

# ILA NEWSLETTER ADI - ACTUALITES

INTERNATIONAL LAW ASSOCIATION/ ASSOCIATION DE DROIT INTERNATIONAL

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## EDITORIAL AND FAREWELL

As indicated in earlier Newsletters, this is the last Newsletter which I shall be editing. Due to increasing other commitments, I have had to review some of my existing tasks. This issue is considerably delayed because I had so many other things to do! When I undertook the editorship of the Newsletter in 1993, I was a "retired" person, but I soon found myself back in harness with a new full-time job. I also firmly believe that an infusion of new blood is vital to any publication.

I would like to thank all those who have contributed to the Newsletter and express the hope that they will continue to do so in the future. When the International Law Forum de droit international started publication, I had originally expected that the Newsletter would no longer be required. With a three monthly publication, news about the activities of the Association, its Branches and Committees could be more readily available. However, the Executive Council wanted the Newsletter to continue as a separate publication available without extra charge to all members. I saw in that decision an indirect acknowledgement that the Newsletter was performing a useful function. As I have stated on several occasions (but it does no harm to repeat it), publication of the Newsletter is only possible because Kluwer International is meeting a very large part of its costs. One of my last acts as editor should be to thank Kluwer for this vital support.

As the title of this Newsletter indicates, it is a bi-lingual publication. Regrettably, however, contributions in the French language have been relatively rare. I sincerely hope that my successor will be more fortunate in attracting contributions from Francophone branches. Of course, as one whose first language is neither French nor English, I have sympathy for the argument that other languages should feature in the Newsletter as well. But editorially, this would create great difficulties.

I am very pleased that Professor Chris Greenwood QC of the University of London is prepared to undertake the editorship. Professor Greenwood has had a very distinguished career. He is currently Professor of International Law at the London School of Economics, where he can be contacted at C.Greenwood@lse.ac.uk. He is also a barrister, practising public international law at Essex Court Chambers in London. The Newsletter will be in very safe hands and I wish him every success.

Peter Nygh  
Editor / Rédacteur

## NEWS FROM THE EXECUTIVE COUNCIL

### Executive Council May 20th 2000

The Chairman paid tribute to the life's work of two leading members of the Association who had recently died, Professor Sueo Ikehara, Vice President of the Japan branch and Professor Renko Petkovic, a former President of the Yugoslav branch.

The Treasurer pointed out that the 1999 accounts showed a positive balance. The healthier state of the accounts resulted from a more satisfactory level of branch contributions. Total expenditure for the year had been within budget and it was note worthy that expenditure on stationery and photocopying and on the computer consultancy were both reduced compared to the 1998 expenditure.

Professor Soons introduced the Director of Studies Report number 1 for 2000. In it he reported that the Water Resources Law Committee had now completed a consolidation of the ILA Rules on International Water Resources and had made substantial progress on a draft developing the Helsinki Rules on the Equitable and Sustainable Uses of the Waters of International Drainage Basins. The Chairman of the Committee, Professor Charles Bourne will resign after the London conference and Professor Gerhard Loibl (Austrian Branch) was appointed by the Executive Council to succeed him.

As to new committees, Professor Soons proposed, and the Executive Council decided, that the new committee in the area of the law of the sea will have as its principal mandate legal issues relating to the outer continental shelf. Two or three other new committees will be proposed following consultations at the London conference.

The Study Group on the Law of State Responsibility, established in November 1998, had recently completed its first report which had been submitted to the International Law Commission. This report would be made available on the ILA website, and was a thorough and useful contribution to the debate within the ILC on difficult issues. The Study Group, chaired by Professor Peter Malanczuk deserved praise for this work.

The news regarding the Study Group on the International Criminal Court was however less satisfactory. In the event it had not proved possible for the Study Group to embark on work in time to be able to contribute to the discussions taking place in the Preparatory Commission for the establishment of the ICC. Following consultation with the Chairman of the Study Group (Professor John Dugard - South African Branch) it was proposed to wind up this Study Group.

The Editorial Board were congratulated for the standard achieved in issue 4 of volume 1 and issue 1 of volume 2 of the Forum. The editor, Professor Catherine Kassedjian announced that the next issues would contain detailed coverage of the Truth and Reconciliation Commissions and Internet issues. She stressed that younger potential authors should be encouraged to submit contributions.

Preparations for the London Conference were discussed. Professor Soons reported that 17 of the 24 reports from international committees had been submitted. The Committee reports were to be available on the ILA website prior to the Conference.

Professor Soons reported that in order to achieve standardisation of forms of address throughout the ILA (including in the listings of members of Committees on the first pages of the Committee reports) members would be identified in future by only one title (e.g., Professor, Dr, or Judge/Justice). The ASCII script would be adopted in order to avoid problems of different scripts in certain languages and to meet the requirements for standardisation in the data base package.

Jeremy Carver related the latest developments in the planning for the London Conference and expressed the hope that 600 delegates would attend.

It was confirmed that the biennial conferences 2002 and 2004 will be held in New Delhi and Berlin respectively.

Recently questions had arisen concerning the ILA policy regarding observer status and the appointments of representatives. It was agreed that representatives would be appointed by the Executive Council following a proposal by the Director of Studies. Renewals would no longer be automatic but would be considered individually and appointed representatives would be required to submit a brief annual report on meetings attended.

The Chairman reported that Professor Peter Nygh had expressed a wish to hand on the editorship of the Newsletter to someone else and announced that Professor Christopher Greenwood of the LSE had agreed to take over.

The Chairman also reported that constitutions for the Polish Branch and the Hellenic Branch had both been approved.

### **First Full Council, London, July 25th 2000**

The Chairman extended a particular welcome to Professor Wladyslaw Czaplinski of the Polish Branch, Mr Naiyyar Peshimam of the Pakistani Branch (whose father had been well known to members of the Council), Professor Ki-Gab Park the new President of the Korean Branch, Dr Maria Gavouneli of the newly established Hellenic Branch and Mr Harry Bloomfield the newly elected President of the Canadian Branch. The Chairman also extended a special welcome to the Chief Justice of India, Chief Justice Anand and to Lord Mustill attending a meeting of the Full Council for the first time.

The appointment of Lord Mustill as President of the International Law Association was carried unanimously and with acclaim.

The Steering Committee for the Conference was announced and comprised:

Lord Slynn of Hadley - Chairman of the Executive Council

Lord Mustill - President

Professor Hungdah Chiu - immediate past President

Professor Alfred H A Soons - Director of Studies

David Wyld - Secretary General

Professor Alfred Rubin - American Branch

Professor Torsten Stein - German Branch

Mr Justice B N Kirpal - Indian Branch

Professor Francisco Orrego Vicuna - Chilean Branch.

The Secretary General, David Wyld announced that the observers/representatives who were in attendance at the Conference were as follows:-

Professor Ted McWhinney on behalf of the Institut de Droit International.

Mr Robert von Mehren on behalf of the International Chamber of Commerce.

Ambassador Enrique Syquia on behalf of the International Institute of Humanitarian Law.

Dr Gabrielle Marceau on behalf of the World Trade Organisation.

The Chairman congratulated Mr Carver and the organisers of the conference for the excellent programme which would be much enjoyed and appreciated by all participants.

Professor Soons summarised the arrangements for the Working Sessions. Three of the committees had produced a final report. These were the Committee on Formation of Customary International Law, the Committee on Coastal State Jurisdiction over Marine Pollution and the Committee on Internally Displaced Persons. All three reports represent significant contributions to the development of international law.

Of the remaining 18 reports there are a further 7 or 8 which have draft resolutions of some substance.

Professor Soons said that it was particularly pleasing that almost all committee officers were present at the conference. Only two Chairmen of Committees were unfortunately unable to attend.

Professor Soons drew attention to the fact that the draft proposed resolutions of the committees as well as the text of committee reports were available on the ILA website: <http://www.ila-hq.org>. Also on the website was the first report by a Study Group, namely that on the Law of State Responsibility.

The Chairman summarised the planned future conferences as being in Delhi in 2002 and Berlin in 2004.

The Chief Justice of India drew attention to a preliminary brochure for the 2002 Conference, and announced the date would be 2-7 April 2002.

## **THE 69th CONFERENCE OF THE INTERNATIONAL LAW ASSOCIATION**

The 69th Conference of the Association was held at the Barbican Centre, London, on 25-29 July 2000. It was a great success. It attracted over 700 delegates - far in excess of the attendance at past Conferences. What was most striking about it was the innovation of the topical sessions and workshops on subjects of topical interest running concurrently with the traditional Working Sessions discussing Committee reports. By choosing subjects which are burning issues and providing lively and prominent speakers, the Organizing Committee ensured that the topical sessions and workshops were well attended, had considerable audience participation and were never dull. With several events being concurrent with each other as well, hard choices had to be made at times. Once one became familiar with the outlay of the Barbican Centre, it was not difficult to implement those choices.

Naturally, there was some concern that the topical sessions and workshops would eclipse the Conference Working Sessions on the Committee reports. From my admittedly limited observation, there was little evidence of that. Indeed, the additional events appear to have achieved their intended effect of attracting additional participants with no previous involvement in the ILA Conferences and retaining the interest of others who might have been tempted to go shopping or sight-seeing instead. Although the Conference Working Sessions system remains a vital part of the Association, it has to be conceded that only a limited part of the membership is actively involved in it. It was, however, disappointing that due to the need to attend two, admittedly very lively and interesting, Working Sessions on reports of Committees of which I was a member, I had to miss the excellent additional events on Wednesday morning and Thursday afternoon.

The great strength of the Association is its "family atmosphere" where one can meet up with old friends and colleagues and "network" effectively. That atmosphere was not abandoned. By expanding, and particularly, rejuvenating the circle, one had the opportunity of making new friends and ensuring that the term "old friends" did not have to be read in the literal sense! But I also met up with many colleagues who had not been able to attend previous Conferences. It was, however, saddening that our former Chairman of the Executive Council and present Patron, Lord Wilberforce, was unable to attend. But Lady Wilberforce did come to the drinks before the Banquet on Friday.

To this must be added the Opening Ceremony with the "pomp and atmosphere" of British tradition and the excellent social programme. The British Branch under the presidency of the Rt Honourable the Lord Mustill and the Organising Committee under the leadership of Jeremy Carver CBE as chairman, and Professor Alan Boyle and Dr Campbell McLachlan as joint secretaries of the British Branch, must be congratulated on a very successful Conference which will challenge those that come after it. The description of the working and social programmes that follows can only be a summary which hardly does it justice.

### **The working programme.**

The Conference Working Sessions on Committee reports and their outcomes will be discussed in detail under the heading of News from Committees below. There were 20 Working Sessions, and in addition 4 Committees held open meetings. Three committees presented final reports; several other had substantive interim reports.

The Conference was opened on Tuesday 25 July by the Lord High Chancellor of England and Wales, the Right Honourable the Lord Irvine of Lairg, in the presence of the Lord Great Chamberlain and the Speaker of the House of Commons to a fanfare of trumpets by the Trumpeters of the Life Guards. The venue was Westminster Hall at the Palace of Westminster and all speakers referred to the role which this ancient building had played in the development of English law and of international law over the past 800 years. The Lord Chancellor announced that the United Kingdom would shortly ratify the Hague Convention on Inter-country Adoption of 1993. The occasional address was given by the Hon Stephen M Schwebel, immediate past President of the International Court of Justice.

The Workshops on the first day of the Conference - Wednesday 26 July - were devoted to the theme of International Finance and Sustainable Development. There were two workshops in the morning: one devoted to the reform of the international monetary system at which Mr Stanley Fischer, First

Deputy Director of the International Monetary Fund spoke. The second Workshop was devoted to the question of Foreign Investment, Human Rights and Development at which the Senior Vice-President and General Counsel of the World Bank, Mr Ibrahim Shihata spoke of the need to moderate development programmes with respect for the environment, human rights and other fundamental issues, such as corruption.

In the afternoon there were two concurrent Workshops. One was devoted to the Problems and Prospects for Regulating Biotechnology. It discussed the legal framework which should govern the questions raised by genetically modified crops and the use of hormones. The other Workshop which the Editor attended addressed the issue of Mass Migration and Humanitarian Intervention. This discussed the problem raised by internally displaced persons who constitute a substantial part of the refugee population, but are by tradition regarded as a domestic problem. Should the United Nations High Commissioner for Refugees also take care of them? To a certain extent UNHCR has, but should it go further? These are important issues in the light of the discussions which will take part next year on the future of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol to that Convention. It was interesting to hear Ambassador Francis Deng, the former Special Representative on Internally Displaced Persons, on this important topic.

The Workshops on the second day of the Conference - Thursday 27 July - were devoted to the theme of World Trade and Economic Law. The first morning Workshop was on the topic of WTO: Prospects for the Millennium which discussed the impact which the new regulatory body has on the development of global world trade. It had the advantage of being addressed by Dr Supachai Panitchpakdi, Director-General Designate of WTO. The other Workshop dealt with the settlement of trade and investment disputes through bodies like the WTO, ICSID and the World Bank Inspection Panel.

In the afternoon there were again two concurrent Workshops. One was on Developments in International Law relating to Corruption. It discussed the anti-bribery initiatives that have been developed in several recent treaties and as new procedures in international financial institutions. The other Workshop dealt with Regionalism and International Law. It discussed the existence of regional trade bodies such as the European Union, NAFTA and Mercosur side by side with the WTO.

The Workshops on the final day of the Conference - Friday 28 July - were devoted to the topic of International Litigation. The first Workshop that day discussed the Globalisation of Civil Disputes. The speakers were Dr Lawrence Collins, as he then was, now Sir Lawrence Collins, a Judge of the High Court in its Chancery Division and Mr Conrad Harper, former Legal Adviser in the US Department of State. It discussed the need for greater cooperation between national judicial systems in the resolution of international civil litigation. The next Workshop discussed the Hague Judgments Convention Project which has reached a crucial stage in its development. The speakers included Professor Catherine Kessedjian, Deputy Secretary-General of the Hague Conference on Private International Law and, as such, responsible for much of the preparatory work for the Project. Professors Linda Silberman and Hans van Houtte made useful contributions which may enable the Project to go forward as a fitting counterpart to the 1958 New York Convention on the Enforcement of Arbitral Awards. In the afternoon there was again a choice between a Workshop on Corporations in International Litigation and one on the Use of National Courts in Human Rights and International Developmental Disputes. The former which the Editor attended was very lively and largely devoted to the implications of the recent decision of the House of Lords in the Lubbe case. Should the problems of the Third World be resolved by English courts? Should First World corporations be held to the standards of their own countries when operating in poorer countries which offer laxer standards (and even protection from legal liability) in their search for investment? The second Workshop traversed a closely related area; this time concerned with the liability of individuals and corporations to persons other than employees and whether civil law can be called in aid to punish the dictators and torturers this world is so full of. Apart from rendering it inadvisable for certain generals to visit the United States or the United Kingdom, how effective is this sanction?

On Saturday 29 July two further concurrent Workshops were held. One on Sub-contracting by international Organisations and the other on The Changing Role of International Sanctions. Unfortunately, they clashed with the concluding Full Council meeting. Mention must also be made of the preliminary Workshop held on Tuesday morning on The Prospects of International Adjudication. Again it coincided with a Full Council meeting and for some of us who registered that morning, the first notice of this excellent session came after it was over. The Closing Ceremony was, as usual, devoted to consideration of the Committee reports and resolutions and to the richly deserved thanks to the host Branch.

### **Social programme**

The customary excursion was optional this year and preceded the Conference on Monday 24 July. I was engaged all day in a Committee meeting and thereby missed my opportunity of seeing the Millennium Dome before its possible disappearance. Apart from this, Greenwich, of course, which hopefully will not be demolished, is always worth a visit.

The reception on Tuesday evening at Lancaster House by the Foreign and Commonwealth Office was well worth a visit and judging by the great throng assembled in two large halls it was a great success. It was rumoured that the Prime Minister and his wife attended part of the evening. This Editor did not see them but he may have been in the wrong room or, alternatively, left too early to go to dinner.

London being London, Embassies and High Commissions rose to the occasion on Wednesday evening. On Thursday evening there was a performance of Hamlet at the Globe Theatre which by all accounts was excellent. The Globe and its near neighbour the Tate Modern are the most exciting additions to London in the past few years (apart from the Millennium Dome, of course). The grand finale in every sense of the word was the Banquet on Friday evening at the Guildhall. The building, as speakers pointed out, is a reconstruction since the original was rather thoroughly demolished during the Second World War. Still the place radiated history and tradition and was a perfect place for renewing those old friendships. The Editor managed to catch up with someone he had not seen since 1971.

### **THE 70th CONFERENCE OF THE INTERNATIONAL LAW ASSOCIATION**

The next Conference of the ILA will be held in New Delhi in April 2002 at the invitation of the Indian Branch. A preliminary Brochure has already been issued and should have been received by members by now.

In his invitation Dr Justice A. S. Anand, Chief Justice of India and President of the Indian Branch writes:

The 70th Conference of the International Law Association is being held at Vigyan Bhawan, New Delhi, from Tuesday, the 2nd April to Sunday, the 7th April, 2002. I am delighted to invite you to this Conference being held in the Capital City of India which provides a tantalising glimpse of India's history, caught in a time-warp of the present and the past.

The Conference offers stimulating mix of discussions, development of ideas and social events which is a hallmark of every ILA Conference of this magnitude.

I would like to accord a special welcome to our overseas visitors who will traverse many miles and spend precious time in their journey to this exotic land of India.

Throughout the ILA's history, its international Committees have undertaken important work on a variety of topics, contributing to international conventions and the progressive development of International Law. The work of these Committees will be the principal focus of the Conference. The programme at the Conference offers distinguished and eminent speakers from the world over.

His Excellency Mr K. R. Narayanan, The President of India has agreed to inaugurate the 70th Biennial Conference at 5.30 p.m. on Tuesday, the 2nd April, 2002.  
I look forward to your participation.

The Honorary Organising Secretary, Mr P. H. Parekh, advises that there will be an opportunity of selecting from a variety of pre- and post- Conference tours conducted by professional operators to Agra, Jaipur and other places of interest. Those who register early will obtain a substantial discount. Accommodation catering for the needs of every category of visitor has been arranged. As Mr Parekh points out, this will be the second time that India has hosted the Conference. The 56th Conference was held in New Delhi in December 1974.

I can only add as someone who attended the 1998 Regional Seminar in New Delhi and Mumbai that India is indeed a most beautiful and fascinating country. Its hospitality and highly varied cuisine is legendary. As the second most populous country in the world that is now taking its rightful place in international commerce and politics, it will offer an excellent venue for the 70th Conference. I certainly plan to attend and hope that many others will follow suit.

For those who want to indicate interest and/or obtain further information, Mr Parekh can be contacted at:

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                                 3382111; 3383211; 6516755  
Fax:    +91 11            3311951; 6511620  
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## **THE 71st CONFERENCE OF THE INTERNATIONAL LAW ASSOCIATION**

The Full Council has accepted the invitation of the German Branch to hold this Conference in Berlin in 2004. The provisional dates are 16 to 21 August.

## **REGIONAL CONFERENCES**

In the last Newsletter it was announced that the 2001 Regional Conference would be held at the Cove Hill, Bridgetown, Barbados, campus of the University of the West Indies in March or April 2001. I have now received advice that the University of the West Indies cannot hold a Caribbean Regional Conference in 2001, but has indicated that it may be able to do so in 2003. Further information will appear in future issues of the Newsletter.

There is no indication as yet of any other Regional Conference to be held in 2001.

## **NEWS FROM COMMITTEES**

The full text of the Committee reports and of the resolutions passed in respect of the work of each Committee is available on the International Law Association Website: [www.ila-hq.org](http://www.ila-hq.org) . What follows is therefore a brief summary.

### **International Civil and Commercial Litigation**

This Committee met in Kyoto on 31 March and 1 April 2000 at the invitation of the Japanese Branch. The committee approved the final text of the Report to be submitted to the London Conference. It commenced discussion on its next and final project on jurisdiction over corporations. The Committee met again in London on Monday 24 July and decided on its future course of action. There will be two further Committee meetings in 2001, both to be held at venues in Europe. The first meeting will be held in Cambridge in April 2001 at which individual members will present their assessment of the principles which should apply de lege ferenda to jurisdiction over corporations.

The second meeting will be held in the autumn of 2001 at which the Committee hopes to proceed with the definition of Principles on Jurisdiction over Corporations along the model of the Helsinki and Leuven/London Principles. That second venue will have naming rights attached (the Paris Principles, the Principles of Prague?! The Committee will then hold its concluding meeting on the occasion of the 70th Conference in New Delhi.

The 69th Conference adopted the Leuven/London Principles on Declining and Referring Jurisdiction prepared by the Committee. The full text and accompanying Report are available on the website. It invited the Committee to complete its work, in particular on the subject of jurisdiction over corporations.

### **International Trade Law**

The 69th Conference adopted the Declaration on Competition Policy, the Declaration on Exhaustion of Intellectual Property Rights and the Declaration on the Rule of Law in International Trade, as drafted by the Committee. The Committee will continue its work at the 70th Conference in New Delhi.

### **The Teaching of International Law**

This Committee produced its first and preliminary Report. The Conference urged Branches to appoint members to this Committee.

### **Arms Control and Disarmament Law**

The Conference noted the Fifth Report of the Committee dealing with National and International Verification Measures as a significant contribution to further promoting methods of implementation of arms control and disarmament. It endorsed the proposals made in the Report and underlined the importance of the early entry into force of the Comprehensive Test Ban Treaty. The Committee will continue its work at the 70th Conference in New Delhi.

### **Feminism and International Law**

The Conference adopted the recommendations contained in the Final Report on Women's Equality and Nationality in International Law. The work of the Committee will continue on the subject of Women and Migration.

### **Islamic Law and International Law**

The Conference noted with approval the intention of the Committee to contribute to the advancement of international law on asylum and refugees by incorporating some aspects of Islamic Law on asylum in international law, notably at the regional level.

### **International Commercial Arbitration**

The Conference considered the Committee's Report on Public Policy as a Bar to the Enforcement of Arbitral Awards. It requested the Committee to commence a study on *res judicata*, *lis pendens* and related issues in international arbitration and to present an interim Report at the New Delhi Conference.

### **International Family Law**

The Conference considered the first Interim Report of the Committee. It invited the Committee to continue its study of the problems surrounding transfrontier parent/child contact and to report thereon at New Delhi.

## **International Human Rights Law and Practice.**

The Conference adopted the conclusions and recommendations contained in the Committee's Final Report on the Exercise of Universal Jurisdiction in respect of Gross Human Rights Offences. It welcomed the intention of the Committee to proceed with studies on the domestic implementation of findings of human rights treaty bodies. It urged all Branches to respond to the Questionnaire prepared by the Committee on the domestic implementation of findings of human rights treaty bodies.

## **Coastal State Jurisdiction relating to Marine Pollution**

The Conference noted with gratitude the Final Report of this Committee. It recommended that the Committee, having accomplished its task, be dissolved.

## **Cultural Heritage Law**

The Conference took note of the Report of the Committee and requested it to continue its work on a "blueprint" for the future development of cultural heritage law.

## **International Monetary Law**

The Conference took note of the Report of the Committee on: International Financial Standard Setting; Supervision of Financial Services; European Economic and Monetary Union; and the Impact of Electronic Money and Finance on Monetary Law. The Committee will continue its work.

## **Space Law**

The Conference took note of the Report of this Committee on: Review of UN Space Law Instruments in View of Commercial Space Activities; Dispute Settlement; and Space Debris. It requested the Committee to continue its work on these topics.

## **Diplomatic Protection of Persons and Property**

The Conference noted the First Report of this Committee and in particular the useful work done in the preparation of its interim reports on "Exhaustion of Local remedies" and "The Changing Law of Nationality of Claims". It invited the Committee to continue with its work.

## **Legal Aspects of Sustainable Development**

The Conference took note of the Fourth Report of the Committee. It requested the Committee to continue its work of preparing an ILA Declaration of Principles of International Law in the Field of Sustainable Development.

## **Formation of General Customary International Law**

The Conference adopted the London Statement of Principles Applicable to the Formation of General Customary International Law and accompanying Commentary attached to the Final Report of the Committee. It thanked the Committee for its valuable work and recommended that it be dissolved.

## **Internally Displaced Persons**

The Conference adopted the Preamble to the Report of the Committee and the Declaration of International Law Principles on Internally Displaced Persons. It stressed the unresolved issue of the relationship between refugee law and the status of internally displaced person which required further study. It thanked the Committee for its valuable work and recommended that it be dissolved.

## **Water Resources Law**

The conference thanked the outgoing Chairman Professor Charles Bourne for his unstinting devotion to the Committee. It noted the Campione Consolidation of the ILA Rules on International Water Resources and took note of the draft Article on Adequate Stream Flows. It requested the Committee to continue its work.

## **Accountability of International Organisations**

The Conference noted the Second Report of the Committee. It invited the Committee to continue its work.

## **Refugee Procedures**

The Conference noted the Third Interim Report on Temporary Protection of the Committee. It invited the Committee to submit its final report to the New Delhi Conference.

### **Workshop on Small Arms and Light Weapons: The Legal Aspects of National and International Regulations**

The Committee on Arms Control and Disarmament Law, Chairman Dr Julie Dahlitz, will hold an expert workshop on the legal aspects of national and international regulations on small arms and light weapons, to be held in Geneva from 17 - 19 May 2001.

The workshop will pay special attention to the legal aspects of newly developing international regulations (i.e. UN Firearms Protocol, UN process on small arms, OSCE Framework Document on Small Arms). Comparative analyses of precedents in other fields of law concerning arms control and sensitive goods will be made. Additionally, elements of a national model legislation concerning small arms and light weapons will be elaborated.

Attendance is by invitation only and those ILA Members wishing to take part should advise their qualifications to the workshop convenor, Dr Erwin Dahinden, by contacting:

Tel: 0041 31 323 86 19

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## **NEWS FROM BRANCHES**

### **American Branch**

The Branch will hold its annual International Law Weekend on 26-28 October 2000 in New York. The overall subject for the Weekend will be: "International Law in the 21st Century: the Role and Impact of the United Nations and Other International Entities". The speaker at the annual dinner will be Professor Ivan Shearer, Challis Professor of International Law at the University of Sydney, Australia and the 2000-2001 Charles H Stockton Professor of International Law at the Naval War College. The address will be published in the Biennial Proceedings.

The luncheon address will be given by Arthur W. Rovine, President of the American Society of International Law. He will speak on "International Law in US Courts". His address will also be published.

The Branch has its own Committees on Extradition and Human Rights; Extraterritorial Jurisdiction, Formation of Rules of Customary Law; Human Rights; Intellectual Property, International Civil and Commercial Litigation, International Criminal Court, International Trade Law, Islamic Law, the Law of the Sea, International Family Law, Refugee Law, Space Law and Teaching International Law.

We have been informed that Professor Martin Glassner has recently published two books: *The United Nations at Work* and a revised and enlarged edition of *Bibliography on Land-Locked States, Economic Development and International Law*. If members are interested in acquiring copies, details are available from the HQ Secretariat.

### **Australian Branch**

The Australian Branch continues to be very active. It has arranged a number of seminars during this year. Addresses have been held on topics related to humanitarian intervention, the Deployment of Interfet in East Timor, aspects of the Law of the Sea and the allocation of domain names on the Internet.

The Queensland Chapter of the Branch has also held a number of meetings. They include: An address by Major David Freeman, Chief Legal Officer, Australian Army, on "Legal Aspects of the Australian Interfet Operation in East Timor"; An address by Justice Michael Kirby on the Human Genome Project and an address by Dr Peter Nygh on the Hague Judgments Project.

### **Canadian Branch**

It is with great regret and sadness that the legal community in Canada learned of the death of the Honorable Jules Deschênes. Judge, lawyer, professor and author of numerous legal articles, Jules Deschênes was known for his active role in international law, particularly in the field of human rights.

The Honorable Jules Deschênes was born in Montreal in 1923, was called to the Barreau du Québec in 1946 and worked as a litigator for 25 years. He was named a Queen's Counsel in 1961 and, in 1972, he was appointed to the Quebec Court of Appeal. In August of 1973, the office of Prime Minister Pierre Trudeau appointed the Honorable Jules Deschênes as Chief Justice of the Superior Court in Quebec. It was during this time, when he rendered a series of judgments with major political implications in Canada, notably on language laws, that he became a figure almost as prominent as were the premiers of his day. In 1985, he was appointed by the federal government to head a federal commission investigating Nazi war criminals living in Canada. His report recommended action against about 20 suspected war criminals and further investigation of another 218.

In January of 1993, he was named a companion of the Order of Canada.

In September of 1993, he was elected by the United Nations General Assembly as one of 11 judges of the Tribunal established in The Hague for war crimes committed in the former Yugoslavia. He and 10 other judges issued warrants for more than 75 people accused of war crimes. He served on the Tribunal until April of 1997, when he announced his resignation for medical reasons.

He was one of Canada's greatest jurist who took on the hardest cases of his time, called them as he saw them, and was prepared to take the heat for saying what he thought was right. He believed in activism on the bench, even if it meant courting controversy. He argued that judges should take not just the letter of the law into consideration, but also the social, economic and political context. He was quoted as saying: "I believe the law can be a powerful instrument for change. That doesn't mean fostering revolution, but rather an evolution of the mind and evolution of a way of life."

He died in Laval, Quebec, on Wednesday May 10, 2000. He was 76.

### **Branche française**

La Branche française s'est réunie le 1 décembre 1999 pour entendre une communication de M. le Professeur Alain Pellet sur "Le code de conduite du tourisme adopté par l'Organisation Mondiale du Tourisme en octobre 1999". Une première réunion cette année le 16 février a permis d'entendre M. le Président ALAIN PLANTEY sur "Le Tribunal Arbitral du Sport (Comité International Olympique)". Les thèmes pour l'année 2000 porteront notamment sur l'affaire Pinochet, les problèmes monétaires et les investissements ainsi que sur les problèmes juridiques de la privatisation de l'espace.

Par ailleurs, le Bureau de la Branche française est désormais composé comme suit : Président: M. Gilbert Guillaume; Vices Présidents: Philippe Kahn, David Ruzié; Trésorier: Jean-Pierre Eck; Membres: Jacqueline Dutheil de la Rochère, Catherine Kessedjian, Philippe Leboulanger, Jean Lisbonne; Secrétaire général: Dominique Hascher.

### **German Branch**

The German Branch held its usually well attended annual meeting on 26 May 2000 in Heidelberg. The members heard reports by the officers of the Branch on developments within ILA and its bodies as well as on activities on the national level, in particular with respect to the planning and first organisational decisions taken for the 2004 Conference in Berlin.

Since B. Wahlig of the German Bundesbank had retired as Chief Legal Division and also as Vice-President of the German Branch, Prof. Bernd von Hoffmann was elected as new Vice-President. All other officers of the Branch were confirmed for another two-year-period.

The scientific part of the annual meeting focused on "The Legal Protection of Foreign Investment". Papers were delivered on "The actual state of the international law on expropriation" by Prof. Seidl-Hohenveldern (Vienna), on "Practical experiences in the fields of investment and contracting" by T.J. Kautz (Sherman and Sterling, Frankfurt), on "Protection of Property by the European Court of Human Rights" by Dr. Ruffert (Trier), and on "Experiences as Judge in arbitration tribunals in investment matters" by the President of the Branch, Prof. Böckstiegel (Cologne). The presentation of these papers led to a very lively discussion.

### **New Zealand Branch**

Dr Peter Nygh addressed members of the New Zealand Branch in Wellington on aspects of the Hague Preliminary Draft Convention on Jurisdiction and the Recognition of Foreign Judgments.

The Branch in conjunction with the Australian and New Zealand Society of International Law held a Seminar on 8-10 July in Wellington on "Wealth, Security and Survival". Conference Sessions included: Order in a Changing World; International Economic Regulation; International Humanitarian Law; Law of the Sea in the South Pacific; International Environmental Protection. Speakers included: Dr Michael Byers, Professor Hilary Charlesworth, and Sir Kenneth Keith.

The Auckland Sub-Branch has had a busy programme of evening seminars starting with Erika Feller from the UNHCR on the topic of "Refugee Protection: An Unwelcome Responsibility?" in March. This was followed by a panel discussion entitled "The Impact of International Law at the Turn of the Millennium" with commentaries by David Goddard, Treasa Dunworth and Allan Bracegirdle. The third seminar was on the challenges facing Amnesty International by Dr Margaret Bedggood, who is on the International Committee of that organisation. The fourth seminar featured Sir Kenneth Keith of the New Zealand Court of Appeal on the topic "Should Lawyers be interested in International Relations and International Law?".

The fifth seminar was an address by Professor Klaus Bosselman on "The Earth Charter". All five seminars have been well attended. A further seminar is planned for October on "The South Pacific: A Sea of Troubles? Political and Legal Perspectives".

### **Swiss Branch**

The Swiss Branch held a meeting on 12 November 1999 on the topic: The Kosovo-Conflict - Legitimacy of Humanitarian Interventions and Neutrality Issues. The papers given at this meeting have recently been published in a special issue of the Swiss Review of International and European Law (Nr 2/2000) T Schulthess, Zurich.

The branch has recently held a further meeting on 10 November 2000 on: registered Partnerships: Aspects of Comparative Law, Aspects of private International Law, Aspects of European and of Public International Law. The contributions presented are to be published in SRIEL 2/2001.

## **WEBSITE**

Many of you will have visited the new ILA Website which has been operating now for several months. It is still on the same address: [www.ila-hq.org](http://www.ila-hq.org) and now includes committee reports and the resolutions adopted at the ILA 2000 London Conference.

Although the ILA website can be accessed by anyone, there is a special area of it only accessible with a password. This currently contains FORUM and will in the future also allow members to access other information. Passwords were issued to members for whom we hold email addresses and whose branches had made their HQ contributions. Any member who has not received the password (and whose Branch has paid the 2000 contribution to HQ) should contact the Secretary.

We hope to establish hyperlinks from this site to individual branches' sites wherever possible.

## **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 2001 and the deadline for contributions to that issue is 1 May 2001. Any contributions should be sent to ILA 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.

To assist us maintain our database and to allow the delivery of this Newsletter we would be very grateful if you would inform us of any changes to your address and other details. In particular, we would like to know when any members acquire email addresses as more and more items are circulated electronically. Please use the form printed below and return it to us by post or fax (+ 44 20 7323 3580) or email us on: [secretariat@ila-hq.org](mailto:secretariat@ila-hq.org)

If you have not recently sent us this information, please complete this form and return to HQ. Thank you very much.

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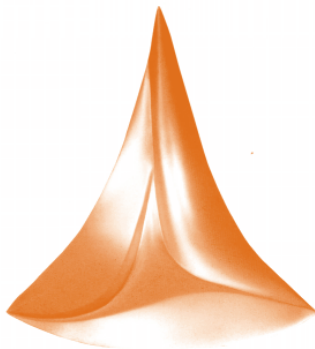
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