P.C. 538 Preston Ave.

Meriden, CT 06450-0183 Tel: (203)235-1651 Fax: (203)235-9600

HPLowry@BrownWelsh.com

Vice-Chair:

Professor Peter Winship

Southern Methodist University Law School

P.O. Box 75275-0001 Tel: (214)768-2575 Fax: (214)768=4330

pwinship@sun.cis.smu.edu

ECONOMIC SANCTIONS

Chair: Professor Mary Ellen O'Connell

Ohio State University College of Law

Drinko Hall

55 West 12th Avenue Columbus, OH 43210-1391

Tel: (614)292-8759 oconnell.44@osu.edu

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 Tel: (619)525-1589 Fax: (619)696-9999 wja@cwsl.edu

EXTRATERRITORIAL JURISDICTION

Chair: Professor Harold G. Maier

School of Law

Vanderbilt University Nashville, TN 57240 Tel:(615)322-2587 Fax:(615)322 6631

hal.maier@law.vanderbilt.edu

FORMATION OF RULES OF CUSTOMARY INTERNATIONAL LAW

Chair: Davis R. Robinson, Esq.

Leboeuf Lamb Leiby & MacRae

Suite 1200

1875 Connecticut Ave., NW Washington, DC 20009-5728

Tel: (202)986-8049 Fax:(202) 986-8102 drrobins@llgm.com

HUMAN RIGHTS

Chair: Charles D. Siegal, Esq.

Munger, Tolles & Olson 355 S. Grand Ave., 35th Fl. Los Angeles, CA 90071-1560

Tel: (213)683-9181 Fax: (619)687-3702 siegalcd@mto.com

INTELLECTUAL PROPERTY

Chair: Professor Karl Jorda

Franklin Pierce Law Ctr.

2 White St.

Concord, NH 03301

Tel" (603)228-1541 x-1109 Fax: (603)228-0388 or 224-3342

kjorda@fplc.edu

INTERNATIONAL CIVIL AND COMMERCIAL LITIGATION

Chair: Peter Trooboff, Esq.

Covington & Burling P.O. Box 7566

1201 Pennsylvania Ave. NW Washington, D.C. 20044 Tel: (202)662-5316 Fax: (662)6291 ptrooboff@cov.com

INTERNATIONAL CRIMINAL COURT

Chair: Prof. Leila Nadya Sadat

Washington University School of Law

Campus Box 1120 One Brookings Drive St. Louis, MO 63130-4899 Tel: (314)935-6411

Fax: (314)721-0958 wexler@wulaw.wustl.edu

INTERNATIONAL TRADE LAW

Chair: Professor Alan C. Swan

P.O. Box 248087 University of Miami School of Law

Coral Gables, FL 33124-8087

Tel: (305)284-2241 Fax: (305)284-6506 aswan@law.miami.edu

ISLAMIC LAW

Chair: Professor Frank Vogel

Harvard Law School Cambridge, MA 02138

Tel: (617)485-3183 or 496-8260

Fax: (617)496-2707 Vogel@law.harvard.edu

LAW OF THE SEA

Co-Chairs:

Professor George K. Walker Wake Forest University Law School

P.O. Box 7206, Reynolda Station Winston-Salem, NC 27109-7201

Tel: (336)758-5720 Fax:(336)758-4496

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 1124 Cba Building Atlanta, GA 30319-3083 Tel: (404) 651-2715

Fax: (404) 651-4219

REFUGEE LAW

Chair: Professor Stephen H. Legomsky

Washington University School of Law One Brookings Drive, Campus Box 1120

St. Louis, MO 63130-4899 Tel: (314) 935-6469 Fax: (314) 935-6493 legomsky@wulaw.wustl.edu

SPACE LAW

Chair: Prof. Stephen Gorove

University of Mississippi School of Law

P.O. Box 308

University, MS 38677 Tel./Fax: (601)234-2391 sgorove@olemiss.edu

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 vepps@acad.suffolk.edu

Professor Michael P. Scharf

New England University School of Law

154 Stuart St. Boston, MA 02116 Tel: (617)457-3009 Fax: (617)422-7333 mscharf@faculty.nesl.edu

ILA Committees 1999

Committee Name	Chair	Reporter(s)	U.S. Member(s)
Accountability of International Organizations	Sir Franklin Berman (UK)	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. Blanquier-Cirelli (Fr)	C. McLachlan (UK)	Peter Trooboff Friedrich K. Juenger

Committee Name	Chair	Reporter(s)	U.S. Member(s)
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)	S. McCaffrey (USA)	Guenther 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	EU. Petersmann (Swi)	P. Mavoidis Frederick M. Abbott (USA)	John Jackson Gary N. Horlick Alan Swan Joel Trachtman (Alt)
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	KH. Böckstiegel (G)	M.Williams (Arg)	Carl Q. Christol Stephen Gorove Edward R. Finch
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 Nadya Sadat