

341.05  
q161  
99-145

R

AMERICAN BRANCH

OF THE

INTERNATIONAL LAW ASSOCIATION

(FOUNDED 1873)

LAN  
J

**PRESIDENT**

**ROBERT B. VON MEHREN**

875 THIRD AVENUE, NEW YORK, N.Y. 10022

**CHAIRMAN, EXECUTIVE COMMITTEE**

**JOHN N. HAZARD**

**HONORARY SECRETARY AND TREASURER**

**P. NICHOLAS KOURIDES**

875 THIRD AVENUE, NEW YORK, N.Y. 10022

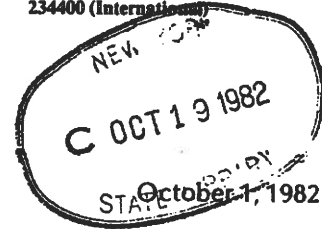
TEL: (212) 909-6000

TELEX: 12-6607 (Domestic)

234400 (International)

**ILA NEWSLETTER**

**Issue No. 25**



International Law Weekend 1982  
November 12 and 13  
Ambassador Gotlieb to Speak  
at Annual Dinner—Program Below

**INTERNATIONAL LAW WEEKEND 1982**

International Law Weekend will be held as usual in New York City and will take place this year on Friday, November 12 and Saturday, November 13, 1982. The American Foreign Law Association, the American Society of International Law and the Committee on Foreign and Comparative Law of The Association of the Bar of the City of New York will again join the American Branch in sponsoring the Weekend. An excellent Weekend is scheduled.

Panel discussions are planned for Friday afternoon, Saturday morning and Saturday afternoon. At the dinner on Friday night, the American Branch is privileged to have as its speaker The Honorable Allan E. Gotlieb, Ambassador of Canada to the United States, and at the luncheon on Saturday afternoon, the American Branch is honored to have as its speaker Professor Covey T. Oliver, the President of the American Society of International Law. All events will be held at The House of The Association of the Bar of the City of New York, except for the Friday night dinner on November 12 which will be held at The Princeton Club of New York. Professor Cynthia C. Lichtenstein and Mr. Gary N. Horlick have again organized the program for the Weekend.

~~Details of the International Law Weekend~~ are set forth below. Please note that no reservations for the annual dinner on Friday night will be accepted after 10:00 A.M. on Wednesday, November 10 and no reservations for the Saturday luncheon will be accepted after 10:00 A.M. on Thursday, November 11, or at such earlier times when all places are taken. Because the American Branch has been incurring large deficits for persons reserving places at the dinner and lunch and then not attending, *this year payment for the Friday dinner and Saturday lunch must be received in advance at least two days prior to the respective event or reservations will be automatically cancelled.* A registration and reservation form is enclosed herewith for your convenience.

**SPECIAL REPORT ON THE 60TH CONFERENCE  
OF THE ILA HELD IN MONTREAL FROM  
AUGUST 29 - SEPTEMBER 4, 1982**

The 60th Conference of the International Law Association was held in Montreal, Canada from Sunday, August 29 through Saturday, September 4, 1982. Planned and hosted by the Canadian Branch, the 60th Conference was by all standards a great success. Approximately 760 persons from 60 different countries attended the Conference, consisting of more than 555 delegates, 175 accompanying persons and 30 members of the press, students and observers. Over 90 persons from the

United States participated in the Conference, as well as approximately 100 from Canada, 70 from the Philippines, 50 from Australia, 45 from India, 40 from the United Kingdom, 35 from Germany, etc.

### **OPENING CEREMONIES**

The opening Plenary Session of the 60th Conference was held at the International Civil Aviation Organization building. The Secretary-General of the United Nations, the Honorable Javier Perez de Cuellar, addressed the Session.

### **WORKING SESSIONS AND RESOLUTIONS ADOPTED AT THE CONCLUDING PLENARY SESSION**

**1. Human Rights.** The International Committee on Human Rights during two sessions presented its Report prepared by its Chairman and Rapporteur, Professor Richard B. Lillich of the American Branch. The Report was divided into three parts: (1) a report of the subcommittee on the study of regional problems in the implementation of human rights: minimum standards of human rights norms in a state of exception; (2) a report of the subcommittee on the Helsinki Declaration; and (3) the Committee's proposed work program. In addition, the Indian Branch distributed its special report on "International Protection of Minorities or Individual Human Rights: Where Do We Go? The Indian Experience." The Association at its concluding Plenary Session resolved that the Committee should (a) complete its work on minimum standards of human rights norms in a state of exception, (b) continue to monitor the Helsinki Process and (c) after consultation with the Director of Studies of the ILA, undertake such additional research and study as such Committee deemed appropriate.

**2. Collisions at Sea.** The Committee on Collisions at Sea presented its Third Interim Report prepared by Mr. Donald Munro of the British Branch. The Report analyzed certain articles of the draft International Convention on Off-Shore Mobile Craft as approved by the Comité Maritime International at its 31st Conference held in Rio de Janeiro in September 1977 (the "CMI Draft Convention"). The Association at its concluding Plenary Session (a) expressed support for the CMI Draft Convention and recommended its favorable consideration to states presently parties to three other comparable international conventions as well as to states not yet parties to such conventions, (b) requested the Committee to consider further certain aspects of the CMI Draft Convention and (c) requested the Committee to report to the 61st Conference on any changes which should be made to the CMI Draft Convention and to other comparable conventions (either in force or in draft form).

**3. Conservation of the Environment.** The Committee on Legal Aspects of the Conservation of the Environment presented its Report prepared by its Rapporteur, Professor Dietrich Rauschnig of the Federal Republic of Germany. The Report set forth "Rules of International Law Applicable to Transfrontier Pollution" in the form of Articles and a commentary on those Articles. The Association at its concluding Plenary Session (a) approved such Articles, (b) recommended that such Articles be designated as the "Montreal Rules of International Law Applicable to Transfrontier Pollution", (c) requested that the Committee Report be transmitted to the Secretary-General of the United Nations for transmission to the International Law Commission, and (d) invited the Committee to examine additional legal aspects of the conservation of the environment.

**4. A New International Economic Order.** The International Committee on Legal Aspects of a New International Economic Order presented its Second Report at two sessions during the Conference. The Second Report was divided into five parts: (1) a survey of the legal aspects of a new international economic order, with particular reference to the actions taken by the United Nations General Assembly; (2) general principles and the Charter of Economic Rights and Duties of States (the "Charter"), including conceptual and institutional issues, such as the right to development as a human right; (3) permanent sovereignty over natural resources, including subjects relating thereto in Article 2 of the Charter; (4) transnational corporations, transfer of technology and restrictive business practices; and (5) legal aspects of the concept of a new international food order. Three additional and excellent reports on this topic were distributed at the sessions. The Netherlands Branch distributed a report on "Permanent Sovereignty, Foreign Investment and State Practice" prepared by Messrs. Paul Peters, Nico J. Schrijver and Paul J.I.M. de Waart; Mr. R. W. Benthann of the British Branch distributed a comment on "A NIEO"; and Professor David Flint on behalf of the Australian Branch distributed a report on "Foreign Investment and the New International Economic Order." Mr. Binod Behari Das of the Indian Branch also distributed a report on "The New International Economic Order." The various reports distributed to the delegates and the interventions by the delegates confirmed the lack of

consensus on many of the major issues covered by the Second Report. The Association at its concluding Plenary Session (a) resolved that the Committee should continue its work under its terms of reference defined by the Executive Council in accordance with the priorities indicated in the Second Report and should submit its next report to the 61st Conference, (b) recommended that the United Nations General Assembly consider taking steps to insure collation and review by a competent body of the work being done by different U.N. and other intergovernmental and nongovernmental bodies on the existing and evolving principles and norms of international law relating to a new international economic order and (c) recommended further that the Second Report of the Committee, together with the additional reports relating thereto and the Report of the 60th Conference, be transmitted to the Secretary-General of the U.N.

**5. International Monetary Law.** The Committee on International Monetary Law presented in two sessions its Report dealing primarily with (1) value clauses in international transactions and (2) Euro-Currency and governmental action. The American Branch distributed a report entitled "New National and International Movements Towards Disciplined Stabilization of Currency and Monetary Obligations Values (Anti-Floating)" prepared by Professor Charles Evan. The Association at its concluding Plenary Session (a) reiterated its recommendations that States uphold value clauses and other clauses designed to obtain equivalent results in existing contracts and other transactions and (b) requested the Committee to continue its study in connection with Euro-Currencies and governmental action and to report on that subject at the 61st conference with a view towards assessing the legal issues involved and making recommendations.

**6. International Commercial Arbitration.** The Committee on International Commercial Arbitration presented its Report on "Arbitration between Parties from Industrialized and Less Developed Countries" prepared by Professor K. H. Bockstiegel. The Report covered four areas: (1) the relevance of arbitration in commercial relations between industrialized and less developed countries; (2) the kinds of parties and the types of contracts involved; (3) the law and practice of developing countries regarding arbitration; and (4) the rules and institutions of arbitration that are often used in commercial relations between parties from industrialized and less developed countries. The British Branch presented a separate Report on "Delocalized Arbitrations and the New York Convention" which was also considered in depth during the panel discussion. In addition, Professor H. van Houtte, on behalf of the Belgian Branch, distributed a Report on "Arbitration and Development Under the Second Lome Convention." The Association at its concluding Plenary Session (a) supported the efforts to promote commercial arbitration as a method of settling business disputes between parties from industrialized and developing countries, (b) asked that the Report of the Committee and the proceedings of the Montreal Conference be submitted to UNCITRAL as well as to other institutions active in the area, and (c) requested that the Committee examine further developments in this field and present a progress report at the 61st Conference.

**7. Exclusive Economic Zone.** The International Committee on the Exclusive Economic Zone delivered its First (Preliminary) Report. The Report focused on two main areas: (1) basic considerations concerning the rights and duties in the exclusive economic zone, dealing primarily with the draft Law of the Sea Treaty and the formation of custom and the question of sovereign rights relating thereto, and (2) the relationship of the regime of the exclusive economic zone to the regime of the continental shelf and issues of delimitation. Professor L. F. E. Goldie of the American Branch is the Chairman of that Committee. The Association at its concluding Plenary Session resolved that the Committee should continue its present work and report on the additional tasks outlined in its Report at the 61st Conference.

**8. State Immunity.** The International Committee on State Immunity submitted its Final Report on State Immunity prepared by its Chairman, Mr. Monroe Leigh of the American Branch. The Report contained Draft Articles for a Convention on State Immunity and a section-by-section analysis of the Draft Convention. The Draft Convention included articles on immunity of a foreign state from adjudication, exception to immunity from adjudication, service of process, default judgments, extent of liability, immunity from attachment and execution, and exceptions to immunity from attachment and execution. The Association at its concluding Plenary Session (a) requested that the Report, together with the Draft Convention attached thereto and the record of the discussion at the Conference, be transmitted to governments and to the United Nations for consideration by the International Law Commission in its work on the topic of state immunity, (b) recommended that the Draft Convention be referred to as the "ILA Montreal Draft Convention on State Immunity" and (c) recommended that the Committee be dissolved because its work had been successfully completed.

**9. International Terrorism.** The Committee on International Terrorism under the direction of its Chairman and Rapporteur, Professor Alfred P. Rubin of the American Branch, presented its Fourth Interim Report. The Report principally discussed national jurisdiction and autointerpretation and the developments in the international law of war relating to international terrorism, and included a list of the multilateral treaties, bilateral treaties and provisions of municipal law relevant to international terrorism. No resolution concerning the work of the Committee was presented to the Association at its concluding Plenary Session.

**10. International Criminal Law.** The International Criminal Law Committee presented its Fifth Interim Report. The Report covered the following areas: (1) a Model Convention on Expatriation of Accused Persons for Trial and Sentence and Repatriation for Enforcement of Sentence (in both English and French); (2) an explanatory report containing an article-by-article analysis of the Model Convention; (3) a Draft Statute for an International Commission of Criminal Inquiry (in both English and French); (4) an explanatory report containing an article-by-article analysis of the Draft Statute; (5) a Draft Statute for an International Criminal Court. The Association at its concluding Plenary Session adopted four resolutions and requested, *inter alia*, that the Committee Report, together with the texts of the Model Convention on Expatriation and the Draft Statute for an International Commission of Criminal Inquiry and the explanatory reports thereto, be transmitted to the United Nations for submission to the Economic and Social Council and to member states of the U.N., with particular reference to the preparation for the 7th U.N. Congress on the Prevention of Crime and the Treatment of Offenders.

**11. Medical and Humanitarian Law.** The Committee on International Medical and Humanitarian Law presented its Report on "International Assistance to Victims of War" prepared by its special Rapporteur, Dr. Bosko Jakovljevic. The Report discussed principally the rules of international law in force relating to that topic. The Association at its concluding Plenary Session invited the Committee to continue its work and to submit to the 61st Conference a report analyzing the existing rules and proposing further development of those rules.

**12. Space Law.** The Committee on Space Law presented its Report prepared by Professor D. Goldhuis and Professor K. H. Bockstiegel. The Report was structured in the form of questions with commentary and responses thereto by the Committee members and was divided in two parts: (1) the conflicts in the interpretation of the leading principles of the Moon Treaty of 1979; and (2) the basic questions for a Draft Convention on the Settlement of Space Law Disputes. The Association at its concluding Plenary Session (a) confirmed the importance of a generally accepted Moon Treaty and the respect by all nations for the Treaty and (b) recommended that the Committee commence the formulation of a Draft Convention on the Settlement of Space Law Disputes on the basis of the Report within certain specific guidelines enumerated in the resolution adopted at the Plenary Session.

**13. International Water Resources.** The Committee on International Water Resources Law delivered its Report prepared by its Rapporteur, Professor C. B. Bourne. The Report provided draft articles on the rules on water pollution in an international drainage basin. The Association at its concluding Plenary Session (a) approved the draft articles included in the Report, (b) requested that the Report be transmitted to the Secretary-General of the U.N. for submission to the International Law Commission, and (c) requested the Committee to continue its study of the remaining topics within its terms of reference and to submit a report at the 61st Conference.

**14. Law of the Sea.** No Report on the Law of the Sea was prepared by the International Committee on the Law of the Sea. The American Branch distributed its Report of the Committee on the Law of the Sea. No resolution concerning this topic was submitted to the Association at its concluding Plenary Session.

**15. Air Law.** The Air Law Committee presented its Report prepared by Professor B. Cheng and Professor J. D. de la Rochere. The Report contained a Draft Convention on an Integrated System of International Aviation Liability Covering International Carriage by Air and Surface Damage Caused by Foreign Aircraft and an article-by-article commentary thereof. The Association at its concluding Plenary Session (a) requested that the Report, along with the discussions during the Conference, be transmitted to the International Civil Aviation Organization, the International Air Transport Association and other governmental and nongovernmental international organizations interested in

**INTERNATIONAL LAW WEEKEND 1982  
REGISTRATION AND RESERVATION FORM**

**TO :** P. Nicholas Kourides  
Honorary Secretary and Treasurer  
American Branch of the International  
Law Association  
875 Third Avenue, 24th Floor  
New York, N.Y. 10022

1. Please register the following participants:

---

---

---

(Registration is for statistical and planning purposes only; there is no registration fee.)

2. Please make the following reservations for the dinner on Friday, November 12, and the luncheon on Saturday, November 13:

- (a) Dinner, Friday, November 12—The Princeton Club (Black Tie optional)—\$30\* per person. List number of reservations and names for designated seating:

---

---

- (b) Luncheon, Saturday, November 13—The Association of the Bar—\$20\* per person. List number of reservations (no designated seating):

---

Enclosed is my check in the amount of \$\_\_\_\_\_.  
(Please make check payable to the American Branch of the International Law Association.)

-----

**COMPLETE FORM AND MAIL PRIOR TO NOVEMBER 4, 1982.**

-----

\* Payment must be received at least two days prior to the date of the event or reservations will be automatically cancelled.

international civil aviation and (b) instructed the Committee to continue its study with respect to the issue of liability.

### **EXECUTIVE COUNCIL MEETINGS IN MONTREAL**

The Executive Council of the ILA held three meetings at the Montreal Conference. Messrs. Cecil J. Olmstead, L.F.E. Goldie, G.W. Haight and Robert B. von Mehren attended the first meeting of the Executive Council on Sunday, August 28, 1982. The following items were reported on and discussed:

The Belgrade Conference Report has finally been mailed to ILA members and should be received shortly.

Lord Wilberforce, Chairman of the ILA, expressed regret that the International Committee Reports for the Montreal Conference were not available to delegates to the Conference until its opening. He emphasized how difficult it is to review and digest 14 reports during the Conference.

Mr. Olmstead noted that the American Branch had made available to Conference delegates 600 copies of the International Practitioner's Notebook. Later in the year, the American Branch will contact other national branches directly about ILA members subscribing to the IPN.

The Executive Committee of the Canadian Branch proposed Dr. N.M. Matte, President of the Canadian Branch, to succeed Dr. Avramov as the next President of the ILA. The Council unanimously decided to propose Dr. Matte as the next President of the ILA for formal confirmation at the Plenary Session.

Mr. Cuperus, Honorary Treasurer of the ILA, indicated that the ILA's financial situation showed some improvement and appeared less precarious than a year ago. Efforts of the Secretariat to collect outstanding dues contributions and higher interest rates on deposit amounts were primarily responsible for the improvement. The Council agreed to place before the Plenary Session the request to permit the Council, if circumstances so dictated, to raise dues contributions from the national branches to the Secretariat by not more than US \$5 per person annually effective January 1, 1984.

As a result of papers submitted and comments made by the Australian, Netherlands and United States Branches and on account of the important study prepared by the present Director of Studies, Sir Robert Jennings, the Council discussed in detail the work of the ILA through its programs and the structure of its International Committees. The Council generally agreed that a serious reevaluation and restructuring was needed and that the new Director of Studies, Professor Ian Brownlie, should be given the opportunity to review completely the International Committee work as a whole and to propose certain action, even to the extent of suspending certain of the committees and reviewing the committees' terms of reference. The second (and special) meeting of the Executive Council was held on Thursday, September 2, and was devoted entirely to an in depth discussion of the future work of the International Committees and how the Committees should function.

The third meeting of the Executive Council was held on Saturday, September 4. The resolutions from the working sessions to be presented to the concluding Plenary Session were examined and briefly discussed.

### **CONCLUDING PLENARY SESSION**

The concluding Plenary Session of the 60th Conference was held on Saturday, September 4. Each of the resolutions relating to the Committee reports were presented and adopted.

The Honorary Treasurer, Mr. Cuperus, delivered the financial report of the ILA and requested that the Plenary Session give the Executive Council the power to raise the dues contribution from the national branches to the ILA Secretariat by not more than US \$5 per person annually effective January 1, 1984. The Association authorized such an increase.

Dr. Nicolas M. Matte was elected the President of the ILA to serve until the 61st Conference. The Association praised Dr. Matte and the Canadian Branch for successfully organizing and hosting the 60th Conference.

### **1981/1982 PROCEEDINGS**

The 1981/1982 Proceedings and Committee Reports were prepared by its special editor, Mr. Theodore Giuttari, and were circulated to the American Branch membership prior to the Montreal Conference.

**INTERNATIONAL LAW WEEKEND 1982  
PROGRAM\***

**Friday, November 12, 1982**

2:30 - 4:00 P.M.

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

4:00 - 6:00 P.M.

**1. Panel:** "Extraterritorial Exercise of Jurisdiction and Responses Thereeto"

**Moderator:** Cecil J. Olmstead, Esq.  
(Steptoe & Johnson, Washington, D.C.)

**Participants:** The Honorable Barbara S. Thomas  
(Commissioner of the Securities and Exchange Commission)

Abott B. Lipsky, Jr., Esq.  
(Deputy Assistant Attorney General, Anti-Trust Division, Department of Justice)

David Boies, Esq.  
(Member, New York Bar)

Professor Michel Waelbroeck  
(Universite Libre de Bruxelles)

**2. Panel:** "Current Problems of Trade and Investment Regulation in Developing Countries: Shadows of a New International Economic Order"

**Moderator:** Henry M. Gallagher, Esq.  
(Member, New York Bar)

**Participants:** Mr. John T. Reid  
(Colgate-Palmolive Company)  
"Risk Management: The Client's Viewpoint"

John L. Moore, Esq.  
(Surrey & Morse, Washington, D.C.)  
"Lessons in Creative Finance Learned as Chairman of the Export-Import Bank and the Berne Credit Union"

Charles D. Cook, Esq.  
(Nasr Law Offices, Saudi Arabia  
counsel, Patton, Boggs & Blow, Washington, D.C.)  
"Unique Problems of the Near and Middle East"

---

\*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.

Andrew C. Quale, Jr.  
(Coudert Brothers, New York)  
"Inter-American Affairs: Structuring Commercial Transactions with our Latin Neighbors"

Professor Robert C. Meagher  
(Tufts University School of Law and Diplomacy)  
"Future Individual Repercussions of NIEO"

6:45 - 10:00 P.M.

**Annual Dinner**—The Princeton Club of New York, 15 West 43rd Street, New York, N.Y. (Black Tie Optional)—\$30 per person

**Speaker:**

The Honorable Allan E. Gottlieb  
(Ambassador of Canada to the United States)

**Saturday, November 13, 1982**

10:00 A.M. - Noon

**1. Panel:**

"American Creditors v. Foreign Insolvent Debtors (Adventures in Foreign Insolvency and Bankruptcy)"

**Organizer:**

Andrew Freeman, Esq. (American Foreign Law Association)

**Moderator:**

Harvey R. Miller, Esq.  
(Weil, Gotshal & Manges, New York, and Adjunct Professor, New York University School of Law)

**Participants:**

Alisa F. Levin, Esq.  
(White & Case, New York)

Philip R. Stansbury, Esq.  
(Covington & Burling, Washington, D.C.)

Joseph D. Becker, Esq.  
(Fox, Glynn & Melamed, New York, and Adjunct Professor, New York University School of Law)

Bernard J. Reverdin  
(Lovejoy, Wasson, Lundgren & Ashton, New York)

**2. Panel:**

"Access of Individuals and Corporations to International Justice"

**Moderator:**

Myres McDougal, Esq.  
(Professor of Law, New York Law School)

**Participants:**

William Durka, Esq.  
(General Electric Company, New York)

David Gill, Esq.  
(Exxon Corporation, New York)

Stephen Schneebaum, Esq.  
(Patton, Boggs & Blow, Washington, D.C.)



Amy Young-Anawaty  
(International Human Rights Law Group, Washington,  
D.C.)

Noon - 2:00 P.M.

**Luncheon**—The Association of the Bar of the City of  
New York, 42 West 44th Street, New York, New  
York—\$20 per person

**Speaker:**

Professor Covey T. Oliver  
(President of the American Society of International  
Law)

2:00 - 4:00 P.M.

**Panel:**

“To Commemorate the 400th Birthday of Hugo Grotius”

**Organizer:**

Committee to Commemorate the 400th Birthday of  
Hugo Grotius

**Moderator:**

Ms. Ruth Steinkraus Cohen

**Participants:**

Oscar Schachter, Esq.  
(Professor of Law, Columbia University School of Law)

Philip C. Jessup, Esq.  
(former Judge, International Court of Justice)

James Avery Joyce, Esq.  
(Consultant, United Nations, Geneva)

The Honorable Hugo Scheitema  
(Ambassador Extraordinary, Permanent Represen-  
tative of The Netherlands to the United Nations)

**Special Effect:**

Music of Grotius' time by  
Pomerium Musices (Alexander Blachly, artistic director).