

# ABILA Newsletter

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## INTERNATIONAL LAW WEEKEND

ABILA's annual International Law Weekend will be held October 24-26, 2002 at the Association of the Bar of the City of New York. The theme for this year's conference will be "The Challenge of September 11: International Law and the Control of Violence." Although the focus of the conference will be on the role of international law in controlling violence, there will be panels on a variety of other topics as well.

Professor John F. Murphy of Villanova School of Law is Chair of the Weekend. Any member who would like to propose a panel for Weekend 2002 should send the proposed topic to Professor Murphy by April 30, 2002, at: [murphy@law.villanova.edu](mailto:murphy@law.villanova.edu). He can also be reached by telephone at (610) 419-7065, or by mail at Villanova University School of Law, 299 N. Spring Mill Road, Villanova, PA 19085. Younger members are particularly encouraged to think about organizing a panel. The ILSA Journal of International and Comparative Law of the Nova Southeastern University Law Center will publish papers presented at the Weekend.

International Law Weekend is free to all ABILA members, students and members of co-sponsoring organizations. For others there is a fee of \$35. Pre-registration is not required, but reservations for the annual dinner and luncheon must be made and paid for in advance. You may also want to view the ABILA website ([www.ila.ambranch.org](http://www.ila.ambranch.org)).

## BIENNIAL CONFERENCE IN NEW DELHI: April 2-6, 2002

The ILA's biennial conference will take place April 2-6, 2002 in New Delhi, India. As usual, the conference will feature working sessions of the ILA's substantive committees and study groups. Draft reports, guidelines and legal instruments will be presented for discussion and vote before referral to governments and international bodies for adoption. Following the final ceremony, a tour to Agra on April 7 has been arranged for participants.

Detailed materials including the tentative program of the conference, hotel accommodations, and a listing of pre- and post-conference tours, are available at [www.ila2002.org](http://www.ila2002.org). You may also write Mr. P.H. Parekh, Honorary Organizing Secretary, Parekh Chambers, 30 School Lane, Bengali

Market, New Delhi 110001. His phone is 91-11-3311838 and his fax is 91-11-3311951.

## DUES AND GIFTS FOR 2002

It is membership renewal time! Our dues remain at \$60 per year for Regular Memberships, \$100 for Sustaining Members and \$80 per year for Institutional Members. International Law Weekend remains free to all members. You may have already received or should shortly receive a membership letter, together with a renewal form, from our Honorary Secretary, Carlos Pelayo.

Our endowment and occasional gifts enable us to stay in the black. Because of our ongoing need for gifts, we would be most grateful for your generosity again this year.

Checks for Regular, Sustaining or Institutional Memberships and gifts to the Branch should be made payable to the *American Branch ILA* and sent to our Honorary Treasurer: Michael Gruson, Esq., Shearman & Sterling, 599 Lexington Avenue, New York, NY 10022.

## BOOK REVIEW OPPORTUNITY

Oxford University Press has offered to provide free evaluation copies of its new international law books to any ABILA members who prepare short book reviews for publication in the Newsletter. The Executive Committee has decided to explore this offer as a pilot program to determine the level of member interest and the feasibility of printing a limited number of book reviews. Book reviews are limited to 500 words in length.

Members interested in this pilot program should review the list of recently published international law titles on Oxford University Press's web site at <http://www.oup.co.uk/law/>. Members may also receive details of new Oxford University Press law books in their chosen area of interest on a monthly basis by signing up at <http://www.oup.co.uk/law/services/email-news>. Thereafter, they should contact Executive Committee member Peter Oppenheimer at [poppenheimer@yahoo.com](mailto:poppenheimer@yahoo.com). Mr. Oppenheimer will serve as the ABILA contact with Oxford University Press in overseeing the pilot book review program.

## THE ABILA HUMAN RIGHTS COMMITTEE

The Human Rights Committee, chaired by Charles Siegal, is numerically the largest ABILA committee (45 members). The Committee has attempted to assist in the development of international legal standards by participating in the development of international agreements. Most recently, as part of an effort initiated by the United Nations Consultative Expert Group on International Norms and Standards Relating to Disability, it prepared and submitted *Initial Draft Provisions for an International Protocol on Rights of Persons with Disabilities*. Unlike other instruments in the international disability rights area, this document draws substantially on United States experience codified in the Americans With Disabilities Act. No international instrument codifies the rights of persons with disabilities although those rights have been recognized in many recent constitutions and statutes. While the United Nations Standards provide some guidance, the Committee believed that it would be useful to propose a document with the force of law at the international level.

The Committee is also soliciting its members' comments on the draft report of the International Law Association's Committee on International Human Rights Law and Practice. This report addresses the impact on national courts and tribunals of United Nations human rights treaty bodies. Members of the ABILA Committee submitted comments to the international committee and anticipates submitting additional comments soon.

Participating in a number of *amicus* briefs, the Committee focused particularly on cases that addressed the issue of violations of the Vienna Consular Convention by United States federal and state law enforcement. Those cases included *Nguyen v. Greene*, in the 10<sup>th</sup> Circuit, *United States v. Bing Mu*, in the 1<sup>st</sup> Circuit, *Breard v. Netherland*, in the 4<sup>th</sup> Circuit and *Paraguay v. Gilmore*, in the United States Supreme Court. The Committee believes that its expertise in the areas of international human rights law is particularly valuable to domestic courts, which often lack experience in these areas.

The Committee expresses its views to Congress, too, most recently in a letter to the Senate Foreign Relations Committee on the Military Order issued by President George W. Bush on October 13, 2001. The Committee's letter addressed a number of difficulties raised by the order under international human rights law and international humanitarian law.

Earlier, the Committee prepared a report on the Vienna Consular Convention that it submitted to the United States Department of State in an effort to improve United States compliance with the Convention. It also submitted the report to the governor of California in conjunction with pending legislation in California on that subject. In conjunction with the ABILA Committee on the Legal Aspects of Inter-Country Adoption and Protection of the

Family, the Committee prepared a favorable report on a bill before the United States Senate to implement the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption.

The Committee also protested the Republic of Yugoslavia's censorship of educational institutions and Iran's execution of a person who had been convicted of converting from Islam to the Bahá'í faith.

## SPACE LAW

Carl Q. Christol, Distinguished Emeritus Professor of International Law and Political Science at the University of Southern California, is the new chair of the ABILA Committee on Space Law. Stephen Gorove had chaired the committee until his death in August 2001. Professor Christol gave the Borchard Foundation Lecture at the University of Southern California for 2002 on the topic of "International Law and United States Foreign Policy."

## IN MEMORIAM — MONROE LEIGH

Monroe Leigh, a long-time leader of the ABILA, died November 27 in Washington, D.C. He was an Honorary Vice-President of the Branch, having chaired the ILA Committee on State Immunity and taken on other important assignments at both ABILA and international levels.

During a legal career that spanned six decades, he worked primarily in the private practice of law, advising governments and furthering the development of international legal institutions as a scholar and public servant. He served as Legal Adviser to the Department of State under Dr. Henry Kissinger during the Ford Administration.

Monroe was a leader in shaping the U.S. position on war crimes issues, advocating the establishment of international criminal tribunals, including the war crimes tribunals for the Former Yugoslavia and Rwanda and the International Criminal Court. Until last year, he was Chairman of both the American Bar Association (ABA) Task Force on War Crimes in the former Yugoslavia and the ABA Working Group on the International Criminal Court. In that capacity, he was asked to represent the ABA at the Rome conference that drafted the treaty establishing the International Criminal Court. The author of numerous scholarly publications, Monroe was very active in numerous professional associations, serving in 1999-2000 as President of the Washington Institute of Foreign Affairs.

## ABILA COMMITTEES

Any member who is interested in becoming an active member of an ABILA committee should contact the Director of Studies, Charles D. Siegal, Esq., Munger Tolles & Olson, 35<sup>th</sup> Floor, 355 South Grand Avenue, Los Angeles, CA 90071-1560, [SiegalCE@mto.com](mailto:SiegalCE@mto.com).

## FREE MEMBERSHIP!

The American Branch has relied heavily on word of mouth to recruit new ILA members. Many if not most of us joined the organization on the recommendation of active members. The ABILA will offer a free membership for 2003 to the member who recruits the most new paid members during 2002. All you have to do to compete for the free membership is to report the names of the new paid members whom you have recruited. Please send this information no later than January 15, 2003 to Mary Ann Vellucci at Davis Polk & Wardwell, 450 Lexington Avenue, New York, NY 10017-3911.

## UNESCO CONVENTION ON THE UNDERWATER CULTURAL HERITAGE

On November 2, 2001, the General Conference of UNESCO adopted the Convention on the Protection of the Underwater Cultural Heritage. The unofficial vote (there was no roll call) was 87 in favor and 4 opposed, with 15 abstentions. The product of more than a decade of work begun by the International Law Association, it is the first new UNESCO convention since 1989 and the first on cultural property since adoption of the Convention for the Protection of the World Cultural and Natural Heritage in 1972. The Convention is substantially based on the Buenos Aires Draft Convention for the Protection of the Underwater Cultural Heritage, which the International Law Association adopted in 1994. In preparing the draft agreement over a period of four years, the ILA's eighteen-member Committee on Cultural Heritage Law consulted with a broad range of salvage-law experts, law-of-the-sea specialists, institutions and government officials.

In essence, the new UNESCO Convention:

- Establishes objectives and general principles, within the terms of the United Nations Convention on the Law of the Sea, to ensure and strengthen protection of the underwater cultural heritage.
- Requires parties to comply with detailed scientific rules concerning activities directed at heritage and to ensure compliance with these rules by their nationals.
- Requires parties to cooperate with each other in protecting and reporting on underwater heritage discoveries and activities involving their offshore jurisdictions.
- Requires parties to seize and dispose of heritage recovered in violation of the Convention and to impose effective sanctions for violations of measures under the Convention.
- Provides for scientific training, international cooperation, follow-up meetings, and peaceful settlement of disputes related to the Convention.

## CANADA CORNER

Welcome, American and Canadian readers, to what promises to be a vibrant new column in your newsletter. As your colleagues in the ILA and neighbors to the north, we hope to foster greater ties between our respective branches of the International Law Association.

The ILA Canadian Branch, together with the Canadian Bar Association's International Law Section, held a seminar last November in Toronto entitled "The Globalization of Capital Markets: The Impact on Securities Regulators and Practitioners." Global capital markets operate around the clock. Exchanges are merging across national borders. Companies routinely look beyond their "home" countries to satisfy their capital requirements. Yet, lawyers and regulators are still bound by national or – in the case of Canada – subnational, jurisdiction. We were honored and delighted to have two guest speakers debate these issues: David A. Brown, Q.C. Chair of the Ontario Securities Commission, and Edward H. Fleischman, Esq., of Linklaters, New York and Chair of the ILA's Committee on International Securities Regulation. The Program Chair was Milos Barutciski of Davies, Ward, Phillips & Vineberg and Chair of the Canadian Bar Association's International Law Section. The meeting was a great success and over 40 lawyers attended.

We are pleased to announce that Canada has been awarded the privilege of hosting the 2006 Biennial World Conference of the ILA. We have selected Toronto to be the venue, and a committee has already begun to form under the chairmanship of Bob Armstrong, Q.C., former Treasurer of the Upper Canada (Ontario) Law Society and a senior litigation partner at Torys. Professor Janet Walker of the Osgoode Hall Law School is heading up the Steering Committee. We hope by 2006 to attract 1,000 delegates and that, among them, we will receive many American participants, particularly given the proximity of our two countries. We will provide regular updates via this column and our website. The address of our website is [www.ila-canada.ca](http://www.ila-canada.ca).

We are preparing a speaker program for the year 2002. There will be events in Toronto, Ottawa, Montreal and Vancouver. Future updates will be given in this column and our website. We hope that members of the American Branch will feel welcome to participate at these events. You may also wish to become part of our e-mail list for such events. For any requests, or for further information, please contact Harry J.F. Bloomfield, Q.C., President of ILA-Canada; or David A. Johnson, Executive Director, at [ila@fieldbloom.com](mailto:ila@fieldbloom.com) or (514) 871-9571.