

ILA NEWSLETTER ADI - ACTUALITES

International Law Association/ Association de droit international

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No 11

EDITORIAL

First of all I would like to take this opportunity to farewell Mrs Barbara Osorio who will retire as Executive Secretary of the International Law Association after 19 years of service, since 1994 in the capacity of Executive Secretary. I had the great privilege of attending the dinner held at The Athenaeum in London on 20 November last at which Mrs Osorio was officially farewelled, although she will continue to be in the office until January 1999. It was a wonderful evening at which the Chairman, Lord Slynn, and several other members of the Executive Council thanked her for the outstanding work she had done over those many years for the Association. The next day the Executive Council conferred on her honorary life membership and it is to be hoped that she will make active use of it so we can meet up with her again.

It is trite, but true, to say that the office of the Association will never be the same again. Since the office bearers and the members of the Executive Council all have their own professional responsibilities, she has been the vital link to keep the organisation rolling over the years. From a personal point of view, I am grateful for the assistance she has given to the publication of the Newsletter, including the present issue.

Barbara Osorio will be succeeded by Juliet Fussell, who will be combining her existing employment as Secretary to the Society for Advanced Legal Studies equally with that of the Secretariat of the Association. In her work with the Society for Advanced Legal Studies, she has gained valuable experience in running the day to day operation of a respected legal institution, including managing the membership data base, promoting the Society and its membership and arranging series of lectures. She also holds the more arcane position of Secretary to the Statute Law Society. Ms Fussell has been "learning the ropes" from the Master over the past few months. I look forward to cooperating with her in the future. For those who want to contact the secretariat by e-mail, the address of the ILA Secretariat is: secretariat@ila-hq.org.

As Editor I would like to thank the Branch Secretaries and members who have sent the material published herein. May I urge others to follow their example? It is a matter of deep regret that some active Branches have not supplied information, despite repeated promises to do so. I understand that several Branches publish their own local Newsletters such as the American, British and New Zealand Branches. The supply of copies of those Newsletters to the Editor would be a relatively painless way of getting information to me. Again it is a matter of regret that promises made have been quickly forgotten. Unfortunately, this issue is the first in many years which does not contain any material in the French language, the other official language of the Association. Again I urge francophone members of the Association to contribute.

In this issue I am publishing a corrigendum about the deaths of two valued members of the American Branch. I am very sorry that the information published in the last Newsletter was incorrect. Understandably, this has caused some distress amongst members of the American Branch. This publication, unlike a newspaper, does not have the resources to check the information supplied, particularly when it comes from a member of the Branch concerned, and we must assume that it is correct. The corrected version that is published herein is copied from the Newsletter of the American Branch. Once again this strengthens the case for sending, or preferably faxing, a copy of this publication to the Editor. If this had been done, at least the Editor would have been put on notice that the information supplied needed checking.

Peter Nygh
Editor/Redacteur

NEWS FROM THE EXECUTIVE COUNCIL

The Executive Council met on 21 November last under the chairmanship of Lord Slynn. The financial report indicates that the Association will be in the black at the end of this year, provided the Branches meet their obligation to pay their contributions. A large number of Branches, and not merely those that are dormant or have currency exchange problems, are still in arrears for 1998 and in some cases for previous years, in one case as far back as 1993. Some members of the Council queried whether nominations to international committees from Branches that are not financial ought to be acted upon.

The Director of Studies presented his report, the contents of which are included under the heading: **News from Committees**. The Report of the Taiwan Conference is still in course of preparation and should be published early in 1999. As usual, it will be distributed free of charge to financial members of the Association. The China (Taiwan) Branch announced that it was preparing a Chinese language version of the Report.

The Council approved the plans for the 1999 Regional Latin American Conference in Sao Paulo, Brazil, and the London 2000 Conference. Both are set out in greater detail in this Newsletter. It accepted the invitation of the Indian Branch to hold the 70th Conference in April 2002 in New Delhi and received with interest an invitation of the German Branch to hold the 71st Conference in 2004 in Berlin.

It recognised the Iranian Association for International Law as the Iranian Branch of the Association and noted the re-structuring of the Hong Kong Branch under the chairmanship of Justice Godfrey of the Court of Appeal and of the Canadian Branch under the chairmanship of Mr Bloomfield. A question was raised about the possible formation of a Branch in the People's Republic of China, especially in view of the fact that some persons resident there had joined the Association through Headquarters and had been nominated to committees. The Chairman replied that this matter, as always, was under active consideration.

The Council had the pleasure of confirming the nomination of Mrs Barbara Osorio as honorary life member of the Association and appointed Ms Juliet Fussell to succeed her as Secretary of the Association upon her forthcoming retirement. Ms Fussell was present at the meeting.

The Executive Council will meet in 1999 on 21 and 22 May and on 12 and 13 November.

CONFERENCES

The Latin American Regional Conference 1999

The Brazilian Branch advises:

As announced in Taipei and in Newsletter 10, the Brazilian Branch will be hosting in Sao Paulo, on 25-27 July 1999, a Regional Latin-American Conference of the ILA. As approved at the Executive Council meeting, discussions shall centre on Regional Integration, Human Rights and Sustainable Development. Immediately following the main conference, a Seminar of the Committee on Legal Aspects of Sustainable Development (probably jointly with the new Committee on Transnational Implementation of International Environmental Law) will take place - but all Committees have been invited to meet in Sao Paulo, and we will be glad to supply those interested with facilities, provided we are informed in time. The programme is available in the ILA-HQ home page (www.ila-hq.org) and will soon be available in the home page of Universidade Sao Francisco, International Affairs (www.usf.com.br).

The Conference will commence on Sunday 25 July 1999 with registration and a Welcoming Cocktail at 7 pm at the Law School of the University of Sao Paulo. The official opening of the Conference will take place at 9 am on Monday 26 July which will be followed by the working sessions as set out in the Home Page. The main Conference will conclude on Tuesday 27 July at 5 pm. On Wednesday the Seminar on the Legal Aspects of Sustainable Development will be held. Provision has been made for Committee Meetings to be held in the afternoon of Tuesday 27 July.

We would like to provide some practical information:

1. CERNE is in charge of handling registrations. For further information contact:

Regional Latin American Conference of the ILA
Cerne Consultoria de Eventos
Av. Brig. Faria Lima 1685, cj. 1B, 1o andar
01452-001 São Paulo, SP, Brazil
Phones: (+55) (11) 212 7904/21
Fax: (+55) (11) 814 15 18
E-mail: cerne@uol.com.br.

2. Registration fees may be paid by Credit Card (VISA) and are:

	until 28/2/99	1/1 to 31/3/99	after 1/4/99
ILA Members	US\$ 150	US\$ 200	US\$ 250
Non-Members	US\$ 200	US\$ 250	US\$ 325
Students	US\$ 75	US\$ 100	US\$ 150
Acc. Persons	US\$ 100	US\$ 150	US\$ 200

3. The best place to stay is the Othon Palace Hotel which is 5 minutes' walk from the Law School of the University of São Paulo where the Conference will be held. However, we realise that nowadays most people are enrolled in mileage programmes and have arranged with VARIG airlines for packages comprising air fare/hotel (VARIG being a partner to Star Alliance). Information/reservations may be obtained directly with VARIG using code CGE3, or via your travel agent.

4. A Brazilian travel agency, ROBERTUR, is offering different services (airport transfer/tourism/hotels). They can be contacted at:

ROBERTUR
rua Cacapava 54
01408-010 São Paulo, SP, Brazil
Phone: (+55) (11) 881 81 33
Fax: (+55) (11) 881 20 16
E-mail: robertur@zaz.com.br

5. At the airport you will also find taxi co-operatives, which are safe and less expensive (around US\$ 45.00 one way), or shuttle buses (also safe) for US\$ 10. We shall have people at the airport meeting the main flights on 24/25 July.

6. There will be a programme for accompanying persons - details to be provided later on.

7. Weather in July is unpredictable - it is winter in the Southern Hemisphere - it can be pleasant (around 20C day/13C night) sunny and dry, but it can also (rarely) get down to 5C (for North Americans: it freezes at 0C and 20C = 70F approx.). In the north/northeast of Brazil it is never cold.

8. Circumstances permitting, the Conference will be opened by the President of the Republic.

9. The National School of Magistrates which is supporting the Conference has offered to arrange for visits of magistrates to different States of Brazil. Those interested should contact directly Justice Sidnei Beneti (e-mail sbeneti@ibm.net).

10. Conference texts should be available at registration in São Paulo, provided all our speakers send them to our Director of Studies, Professor Paulo Borba Casella.

We are looking forward to welcoming you there and you may rest assured that you will be attending a well organised and interesting Conference - but will also be given a glimpse of Brazilian warmth and hospitality. If you need further information, or are not able for some reason to reach the above addresses, please feel free to contact the Branch secretary, Dr Susana C. Vieira at:

Phone: (+55) (11) 881 5020 or 7844.8370
E-mail: susana@ambras.com.br or susana@usf.com.br

The 69th Conference 2000

The British Branch has confirmed its invitation to the Association to meet for its 69th Conference in London from 24 to 29 July 2000. The Conference will be held at the Barbican Centre. The planning of the Conference is progressing and the Branch hopes to circulate to all members in January 1999 outline details together with a preliminary registration form. The Organising Committee hopes to attract to **ILA 2000** a significantly larger number of participants than other biennial conferences.

Without detracting from the usual work of the Committees of whom at least 22 are likely to deliver reports, the Committee is developing a programme with a slightly different format. This will take place around three main themes, involving different constituencies within the membership. Within each theme, the committees concerned will meet and workshops will take place. In addition, a more structured programme will be organised in order to explore how the ILA can contribute to the development of each theme in the coming years. Committee meetings, workshops and the more structured programme for each theme will take place on different days. Those who wish to concentrate on a single theme will be able to participate in all its aspects; although there will be no bar to participating in the parallel proceedings of the other two themes.

The three themes contemplated are:

- (a) Trade and economic law
- (b) International Development Law, Human Rights and the Environment
- (c) Private International Law and Enforcement of Judgments

To encourage full participation, the Organising Committee proposes to hold the traditional all day excursion on Monday 24 July with the usual Council and business meetings held on Tuesday 25 July. The Conference itself would commence with an Opening Ceremony in the evening of that Tuesday followed by three full working days. The banquet would, as at past Conferences, be held on Friday 28 July with a Closing Session on Saturday morning 29 July.

The 70th Conference 2002

The 70th Conference of the International Law Association will be held in New Delhi, India, in April 2002.

The proposed Fifth Joint Conference of the American Society of International Law and the Nederlandse Vereniging voor Internationaal Recht

This Conference which was to be held in The Hague, The Netherlands on 20 -22 May 1999 is now unlikely to proceed.

NEWS FROM COMMITTEES

Committee on International Litigation in Civil and Commercial Matters

This Committee met on 7 and 8 November 1998 at Leuven, Belgium. The Committee tentatively formulated a set of draft principles on the referral of proceedings between jurisdictions. It is expected that those draft principles will be further discussed and developed at the next meeting of the Committee in Washington DC on 28 and 29 April 1999 and ultimately submitted for approval at the 69th Conference in London in July 2000. The Committee resolved to take as its next project an investigation of the question of national jurisdiction in civil matters over foreign corporations and other legal entities. It aims to present its findings on that subject to the 70th Conference in New Delhi in April 2002.

Committee on International Commercial Arbitration

Professor Emmanuel Gaillard has resigned as chair of the Committee. To succeed him, the Executive Council has appointed Professor Pierre Mayer, Professor of Law at Paris (Pantheon-Sorbonne) and a renowned expert in the field of international commercial arbitration. The Council thanked Professor Gaillard who chaired the Committee for over eight years.

Committee on Aspects of the Law of State Succession

The chair of this Committee, Professor Hanna Bokor-Szego of the Hungarian Branch has resigned. The Executive Council has appointed the existing Rapporteur, Professor Brigitte Stern of the French Branch, to succeed her in the chair and has replaced Professor Stern as Rapporteur with Professor Wladislaw Czaplinsky of the Polish Branch. The Council thanked Professor Bokor-Szego for all the work she did as chair of the Committee since its establishment.

International Trade Law

Professor Oppermann has resigned as Chair. The Council has appointed Professor Petersmann to succeed him. The Rapporteurs will be: Petros Mavroides and F. Abbott. The Council expressed its gratitude to Professor Oppermann.

Teaching of International Law

This is a new Committee established by the Executive Council at its meeting on 21 November 1998. Its establishment follows the very successful Workshop on Teaching of International Law during the Taipei Conference in May 1998. The Committee will focus on the following five areas:

- the place of international law in law school curricula;
- teaching international law in other programmes, both at university and other levels;
- the impact of new information technologies;
- the quality of international law teaching materials;
- the contents of the general introductory course;

The Executive Council appointed Professor Hilary Charlesworth of the Australian Branch as Chair and Professor John King Gamble of the American Branch as Rapporteur. Although the focus initially will be on public international law, the mandate would include private international law. For this purpose a co-rapporteur could be added, preferably familiar with civil law systems.

New Committees

The Executive Council decided that only one new Committee should be established at this stage, bringing the total of active Committees to 24. It anticipates that three further Committees could be created in 1999/2000. Suggestions for new Committees include:

- the problems of the aged and aging;
- international contracts, in particular electronic contracts;
- biotechnology and international law;
- international humanitarian law;
- international law aspects of organized crime;
- a new committee in the area of the law of the sea;
- United Nations Charter; and
- international law in national courts.

Study Group on the Law of State Responsibility

The Council has created a Study Group on the Law of State Responsibility. Its mandate will be to study and comment on the draft texts prepared by the Special Rapporteur on State Responsibility of the ILC, on the discussion of these drafts in the ILC and the texts adopted by the Commission and, eventually, on the Draft Articles on State Responsibility adopted by the ILC on second reading. The task includes reacting to particular questions posed in the reports of the ILC to the General Assembly. The chairman of the Study Group will send copies of the reports to the Special Rapporteur, the chairman of the ILC and the Director of Studies. If possible, the Study Group will make other contributions to the debate on the work of the ILC in the field of State Responsibility through, inter alia, publications, seminars and conferences. Membership of the Group will be restricted to 12.

The following persons have been appointed by the Council to the Study Group so far: Chair: Peter Malanczuk (Netherlands); members: David Carron (US); Pierre-Marie Dupuy (France); Malgosis Fitzmaurice (UK); Vera Gowlland-Debas (Switzerland); Bruno Simma (Austria); Werner Meng (Germany); Maria Spinedi (Italy); Zhao Je Li

(China); Tiyanjana Maluwa (Malawi). At the next meeting of the Executive Council some more members from Latin America and Asia will be nominated. It must be remembered that membership of Study Groups is proposed by the Director of Studies and not by individual Branches.

NEWS FROM BRANCHES

German Branch

The German Branch held its very well attended meeting on 3 July 1998 in Heidelberg. The members heard reports by the officers of the Branch about the Taipei Conference and about the amendments approved there to the ILA's Constitution and on the Revised Procedures for Establishing International Committees. All officers of the German Branch were re-elected at this meeting.

The scientific part of the annual meeting focused on the development of the WTO. Professor Oppermann (Tübingen), for many years chairman of the ILA Committee on International Trade Law, spoke about "The WTO - Pillar of the World's Economic Order", Professor Meng (Halle Wittenberg) on "The GATS Agreement on the Liberalization of Financial Services" and Dr Stoll (Heidelberg) on "The Development of WTO Dispute Settlement since 1995". The meeting ended with a vivid discussion of all four lectures.

Australian Branch

On 7 December 1999 the Australian Branch held its Annual General Meeting. At that meeting Miss Margaret Brewster was elected President and Professors Ivan Shearer and David Flint as Vice-Presidents. Martijn Wilder remained as Hon. Secretary, but the position of Treasurer was taken by Damian Sturzaker. Dr Keith Suter was re-elected as Director of Studies. Dr Peter Nygh remained a member of the Executive Committee of the Branch in his capacity as Immediate Past President. Two former Presidents of the Branch, the Honourable Rodney Purvis and Sir Lawrence Street, did not offer themselves for re-election. The Branch is saddened that these persons who have given the Branch distinguished service which in the case of Rodney Purvis goes back some 30 years, will no longer be available to take a part in the management of the Branch, but notes with immense pleasure that they will remain active members.

Following the Meeting, the Branch was addressed by Mr Paul Kelly, Foreign Editor of The Australian newspaper, and Mr Mack Williams, former Ambassador to the Republic of Korea and the Philippines, on the challenges facing Australia following the Asian Financial Crisis. Dr Nygh in his Farewell Address as President reviewed a successful year in which the Branch and its local Chapters in Queensland, Victoria and Canberra had conducted a number of well attended seminars. During the year the Constitution of the Branch was amended in order to abandon its previous claim to inclusion of New Zealand following the establishment of the New Zealand Branch. The opportunity was also taken to rationalise the membership structure by removing some categories which had never been used and defining the rights of international student and corporate members. Provision was also made for local students and others to join in some of the activities of the Branch at a modest fee without joining the Association as a whole the cost of which for some young persons has become prohibitive in view of the recent sharp fall of the Australian dollar against the pound sterling.

The Branch published its Bulletin twice in the past year giving news of its activities to its members. Thanks are due to Ms Lesley-Gaye Wong who will continue in that task in the New Year. The Branch is also very grateful to Professor Alexis Goh who has published the 1998 issue of the Australian Journal of International Law. Under her editorship this has become a very distinguished Journal with a rapidly growing international reputation. The Branch now has a Website at www.ila.org.au. It will contain information about the Branch and its activities.

Netherlands Branch

The Netherlands Branch held its Annual Meeting on 6 November in The Hague. Professor Th. C. van Boven (University of Maastricht) was elected President and Mme Dr J.J. van Haersolte-van Hof (advocate in Rotterdam) was elected Secretary. Following the business part of the Meeting, papers were delivered on "Transborder Aspects of Insolvency Procedures outside of a Treaty" by Messrs R.J. van Galen and J. C. van Apeldoorn and on "A Comparison between the European Convention on Insolvency Procedures and the UNCITRAL Model Law on Transnational Insolvency" by Dr A.J. Berends. The presentation of those papers led to a very lively discussion.

British Branch

Following the great success of the 1998 Spring Meeting at Oxford where many applicants had to be turned away for lack of space, the British Branch will hold its Spring Conference at Peterhouse College, Cambridge on 16 and 17 April. The theme will be New Frontiers of International Law: The Law and Practice of the WTO.

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Faculty of Law, University of Edinburgh
Old College, Edinburgh EH8 9YL UK
Fax No. +44-131 662-4902

REPRESENTATION AT CONFERENCES

The Hague Conference on Private International Law

The ILA was represented at the Special Commission held on 8 to 20 November 1998 to consider a Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters by Dr Mojtaba Kazazi (Headquarters - Iran) and Dr Ines Weinberg (Argentinian Branch). This continues the practice of members of the Committee on International Litigation in Civil and Commercial Matters attending as observers on behalf of the Association at the meetings of the Special Commission. The Commission has commenced the drafting of individual articles of the Convention on such important aspects as: substantive scope of the Convention, general jurisdiction, specific jurisdictions in relation to claims in contract, tort and in respect of branch activities, express and tacit prorogation, prohibited (exorbitant) jurisdictions, recognition of judgments (including the problems of non-compensatory and excessive damages), lis alibi pendens and whether a court may decline the jurisdiction conferred upon it by the Convention. It hopes to complete its task of drafting the Convention at its next meeting in June 1999. It is expected that the ILA will continue to be represented at that important meeting as well as the Diplomatic Conference planned for October 2000.

Marine Environment Protection Committee (MEPC)

Professor Verlaan writes:

The ILA was represented as an observer at the 42nd meeting of the Marine Environment Protection Committee (MEPC 42) of the International Maritime Organisation (IMO) held in London at IMO Headquarters from 2-6 November 1998 by Philomene A. Verlaan (US Branch - Adj. Professor of Ocean Policy at the University of Hawaii). The meeting was attended by delegates from 75 countries and observers from 5 intergovernmental and 31 non-governmental organisations.

IMO's MEPC is a fertile source of customary law ranging from the emerging to the developing, customary and fully conventional. Perhaps the most interesting items for the ILA membership arising at MEPC 42 are:

1. The development of three new, global, legally binding instruments:
 - a Protocol to extend the Oil Pollution Preparedness, Response and Cooperation (OPRC) Convention to cover Hazardous and Noxious Substances.
 - an instrument whose final form (new annex to MARPOL 73/78, new Convention or amendments to an existing MARPOL 73/78 Annex) will be decided at MEPC 43 to control harmful aquatic organisms in ballast water.
 - a global, legally binding international instrument on harmful anti-fouling paints which will include a global prohibition on the application of organotin compounds acting as biocides on ships by 1 January 2003 and a complete prohibition on the presence of these compounds by 1 January 2008.

It is intended to convene diplomatic conferences for the adoption of these instruments during the 2000-2001 biennium.

2. Revision of Annex IV (sewage) of MARPOL 73/78 to promote its entry into force.
3. Amendment of Annex III (Harmful Substances) of MARPOL 73/78 to make the International Maritime Dangerous Goods (IMDG) Code mandatory under it.
5. Further development of the delicate relationship between flag states, coastal states and port states for the enforcement of the multiplicity of provisions to protect the marine environment.

ILA was the only organisation present at MEPC 42 that did not represent either a national, commercial or environmental concern. Its status as one of the rare "neutral" observers and the expertise in the full spectrum of international law represented by its membership enable ILA to provide a uniquely useful contribution in assisting with the reconciliation of complex and often conflicting priorities and interests and with developing workable international legal instruments.

In addition to its presence in plenary meeting, ILA can be particularly helpful by participating in the appropriate working and drafting groups which are active during the week of the meeting. Such participation is essential to the retention of consultative status with IMO, a status which is a highly sought after privilege, difficult to obtain and easily lost. For example, at this meeting, the application by the International Council on Environmental Law (ICEL) for consultative status was denied on the basis that ICEL could have access to MEPC through other organisations including the ILA.

MEPC 43 will be held in London at IMO Headquarters from 28 June to 2 July 1999. It will feature, inter alia, three Working Groups, one each for the elaboration of the three international instruments described in item 1, supra, and two Drafting Groups, one each on proposed amendments to MARPOL and PSSAs.

UNISPACE III PREP CONFERENCE FOR LATIN AMERICA AND THE CARIBBEAN

Professor Maureen Williams (ILA Representative at the Conference) writes:

A number of topics envisaged for the forthcoming UNISPACE III Conference (scheduled for July 1999 in Vienna) were pre-discussed from a variety of angles at the PREP Conference held on 12-16 October 1998, in Concepcion, Chile. The meeting - of a truly interdisciplinary nature - was presided over by Ambassador Raimundo Gonzalez, the Chilean member of the ILA Space Law Committee. The striking feature of the Conference was the fact that the countries of the region spoke generally with one single voice. The need to develop this new branch of international law and the importance of international cooperation to correct socio-economic imbalances in Latin America were common denominators of the meeting. With this objective in mind, the Latin American and Caribbean countries considered that both the public and private sectors of society should be involved in the exploitation of outer space.

Similarly, the need to create public awareness of the laws presently governing the use of outer space was the recurring note of the week. These views, enshrined in the Declaration of Concepcion adopted by consensus at the end of the Conference, together with the recommendations stemming from the two working groups reporting to this Conference, are indicative of the realistic attitude these countries will take at UNISPACE III next July in Vienna.

Further comments

Interesting for its implications, was a presentation made by Bolivia concerning its experience on the role of private entities in programmes where space technologies were applied. The paper duly emphasised international cooperation and proposed a "pilot programme" for each region of Bolivia. The government, together with the United Nations and the private sector, were expected to participate in this project.

Also interesting was a study submitted to the Conference by Colombia dealing with the work and results of an inter-institutional group set up by that country in preparation for UNISPACE III. Both governmental and private entities were represented on this group and the resulting document stressed the need of developing space law and the growing importance of the activities of private entities in space. Space debris, and the urgency of having effective rules on this subject was, likewise, a matter of concern to Colombia.

The work of the ILA on these topics was brought to the attention of participants by Professor Williams. Argentina, Brazil and Uruguay voiced their thoughts in a manner consistent with the above-described thinking, and so did governmental and non-governmental institutions represented at the Conference.

THE ILA TAKES PART IN A CONSULTATION OF EXPERTS IN INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

The International Law Association was a co-sponsor of a formal Consultation on the Peaceful Resolution of Major International Disputes, held in London from 11-15 December 1998. The Consultation was opened by a lecture at Chatham House, delivered by Mr. Hans Corell, Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations, on the subject: "The Feasibility of Implementing The Hague/St. Petersburg Centennial Recommendations Under the UN System". ILA Director of Studies, Professor Alfred Soons, was the Chairman.

The Consultation brought together leading experts world-wide with experience in many fields of major conflict resolution, such as border disputes, arms control negotiations, commercial disputes, law of the sea arrangements, as well as methods used by the United Nations, the International Court of Justice and in Arbitration and Conciliation procedures. It was organised by the Consortium on International Dispute Resolution, in collaboration with the International Law Association, as well as the Royal Institute of International Affairs and a number of important proposals were made.

The Co-ordinator of the Consultation, Dr. Julie Dahlitz, who is a member of all three organisations and Chairman of the ILA International Committee on Arms Control and Disarmament Law, stressed the overarching importance of the subject in her opening remarks. She pointed out that so long as States could not rely on the peaceful resolution of their disputes, there can be no genuine reversal of the global arms race; no adequate resources for development; no proper respect for human rights or the environment; nor sufficient funds for health, education, the arts and humanities. Not to mention the ever present risk of major war. The aim is to solve these problems at their source.

In an unprecedented contribution, the relevant experts identified elements of guidelines relating to two types of "Model Negotiations", one suitable for border and territorial disputes, and the other for a variety of disputes including arms control, environmental complaints and various perceived hostile acts by rival states. The guideline elements are drawn from the experience of two outstanding successes – one based on the methods used to reach agreement between China and the Soviet Union/Russia on their vast common borders, and the other, based on many innovative methods that enabled the United States and the Soviet Union/Russia to reach agreement on the management and reduction of their nuclear arsenals.

The hope is that these guideline elements may actively help many states to settle difficult disputes. They could even be useful for preliminary consultations between states that have some irritant in their relationship that does not yet qualify as a full blown dispute. It is envisaged that the guideline elements could be utilised by the states themselves or, in cases where they agree, using the good offices of experienced negotiators.

The result of the Consultation may stimulate further research and recommendations. Several other outcomes are envisaged, including the publication of papers delivered. Inter alia, the results of the Consultation, will be submitted to Conferences to be held at The Hague and in St. Petersburg during 1999 in commemoration of the First Peace Conference convened one hundred years earlier.

The General Assembly initiated and subsequently endorsed a Programme of Action dedicated to the 1999 centennial and the closing of the United Nations Decade of International Law. The Programme of Action, drawn up by the Governments of the Kingdom of the Netherlands and of the Russian Federation, aims at contributing to the further development of the themes of the first International Peace Conferences, as devised by Czar Nicholas II of Russia and Queen Wilhelmina of the Netherlands. One of the most significant outcomes of the original conferences was the signing of the Convention on the Peaceful Settlement of International Disputes. It was that aspect of the centennial that formed the subject of the Consultation.

Copy of Hans Corell's Opening Lecture on 'The Feasibility of Implementing The Hague/St. Petersburg Centennial Recommendations Under the UN System' is available from Headquarters in London.

PERSONALIA

APPOINTMENTS

Congratulations to Nigel Rodley on the award of a KCMG and to Jeremy Carver on his CBE, in the New Year's Honours List.

The Executive Council at its meeting in November congratulated the following persons:

Ross Cranston MP (member of the British Branch and of the ILA Committee on International Monetary Law) on his appointment as Solicitor-General.

Professor Herbert Kronke (member of the German Branch) on his appointment as Secretary-General of UNIDROIT by the Governing Council of that body at its 77th Session in February 1998 and who took up his post on 1 September 1998.

Professor Nina Vajic, President of the Croatian Branch, on her appointment to the European Court of Human Rights in Strasbourg.

IN MEMORIAM

The Council noted with deep sorrow the passing of:

Professor Albert E. Utton, a member of the American Branch and Secretary of the ILA Committee on Water Resources Law. Professor Charles Bourne has written:

He was a Rhodes Scholar at Oxford and there met his wife, a fellow student from Cornwall. On his graduation from Oxford, he joined the Faculty at the School of Law, University of New Mexico at Albuquerque. In due course he became Director of the Law School's International Transboundary Resources Centre (ITRC) and also was the editor of the Natural Resources Journal for many years. He had a profound knowledge of international water law, having practical experience of the complex boundary water problems between the USA and Mexico. He was a great asset to the ILA's Water Resources Committee. He performed his duties as Secretary of this committee with distinction, having the generous support of the ITRC and his Law School for his work. He will be sorely missed.

Mr Ludwig Baeumer and Mr Joachim Bilger, both Directors of the World Intellectual Property Organisation, who died aboard Swissair Flight SR111 which crashed on 2 September 1998 off the coast of Canada.

CORRIGENDUM

At the request of the American Branch the following memorial, as prepared by the Branch, is published to the late David G. Gill and the late Myres S. McDougal whose careers were wrongly described in the last issue:

We must record our sorrow at the passing on 27 April 1998 of David G. Gill. Long an Honorary Vice President of the American Branch, David had been President of the American Society of International Law. His advice was widely sought and always given gently and wisely.

A second blow was struck not only to our colleagues in the American Branch but to the wider world of international legal scholarship with the death on 7 May 1998 of Myres S. McDougal, for many years an Honorary Vice President of the American Branch. "Mac", as he was almost universally called by friends and colleagues, was an innovative and productive scholar as Sterling Professor of International Law at Yale Law School. His collaboration with Professor Harold Lasswell resulted in the so-called "New Haven School of Jurisprudence" which many found insightful and liberating. Long retired and in ill health, he was 91 years old.

NOTE TO CONTRIBUTORS

Contributions from individual members and Branches are greatly welcomed. They may be submitted in either of the two official languages of the Association: French and English. The next issue is planned for June 1999 and the

deadline for contributions to that issue is 1 May 1999. Any contributions and letters should be addressed to the Editor c/o Ms Juliet Fussell, Executive Secretary, ILA at Headquarters.

The Newsletter will gladly accept advertising and we urge all members to assist us in finding suitable advertisers. Rates can be obtained from Ms Fussell. We will also be glad to publish announcements by Branches about forthcoming events and seminars. However, the onus lies clearly on Branches to supply us with the necessary material.

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