

ILA NEWSLETTER

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INTERNATIONAL
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Contents

FROM THE EDITOR: Professor J. Craig Barker

Let me begin with an apology for the failure to produce a Spring/Summer issue of this Newsletter. As a result, this issue contains reports from two meetings of the Executive Council. I have decided to keep the two reports, including all Committee news and details on committee membership, separate, for ease of reading. I have tried to include all of the material sent to me in the last eight months into this issue.

During the production of this newsletter, a number of colleagues met in Pretoria, South Africa for the South African Branch Regional Conference (27-29 August). I am sure you would all join with me in congratulating the organizers for what was reported to be a very successful event. I hope to be able to include a report from the Conference in a forthcoming issue.

You will note from the report of the Meeting of the Executive Council on 19 May 2007 that the dates have been set for the 2008 Biennial Conference in Rio de Janeiro. The dates are: 17-21 August 2008 and the event will be held in the 5 star Intercontinental Hotel on Sao Conrado Beach (www.rio-de-janeiro.brazil.intercontinental.com). I hope to be able to provide some further preliminary information on the preparations for the Conference in forthcoming issues running up to August 2008.

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A meeting of the Executive Council was held on Saturday 11 November 2006 in London.

Professor Craig Barker (Editor, Newsletter), Professor Francois-Xavier Train (French) and Mr Uwe Uusitalo (Finnish) were attending the Executive Council for the first time.

The deaths of Professor Lars Hjermer (Swedish Branch) and Professor Louis B Sohn (American Branch) were announced.

The Treasurer, Mr Willem Hamel presented the financial reports to 31 October and the provisional budget for 2007. The Conference Fund provided by the Japan Fund Donation, had been used up but attempts to replenish it had so far proved unsuccessful. He expressed the hope that other sources of funding might be identified. Branch contributions received so far were in line with the previous year. Two items of income had been received: a sum to cover the indexing project currently being carried out, which had been generously provided by W S Hein, and a donation from the Canadian Branch which had allocated the amount to ILA HQ from the surplus it had made after the very successful Toronto Conference. The Chairman expressed the gratitude of the Executive Council to the Canadian Branch.

In the budget for 2007, the higher branch contributions will provide an increase in income. The main item of expenditure in 2007 will be the distribution of the Toronto Report. As agreed in previous meetings, in some cases this report will be shipped to various branches for postage locally and Headquarters will reimburse the branch with the cost of local postage if requested to do so. A dvd will be circulated to all ILA members with the report. Attention was drawn to the Branches who had not paid for 2004 and 2005.

The Chairman announced with regret that the Treasurer will step down at the end of his current term of office in May 2007.

The Director of Studies, Professor Christine Chinkin presented her report. In addition to a number of changes to

Committee Officers (see under International Committees), the two Committees which had completed their work at the Toronto Conference: Transnational Enforcement of Environmental Law and Diplomatic Protection of Persons and Property were formally dissolved. The three other Committees which presented resolutions at Toronto: the Outer Continental Shelf; Cultural Heritage Law and International Commercial Arbitration, will continue their work.

A new Committee on Nuclear Weapons, Non-proliferation and Contemporary International Law was approved. It was agreed that the Committee's mandate should include reference to the Nuclear Non-Proliferation Treaty and that the issues would be considered in the context of terrorism. Dr Jonathan Black-Branch (British Branch) was appointed as Chair.

Professor Francois-Xavier Train (French Branch) was appointed to the Advisory Committee on Research to replace Dr Hascher who had resigned.

The Director of Studies commented on the high quality of the work presented at the Toronto Conference. She thanked Dr Christopher Ward for his work as co-ordinator of the reporters at the Conference and then as Editor of the Conference Report itself. It was agreed that this role should be carried out by an individual for some years and then taken over by another person. Ms Sarah Nouwen (Netherlands Branch) will work with Dr Ward at the Rio Conference and will then take over from him after that.

As a result of meetings and other discussions she had held with Committee Officers in Toronto, various questions had arisen which she felt should be discussed more broadly and brought to the Executive Council for their views. It was agreed that a sub-committee should be formed to report on Committee Membership and a draft of its recommendations should be available by the May meeting.

The Chairman thanked Milos Barutckski, President of the Canadian Branch and his team for arranging such a splendid Conference in Toronto.

Professor Neville Botha had distributed some early information about the Regional Conference planned for Johannesburg in 2007 to the Members of the Executive Council. Professor Botha announced that he would be stepping down as President of the South African Branch and that his successor would attend the EC meetings in future.

Mr Eduardo Grebler, President of the Brazilian Branch confirmed that the 2008 Biennial Conference will take place in Rio de Janeiro.

Professor Nico Schrijver confirmed that the 2010 Conference will take place in The Hague and will mark the Centenary of the Netherlands Branch.

Professor Yankov announced that an ILA 2012 foundation has been established in Sofia in anticipation of the Conference there.

Professor Masato Dogauchi said that the Japan Branch is currently considering the merits of various possible locations for the 2014 Conference.

The Chairman announced that an invitation to host the 2016 Conference had been received from the American Branch.

Mr Raymond Greenburg expressed his admiration for the work of Judge Klaus Lagus, who had recently retired as Treasurer of the Finnish Branch. He had been instrumental in arranging two ILA Conferences in Finland in 1966 and in 1996 and the thanks and best wishes of Members of the Executive Council were recorded to him.

Professor Cynthia Lichtenstein announced that she had made contact with the International Law Students Association (ILSA). It has been agreed that their student teams, going to Washington DC for the Jessup Competition should be encouraged to contact their local ILA Branches and take up membership wherever possible.

The next Executive Council meetings will be held in London on Sunday 19 May 2007 at 10.00 and on 17 November 2007 at 10.00am.

International Committees

William Duncan had resigned as Chair of this Family Law Committee but will remain a member. Professor Barbara Stark (American Branch) was appointed as Chair.

Mr Audley Sheppard had resigned as Rapporteur of the International Commercial Arbitration Committee and Professor Luca Radicati di Brozolo

(Italian Branch) and Mr Mark Friedman (British Branch) were approved as new Co-Rapporteurs.

Mr Zidan Meriboute (Headquarters) was appointed as new rapporteur to the Islamic Law & International Law Committee.

Study Groups

The following were approved as members of the study group on Responsibility of International Organisations: Dr Stephan Hobe (German) from the University of Cologne and a member of the ILA Executive Council, Professor Moshe Hirsch from the Hebrew University of Jerusalem (Israel) and Dr C F Amerasinghe (Headquarters).

Committee Membership:

The following appointments to ILA Committees were made:

Compensation for Victims of War

| | |
|--|------------------------------|
| Dr Marie Jacobsson Swedish | Member |
| Ms Edda Kristjansdottir Netherlands | Member |
| Ms Suzannah Linton Hong Kong | Member |
| Mr R K P Shankardass Indian | Alternate to Justice Saharya |

Cultural Heritage Law

| | |
|--------------------------------|--------|
| Dr Beat Schonenberger Swiss | Member |
|--------------------------------|--------|

Feminism and International Law

| | |
|----------------------------------|--------|
| Valerie Oosterveld Canadian | Member |
| Professor Beate Rudolf German | Member |

International Civil Litigation and the interests of the public

| | |
|--|-----------------------------------|
| Ana Carolina Beneti Brazilian | Alternate to Prof da Gama e Souza |
| Professor Lauro da Gama e Souza Brazilian | Member |
| Anand M Mathur Indian | Member |
| Professor Yasuchi Nakanishi Japan | Alternate to Professor Dogauchi |

| | |
|-------------------------|------------------------|
| Sameer Parekh Indian | Alternate to AM Mathur |
|-------------------------|------------------------|

International Commercial Arbitration

| | |
|---|-----------|
| Professor Massimo Benedettelli Italian | Member |
| Mr Christian Conejero Roos Chilean | Member |
| Dr Georgios Petrochilos Hellenic | Member |
| Rodrigo Zamora Etcharren Mexican | Alternate |

International Criminal Court

| | |
|---|--------|
| Hon Justice Dilip Gupta Indian | Member |
| Professor Svetlana Vladimirovna Glotova Russian | Member |

International Family Law

| | |
|--|----------------------------------|
| Professor Nadia de Araujo Brazilian | Member |
| Professor Nina Dethloff German | November |
| Jacqueline Heaton South African | Member |
| Jean-Marc Talau French | Member |
| Professor Daniela Trejos Vargas Brazilian | Alternate to Professor de Araujo |

International Law on Biotechnology

| | |
|--|----------------------------|
| Mr Anil B Divan Indian | Member |
| Mr Vineet Saran Indian | Alternate to Mr Anil Divan |
| Professor Dr. Peter-Tobias Stoll German | Member |
| Dr Christopher Ward Australian | Member |

International Law on Foreign Investment

| | |
|------------------------|---------------------------|
| Dr R G Padia Indian | Alternate to Mr PH Parekh |
|------------------------|---------------------------|

International Law on Sustainable Development

| | |
|---------------------------------------|--------|
| Professor Hans Chr Bugge Norwegian | Member |
| Professor Srecko Jelinic Croatian | Member |
| Adriana Beatriz Tripelli Argentine | Member |

International Monetary Law

| | |
|--|--------|
| Bundesbankdirektor Bernd Krauskopf German | Member |
| Dr. Rosa Lastra Spanish | Member |

International Securities Regulation

Robin Ford
Canadian
Alternate to
Yves Fortier

Professor Hirokazu Miyano
Japan
Alternate to
Professor Sakamoto
Professor Shigeki Sakamoto
Japan
Member
Dr Christian J Tams
German
Member

New Zealand
Member
Professor Kaoru Obata
Japan
Member
Professor W J M van Genugten
Netherlands
Member
Mr Steven Wheatley
British
Member

International Trade Law

Professor Welber Barral
Brazilian
Member
Mr Henry Gao
Hong Kong
Member
Professor Michael Hahn
New Zealand
Member
Meredith Kolsky Lewis
New Zealand
Alternate to
Prof Hahn

Outer Continental Shelf

Professor Susana Camargo Vieira
Brazilian
Alternate to
Judge Rangel
Robert F Pietrowski
British
Member

Space Law

Professor Setsuko Aoki
Japan
Member
Professor Raul Anibal Etcheverry
Argentine
Member

Islamic Law & International Law

Dr Sufyan Droubi
Brazilian
Member

Rights of Indigenous Peoples

Tom Calma
Australian
Member
Mr Amarjit Singh Chandhiok
Indian
Member
Claire Winfield Ngamihi Charters
New Zealand
Alternate to
Paul McHugh
Megan Davis
Australian
Member
Dr Dorothee Gottwald
German
Member
Professor Rainer Hofmann
German
Member
Professor Takanobu Kiriya
Japan
Member
Andre Lopes Lasmar
Brazilian
Member
Paul Gerard McHugh

Teaching of International Law

Warren Ross
Canadian
Member

Non-State Actors

Professor Leonardo Never Caldeira
Brazilian
Member
Mr Cosmin Dinescu
Romanian
Member
Professor Ielbo Marcus Lobo de Souza
Brazilian
Alternate to
Professor Brant

Use of Force

Professor Koichi Morikawa
Japan
Member
Professor Eric Myjer
Netherlands
Member
Mr R K P Shankardass
Indian
Member

Meeting on 19 May 2007

A meeting of the Executive Council was held on Saturday 19 May 2007 in London.

Professor C V Chen (Chinese (Taiwan)); Mr Cosmin Dinescu (Romanian); Professor Emil Konstantinov (Bulgarian); Mr Charles Siegal (American); Professor Henry Strydom (South African); Ms Sofia Siriski (Serbia & Montenegrin); Kim Van der Borght (Belgian) and Dr Christopher Ward (Australian) were attending the Executive Council for the first time.

The recent death Mr Klaas Cuperus at the age of 91, former Honorary Treasurer of ILA from 1972 until 1991 was announced. A full obituary will be published in the next issue of the Newsletter.

The Treasurer, Mr Willem Hamel presented his final Report to the Executive Council. The Annual Accounts once again showed a positive result in 2006, which was a happy note on which to step down. He noted that several Branches had paid their fees for 2007 at the new increased rate and was rea-

sonably confident that the budgeted income for 2007 should be achieved. As had been mentioned in previous meetings of the Executive Council, it is hoped that the experiment under way this year may reduce the costs of distribution of the Conference Report, thanks to several larger Branches agreeing to circulate their reports locally and then billing HQ for the costs incurred.

The Director of Studies, Professor Christine Chinkin presented her report.

Two changes to Committee Officers were announced (see under **International Committees**). There were no proposals for new Committees or Study Groups. All Committee mandates are due to expire in Rio, except those of the new Committees.

A meeting of the Research Advisory Committee will be called at the time of the next Executive Council meeting in November 2007 to discuss suitable topics for new Committees which may be established after the Rio Conference.

Professor Chinkin reported on an initiative from HQ to collect from ILA Members their fields of interest and expertise. At the time of the meeting, just over 600 Members had supplied this information. The Research & Advisory Committee may wish to use this data to consider which areas might warrant new Committees or Study Groups. It may also help to identify individuals who might be prepared to act as Officers of any new Committees.

Committee Chairs may also be able to see whether there are Members in parts of the world where they may be under represented. Certain Committees may wish to circulate a questionnaire to a wider group of people than has been possible previously. It is hoped that this initiative may allow the wider Membership to be more involved in the workings of the Association.

Professor Chinkin reported that 19 Committees and 2 Study Groups have already indicated that they will hold working sessions in Rio. 3 Committees are expected to complete their work (Aspects of the Law of State Succession; Feminism in International Law and International Law on Foreign Investment).

Professor Torsten Stein (Chair of the Sub-Committee on Committee Membership) reported that the Members of the Sub-Committee had exchanged views over the course of recent months and a number had been present at a meeting a few days before this meeting. It was agreed that new

Rules for International Committee Membership and Guidelines for Committee Officers, should be drawn up. It is hoped that a draft should be circulated to the Executive Council in good time before the meeting in November 2007.

Mr Eduardo Grebler, President of the Brazilian Branch reported on progress made towards the 2008 Biennial Conference in Rio de Janeiro. The dates are: 17-21 August 2008. The venue which will be the 5 star Intercontinental Hotel on Sao Conrado Beach (www.rio-de-janeiro.brazil.intercontinental.com). A room rate there of US\$172 has been agreed and a second less expensive hotel has been selected where the room rate will be US\$120 per night. (These rates apply whether the room is for single or double occupancy). There will be no difficulty in finding very affordable accommodation for any students attending. A day trip by boat to an island is planned as the Conference excursion.

Dr J J Barones van Haersolte-van Hof confirmed that the 2010 Conference will take place in The Hague (now the legal capital of the world) and will mark the Centenary of the Dutch Society of International Law.

An invitation to host the 2016 Conference had been received from the American Branch and was warmly accepted.

Professor Henry Strydom, President of the South African Branch reported on progress with the SABILA Regional Conference taking place in Pretoria from 27 to 29 August 2007.

An invitation had been received from the Indian Branch to host a regional conference in 2009. This generous offer was also accepted.

The Chairman paid a warm tribute to Mr Willem Hamel who was stepping down as Honorary Treasurer after almost 16 years. Under him, the ILA's financial position has improved considerably and the credit for this should go to him. Lord Slynn also expressed his

gratitude for Mr Hamel's willingness to help and contribute to the general work of ILA administration as well as on the Policy & Finance Committee and the Executive Council.

The Chairman reported that Professor Torsten Stein had agreed to take on the position of Honorary Treasurer and was duly appointed during this meeting.

Mr Hamel then thanked the Executive Council for their support and for the gifts he had received the previous evening. He was pleased to hand over a relatively healthy financial position to his successor.

Mr Robert von Mehren was re-appointed as Vice-Chairman.

Mr Willem Hamel and Professor Alexander Yankov were co-opted to the Executive Council.

The list of the Committee Nominations approved appears under **Committee News**. The inclusion of a student member on the Teaching of International Law Committee, on the nomination of the Committee Chair and the DOS was noted as a sensible approach that might also be useful for other Committees.

Professor Lichtenstein (American Branch) reported that of the 75 countries represented at the Jessup Competition, many have ILA Branches. She has arranged for HQ to send to the ILA Branches in these countries, contact details for their local chapter of ILSA (International Law Students Association) to encourage student participation in local ILA Branches.

The next Executive Council meeting will be held in London 17 November 2007 at 10.00am.

It is proposed that the following one will take place during the Rio Conference, on Sunday 16 August 2008.

International Committee News:

Dr Dieter Fleck was approved as the Rapporteur of the Committee on Nuclear Weapons, Non-proliferation and Contemporary International Law. Professor Chinkin requested that national Branches nominate members for this new Committee.

Study Groups

Professor Jo Dellapenna (American Branch) has taken over as Chair of the Study Group on the International Law of Groundwater with the specific task of providing a commentary on the ILC's draft articles in light of previous Committee's work on the Berlin Rules.

Committee Membership:

The following appointments to ILA Committees were made:

Aspects of the Law of State Succession

Mr Daud Ilyas
British Member

Compensation for Victims of War

Bruno Demeyere
Belgian Member
Professor Hans van Houtte
Belgian Alternate to
Bruno Demeyere

Cultural Heritage Law

Professor Marc-Andre Renold
Swiss Alternate to
Dr Beat Schonenberger

International Civil Litigation & the interests of the public

Dr Ales Galic
Slovene Member
Genevieve Saumier
Canadian Member
Mr Jacob van de Velden
British Member

International Commercial Arbitration

Mr Charles Price
Belgian Alternate to
Prof Hans van Houtte

International Criminal Court

Professor Jan Wouters
Belgian Alternate to
Prof Van den Wyngaert
Dr Misa Zgonec-Rozej
Slovene Member

International Human Rights Law and Practice

Mr Tomoya Obokata
British Alternate to
Professor Jeremy McBride
Professor Jan Wouters
Belgian Member

International Law on Biotechnology

Dr Aphrodite Smagadi
British Alternate to a
UK member

International Law on Foreign Investment

Ms Sophie Nappert
British Alternate to
Prof T Walde

International Law on Sustainable Development

Mr Sunil Murlidhar Shastri
British Alternate to
Professor Surya P Subedi
Dr Tim Stephens
Australian Member

International Securities Regulation

Professor Koen Byttebier
Belgian Member
Mr Bart De Meester
Belgian Alternate to
Koen Byttebier

International Trade Law

Dr Melaku Geboye Desta
British Alternate to
Dr Lorand Bartels

Islamic Law & International Law

Katja Samuel
British Membe

Non-State Actors

Ms Holly Cullen
British Member
Mr D R R Dunnett
British Member
Dr Tarcisio Gazzini
British Alternate

Mr Gordon Stuart Glass
British Alternate

Dr Cedric Ryngaert
Belgian Member

Dr Stefan Talmon
British Member

Rights of Indigenous Peoples

Dalee Dorough
American Member
(Nominee of Committee Chair)

Ms Lorie Graham
American Member

Dr Margot Salomon
British Member

Professor Stefaan Smis
Belgian Member

Mr Jon Van Dyke
American Member

Professor Siegfried Wiessner
American Member

Dr Alexandra Xanthaki
British Member

Space Law

Mr Raymond Purdy
British Member

Mrs Joanne Wheeler
British Alternate to
Raymond Purdy

Teaching of International Law

Ms Katherine Reece Thomas
British Member

Branch Reports

Australian Branch

Dr Chris Ward was elected President of the Australian Branch on 28 November 2006.

Miss Margaret Brewster (Australia) recently retired from the Executive Council after several years of continued membership. Margaret was the President of the Australian Branch for many years. She has maintained an extensive involvement in the work of the Association, both in Australia and through the Executive Committee where she made many helpful and lasting contributions despite the apparent tyranny of distance, regularly attending the biennial conferences and nurturing younger professionals. She remains a member of the Australian Branch and continues to be actively involved on its Committee of Management.

Austrian Branch

On 5 – 7 October 2006, an international symposium on the protection and enforcement of the rights of national minorities was held in Carinthia, Austria, under the auspices of the Austrian ILA Branch and the Carinthian organization "Sodalitas". The symposium was introduced by contributions of the Minister for Foreign Affairs of Slovenia, Dr. Rupel, and of the Secretary of State of the Austrian Foreign Ministry, Dr. Winkler. Participants were specialists on this issue from Rome, Bozen/Bolzano, the University of Innsbruck, the

University of Salzburg, the University of Vienna and the Austrian foreign Ministry. Participation included the Vice-President of the Slovene Constitutional Court, the former President of the Austrian Constitutional Court, a former representative of the OSCE, as well as lawyers from Carinthia. The presentations presented an excellent overview over the different systems and methods for the protection of the rights of national minorities, which exist on different levels: the UN level (through treaty based institutions on non-treaty based procedures), the European level (through the Council of Europe, the OSCE, and the European Union) and the national level (in Slovenia, Italy and Austria).

The result of this conference has been summarized in conclusions conveying that there still exist deficiencies in the legal mechanisms for the protection of the rights of national minorities on all levels, and expressing the hope that efforts will continue to remove these shortcomings. A publication of the contributions to this symposium is in preparation.

Gerhard Hafner, Chairman of the Austrian ILA-Branch

Finnish Branch

The Finnish Branch has held a number of events in the last eighteen months including a number of guest lectures and seminars on a range of topics including: "Smart Sanctions in European Courts – A Lost Cause?"; "The EU

Constitution is Coming – Will Anything Change?"; "The upcoming changes in the private international law rules on the law applicable to divorce, legal separation, matrimonial property, wills and succession"; "A meeting of civil procedure and administrative procedure at the European Civil Service Tribunal"; and "The treaties governing nuclear weapons and issues of compliance".

The Branch is planning an Anniversary seminar and dinner on 4 October 2007. The topic of the seminar will be "The Fight Against Terrorism and International Humanitarian Law" and will be conducted in English.

Indian Branch

The Indian Branch of the International Law Association held its Annual Seminar in New Delhi on 18th March, 2007. Honorable Mr. Justice K.G. Balakrishnan, The Chief Justice of India and President of the Branch opened the Seminar. The Special Address was delivered by Honorable Mr. Justice Ashok Bhan, Judge, Supreme Court of India. The other speakers at the inaugural session were Mr. Milon K. Banerji, Attorney General for India & Vice-President of the Indian Branch, Honorable Mr. Justice Mukul Mudgal, Judge, High Court of India and Mr. Pravin H. Parekh, Honorary Organizing Secretary of the Branch.

There were two working sessions dealing with (i) Private International Law and

Matrimonial disputes; Problems and Perspectives (with special reference to non-resident Indian Problems) and (2) Cultural Heritage Law. Honorable Mr. Justice Arijit Pasayat, Judge, Supreme Court of India chaired the first session and Honorable Mr. Justice B.P. Singh, Judge, Supreme Court of India chaired the second session.

The Indian Branch has nine centres all over India and they are very active. On 18th November, 2006, the Allahabad Chapter organized a Seminar on (1) International Terrorism - A Quest for Legal Controls" and (2) "Changing Faces of Terrorism to Religious Fundamentalism" - in Allahabad. Hon'ble Mr. Justice A.N. Ray, Chief Justice of Allahabad High Court and Chairperson of Allahabad Centre of Indian Branch presided over the function. The speaker on the first topic was Prof. (Dr.) V.S. Mani, Director, GNLU, Gandhinagar and on the second topic it was Prof. (Dr.) R.P. Khokalia, former Dean, School of Law, BHU. Prof. Mani said terrorism has to be fought at yet another level, too. Like the seeds of war, the seeds of terrorism are sown in the minds of men, and therefore, they need to be eliminated right there. All states must consciously implement a pattern of education at all levels of educational institutions that should inculcate an awareness of the unity in the diversity of cultures and religions, and the basic human values, particularly the value of tolerance to differences among the diverse national, religious and social communities. Speaking on "Changing Faces of Terrorism to Religious Fundamentalism", Prof. (Dr.) R.P. Khokalia said All great civilizations in history, having reached their apex eventually declined or disappeared. The modern civilization, shaped by the West and characterized by gross materialism; acquisitive aggrandizement; competitive and conflict oriented pursuit of wealth and insatiable desires is now confronted with a crisis. He said the spirit of science and spirit of spiritualism can be rekindled by proper education as a tool of promoting culture with the goal of total human development, excellence, and fulfillment in order to produce enlightened citizens. It is the release of the spiritual energy of man which will work

beneficially for the good of humanity and liberate it from political and moral anarchy, violence and terrorism. Other speakers were Hon'ble Dr. Justice B.S. Chauhan & Executive Chairman, Hon'ble Mr. Justice Dilip Gupta, Judge & Secretary, Dr. R.G. Padia, Senior Advocate & Organizing Secretary of the Chapter.

On 20th December, 2006, the Uttaranchal Centre at Nainital also organized a Seminar on "Right to Information, a Mandate of the Constitution" by Hon'ble Mr. Justice Tarun Chatterjee, Judge, Supreme Court of India. The other speakers were Hon'ble Mr. Justice Rajeev Gupta, Chief Justice of Uttaranchal and Chairperson of the Centre and Hon'ble Mr. Justice Rajesh Tandon and Hon'y. Secretary and Mr. Alok Singh, Senior Advocate & Organizing Secretary of the Chapter.

Italian Branch - Recent and planned activities

After its re-constitution in 2004 and the colloquium on the *Independence and Impartiality of International Judges and Arbitrators* held on the occasion of the 2005 annual meeting, in 2006 the Italian Branch started new initiatives to re-launch its activities and strengthen members' involvement.

On 20th November 2006, it co-sponsored the colloquium organised by the CIDOIE (the Inter University Centre on Economic International Organisations) on the *International Co-operation on Patentability Matters and Protection of Biotechnological Inventions*. Panellists were Prof. Laurent Mandrieux, from the Bocconi University of Milan, who spoke on the role of economic international organisation in international law on patentability of biotechnological inventions; Prof. Giovanni Guglielmetti, from the University of Milan-Bicocca, who discussed the issue of patentability of biotechnologies under international and Italian law; Prof. Francesco Rossi Dal Pozzo, from the State University of Milan who discussed the protection of biotechnological inventions under EU law; and Prof. Alberto Silvani and Prof. Claudio Borio, both from the State University of

Milan, who compared universities' strategies in the field of biotechnological invention patents.

On 2nd February 2007, the Italian Branch of ILA co-sponsored the XXVII Round Table on Community Law of the Catholic University of Milan, a traditional meeting for EU law scholars and practitioners. This year the Round Table regarded "The Single Market of Services" and was an important opportunity to discuss the recent "Services Directive". The colloquium, chaired by Prof. Riccardo Luzzatto and by Prof. Luca G. Radicati di Brozolo, the Italian Branch secretary, was attended by some of the major scholars in this field. Panellists were Prof. Roberto Mastroianni, from the University "Federico II" of Naples, who reviewed ECJ case law on the freedom to provide services; Mr. Guido Berardis, Director of the Directorate "Services" of the European Commission, who explained the principles of the Directive; Prof. Bruno Nascimbene, from the State University of Milan, who spoke of derogation from the principles of the Directive due to public order or general interest reasons; Prof. Andrea Biondi, from King's College, London, who discussed external limitations to free movement of services; Prof. Enzo Moavero Milanesi, Judge of the EU Court of First Instance, who spoke about services of general economic interest; Prof. Massimo Merola, from the College of Europe, who discussed the funding of services of general economic interest; Prof. Alberto Malatesta, from the Cattaneo University of Castellanza, who explained the relationship between freedom to provide services and international private law; finally, Prof. Francesco Bestagno, from the Catholic University of Piacenza, who spoke about the regulation concerning services provided from non-EU countries and EC international obligations on this issue.

The Italian Branch aims to hold similar events in the coming months. It will, *inter alia*, co-sponsor conferences in the fields of arbitration law, human rights law and cultural heritage law. Dates and places of these meetings will be communicated shortly to the members.

Swedish Branch

The Swedish Branch of the ILA hosted a meeting on 20 February 2007 discussing “The trial against Saddam Hussein and the Rule of Law”. The main speaker was Mr Hans Corell, former Legal Counsel to the UN. The Commentator was Mr Lennart Aspegren, former Judge of the Rwanda Tribunal (ICTR) in Arusha. The meeting, which was conducted in Swedish was held at the offices of Mannheimer Swartling Advokatbyrå.

Swiss Branch

The Swiss Section of the ILA in cooperation with the Swiss National Science Foundation - NCCR Trade Regulations, IP 2, the Faculty of Law and Criminal Sciences at the University of Lausanne

and the Academy of International Economic Law and Dispute Settlement (AIELDS), Geneva organized a Conference on the theme of “Trade and Environment: Decades of debate at the WTO - Did the system fail? Can it be reformed?” which took place on Friday 1 June, 2007 at the University of Lausanne, Dorigny (Switzerland)

In 1971, GATT Director-General Olivier Long presented the study to GATT members. He urged them to examine what the implications of environmental policies might be for international trade. In 1991, a dispute between Mexico and United States (Tuna/Dolphin) put the spotlight on the linkages between environmental protection policies and trade. Since then hundreds of papers have been dedicated to the issue of “Trade and Environment”, and since 1995 the

WTO’s “Trade and Environment Committee” has followed a comprehensive work program. But in the end has the WTO delivered a suitable solution for this question? Is the WTO decision-making process (Members, General Council, Committee Structure, dispute settlement body) able to solve existing problems? Is the existing institutional set-up suitable for the global problems of the 21st century? Are issues like climate change or global warming sufficiently taken into account? Does the debate on “Trade and Environment” provide evidence for the lack of legitimacy, transparency and efficiency of the WTO system?

For further details on the conference proceedings www.wto.org contact: andreas.ziegler@unil.ch

Tributes

Professor Louis B. Sohn

By Dr Ruth Donner

My admiration of Professor Sohn, and gratitude to him, date from my LL.M. year at the Harvard Law School. I had the good fortune not only to attend two of his seminars, on the ICJ and on State Responsibility, this last together with Professor Richard R. Baxter, shortly before his promotion to the bench of the ICJ, but also I was taken on as his student assistant during my second semester. For this I learnt how to track down ways in which states, whatever their public stance, did in fact accept the compulsory jurisdiction of the ICJ.

At all times he was wonderfully calm, kind, sympathetic and encouraging. For me this was when I did badly in an American Administrative Law exam - he just said, mildly, “what happened?” - and when I later wrote on how states can use the ICJ and sent him a copy, he wrote back in some detail and very positively. For a fellow seminar student who got very indignant when he discovered that San Marino is a state, for the ICJ, (“but there are fewer people than on my

block in NY!”) Sohn calmly replied, “Napoleon was from Corsica.”

In his work, and I am especially thinking of dispute settlement, at that time, he did indeed encourage us to be practical, to find solutions to avoid disputes and use of force, and to pay particular attention to the wording of legal documents. I was very impressed at how recently as at the 68th ILA Conference at Taipei, Taiwan, 1998, Professor Sohn was suggesting practical solutions to problems at at least one Committee meeting. Many will remember his “Look Back. Look Forward” at that Conference.

I join with those who miss him, and would like to send my sincere condolences to his widow.

Dr Ruth Donner, Former Adjunct Professor, Public International Law, Faculty of Law, University of Helsinki.

By Dr. Ying-jeou Ma

With profound sadness I learned of the passing of Professor Louis B. Sohn on June 7, 2006. I came to know him in 1971 when I first visited Harvard Law School as a junior student at the Law Department of National Taiwan University in Taipei, Taiwan. I did not meet him there; I read his classic textbook *Cases on United Nation Law*

(1967) and was greatly impressed by the author’s comprehensive treatment of this complicated subject.

I never imagined that one day I would become Professor Sohn’s student. I went to Harvard Law School in 1976 after I had earned an LL.M. degree from New York University Law School. Six months later I was admitted to the S.J.D. program. I took Professor Sohn’s course Law of the Sea in 1977 and was immensely fascinated by the depth and the fun of the subject. Using the newly adopted single working paper at the Third United Nations Conference on the Law of the Sea, namely, the Informal Composite Negotiating Text (ICNT), Professor Sohn intelligently guided the students through the maze of the ocean law by a wealth of interesting case law and practices. Meanwhile, he was like a working encyclopedia, knowing almost everything about public international law. I enjoyed each and every class I attended. This is why he was so popular at the Law School. One student of his once remarked, “I would pay 100 dollars anytime to hear him talk.” I got an A from him and decided to ask him to be one of my S.J.D. thesis advisers. My subject was “Trouble in Oily Waters: Legal Problems of Seabed Boundary Delimitation in the East China Sea”.

What impressed me the most other than

the course I took with Professor Sohn was the way he treated my thesis. I would submit part of the draft to him every two weeks and discussed with him at the next visit. I remember one day I found his corrections of the punctuations in my thesis. I was surprised that a world-class scholar would spend the time correcting punctuations for his students. I asked him why. He looked into my eyes and said, "Mr. Ma, if you don't pay attention to small things, people will think you don't pay attention to big things as well." These remarks have far-reaching impact on my attitude on academic writing. I taught law for 18 years and supervised student thesis

often. Every time I would tell them the above story to emphasize the importance of correct style.

I got my S.J.D. in 1981, worked for a while in a Wall Street law firm, and went back to Taiwan. I kept contact with Professor Sohn when he retired from Harvard shortly after I graduated. He went to University of Georgia in Athens, Georgia first and then to George Washington University in Washington, D.C. I invited him to visit Taiwan once to attend a conference. When I published my first treatise *Legal Problems of Seabed Boundary Delimitation in the East China Sea* (Baltimore: University of

Maryland Law School, 1984, 306pp), he was nice enough to write a forward for me, an encouragement that inspired me for the rest of my life.

Professor Sohn will be remembered not only as a superb scholar on international law, sometimes referred to as the Father of *Modern* Law of the Sea (as compared Father of the Law of the Sea Hugo Grotius (1583-1645)), but also a passionate teacher who really cared about his students.

By Dr. Ying-jeou Ma, Mayor of Taipei City

Forthcoming Events

We have been asked to inform you about two international events to be hosted by the Indian Society of International Law in December 2007.

The Fifth International Law Conference

The Fifth International Law Conference will focus on International Environmental Law between 8-9 December, the topic which we planned to discuss in 2005, and International Seminar will focus on teaching and research of international law on 10 December. The international seminar is organised in the Society's concerted drive to promote teaching and research of international law.

Mr Bimal N Patel, Honorary Regional Coordinator ISIL writes:

"I extend my most warm invitation to the International Law Association to join the conference. I am sure the ILA member would enjoy the intellectual discussions between leading law experts, researchers, policy-makers, judges who attend the Society's international conferences with deep interest and active participation."

International Conference on International Environmental Law

The themes of International Conference on International Environmental Law from 8-9 December are:

- (I) General Principles of International Environmental Law;
- (II) Emerging International Environmental Regimes and India's National Policy;
- (III) Environment and Sustainable Development; and
- (IV) Enforcement of International and National Environmental Law.

The themes of the International Seminar on 10th December are:

- (I) Teaching and Research Methodologies in International Law;
- (II) Importance of Public International Law;
- (III) Contemporary Challenges to International Law; and
- (IV) New Emerging Areas of International Law.

Both events will take place at the premises of Indian Society of International Law in New Delhi.

For further information, please contact:

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