

ILA NEWSLETTER

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Contents

FROM THE EDITOR: Professor J. Craig Barker

Along with many colleagues, I was deeply saddened to learn of the death of Lord Slynn of Hadley on 7 April 2009, aged 79. Lord Slynn had been Chairman of the Executive Council of the International Law Association since 1988. During his time as Chairman, Lord Slynn was a passionate supporter of the Association and he contributed immensely to its work. ILA Headquarters have invited tributes and recollections to be sent to info@ila-hq.org and it is my intention to include some of these in the next issue of the Newsletter.

In relation to this issue, I am indebted to Bruce Mauleverer for producing an excellent and detailed summary of the 73 Biennial Conference held in Rio de Janeiro on 17-22 August 2008. This issue also includes reports from the Executive Committee meetings of 17 August and 15 November 2008 as well as Committee News presented at the two meetings.

I would like to extend my apologies to colleagues who submitted information on forthcoming events which have not been included due to a delay in publication of the current issue. I am aware of the need to develop a clearer publications schedule to enable colleagues who wish to advertise events. To this end, I will be working to the following schedule of publication during the course of the next year.

Issue 29
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Issue 30
Publication date - 1 February 2010
Copy deadline - 1 January 2010

Please forward any information for inclusion in the newsletter directly to me at j.c.barker@sussex.ac.uk or to Juliet Fussell at ILA Headquarters (info@ila-hq.org)

Finally, please do take the time, if you have not already done so, to look at the updated ILA website. This was redesigned during the course of last year and provides an excellent route into the work of the Association. The url is <http://www.ila-hq.org>.

EDITORIAL

1

Summary of 73rd Conference Rio

2

News from Executive Council

9

International Committees

10

Study Groups

12

Committee Reports

13

Branch News

14

Professor Subedi

16

NEW U.N Web Site

17

Charles Clore House • 17 Russell Square • London • WC1B 5DR

T +44 (0)207 323 2978 • **F** +44 (0)207 323 3580 • **E** info@ila-hq.org

SUMMARY OF 73RD CONFERENCE RIO de JANEIRO 17 – 22 August 2008

The 73rd ILA Conference (at <http://www.ilabrasil.org.br/>), the first to be held in Brazil, took place in the idyllic surroundings of The Intercontinental Hotel at São Conrado, just a few kilometres from Leblon, Ipanema and Copacabana beaches and the other attractions of Rio de Janeiro. The hotel itself is set on the beach, famous for its golden sand and Atlantic rollers. Some delegates braved the surf each morning; but for less adventurous swimmers, there are two large swimming pools in the hotel grounds.

At the closing session of the 72nd ILA Conference in Toronto, **Professor Eduardo Grebler**, President of the Brazilian Branch, and now President of the ILA, had extended a whole-hearted invitation from the Brazilian Branch to the Rio Conference. He said that he had come to Toronto with the purpose of participating in it but also of learning how to make a conference successful. He said that the Brazilian Branch relished challenges and that they would do their very best to make the Rio Conference just as good as the Toronto Conference both in terms of scientific and cultural activities.

Just how successful the Rio Conference has been was manifest from the very first formal engagement in the Conference Programme. This was the Sunday evening Welcome Reception at the attractively lit tropical poolside of the Intercontinental Hotel. It was immediately obvious that the Conference had attracted many of the world's most distinguished international jurists and that the number of registrants was well up to expectations. The flow of Caipirinha cocktails and the buzz of conversation set the scene for an atmosphere of traditional Brazilian warm-hearted and friendly hospitality.

During the Sunday morning, many delegates and their partners and children went on a four hour city tour of Rio – Rio the city of carnival and samba, the city of miles of beautiful beaches, the city overlooked by the statue of Christ the Redeemer and the Sugar Loaf – indeed the city of International Cultural Heritage! Only in Rio, however, would

the first stop of a city tour be the international football stadium Maracanã. How many ILA delegates expected to find themselves in the changing rooms of the great football stars? The tour continued through the city and included a visit to the Rio Carnival museum and the magnificent conical Rio Cathedral – lit naturally through enormous stained glass windows and ventilated naturally through cleverly concealed airways in the structure.

In his opening message, **Professor Grebler** wrote that the ILA biennial conferences are the occasion for its Committees and Study Groups to present the results of their work achieved during the preceding two years, as well as a unique opportunity for scholars, judges and practitioners from all over the world to meet and to assess the progress of contemporary international law. The 2008 Conference theme was “Law for the Future”, an expression intended to convey the idea that international law should be shaped to respond to the needs of the future.

At the **Opening Ceremony** on Monday, 18 August, the Conference was formally opened in the large convention centre attached to the Hotel. The theme of the Conference was indeed “Law for the Future,” as the conference programme, discussed below, clearly illustrated. The 459 registered delegates and 58 accompanying persons packed the large conference hall.

The Platform Party were: **The Rt Hon The Lord Slynn of Hadley**, Chairman of the ILA Executive Council; **Mr Milos Barutciski**, President of the Canadian Branch and Outgoing President of the ILA; **Professor Eduardo Grebler**, President of the Brazilian Branch, and Incoming President of the ILA; H.E. **Gilmar Mendes**, Chief Justice, Federal Supreme Court; **Vladimir Rossi Lourenço**, Vice President, Federal Brazilian Bar; Professor **Antônio Paulo Cachapuz de Medeiros**, Representative of the Minister of Foreign Affairs; **Lucia Léa Guimarães Tavares**, Attorney General, State of Rio de Janeiro; **Júlio Rebello Horta**, Attorney General, City of Rio de Janeiro;

H.E. **José C. S. Murta Ribeiro**, Chief Justice, Court of Appeals of the State of Rio de Janeiro; **Wadih Damous**, President, Rio de Janeiro State Bar; **Roberto A. Busato**, President, Committee on International Relations of the Federal Brazilian Bar; and H.E. **Carlos Eduardo Caputo Bastos**, Justice, Superior Electoral Court.

Lord Slynn of Hadley, Chairman of the ILA Executive Council, opened the ceremony by expressing his pleasure to be in Rio. Used to European summers, he was delighted to share the Brazilian winter sunshine. All the arrangements and the preliminary activities of the previous two days promised a very good week and conference. Addressing the audience in the opening ceremony as Chairman of the Executive Council, Lord Slynn wished to say something about the immediate past and the immediate future of the ILA. The reports that the ILA Executive Council had seen during the previous day's meeting had shown that the ILA was in good health and good spirits. Many of the branches had been very active during the last two years since the Toronto Conference, as the report would reveal. He had been glad to attend the successful regional conference in Pretoria organised by the South African branch and to discuss possibilities of founding more branches in Africa. The Russian Branch, too, had sponsored a valuable conference that Lord Slynn and the ILA Honorary Secretary-General had attended. An overview of the locations of the biennial conferences revealed that the ILA was truly international. The membership of the ILA was stable and branches paid the subscription fees on a more regular basis. In sum, the ILA was in as good a state as it had been in living memory.

Looking to the past, Lord Slynn thanked and paid a warm tribute to ILA President Milos Barutciski, who had done so much to inspire and organise the Toronto conference and had been very helpful in solving problems over the past two years. He also noted that the ILA was blessed with a team of officers and an Executive Council whose members did everything to make the success of the ILA possible. The ILA was also blessed with the secretariat run by Juliet Fussell

and Natalie Pryer, to whom the ILA owed so much. It was important to remember during the biennial conferences what went on during the rest of the year.

Turning to the present, Lord Slynn thanked and congratulated the members of the Brazilian branch who had made this conference possible. We all realised that because of the financial uncertainties in the world economy, organising conferences of this size and importance was difficult, and raising money was particularly difficult. But the Brazilian team, fired by the enthusiasm and energy of Susana Camargo Vieira and lead by Eduardo Grebler, had worked ceaselessly over the past two years to put together the programme at this splendid conference centre, where interesting working sessions would complement committee reports of the highest quality. The Brazilian branch had had the unflinching support of Judy Lane and her colleagues, but in the end it was Eduardo Grebler and his team who carried the responsibilities and worry. The very good attendance already showed the success of the conference; the rest of the success would unfold in the days ahead. We started with great expectations and great confidence.

Lord Slynn remarked that at every biennial conference he was struck by the increasing importance of international law to a wider legal community. Many of the ILA's members were specialists in public or private international law. The professors attending the conference were the most eminent; and the practitioners were the most respected in the field. They were specialists in the front line. But with increasing globalisation, international trade, complex technological development, risk of unprecedented danger of military activity, the need to protect the environment, growth of terrorism and the necessity to protect the rights of those called terrorists, international law was more widely the concern of national courts and national lawyers. Lord Slynn himself, as a judge at the High Court and European Court of Justice and as a member of the House of Lords, had increasingly become aware of the importance of international law to people who did not call themselves exclusively practitioners of international law. The ILA did and must cater for those people in wider fields. He referred to Sir Christopher Wren who had said in St Paul's: 'if you want a memento, look around.' The more we looked around,

the more we saw. He did not have to mention the events in Eastern Europe today and elsewhere in the world, which went to the issues with which the ILA was concerned.

Moving on to the future, Lord Slynn noted the internationalism revealed by the upcoming regional conference in New Delhi in September 2009 and the 74th conference to be held in The Hague in 2010. Conferences for 2012, 14, 16 had already been planned and there was even whisper of a conference for 2018. The last two years had been very successful. Now the ILA Executive Council had elected on the nomination of the Brazilian Branch Eduardo Grebler as the new international President of the ILA. Lord Slynn invited the outgoing ILA President, Milos Barutciski, to hand over the President's Badge of Office to Eduardo Grebler. Milos Barutciski, in turn, received the medal for the ILA Vice-President. Instructing the delegates to work hard and play hard for the rest of the week, Lord Slynn concluded by inviting the new ILA President to address the audience.

Addressing the audience in Portuguese, Professor **Eduardo Grebler**, Chairman of the Brazilian Branch and new **ILA President**, expressed his joy at hosting the 73rd ILA Conference for four days in Rio. The Conference would provide an opportunity to think about contemporary international law and its future. Organising the conference in Brazil had been a challenge, which a team of internationalists had taken up. The Brazilian branch had been established over forty years ago, but there had never been a worldwide ILA conference in Brazil. In fact, only three times in 130 years had there been a biannual conference in the southern hemisphere, on each occasion in Argentina. This might be explained by the European origins of the ILA, created by powers in the eurocentric 19th century. But it was also due to the shy attitude of legal agents in regions such as Latin America who had little need to practise international law until the last part of the 20th century. However, the world had changed and so had the role of international law. In the current multi polar world, international law, both public and private, was no longer an exercise of Western European legal culture, shared by some countries of North America and Oceania and followed at a distance by Eastern European, Latin American and Asian countries, and, to an even smaller

degree, by African countries.

The extraordinary change that humanity was facing opened new routes for the enhancement of law. As regards conventional actors, traditionally timid states had started to participate in processes of policy formulation and shaping of international law. New actors, outside the traditional channels of political power, were also claiming the right to express their opinions and to influence the fate of their societies. This was encouraged by market globalisation and migration flows. One of the biggest changes in contemporary law had been the internationalisation of national laws, with the adoption of standards aimed at addressing the needs of individuals, regardless of where they came from and where they lived. Thus, we talked about international legal rules regarding a wide range of subject matters, such as environment, human rights, protection of minors, protection of refugee populations, regional armed conflicts, terrorism, trade between private companies, functioning of capital markets, and consumers' protection - in summary, a myriad of societal situations. Although occurring within fixed national boundaries, these issues required international answers. Consequently, as regards many topics, lawmaking was no longer an exclusively national proceeding. It had taken a multinational character. Rules were drafted in specialised forums and submitted to the approval of national parliaments only afterwards. This resulted in increasing legislative uniformity in what could be called a global society. Consequently, international law had become more relevant as a source of national law.

The law of the future would be constructed where states' interests converged. A high level of standardisation thus emerged with respect to human rights, sustainable development, free trade, judicial cooperation, children's rights, the rules on international sale of goods, the law of the sea and arbitration. In other areas of human activity, however, national laws reflected heterogeneous opinions, for instance as regards securities regulations, marriage between homosexuals, natural resources management, nuclear technology and indigenous peoples. A few decades ago, many of these topics were not on the agenda of international law. But nowadays they were present due to an irreversible process of globalization. Also in Brazil, the effect of this reality on

the development of international law had been remarkable. Academic international law and international relations activities had expanded over the previous two decades. Legal practice, too, had become more international. Various Brazilian law firms were representing clients in foreign countries and before international forums such as the WTO. Brazilian judges were also influenced by international law. Therefore, the Brazilian legal community wished actively to participate in the work of the 73rd ILA Conference.

Turning in English to the foreign participants, the newly elected ILA President said he realised that many of those coming to Brazil during the northern summer might have missed a week of vacation or a family reunion. But the organising team had done their best to make coming to Rio worth the effort, in terms of the conference results and fun. As it went in the lyrics of a famous Bossa Nova song, Rio was “sun, salt, south.”

Then the outgoing **ILA President, Mr Milos Barutciski**, addressed the audience. He thanked Lord Slynn for his kind words and for all his support over the past two years and reflected on how he had become ILA President. A friend of his had remarked that international law was no longer the sole purview of diplomats and how it permeated, to a greater or lesser extent, every aspect of domestic law. Nothing was untouched by international law, not even areas of law as inherently domestic as real estate, let alone international trade and commerce or family law. The friend who had made that comment was the new ILA President, Professor Eduardo Grebler. Mr Barutciski then reflected on the way the ILA was heading. The ILA’s key strength was its committee structure with distinguished scholars and practitioners. Also important, however, were the members at large and in particular the younger members. To make sure that the ILA remained relevant it had to tap into the energy of the younger members. By way of example, Mr Barutciski told how the young Mr Brian Hunt had taken the initiative of a study group on sovereign insolvency. The organisation should be more open to younger members. The ILA was about leadership and younger members could provide that. In ending, Mr Barutciski thanked all the directors that had made his period as ILA President so valuable. He especially thanked the ILA secretary, Juliet Fussell,

and her assistant Natalie Pryer, who made the organisation run.

The ILA President then introduced the **Vice President of the Federal Brazilian Bar, Vladimir Rossi Lourenço** who, on behalf of the President of the Federal Brazilian Bar, congratulated the members of the panel, the participants and the Brazilian branch on the conference in Rio. In line with the previous speakers, he emphasised the importance of the topics on the agenda. Globalisation and transnational challenges forced countries to cooperate and to review the concept of sovereignty. One of the most emblematic examples was the environment. States had to act in sync. The challenge was to create a new international framework that was in harmony with the world’s various cultures. On various issues, for instance, sustainable development, there were more questions than answers and that is why it was important to have conferences such as these. Such conferences could also help overcome fears for transition. In that light, he referred to the upcoming celebration of the 20th anniversary of the Brazilian constitution, which would be celebrated during the 20th bar association conference, to which he invited all present.

The ILA President then introduced the **Chief Justice of the Federal Supreme Court, H.E. Gilmar F. Mendes**. He congratulated the members of the panel and reflected upon the process of globalisation. Whereas in the past words such as cooperation and unity generated feelings of unsafety and reservation, today they symbolised open dialogue and dispute settlement. Social movements that championed diverse interests such as the environment, racial equality and indigenous rights had adopted a new approach that went beyond frontiers. Protection of individual rights had been converted into a common cause of mankind and the world no longer accepted crimes of genocide and torture. The struggle against terrorism had become the cause of the entire international community. These events showed that mankind only came together in a struggle as fictitious as an alien war or external cataclysms. This tendency was confirmed by the creation of important blocs of countries to deal with defence strategies or to reduce social and regional inequalities. Particularly as regards trade the mission was to find consensus. Law was the most

important instrument to achieve the goals of a freer world, eradication of poverty and respect for cultural differences. It inevitably became globalised. In the ideals of the 21st century, ethics, transparency and above all democracy had become all the more important as mankind had overcome the era of autocracies. The Supreme Court was committed to guaranteeing human rights, despite various challenges. We had to think about the law of the future to protect fundamental rights and to bring them together with democracy in a global environment that facilitated cooperation.

The **ILA President, Professor Grebler**, concluded by welcoming four fifteen years old youngsters from the Santa Marta shantytown in Rio who made music to raise funds to continue their musical studies. They are called “Cantando para ser Feliz” (singing to be happy). Naturally one of the pieces played was “The Girl from Ipanema.” After the three violins and a tambourine had filled the hall with Latin rhythms, the ILA President thanked all participants and closed the session.

Running parallel to the Committee and Study Group meetings was a rich complementary programme, structured in 6 different tracks, correlative to the work of the ILA:

- (i) International Law on Natural Resources;
- (ii) International Law on Sustainable Development;
- (iii) The Human Person in International Law;
- (iv) International Law on Business and Trade;
- (v) International Private Dispute Resolution;
- (vi) Law on International Security.

The Committee Reports are available at <http://www.ila-hq.org>.

On Monday, 18 August, there were the following working and complementary sessions:

The Coherence between Human Rights and International Economic Law;
How to Promote a Human Rights Culture in International Economic Institutions;
The Kyoto Protocol and the International Capital Markets;
Regional Developments on the Fight on Terrorism: Different Approaches;
National, International and Universal

Criminal Jurisdiction: Aspects of Antagonism and Complementarity;
 The Role of Civil Society in the International Regulation Process: ICANN as a case study;
 Bilateral Investment Protection Treaties: Recent Developments;
 The (Mis)use of the Human Rights Argument and Preemptive Intervention in the Contemporary International Arena;
 Violence as a Denial of Human Rights;
 The Biodiversity Convention, Regional and National Instruments, and Access to Bio-Resources;
 Multilateral Regime and Regional Trade Agreements;
 Soft Law Instruments in the Harmonization of International Contract Law: Achievements and Difficulties;
 Outer Space as a Theater of War: Possible Global Effects;
 Space Traffic Management: The Quest for Improvement of International Cooperation and Security;
 Towards World Judicial Cooperation Standards: Prospects for the Hague Convention on the Choice of Law Clause;
 The Protection of Consumers in a Globalization Era;
 Indigenous Rights on Land and Natural Resources;
 Rights of Children: International Cooperation in the Fields of Maintenance, Adoption, Custody and Abduction;
 The International Regulation of Nuclear Technology and National Development Aspirations: Conflicting Views;
 Non-State Actors Committee Open Working Session;
 International Law on Biotechnology Committee Open Working Session;
 The Shared Management of Natural Resources;
 Where can the Security Council Modify States' Human Rights Obligations in International Law?
 Indigenous Rights in International Law and Domestic Law: Conflicting Approaches;
 Roundtable on the Law of the Sea;
 Non-State Actors Committee Open Working Session;
 International Law on Biotechnology Open Working Session.

...And that was just Day One!!

On Tuesday, 19 August, there were the following working and complementary sessions:

International Civil Litigation and the

Interests of the Public Committee Open Working Session;
 UN Reform Study Group Open Working Session;
 Cultural Heritage Law Committee Open Working Session;
 International Monetary Law Committee Open Working Session;
 Compensation for Victims of War Committee Open Working Session;
 Aspects of the Law of State Succession Committee Open Working Session;
 Implementation of International Systems of Human Rights Protection into National Legal Systems;
 Revising Sovereignty over Natural Resources: Intellectual Legacy and the taking of New Directions;
 The Realities of Regional Judicial Cooperation: Existing Experience;
 The ICSID Convention and the Settlement of Disputes in Economic Emergencies;
 Mergers and Acquisitions in the Global Market and Compliance with National law and Regulations;
 Sovereign Insolvency Study Group Open Working Session;

In the afternoon there was a special Plenary Session on "Climate Change, International Cooperation and Sustainable development" moderated by Lord Slynn of Hadley and Professor Grebler. This was undoubtedly one of the high points of the conference.

The speaker was Senator **Marina Silva**, former Minister of the Environment. She had been chosen by the UN environmental programme for her work on the Amazon Rain Forest. Senator Silva said that she had originally been a high school teacher, but that her interest in (in fact passion for) the environment and in the need for actions rather than words led her into politics and ultimately into her position as Minister of the Environment in Brazil. She spoke of the importance of international treaties and regulations on the environment (for example the Convention on Bio-Diversity); but she emphasised that what was needed was the translation of political policies into action. In other words, what was essential was political will and strong leadership. Conventions and treaties were all very well, but there was a deficit of implementation. This was the world's greatest environmental challenge. The world's environmental problems had become more diverse and more complex. Accordingly diverse leadership was needed on different issues. Mankind still had the erroneous notion

that it could live in the past. Yet we were destroying our biodiversity at 1,000 times the rate that we were only 50 years ago. When one considers that 50% of Brazil's GDP is dependent upon biodiversity, the potentially catastrophic implications of these developments were self-evident. Brazil, however, had taken significant steps to reduce the impact of carbon emissions and climate change on its biodiversity. Yet there was still much more to do. How could Brazil mitigate these effects and develop and protect its natural assets? The problems had a legal, technological, economic and political context; but the main question in reality was of an ethical nature. The absence of knowledge in the past could no longer be relied upon as an excuse, although the choices made in the past had led us into the problems of the present. We now had the necessary knowledge and skills. The necessary technology was now undoubtedly available. We had hydro-power: we could produce biofuels. But we had to act; and we had to act quickly. The window of time is short, perhaps 10 – 20 years. We had to change our production pattern and our energy matrix, even though this could not be expected to happen over night.

So what could be done now to repair the damage of the past? There were now 70 million hectares of preservation units of indigenous land dedicated to sustainable use. Brazil still had some 60% of its forest remaining – mostly in the Amazon area. It also had abundant fresh water. The Amazon rain forests contained a remarkable 22% of the living species in the world and an unequalled biodiversity. Brazil had 200 peoples and 200 different languages. We had an obligation to honour both our culture and our environment and make use of the knowledge and power given to us to protect them. We had to lead by example. Fraternal leadership might sound a romantic notion, yet we all had to face the present crisis. We had to rethink the way we related to nature and ourselves. We have to create a new story, a new narrative. There must be international cooperation and the exchange and transfer of biotechnology information. Corporations had to change the way that they produced. Deforestation had been going on for 20 years.

However, in the past few years the Brazilian Government had taken energetic measures to reduce this; and had achieved a 59% reduction of deforestation by active policing and enforcement.

This was necessary if we were to champion the rights and needs of those who are not yet born. The Government employed a satellite surveillance system in real-time which could detect deforestation. Brazil also worked in cooperation with its immediate neighbours such as Peru and Bolivia and also tropical African countries together with Indonesia and Malaysia. Only sustainable development could lead to sustainable heritage and inheritance. This implied a requirement to adapt our choices. We should stop and think about how an artefact was produced. We had to be pragmatic. We could choose a product that was environmentally friendly, such as recycled paper, or we could carry on with the old damaging methods. It was not only Governments that needed to make these choices and changes. A politician is only part of the process. Corporations and individuals needed to change their behavioural patterns and production culture.

Youngsters in Brazil had attended conferences in large numbers (numbered in millions) and were being actively taught about climate change and sustainable development. They had been converted (in a metaphorical sense) to the new way of thinking. The process was gradual, beginning in the classroom and leading on to local and national conferences hosting some 1600 - 1800 delegates. It was a grass roots process leading to a change of mentality and attitude. Brazil was concentrating on what it could do within its own borders. But other high CO₂ emitters, notably the United States, must also play their part. In some countries we were living with the curse of excess.

In summary, we have the means: now we need the vision; a new approach; social participation; and the leadership and the will to succeed. We need an adequate structure to implement these initiatives. Without this, there will no longer be life on earth. Senator Silva concluded: 'I believe that man can realise his dream of a sustainable life on this planet.'

There was a reception in the evening at **Museu da Republica**, as it is now called. It was formerly the Nova Friburgo Palace (or Catete Palace or Palace of Eagles to reflect the great sculptures adorning its roof), an ornate building constructed between 1858 and 1867. It is an important historical, architectural and artistic monument. In 1897

the Palace became the home of Brazilian Presidents and their families. In 1909, President Afonso Pena died there; and in 1954 President Getúlio Vargas shot himself in his upstairs bedroom as the result of a serious political and military crisis. The Palace hosted eighteen Presidents over a period of 64 years – until the federal capital was transferred to Brasilia in 1960.

On Wednesday, 20 August, there were the following working and complementary sessions:

International Arbitration: Autonomy vs. Territorialism;
Regulation and Regulatory Accountability in an Era of Megafunds and MegaMarkets;
International Human Rights Law and Practice Committee Open Working Session;
Space Law Committee Open Working Session;
International Criminal Court Committee Open Working Session;
Public Policy and Mandatory Rules: influence on the Applicable Law;
Justice for Victims of War;
The Influence of Cultural Factors on the Choice of The Arbitrator;
The CISG and the Expansion of World Trade;
A Forum on Inter-Country Dialogue;
International Trade Law Committee Open Working Session;
Feminism and International Law Committee Open Working Session;
International Law on Foreign Investments Committee Open Working Session;
Use of Force Committee Open Working Session;
Distortions in Contemporary Arbitration: The Problems of Becoming Popular;
CESA Panel on the United Nations Convention on Contracts for the International Sale of Goods;
New Models of Family Units: Same-Sex Marriages and Unwed Relationships;

On Wednesday evening there was a Gala Dinner at Casa das Canoas, a delightful open veranda styled property with magnificent gardens and excellent food.

On Thursday, 21 August, there were the following working and complementary sessions:

Cyber Criminality: National and International Rules;
Contracts over the Internet: the Interplay

between National Laws and International Law;
Proposed Changes and the Security Council's New Challenges;
International Commercial Arbitration Committee Open Working Session;
Responsibility of International Organisations Study Group Open Working Session;
Ground Water Resources Study Group Open Working Session;
International Law on Sustainable Development Committee Open Working Session;
Relations between International Law and Consumer;
Sovereign Wealth Funds;
Access of Non-Party States to the International Commission on the Outer Limits of the Continental Shelf;
Armed Conflict of Non-International Character;
Rights of Indigenous Peoples Committee Open Working Session;
International Securities Regulation Committee Open Working Session;
Outer Continental Shelf Committee Open Working Session;
Teaching of International Law Open Working Session;
Islamic Law and International Law Committee Open Working Session;
Women and Migration – Latin American Perspective;

The **Closing Plenary Session** was held on Thursday afternoon. **Lord Slynn of Hadley, Chairman of the ILA Executive Council**, explained that the closing ceremony would consist of three parts: he would make short comments related to housekeeping; under the supervision of the Director of Studies the proposed resolutions would be introduced and voted on; and the new ILA President would deliver the President's speech.

Lord Slynn started his own remarks by noting his delight to see such a large number of people at the closing ceremony. At the opening ceremony, he had already observed that the success of the work of the organising committee of the Brazilian branch was shown by the number of participants. At that time he did not know that the number of participants was as high as 550. That was a great number, reflecting a great success and worthy of congratulation. Another number also recorded the success of the conference: 37 branches were represented. He had also stated that the success of the Brazilian organisation would unfold in the course of the work. Indeed,

everybody had observed that success. First, the accommodation had been marvellous. Then, the working sessions and reports had been of the highest standards. The dinner the previous night had been outstanding. We were very grateful to the Brazilian branch, to its President and the members of his team, a group of young lawyers and more senior members. We were also grateful to all participants.

After loud applause, Lord Slynn expressed the ILA's gratitude to **Robert von Mehren**, who was standing down from his position as ILA Vice Chairman after many years. He then introduced the new President of the American branch, Professor John Noyes, and thanked the previous American ILA President, Professor James Nafziger. Finally, he introduced the new president of the Russian branch, Professor Anatoly Kapustin.

In that evening's meeting, the Full Council had adopted a proposal to concentrate on increasing the participation of the Asia Pacific region in the ILA. To that end, a Committee would be set up on how to increase activities and membership in that region. A small working group had already been set up, headed by new ILA President Eduardo Grebler. This working group would present a preliminary report to the Executive Council in November. The ILA should cover the globe as far as it could.

Turning to the second part of the closing ceremony, Lord Slynn set out the procedure for the proposed resolutions. Some committees had drafted resolutions. These drafts had been agreed upon by the committee members. The drafts then went to a Steering Committee that considered the procedural aspects and, if existing, substantive questions. ILA practice was that in the subsequent plenary session resolutions were either approved or rejected. They were not debated in the closing ceremony. The fact that the drafts had passed the steering committee indicated that they were acceptable. The formal Resolutions will be posted on the ILA website. Lord Slynn then invited the chairpersons of the working sessions of committees that had drafted a resolution to propose these resolutions.

Mr Milos Barutciski (Canada), who had chaired the working session of the Committee on International Civil Litigation and the Interests of the Public, moved the adoption of draft resolution

number 1 proposed by that committee. It called for the adoption of the Paris/Rio guidelines on the development of group actions, such as class actions, which covered the entire range from requirements to remedies and recognition of enforcement. The resolution was unanimously adopted.

Professor Susana Camargo Vieira (Brazil) introduced the resolution of the Committee on Cultural Heritage Law, which set forth guidelines to preserve cultural heritage, defined cultural material and safe havens and contained provisions on the obligations of safe havens, party autonomy and implementation. The resolution was adopted unanimously.

Justice Sujata Manohar (India) moved the adoption of the resolution of the Committee on State Succession, which was partly in French. It noted that the Vienna Conventions of 1978 and 1983 were sometimes inconsistent with state practice. The session adopted the resolution unanimously.

Professor Dr Paul de Waart (Netherlands) introduced the resolution proposed by the Committee on International Human Rights Law and Practice. This resolution endorsed the committee's view that human rights law should be seen as part of international law and that a reconciliatory approach was to be preferred to one of fragmentation. The resolution requested the ILA to distribute this report to various bodies concerned with human rights, such as the International Law Commission, the International Court of Justice and the human rights treaty bodies, to convince those bodies about the quiet revolution of integration. The resolution was passed by a unanimous vote.

Mr David Wyld (UK), Chair of the working session of the committee on International Trade Law recommended adoption of that committee's declaration. The Committee's report was wide ranging, but the declaration emphasised the importance of recognising WTO and UN rules in conformity with human rights obligations. The resolution was passed with all in favour.

Mr Bruce Mauleverer (UK) then proposed the adoption of the resolution drafted by the Committee on International Commercial Arbitration on the ascertainment of the contents of the

applicable law. It contained fifteen recommendations for the guidance of arbitrators. The Committee had focused on the ascertainment of the contents of applicable law, on the premise that the applicable law had already been chosen. The resolution also recommended that the Executive Council extended the mandate of the Committee for four years to study confidentiality in international commercial arbitration. This resolution, too, was unanimously adopted.

The Director of Studies, Professor Christine Chinkin (UK), echoed Lord Slynn's words on the success of the conference. Seventeen committees had presented reports, one committee had worked on launching a website as an innovative way of working, six committees had drafted resolutions, containing either their final work or the accumulation of their work at the current state; three committees had not discussed reports but had nonetheless convened in productive open sessions, namely the committee on Feminism and International Law, The Committee on Islamic International Law and the Committee on Non-State Actors. Of the two committees that had not been at this conference, the committees on Nuclear Weapons and Family Law, it was hoped that they would be present in The Hague. Four study groups had met in four sessions. In addition to the open and closed sessions, participants had enjoyed the complementary programme, for which the Brazilians deserved thanks. In sum, the ILA's working programme had gone very well.

What the statistics did not show was the vitality of the committees and the quality of the reports. They made an important contribution to the progressive development of international law. A number of committees had published books or was looking into doing so, along side the Committee's work. A good example was the Oxford Handbook on International Investment Law, produced by the Committee on Foreign Investment, which had now terminated its work. This work was of extreme value to practitioners.

There had also been much discussion between the committees about the many linkages of subject matters and shared concerns. In a globalised age, many interacted and impacted on each other, for instance, international trade law and human rights law.

The Director of Studies thanked the committees and study groups and the officers bearing the brunt of the responsibility. She also thanked the chairs of the working sessions, who had carefully handled the substance and procedural issues.

Best wishes were extended to Dr Christopher Ward (Australia), who had organised the session reporters over the past years and unfortunately had not been able to attend this session. Thanks were due to Ms Sarah Nouwen (Netherlands), who had taken over, and to all the reporters.

Then, turning to the final part of the closing ceremony, the new **ILA President, Professor Eduardo Grebler** (Brazil), addressed the audience. All of a sudden the conference was over. With the risk of being immodest, he thought the conference had been remarkable. The venue had been appropriate, the delegates had felt at ease yet motivated and all were enthusiastic about the contents of the sessions, particularly the young Brazilian delegates many of whom had been exposed to a conference of this nature for the first time. The opening ceremony had been noteworthy. So was the plenary session with Senator Marina Silva, a tenacious woman from the heart of the Amazon who had struggled with all sorts of difficulties before reaching an influential position in Brazil and who had received world recognition as a champion of sustainable development and international cooperation for the proper management of natural resources. While the Brazilian Branch would always be proud of this conference, the ultimate judgment was for the audience.

The ILA President then turned to the people who had made this conference a success. It had all started in 2005 with Susana Vieira and himself accepting the mission given to the Brazilian Branch by Lord Slynn and the ILA Executive Council. The well-known Susana Vieira had been his right arm in preparing the parallel programme, using her extensive ILA network. Lauro Gama, the Vice-President of the Brazilian Branch and a professor and practitioner in Rio de Janeiro, had joined and contributed decisively to the setting up of the programme, the Conference marketing and fundraising efforts. Adriana Braghetta, a director of the Brazilian Branch, and Regina Ribeiro do Valle, a veteran mem-

ber of the Branch, had made invaluable contributions in terms of ideas, connections, office support and also in the fundraising effort. Flávia Bittar, the Executive Secretary of the Organising Committee, had been the engine that moved all things ahead. Her energy and determination had been decisive for the quality of everything around, from the design of the logo to the music played in the welcome reception, from the selection of different lunch menus served each day to the table setting of the gala dinner. She had commanded a team of young musketeers – Pedro Soares, Bernardo and Gizely Radael – whose enthusiasm, discipline and availability had been absolutely essential for the accomplishment of the hundreds of actions needed to set up a big conference. Professor Grebler's Secretary Carolina, in charge of managing the cashflow of the Conference, had been a key person for this sensitive aspect of an undertaking like this. Takachi and Livia had also been important companions in this venture. Thanks were also due to Judy, Dawn, Jo and Sue, of Judy Lane Consulting, who had contributed with all their experience as organisers of several ILA conferences, helping to anticipate and to avoid problems, as well as not to overestimate them. To Lord Slynn, he extended the gratitude of trusting that the Brazilian branch would be capable of putting on a successful conference. Juliet and Natalie had provided support with their boss, and so had Lady Slynn. A special word of gratitude was offered to Milos Barutciski, his predecessor as president of the ILA, for his continuing support, which included the first sponsorship the Brazilian branch had obtained from law firms. Professor Grebler then thanked his wife Bethania for her support and patience during the last 3 years, as he had had to devote a significant part of his time to the organisation of the Conference. Last, but certainly not least, Professor Grebler thanked all participants, who had believed that it would be worthwhile coming to this conference.

Professor Grebler was given a standing ovation by the many people present.

Lord Slynn then turned to the future and invited representatives of the next two ILA conferences, one regional and one global, to promote them briefly.

Mr Pravin Parekh (India) informed the audience about the Regional

Conference "International Trade Law & Legal Aspects of Trans-Border Investment", to be held in India on 19 and 20 September 2009.

Professor Nico Schrijver (Netherlands) welcomed everyone to the 2010 ILA Conference in The Hague, the city of peace and justice, but also of rain, culture and haring (herring). The provisionally titled conference "De jure humanitatis: peace, justice and international law", taking place from 27 June to 2 July 2010 would also provide an occasion to celebrate the hundredth anniversary of the Netherlands Association of International Law. Professor Willem van Genugten, Ms Sarah Nouwen and Professor Marcel Brus were part of the organising committee.

Lord Slynn closed the session and wished the participants a joyful samba session that evening.

On Thursday evening ILA delegates could be seen at **Cidade do Samba**, experiencing something of the world-famous Rio Carnival. It was remarked that a few delegates could benefit from a little more Samba practice!

On **Friday, 22 August**, delegates had the opportunity to enjoy the Conference Day Out to the tropical island, **Regente Feijó**. The day began with a coach ride to Itacuruça Village from where a schooner took participants to the island for a beach lunch and entertainment from local musicians and dancers.

The Conference was fortunate to have the skill and experience of Judy Lane and her colleagues, as Conference Organisers, together with Juliet Fussell and Natalie Pryer from the HQ Secretariat in London, without whose expertise and cheerful willingness the Conference could not have been such a stunning success.

The heart-felt thanks of all delegates is offered to Professor Grebler and his team and to all those behind the scenes who helped to make this such an outstanding and memorable conference.

Bruce Mauleverer QC, ILA Vice-Chairman

A meeting of the Executive Council and the First Full Council was held on 17 August during the ILA2008 Conference in Rio de Janeiro.

The new President of the Austrian Branch, August Reinisch and the new President of the Philippine Branch, Professor Camilo L Sabio both attended for the first time.

The deaths of two former Members of the ILA, Sir Francis Vallat formerly of the British Branch who had been Director of Studies and Professor Harry Wunsche from East Germany were announced.

In the Annual Report for 2007, The Treasurer, Professor Torsten Stein, drew attention to the net income which had been higher than budgeted and to a significant donation which had been received from the Canadian Branch as a result of the successful Conference in Toronto. The President of the Canadian Branch was thanked for this and the hope that this lead might be followed by other host Branches was expressed.

As had been agreed at a previous meeting, the Chilean, Irish and Serbia Montenegrin Branches had been temporarily suspended and their Members invited to join ILA HQ until they are re-established.

A new membership category, intended to encourage the membership of University Law Libraries and entitled Academic Institutional Membership was approved. The fee will be £95.

The Director of Studies, Professor Christine Chinkin presented her report. New Committee & Study Group Officers were appointed (see under **International Committees**).

A summary of the Committees' sessions planned were presented and the Steering Committee for the Conference was appointed.

The resignation of Vice Chairman, Robert von Mehren had been received. Mr von Mehren had made a significant contribution to the ILA over a long period. Warm thanks of the Officers and Council Members to Mr von Mehren

were recorded.

The President of the Netherlands Branch circulated a flyer announcing the 74th ILA Conference in The Hague in 2010. The dates are 27 June to 2 July under the title: De Iure Humanitatis: Peace, Justice and International Law.

The Bulgarian Branch and the Japan Branch confirmed that plans for the next two Conferences (2012 & 2014) are under way. The American Branch confirmed that it will host the ILA Conference in 2016. The South African Branch asked that its wish to be considered as a possible host for 2018 should be recorded.

The Indian Branch circulated a flyer for the Regional Conference to be held in New Delhi in 2009. This will be held on 19 & 20 September 2009 and will be on International Trade Law and Legal Aspects of Trans-Border Investment.

The Chairman paid particular tribute to the outgoing President, Milos Barutciski who had made a singular contribution to the work of the ILA over his term of office since the ILA2006 Conference in Toronto. Eduardo Grebler was appointed as President of the International Law Association in succession to Milos Barutciski.

A second meeting of the Executive Council was held in London on 15 November.

The revival of the Irish Branch of the ILA was announced. Professor Patricia Conlan who had been instrumental in its revival was present and represented the Branch on this occasion. Professor Mahulena Hofmann, Czech Republic Branch, Dr Natalie Klein, Australian Branch, Dr Vasilika Sancin, Slovene Branch were all attending the Executive Council in London for the first time.

The evening before the meeting, the Chairman had been presented with a gift to mark the twentieth anniversary of his appointment as Chairman of the Executive Council. He expressed his pleasure and gratitude to all those who had contributed to it.

The recent and tragic death of Professor Thomas Walde of the British Branch and member of the ILA Committee on Foreign Investment Law was announced, also that of Nigel Fox Bassett a former Treasurer of the British Branch and loyal supporter of the ILA.

The Treasurer pointed out that although the General Funds were lower than at the same time the previous year, this was expected due to the website developments which had been carried out and the situation was still fairly healthy. The sale of ILA publications (other than current Conference Reports) is falling as demand for these editions has been fulfilled and access to them electronically is more easily and economically supplied. Expenditure for the current year was likely to be within the budget.

The Director of Studies presented her Report and dealt with the finalisation of the work of the Committees at the Rio Conference. New Committee & Study Group Officers were appointed (see under **International Committees**).

The Committees on International Law on Foreign Investment; Aspects of the Law on State Succession and the existing Committee on International Human Rights Law were dissolved (a new committee with the same title was established – see below). Thanks were expressed to the Officers and Members of these Committees for their excellent work. The mandates of the all other Committees were extended either by the usual four years or, where their work was anticipated to end in The Hague in 2010, by two years.

It was agreed that the Committee on the Compensation for Victims of War should now be known as the Committee on Reparation for Victims of Armed Conflict.

The Director of Studies drew to the Rules for Membership of International Committees; in particular, that at the renewal of mandates, the membership of the Committees should be reviewed to ensure that inactive members are replaced where possible.

The Belgian Branch had instigated a requirement that its Committee representatives report to the Branch on the work of their Committee. It was agreed that this was an excellent idea and one that should be encouraged in other Branches.

Committees in future will be required to announce their activities and developments related to their work in the Newsletter and on the Website.

A further category of Study Group is to be added to the existing two (research for possible new ILA Committees and contributions to the work of other international organisations); and that this category should take the form of interest groups which could look at areas of, or approaches to international law. Study Group mandates are to be increased in length to four years so that

they are in line with ILA Committees.

The Director of Studies reported that several Committees and Study Group Officers had suggested that they might be interested in co-operating with others. This was seen as a very positive development.

Professor Chinkin thanked Sarah Nouwen for the excellent job she was doing with the Working Session reports in preparation for the Rio Conference Report. It was agreed that the summaries of the Working Sessions of Study Groups and of the Committee on Non-State Actors (although no Committee Report was presented) should be included in the Rio Report since they were of such a high calibre.

The Chairman reported that he had received a draft programme from the

Indian Branch for the regional conference in New Delhi from 18 – 20 September 2009. Preparations for the 2010 Conference in The Hague are under way. An initial programme will be ready early in 2009 and will be presented to the Executive Council in May. An invitation from the Egyptian Branch to host the regional conference in 2011 was accepted. Progress on the plans for Sofia in 2012 and Japan 2014 was also reported.

An election of Officers was held. The Chairman and Director of Studies were re-appointed to their posts and Professor Cynthia Lichtenstein was appointed Vice Chairman.

It was announced that an East African Branch had been established.

Committee & Study Group News

In August:

The following appointments of to ILA Committees and Study Groups were made:

Professor Mary Footer (UK) Co -Rapporteur on Biotechnology Committee (retrospectively from June 2006).

David Gross (US) Rapporteur on **Monetary Law Committee** to replace **Jim Freis** (US) who had resigned. **Joseph van de Velden** (UK) Rapporteur in place of Professor Richard Garnett and Gaetan Verhoosel who had resigned from the **International Civil Litigation and the Rights of the Public Committee**

Professor **Siegfried Wiessner** (US) to replace Professor **James Anaya** as Chair of Committee on **Rights of Indigenous Peoples**.

Cultural Heritage Law

Mr James Ding	Hong Kong	Member
Dr Craig Forrest	Australian	Alternate to Dr Lyndel V Prot
Jorge Sanchez Cordero	Mexican	Member
Mrs Arlette Verkruyssen	Belgian	Member
Ana Vrdoljak	Australian	Alternate to Patrick Okeefe

International Commercial Arbitration

Carita Wallgren-Lindholm	Finnish	Alternate to Gustaf Moller
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International Human Rights Law and Practice

Olivier de Frouville	French	Member
Mr Sandesh Sivakumaran	British	Alternate to Professor Rodley

International Law on Foreign Investment

Professor Anne van Aaken	Swiss	Member (Nominee of C'ttee Chair)
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International Monetary Law

Mr Jonathan Fried	Canadian	Member
Professor Benjamin Geva	Canadian	Member
Dr Manuel Montegudo	Headquarters	Member

Islamic Law & International Law

Freya Baetens	Belgian	Member
Mr Ioannis Ktistakis	Hellenic	Member
Ms Nudrat B Majeed	British	Member

Non-State Actors

Professor Noemi Gal-Or	Canadian	Member
Professor Ki-Gab Park	Korean	Member

Nuclear weapons, non proliferation & contemporary international law

Suh-Yong Chung	Korean	Member
Professor Thilo Marauhn	German	Member
Mr Charles Siegal	American	Member

Rights of Indigenous Peoples

Mr Stephen Robert Allen	British	Member
Darren Dick	Australian	Alternate to Tom Calma

Space Law

Professor Ki-Gab Park	Korean	Alternate to Prof Doo Hwan Kim
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Professor Sienho Lee (HQ) joined the **UN Reform Study Group**.

In November:

New Committees

Four new Committees were approved: **International Human Rights Law** to examine the work of the International Court of Justice in the field of Human Rights with the following Officers: Christina Cerna (American) Chair; Dr Ineke Boerefijn (Netherlands) and Suzannah Linton (Hong-Kong) as Co-Rapporteurs; **Baselines under the International Law of the Sea** with Professor Dolliver Nelson (British) as Chair and Dr Alex Oude Elferink (Netherlands) as Rapporteur; **The Legal Principles relating to Climate Change** with Professor Shinya Murase (Japan) as Chair and Dr Lavanya Rajamani (joining Indian Branch) as Rapporteur; Committee on **International Protection of Consumers** with Professor Claudia Lima Marques (Brazil) as Chair and Professor Diego Fernandez Arroyo (Argentine) as Rapporteur.

Ida Levine (British) was appointed as co-chair of **International Securities Regulation**, and Javaid Rehman (British) as rapporteur **Islamic Law and International Law**.

The following appointments to Committees & Study Groups were made:

Consumer Protection

Professor Gail Pearson	Australia	Member
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Cultural Heritage Law

Dr Patricia Conlan	Headquarters	Member
Guilherme Mendonca	Brazilian	Member

Feminism & International Law

Professor Noemi Gal-Or	Canadian	Member
Professor Yoko Hayashi	Japan	Member

International Civil Litigation & the interests of the public

Professor Ingeborg Schwenzer	Swiss	Member
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International Commercial Arbitration

Mr Richard Kreindler	German	Member
Mme Loretta Malintoppi	Italian	Alternate to Prof Benedettelli

International Criminal Court

Bernadette Boss Australian Member
Sarah M H Nouwen Netherlands Nominee of Chair
Dr Anja Seibert-Fohr German Member

International Law on Biotechnology

Fabio Morosini Brazilian Alternate to Dr de Faria Tabet

International Law on Sustainable Development

Professor Alan Boyle British Nominee of Chair

Islamic Law & International Law

Professor Salem Hikmat Nasser Brazilian Member

Legal Principles on Climate Change

Professor Jutta Brunee Canadian Member
Professor Akiho Shibata Japan Member
Mr Xinjun Zhang Headquarters Member

Non-State Actors

Dr Aristotle Constantinides Hellenic Member
Professor Ludmila Galenskaya Russian Member
Professor Peter Muchlinski British Nominee of Chair
Professor Beate Rudolf German Member
Professor A H A Soons Netherlands Member

Rights of Indigenous Peoples

Maira de Paula Barreto Brazilian Alternate to Andre Lopes Lasmar
Dr Federico Lenzerini Italian Member
Professor Martin Scheinin Finnish Member

Space Law

Dr Valnora Leister Brazilian Alternate to Jose Monserrat
Rafael Moro Aguilar American Nominee of Chair
Use of Force
Dr Constantine Antonopoulos Hellenic Member

Study Groups

The Study Group on the International Law of Groundwater Resources had completed its work at the Rio Conference and was dissolved. Two-year extensions to the mandates for the Study Groups on UN Reform; Practice and Procedures of International Courts and Tribunals and the Responsibility of International Organisations were granted and a four-year extension of the mandate for the Study Group on Sovereign Insolvency was given as it had just commenced its work.

The following appointments were made: Sovereign Insolvency, Philip Wood (British) as Chair; Practice and Procedures of International Tribunals, Laurence Boisson de Chazournes (French) as co-Chair.

The following were appointed as Study Group members:

Sovereign Insolvency: Stanmir Alexandrov, Sidley & Austin LLP (NM); Jefferson Alvares, Banco Central do Brasil (NM); Freya Baetens, (Belgian) Cambridge University; Milos Barutciski, (Canadian) ; Jens Benninghofen, University of Heidelberg (NM); Lee Buchheit, Cleary Gottlieb LLP (American); Ross Buckley, (Australian) University of New South Wales; Juanitta Calitz, University of Johannesburg (NM); Professor Masato Dogauchi (Japan); Jonathan Fried, (Canadian), Canadian Ambassador to Japan; Sean Hagan, (American), IMF; Christoph Paulus, Humbolt University (NM); Kunibert Raffer, (Austrian), U of Vienna; August Reinisch, (Austrian), U of Vienna; Hal Scott, Harvard Law School (NM); David Skeel, University of Pennsylvania (NM); Richard Walsh, (to join American) ; Andrew Yianni, Clifford Chance LLP (British); Deborah Zandstra, Clifford Chance LLP (British);

Professor Hironobu Sakai (Japan) was appointed to the Practice and Procedures of International Tribunals.

Some of the above were not current ILA Members (NM). They were informed that they were expected to join and their membership would be confirmed in due course.

A new Study Groups was approved on the Role of Soft Law Instruments in International Investment Law. Professor August Reinisch (Austrian) and Professor Andrea Bjorklund (American) were appointed as Rapporteurs. A Chair is to be announced.

Committee Reports

Report of the ILA Committee on Cultural Heritage Law

The ILA's Committee on Cultural Heritage Law met during the 2008 Conference in Rio. On its agenda were three items: (1) completion of its project to draft Guidelines for safe havens as transitional places for the temporary, off-site deposit and protection of threatened cultural material; (2) development of its project on the relationship between cultural heritage law and international trade law; and (3) discussion of several proposals for the Committee's future agenda. The Committee had dedicated a 2007 intersessional meeting in London primarily to the preparation of the Guidelines for safe havens, based on a working paper by Professor Kurt Siehr of the German Branch. Since then, the Committee had reviewed several drafts and prepared a final version of the Guidelines for approval at the Conference.

Numerous catastrophes and other circumstances may threaten cultural material—for example, in time of armed conflict (such as Europe during World War II, the former Yugoslavia during its civil war, and currently Iraq and Afghanistan). Natural disasters may also imperil cultural material (such as floods in Florence, New Orleans, and Dresden, volcanic eruptions in Italy and Indonesia, earthquakes in Pakistan and Iran, and fires in California, Greece, and Weimar). Other threats include unauthorized excavations (Guatemala, Iraq, Italy, and Turkey) and public projects (dam construction in China and highway construction in Greece).

Whatever the cause of a threat, cultural material may need to be removed temporarily to safe havens for safekeeping and proper preservation until it can be returned to its original site. The ILA Guidelines are intended to provide a framework, setting the terms for the establishment and conduct of such safe havens and for the return of cultural material held for safekeeping and preservation there. The initiator of the temporary relocation may be a state, a private owner, a museum, or another entitled person or entity. A model contract for the establishment of a safe haven is attached to the Guidelines. After discussion, the Committee unanimously recommended their approval by the ILA. At its plenary session, the ILA later adopted them.

The Committee then turned to its project on the relationship between cultural heritage law and international trade law. The discussion focused on studies by Professors Robert Paterson of the Canadian Branch and Sabine von Schorlemer of the German Branch, with commentary by Professor Talia Einhorn of the Israeli Branch. The Committee decided to prepare a comprehensive report concerning controls on the export of cultural material in practice, based on questionnaire-based surveys and national reports by committee members. The Committee concluded its work in Rio with a consideration of several proposals for its future agenda. They will be discussed, along with the report on export controls, at an intersessional meeting in 2009.

James A.R. Nafziger, Chair

American Branch Committee on Multilateralism and the Accountability of International Organizations

The ILA's Committee on Accountability of International Organizations issued its report to the Berlin Conference in 2004. The American Branch of the ILA established a committee on Multilateralism and the Accountability of International Organizations in response to the governance crisis at the Bretton Woods Institutions. The Committee presented a Panel at the International Law Weekend in New York on October 18, 2008, entitled "The Gentleman's Agreement: Multilateralism or Hegemony?" and published an article in the ILSA Journal of International & Comparative Law entitled "Accountability at Bretton Woods". Any members of the ILA who wish to collaborate in the Committee's panel for the American Branch's International Law Weekend to be held on October 22-24, 2009 are encouraged to contact the Committee's Chair, Karen Hudes, at kahudes@aol.com.

German Branch

The German ILA branch held its annual meeting on 13 June 2008 in Heidelberg. The first lecture by Tillmann Rudolf Braun, M.P.A., Federal Ministry of Economics and Technology, Berlin, was devoted to the Effects of Globalization on International Investment Law; in the second lecture, Professor Jan von Hein (University of Trier), discussed Regulation (EC) N° 864/2007 of 11 July 2007 on the Law Applicable to Non-contractual Obligations, better known as Rome II.

Braun presented five theses linking international investment law with (possible) developments in general international law. He started by stating that the impressive increase in trans-boundary investment was accompanied by an equally impressive increase in international investment protection law for which the some 2600 Bilateral Investment Treaties (BITs) were of particular relevance. These BITs constitute today, together with the numerous decisions of international arbitral tribunals, the primary source of international investment law and complement the previously existing customary law rules. This development reflects, so Braun in his first thesis, the general trend to make increasing use of treaties as a source of "international legislation". Such BITs also allow investors to rely on such international legal standards in international legal procedures against the respective host state. Currently, there are some 300 of such international investor-host state – arbitration cases pending which clearly shows that investors consider them as the most appropriate means to settle investment related disputes. This resulted in Braun's second thesis: Modern BITs which grant investors substantive and procedural rights contribute to a change of international law as such. They entitle natural and legal persons with rights under international law and, thus, make them (partial) subjects of international law. International arbitration tribunals which are composed of private individuals (mainly specialized lawyers, but also diplomats and academics) are given the authority to hand down fully binding judgements based on their interpretation of the applicable treaty provisions. This means – and that is Braun's third thesis – that the role of the states has been changed: International investment disputes are no longer mainly solved by the respective states' judicial systems or by inter-state international procedures since states have rather opted for investor-host state arbitration procedures which "de-politicize" investment disputes. This, however, does not constitute a final "privatisation" of the resolution of investment disputes since the states remain entitled to "re-claim" the authority to exclusively settle such disputes by those means which they consider to be most appropriate. This leads to Braun's fourth thesis according to which international law-making in the field of investment law could be compared with a market characterized by a kind of competition between different types of investment protection treaties and mechanisms, procedures and individual arbitrators; ideally, such a situation could result in high-quality judgments which, in turn, would contribute to an increased acceptance (and also legitimization) of such a system of non-state dispute settlement. To conclude, Braun referred to the fact that the existence of transnational companies and the settlement of international investment disputes by means of arbitration was in no way a solely modern development as shown by precedents in the European Middle Ages until the 17th century. Braun concluded by wondering whether the "monopolization" by states of (international) law-making and law-enforcement including dispute settlement had come to an end and whether, at least as regards, international investment law, there might come a return to a system of international law in which private actors would play a much more relevant role – as they had done before the establishment of the Westphalian system.

Hein started by emphasizing that the Rome II Regulation was the first EC Regulation in the field of conflict-of-laws aiming at strengthening the internal market by facilitating a harmonization of pertinent national judgements. It complemented Regulation EC N° 44/2001 of 22 December 2000, better known as Brussels I Regulation. Hein explained that Rome II was applicable to all civil and commercial matters with the exclusion of *acta iure imperii* (such as tax and administrative law claims including matters of state liability) and established, as witnessed by its Article 3, a *loi uniforme* which, in his opinion, raised, however, doubts as to its compatibility with Article 65 lit. b) TEC. He also stressed that, according to Article 4 of the Regulation, the law applicable to a non-contractual obligation arising out of a tort/delict shall be, as a rule, the law of the country in which the damage occurs. However, as concerns environmental damages, claimants would have an option to rely on Article 4 or could base their claim on the law of the country in which the event giving rise to the damage had occurred.

The Regulation applies to all cases involving traffic accidents, product liability, (unfair) competition, environmental damages, intellectual property rights and industrial actions but not to non-contractual obligations arising out of violations of privacy and rights relating to personality, including defamation; Hein stressed, however, that insofar the pertinent jurisprudence of the European Court of Human Rights (such as in Caroline of Hannover or Naomi Campbell) had resulted in a kind of harmonization of European standards. The possibility to apply foreign public law (rules of safety and conduct) was established by Article 17 of the Regulation. Hein criticized, however, that it was not entirely clear whether and to what extent this provision would include official permits in the field of environmental law. He welcomed, on the other hand, that, according to Article 6 (3) lit. a) of the Regulation, the law applicable to a non-contractual obligation arising out of a restriction of competition shall be the law of the country where the market is, or is likely to be, affected. Finally, as regards the relationship of the Regulation with existing international conventions, Article 28 of the Regulation stipulates that it shall, as between Member States, take precedence over conventions exclusively concluded between two or more of them. It shall, however, not prejudice the application of international conventions to which one or more Member States are parties at the time when the Regulation was adopted and which lay down conflict-of-law rules relating to non-contractual obligations. A list of such conventions will be published by the European Commission.

Both lectures were followed by most lively discussions. The meeting continued with reports from various working groups such as the one on International Trade Law and the one on Air and Space Law. Information was also given on the activities of most ILA Committees in view of the (then) up-coming Rio Conference. In the meantime, following-up on suggestions made by members of the Advisory Board of the Branch, Dr Richard H Kreindler, Partner with Shearman & Sterling LLP, Frankfurt am Main, and member of the Advisory Board, and Professor Rainer Hofmann, University of Frankfurt am Main and Secretary-General of the Branch, initiated the establishment of a working group on International Investment Law which will hold its first meeting on 13 November 2008. It is envisaged to establish further working groups, potentially in most subject areas in which ILA Committees are in place on a quasi-permanent basis.

It is planned that the next annual meeting will take place during June 2009 in Heidelberg. The exact date and programme will be communicated in due course.

Slovenian Branch

Under the organization of the Slovenian Branch, the Faculty of Law, University of Ljubljana, where the Slovenian branch has its seat and the Slovenian Ministry for Foreign Affairs, the one day symposium was held on 23 October 2008, which was dedicated to the 60th anniversary of the UN International Law Commission (ILC). The list of speakers inter alia included the Branch members Judge of the Constitutional Court, Professor Ernest Petri, who is the member of the ILC, Professor Emeritus Borut Bohte, Assistant Professor Vasilka Sancin (Secretary), and Professor Mirjam Krk, (the President of the Branch). On this occasion a Collection of Papers was published which contains 14 articles covering the functioning of the ILC, its achievements, and the topics under consideration within the ILC.

Swedish Branch

On 15th December 2008 the Swedish Branch of the ILA held a meeting on the issue of Responsibility to Protect (R2P) and humanitarian intervention at Mannheimer Swartling Advokatbyrå, Stockholm. The then doctoral candidate Diana Amnéus presented her public international law thesis on that subject and discussed it with Ambassador Hans Corell.

The thesis, "Responsibility to Protect - Emerging Norms on Humanitarian Intervention?", was successfully defended at Stockholm University on 19 December. Professor Mary Ellen O'Connell (University of Notre Dame) was the opponent and the Examination Board consisted of Professor Christine Chinkin (London School of Economics), Professor Christine Gray (University of Cambridge) and Professor Said Mahmoudi (Stockholm University). The thesis notes - and the ILA-meeting discussed - the extremely limited legal developments (both de lege lata and de lege ferenda) in relation to the interventionist part of the R2P doctrine.

Professor Ove Bring, chairperson of the Swedish Branch.

Professor Subedi appointed as the UN Special Rapporteur for Human Rights in Cambodia

The United Nations Human Rights Council voted unanimously to appoint Leeds University Law Professor Surya P. Subedi as the next UN Special Rapporteur for human rights in Cambodia at the 10th Session of the Council held recently in Geneva. One of only eight country-specific UN special rapporteurs in the world, Surya Subedi will be expected to identify human rights problems in the country and give constructive recommendations to help tackle them.

Responding to the news of his appointment, Professor Subedi said: "The main task would be to cast an impartial expert eye on the overall human rights situation in Cambodia and offer constructive advice to the Government to address the problems that exist with regard to the overall situation in the country."

"The aim would be to help the Government make democracy stronger and have greater respect for the rule of law by all branches of the State. That way we can nurture prosperity, long-lasting peace and the rule of law throughout the country," he added. "I have a good understanding of the main concerns facing Cambodia and what I need to do to make the situation better for people." The main issues he plans to address in Cambodia are the independence of the judiciary, press freedom, the treatment of human rights activists, the plight of residents who have been asked to leave their land to make way for development projects and the treatment of prisoners.

Between 1998 and 2006 Professor Subedi was chief editor of the Asian Yearbook of International Law. He was appointed an honorary OBE in 2004 for his services to international law and Britain-Nepal relations, and was decorated by His Majesty King Birendra of Nepal for his services to international law in 1998. He has also taught international law in Hull, London, New York, The Hague and Sweden.

NEW UNITED NATIONS TREATY WEB SITE

United Nations Treaty Collection <http://treaties.un.org>

The Treaty Section of the Office of Legal Affairs announces its new and substantially enhanced web site in English and French at <http://treaties.un.org>. The Web site, known as the United Nations Treaty Collection (UNTC), is the authoritative source of information on multilateral treaties deposited with the Secretary-General at the United Nations and treaties registered with the United Nations Secretariat. A user name and password are no longer needed to access the collection which has around 2 million hits per month.

The new Web site offers expanded possibilities for legal research and training. Among its most salient features are:

- Convenient and timely access to the world's largest database of multilateral treaties deposited with the UN Secretary-General and treaties registered with and published by the UN Secretariat; with over 3 million pages of text in more than 140 languages;
- Daily updates on the participation status of over 500 multilateral treaties deposited with the UN Secretary-General (signatures, ratifications, acceptances, approvals, accessions, declarations, reservations, objections, etc.), including the major treaties in the areas of human rights, organized crime, terrorism, trade and the environment;
- Full text search capability for treaties registered with and published by the UN Secretariat online in the UN Treaty Series, (in texts in English, French and Spanish), depositary notifications, photos of treaty signing and deposit ceremonies, monthly statements of treaties and international agreements registered or filed and recorded with the UN Secretariat, certified true copies of multilateral treaties deposited with the UN Secretary-General;
- Direct links to the most in demand web pages on the Web site, including the latest treaty texts and/or their participation status information. Such links may be stored as favourites in the user's browser and forwarded by e-mail to third parties;
- Automated subscription to the depositary notifications issued by the UN Secretary-General as depositary to inform States

of actions undertaken for treaties deposited with him; the choice to receive notifications for a specific treaty, groups of treaties and/or for a specific State or international organisation; automated dissemination via e-mail;

- Latest treaty texts in their authentic languages and related information made available online shortly after registration by the UN Secretariat;
- Varied online research tools including sorting/filtering options, complex queries and view/print options.

The new Web site also offers the most recent information on the training opportunities provided by the Treaty Section of the Office of Legal Affairs at UN Headquarters and in the regions. Documentation on the treaty event taking place during the opening of the General Assembly session each year may be found on the Web site as well.

For further information or questions on the UN Treaty Collection, please contact the Treaty Section via the online contact form on the Web site.

