

# ILA NEWSLETTER ADI - ACTUALITES

**International Law Association**

Charles Clore House, 17 Russell Square, London WC1B 5DR  
Telephone: +44 171 323 2978; Telefax: +44 171 323 3580

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## EDITORIAL

Welcome to the 10th issue of our Newsletter! I suppose it is worth a celebration. I want to mark it by thanking all those who have made it possible. In the first place, our former Treasurer, Klaus Cuperus, who started it and then to Mrs Barbara Osorio (now Mrs McLaren) without whose dedication and hard work it would not be possible to produce it. Last, and certainly not least, I should thank Kluwer Law International whose financial support has been essential and unwavering. It now looks reasonably certain that the Newsletter will continue to be a feature of the Association for the foreseeable future. The only issue is its delivery and with the acquisition by the Association of its own Website at <http://www.ila.org> it will be possible to deliver it electronically to members with Internet access. Since several Branches, including the American and Australian Branches, are in the process of establishing Websites, the publication and delivery of the future issues of the Newsletter will take entirely new forms!

Of course, we are also looking forward to the appearance of the **International Law Forum du droit international** in early 1999. It had been hoped to inaugurate it at least with an oral presentation in Taipei, but this was regrettably not possible. However in early July a prototype, to be known as issue 0, will be distributed to all members as well as to others who may be interested in subscribing. It will, as explained in the last issue, be a journal of comment and of challenge whilst this publication will primarily be concerned with notifying members of past and future activities of the Association and of the Branches. It will continue to do so in conjunction with the Forum. The Newsletter will also, needless to say, continue to be supplied to members as part of their membership entitlement.

The main topic of this Newsletter is the 68th Conference which has just concluded at Taipei. Congratulations are due to the China (Taiwan) Branch for a superlative performance which engaged not only the hosts, the Chinese Society of International Law and the Chinese (Taiwan) Branch of the International Law Association, but also attracted the personal attention of the President and Government of the Republic of China on Taiwan. It is therefore a matter of deep regret that our new President, Professor Hungdah Chiu, fell seriously ill at the end of the Conference, due no doubt to the great demands which the Conference placed on him. We all wish President Chiu a speedy and complete recovery. The details of the Conference follow in this Newsletter. Another item of importance are the new rules for the establishment of Committees and Study Groups of the Association. They are also set out below. As usual, there are also announcements of future Conferences and Regional Conferences of the Association and of related Conferences.

As in previous Newsletters I continue to urge Branches and Committees to keep me informed about their activities. This is a very important aspect of the Newsletter in helping to keep the members in touch with what is being done. I have also greatly appreciated in the past news items and comments that individual members have sent in from time to time. We do not exactly have a 'letters to the editor' column, but if there was a steady flow of comment from members, I would certainly consider it. Please enjoy the 10th issue of the Newsletter.

Peter Nygh  
Editor/Redacteur

## CONFERENCES

### 68th Conference of the ILA

This Conference was held on May 24 - 30, 1998 in Taipei, Taiwan. It was a great success and the host, the Chinese Society of International Law - Chinese (Taiwan) Branch of the ILA under the leadership of President Professor Hungdah Chiu, Vice-President, Dr Ying-jeou Ma, Treasurer Dr Chun-i-Chen, and their indefatigable committee members are to be congratulated on one of the most memorable meetings of the ILA. In accordance with tradition the Presidency passed from Professor Bengt Broms to the new President, Professor Hungdah Chiu. Some 430 delegates attended. Apart from representatives from Taiwan, there was strong representation from the American, Australian, British, German, Japanese, Netherlands, Phillipines and Swiss Branches.

The Conference was opened by His Excellency Dr Teng-hui Lee, President of the Republic of China. The President spoke of the long association between international law and China which began in 1864 when the American missionary W A P Martin translated Wheaton's *Elements of International Law* into Chinese. The Republic of China was one of the earliest advocates of investing the International Court of Justice with general compulsory jurisdiction and strongly favoured the development and codification of international law. In the Constitution adopted in 1946 it was specifically provided that the foreign policy of the Republic of China shall be based on respect for treaties and the Charter of the United Nations. His Excellency expressed the hope that all nations should be able to take part in the future work of the United Nations. He concluded by expressing best wishes for a successful Conference.

The other key speaker at the Opening Session was Dr Thomas Mensah, the inaugural President of the International Tribunal of the Law of the Sea which was established in August 1996 with the election of 21 judges representing the traditional Regions of the United Nations. It now sits in Hamburg, Germany. His Excellency explained the tasks and the jurisdiction of the Tribunal which breaks new ground in measures designed to ensure that member States cannot evade its jurisdiction and permitting non-State entities to have standing before the Tribunal. It has been able to deal with the disputes that have been brought before it, in a prompt and effective manner.

The academic programme was, as usual, of high standard. Of the 26 Committees of the Association, 22 delivered reports to the Conference. Three of those Committees, those on Maritime Neutrality, International Law in National Courts and Extradition and Human Rights, delivered final Reports. A necessarily very brief description of the topics covered in the Reports follows under the heading: **News from Committees**. Needless to say, the papers will all be published as part of the Proceedings of the 68th Conference and made available in due course to financial members of the Association.

In addition to the traditional Committee Sessions, the Conference also sponsored three Workshops. The first Workshop was held on 26 May on *Current International Law Issues in East Asia* with specific emphasis on the Law of the Sea and the Asian Financial Crisis. As regards the former, papers were delivered by Professor Ivan Shearer (Australia) on *Transit Rights through Indonesian and Phillipines Waters*, by Professor Kari Hakapaa (Finland) on *Trans-oceanic Shipment of Nuclear Waste from France to Japan*, and by Professor Ying-jeou Ma (China - Taiwan) contrasting the *Saiga* and *Kasuga* cases as illustrating the problems facing Taiwan when it cannot become a Party to the UN Law of the Sea Convention and has no access to the International Tribunal on the Law of the Sea. On the topic of the *Asian Financial Crisis*, papers were delivered by Professor Cynthia Lichtenstein (USA) on the reluctance of the IMF to request States to impose capital controls in times of financial crisis, and by Professor Yu (China - Taiwan) on the *Asian Financial Crisis from a Taiwan Perspective*.

Another Workshop was held on Friday 29 May on *Trade-Related Aspects of Intellectual Property Protection*. This was divided into two topics: *The Impact of the TRIPS Agreement - Compliance and Enforcement* which contained a discussion of the interactions of bilateral and multilateral negotiations and dispute settlement and remedies, and, as the second theme: *The Future of TRIPS* which included a discussion of WTO, WIPO and the Digital Agenda, and TRIPS, Competition and Environmental Issues. Distinguished speakers from the United States, Taiwan, and Switzerland took part.

Finally, a Workshop was held on the same day on *The Teaching of International Law* which focused on the excellent paper prepared by Professor John King Gamble of The Pennsylvania State University, Erie, Pa., entitled: 'A Critical Examination of the Teaching of International Law'.

The delegates and accompanying persons were also treated to traditional Taiwanese hospitality. Banquets and buffets with many Chinese delicacies were offered at the Welcome Reception, several luncheons and almost every evening. Thanks must be expressed to Professor Hungdah Chiu, Speaker Dr Chien, Minister of Foreign Affairs, Dr Hu, Chief Justice, Dr Shih, President Lee, Prime Minister Siew and Vice-President Dr Lien, who each hosted a function for those attending the Conference. During the Banquet given by the Chief Justice, His Excellency Judge Oda of the International Court of Justice spoke on: *The International Court of Justice - Today and in Future*, in which he stressed the current paradox facing the Court with a greater influx of cases but a limited capacity to deal with them. At the dinner tendered by the President, His Excellency spoke about the great progress Taiwan has made in recent years and of the development of lasting democratic structures on the Island. He expressed the desire that his government should take its rightful place in the community of nations. Finally, the delegates who stayed for the Annual Meeting of the Chinese Society of International Law on Saturday, 30 May, were invited to a banquet tendered by the Director General of the Government Information Office, Mr Chen.

Mention must also be made of the traditional excursion on Thursday 28 May when delegates and accompanying persons were taken on a tour of the Northern coast of Taiwan to I-lan County where they were received by the Governor of that County. Delegates were greatly impressed with the traditional dances performed by the Lanyang Dancing Troupe which has a justly deserved international reputation and the comic Taiwanese Opera about a repulsive rich merchant and a comely young widow performed by the Lanyang Drama Troupe. Following a magnificent buffet lunch, the afternoon was spent watching dragon boat race trials, followed by a performance of dragon and lion dances and spinning top contests by primary school pupils with great skill.

#### The South American Regional Conference 1999

The Brazilian Branch has issued a preliminary programme for this Conference which will be held in Sao Paulo, Brazil on 25 - 27 July 1999. The Conference will cover three principal themes:

#### **I. Mercosul (or Mercosur in the Spanish version)**

- a) Mercosul, an Introduction
- b) Mercosul, European Union and NAFTA - Intra-Regional Cooperation Possibilities
- c) Dispute Settlement Mechanisms and Judicial Co-operation in Mercosul and WTO.

#### **II. International Law and the Environment**

- a) Implementation Status of the Main International Environmental Treaties
- b) Environmental Aspects of the Law of the Sea
- c) Environmental Aspects of International Co-operation in River Basins - The Amazon and the River Plate Basins

#### **III. Human Rights and Sustainable Development Law**

- a) The Inter-American System for the Protection of Human Rights
- b) The Central American Experience
- c) The Right to Development, Environmental Protection and National Sovereignty over Natural Resources

There will be opportunities offered to tour the country. Places mentioned include the national capital, Brasilia, an ecological tour of the Amazon Basin, and for the sybaritic: a visit to Rio or the beach resorts of the tropical North East. While July is mid-winter in the South of Brazil where Sao Paulo is situated, day time temperatures are relatively mild. Hotel prices range from US \$ 75 to US\$ 175 with breakfast generally included. Visas are not required for citizens of the Mercosul countries or of the European Union. Others should enquire of the local Brazilian representatives.

A preliminary notice has been printed and copies are made available to Branch Presidents for local distribution. The form contains a preliminary registration form which should be filled in and sent to the Conference Secretariat by persons who wish to receive the registration forms for the Conference. ILA members who register prior to 31 December 1998 will pay US\$ 150, non-Members will pay US\$ 200 and students US\$ 75. On 1 January 1999 these prices will be increased by US\$ 50 and on 1 April 1999 by another US\$ 50.

**For further information on the Conference, contact:**

Regional Latin American Conference of the ILA  
Cerne Consultoria de Eventos  
Av. Brig. Faria Lima 1685, cj. 1B, 1o andar  
01452-001 Sao Paulo, SP, Brazil  
Fax: (+55) (11) 814 1518 or 813 9353

**For information on accommodation and tours, contact:**

Robert Tour  
rua Cacapava 54  
01408-010 Sao Paulo, SP, Brazil  
Fax: (+55) (11) 881 2016  
E-mail: robert@virtual-net.com.br

**Otherwise, 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 69th Conference will take place at the end of July 2000 in London. The British Branch has made reservations at the Barbican Centre. Further details will become available after the next meeting of the Executive Council on 21 November 1998 in London.

**THE 70TH CONFERENCE 2002**

The 70th Conference of the International Law Association will be held in New Delhi, India, in 2002. The exact dates are yet to be determined, but the hot summer months will be avoided.

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

This Conference will be held in The Hague, The Netherlands on 20 -22 May 1999. Its tentative title is: *The Coming of Age of International Law*. It will focus on salient developments in international law since the First Hague Peace Conference was held in 1899. This will include: the law of international dispute settlement, the law on peace and security, international human rights law, international economic law, international criminal law and international environmental law. The Conference will be co-chaired by David J Bederman, Professor of Law, Emory University School of Law and Dr Ellen Hey, Associate Professor, School of Law, Erasmus University, Rotterdam. For further information please contact either ASIL, at 223 Massachusetts Avenue, Washington DC 20008-2864, USA, or NVIR, Hugo de Grootstraat 29, 2311 XK Leiden, The Netherlands.

**NEWS FROM COMMITTEES**

*Diplomatic Protection of Persons and Property*

This very newly established Committee did not report in Taipei. The Chairman of this Committee is Professor Richard Bilder of the University of Wisconsin with Professors Juliane Kokott (Germany) and Francisco Orrego Vienna (Chile) as Rapporteurs.

*Arms Control and Disarmament Law*

The Chairman of the Committee, Dr Julie Dahlitz, reports as follows on recent activities of the Committee:

*New York*: The third volume of the book series on arms control law, entitled **Future Legal Restraints on Arms Proliferation** was published with contributions from eight Committee members. As with former volumes it was published by the United Nations and edited by the Committee Chairman, Dr Julie Dahlitz. She attended the book launch at the United Nations in New York, together with the Committee Rapporteur, Dr Dieter Fleck, to be followed by participation in a conference of the American Branch of the ILA and related organisations. It was part of the International Law Weekend '96 held at the House of the Association of the Bar of the City of New York.

The Committee organised a panel discussion on the topic: *The Future Role of the United Nations Security*

*Council in Accommodating Technological Change in Arms Control.* Shortly afterwards the Security Council, for the first time, organised a procedure to deal with any complaints arising under arms control treaties that make provision for such appeals.

*Budapest:* Committee members were invited by the Hungarian Branch to participate in a Seminar in that city entitled: *The Effect on Arms Control Treaties of Changed or Unforeseen Circumstances*, held on 30 June and 1 July 1997.

*Utrecht:* On 2 July 1997 a seminar was held at the University of Utrecht on *Obligations Inter Se of the Chemical Weapons Convention and on the OPCW* under the auspices of the Committee. Opening remarks were delivered by Professor Alfred H A Soons, Dean of the Faculty of Law of the University of Utrecht and ILA Director of Studies.

*The Hague:* The Utrecht Seminar was timed to precede the Fourth Hague Joint Conference on *Contemporary International Law Issues: New Forms, New Applications*, held on 3 -5 July 1997. As previously, it was conducted jointly by the American Society of International Law (ASIL) and the Nederlandse Vereniging voor Internationaal Recht (NVIR), who invited Committee members to participate at the ASIL/NVIR concessional rates. The Committee Chairman, Dr Julie Dahlitz, delivered a paper at the session on 'The Ban on Chemical Weapons and Related Arms Control Issues'.

*Geneva:* The Committee organised an expert Colloquium on the *Multilateralization of Arms Control Treaties* in Geneva on 17 and 18 July 1997 in conjunction with the Royal Institute of International Affairs in London and the Graduate Institute of International Studies in Geneva. Participants included the arms control Ambassadors of Egypt, Germany and India, 10 professors of international law or international relations, together with a cross section of arms control negotiators from various fora that otherwise never interact. All continents were represented, especially Europe and Asia.

*Moscow:* On 18 September 1997, the Committee conducted an Open Panel on *The Early Identification of Arms Control Problems Concerning the CIS and Adjoining Regions*, as part of the European Regional Conference of the ILA, entitled *First World Conference on International Law in Russia*. The four eminent panelists from the Commonwealth of Independent States Region and the then Defence Attache of the Embassy of the United States to the Russian Federation, each delivered papers of great topicality. The Committee Chairman, Dr Julie Dahlitz, also presented a paper dealing with matters that arose during discussion at the previous Geneva Colloquium. *London:* In conjunction with the Council for Arms Control and the British American Security Information Council, the Committee participated in a discussion on *The Madrid Summit - NATO Enlargement: Implications for Arms Control*, held on 24th July 1997 at King's College, London.

The Committee delivered its Fourth Report at the Taipei Conference on the topic of *Further Restraints on Nuclear Weapons*. In view of recent events, this Report attracted a great deal of attention and discussion.

At the Conference the Committee Report was adopted as expressed in the Draft Resolution. After thorough debate, the meeting specifically expressed its approval of the section of the Report on 'Further Constraints on Nuclear Weapons'. In particular, it recommended the practice of signatories to arms control treaties 'to refrain from acts which would defeat the object and purpose' of those treaties, as the practice relates to the Comprehensive Test Ban Treaty. The meeting noted that the special requirements of arms control have led to the application of a general rule that a State signatory will observe treaty provisions pending ratification and entry into force. In the case of the CTBT, in particular, the meeting concurred with the view that a failure to apply this practice could lead to especially grave consequences. It also agreed on the urgent need to uphold the momentum of the Strategic Arms Reduction Treaties and the importance of maintaining strategic stability throughout the negotiating process. Additionally it was stressed that the nuclear-weapon States/Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, should abide, in good faith, by their obligations incurred under its Article VI.

The Committee will continue with its work. The Committee will participate in a Joint Conference to be held in London in November in order to mark the coming Centenary of the Hague Peace Conference of 1899, where Disarmament and the Renunciation of Weapons of Mass Destruction (to wit: bombs dropped from aerial balloons) were matters for discussion.

#### Islamic law and International Law

This Committee, being only recently reconstituted, did not report at Taipei.

#### Committee on International Litigation in Civil and Commercial Matters

This Committee did not report at Taipei. However it is continuing its work on *Declining Jurisdiction* and plans to hold its next meeting in Leuven on 7 and 8 November 1998. It plans to deliver its final Report at the London Conference.

#### Committee on Cultural Heritage Law

This Committee presented its Second Report at Taipei. The report is directed toward the development of a broader organizational framework that would incorporate principles of sharing the common cultural heritage and encouraging better access to its educational benefits, rather than stressing claims of retention and return of cultural patrimony. The Committee has completed its work on the current topic with the presentation of the Second Report on Heritage Law Creation. The future programme will involve the preparation of a blueprint for the future of cultural heritage law.

#### Committee on Human Rights Law and Practice

This Committee presented a report at Taipei on the topic of *The Exercise of Universal Jurisdiction in Respect of Gross Human Rights Offences*. The report concludes that 1997 has been something of a turning point in that since then there has been a significant and encouraging increase in the exercise of universal jurisdiction in respect of human rights violations, especially in Western Europe, especially in relation to offences committed in the former Yugoslavia, in cases where the War Crimes Tribunal did not exercise its right of priority and no extradition was sought by the State of the place of commission of the crime. The author of the report, Professor Menno Kamminga, whose appointment as Co-Rapporteur was confirmed in Taipei, is seeking the assistance of ILA members in bringing to his attention examples of the exercise of universal jurisdiction by sending materials to him at: Erasmus University, Faculty of Law, PO Box 1738, 3000 DR Rotterdam, The Netherlands. It was resolved that an updated final report on the issue be submitted to the 69th Conference, taking into account issues raised in discussion at the Taipei Conference, as well as developments in the case law referred to in the Report.

As regards the future work of the Committee, the Chairman, Professor Martin Scheinin, presented a proposal to conduct a study of the domestic implementation of findings by international human rights treaty bodies. For that purpose, a questionnaire will be prepared, and a colloquium may be organized, should funding from external bodies be raised. A progress report will be presented to the 69th Conference.

#### Committee on Maritime Neutrality

This Committee presented its final Report in Taipei on the topic of *Neutrality and Naval Warfare*. The Committee had presented a Report culminating in the adoption of the Helsinki Principles at the 67th Conference in 1996. The present Report seeks to clarify some of the points outstanding from 1996 without affecting the substance of the Helsinki Principles.

The session adopted the proposal of the Committee to amend the Report in such a way that the final Report now consists of the introduction and the Helsinki Principles and Commentaries. The Principles and Commentaries were approved unanimously with some technical amendments. A paragraph dealing with prize courts was included on the basis of a proposal from the floor. This completed the work of the Committee and the session congratulated the Committee, particularly the Rapporteur, on the excellent work.

#### Committee on International Monetary Law

The Report comes in four sections: the first section deals with current legal developments related to the European Monetary Union; the second section deals with international harmonisation of the supervision of financial services; the third section examines legal issues relating to the regulation of electronic money and the fourth section presents the draft resolutions of the Committee on these topics. The last was purely procedural and recommended that the Committee continue with its work. That was accepted. The third item, electronic money, was not discussed due to lack of time.

Section 1 of the Report dealing with the EMU was sub-divided into three separate topics and Dr Gruson (USA) and Professor Hahn (Germany) gave detailed commentaries dealing, respectively, with practical aspects of the introduction of the Euro in January 1999 and the need of States to comply with financial standards. Dr Follak (Germany) presented a detailed review of Section 2 dealing with the harmonisation and

control of financial services at a time when the divisions between banks, investment firms and insurance companies were dissolving.

#### Committee on Coastal State Jurisdiction relating to Marine Pollution

This Committee presented its Second Report in Taipei. The focus in the Report is on two issues relevant to coastal State jurisdiction over vessel-source pollution. The first is an analysis of the term 'applicable' appearing in various rules of reference used in the 1982 UN Convention on the Law of the Sea. The second relates to the phrase 'wilful and serious pollution' as linked to the concept of innocent passage. Both concepts are analyzed in the light of treaty interpretation, doctrinal opinion and state practice. The Report was generally well received.

In discussion, comments were made on the customary law nature of the norms involved as well as on relevance of the results of UNCED to the topic. The Committee will turn to an examination of coastal powers of enforcement with regard to the passage rights of foreign ships in its Final Report to the London Conference in 2000.

#### Committee on Extradition and Human Rights

This Committee presented its Third and Final Report at Taipei. Following the recommendation accepted in Helsinki favouring the retention of traditional safeguards for the protection of human rights in extradition proceedings, the Committee has drafted a set of clauses for inclusion in extradition treaties and legislation for the protection of human rights.

#### Committee on International Trade Law

The Third Report of the Committee presented in Taipei deals with the following subjects: trade-related intellectual property rights; trade-related competition problems; relationships between WTO law and domestic law; trade-related environmental measures, and the GATT/WTO dispute settlement system.

In a valuable summary of the procedures for dispute settlement before the panels and the appeal bodies and in the discussion that followed, these points were stressed:

WTO has been so far a remarkable success story;

- cases are dealt with relatively quickly, many being settled in the course of the proceedings;
- all cases have until recently been appealed - one recently was not and it is to be hoped that this will set a new trend;
- there is scope for the development of these procedures in other areas of international law but national and regional courts must take account of WTO decisions.

On remaining aspects of the Report:

A) As to competition rules, there was a need for States to have rules dealing with anti-competitive practices and disputes could increasingly go before the WTO not least where private rather than publicly approved practices were adopted. Sectoral rules were less desirable than those applicable generally.

B) As to TRIPS, the ILA had performed a valuable function in bringing together WTO and WIPO; the World Bank had a role to play in these discussions; the tension between freedom of trade and the protection of IPR was the problem. The developing countries need special consideration in all these areas.

#### Comité sur le droit de la succession d'Etats

Cet Comité a présenté un rapport intermédiaire de la succession en matière de traités, constitutifs d'organisations internationales et de traités adoptés en leur sein. Le rapport analyse la situation en ce qui concerne tout les Etats continueurs que les Etats successeurs et les solutions retenues notamment dans les cas de l'union soviétique, de l'Allemagne et de la Yougoslavie. Il en a pris note de ces travaux et le Comité a été invité, à la lumière des observations faites en les commentaires en vu de présenter un rapport définitif sur la succession d'Etats aux traités lors de la prochaine Conférence.

#### Committee on Internally Displaced Persons

This Committee finalized the Preamble and Principles of the *Draft Declaration of Principles of International Law on Internally Displaced Persons* which were provisionally adopted at the 67th Conference in Helsinki. The Chairman and the Co-Rapporteurs introduced the Revised Draft Declaration, with commentaries. In particular, it was noted that the definition of an internally displaced person had been revised to extend protection and assistance to victims of man-made and natural disasters only when their governments had

failed to fulfil obligations for reasons that violate fundamental human rights. The participants offered comments on the draft, section by section, and considered a Resolution to be presented to the Plenary Session that would recommend that the Committee continue its work with a view to submitting a draft instrument at the 69th Conference in London.

#### Committee on Accountability of International Organisations

This Committee presented its First Report in Taipei. It consists of two Chapters. The first Chapter contains an overview of the operational issues the Committee is facing and the second is devoted to the legal framework of accountability of International Organisations. The Annex to the Report contains a provisional list of aspects and issues of item (a) - relations between Member States, third parties and International Organisations - and of item (b) - redress by and against International Organisations- of the Committee's terms of reference. The Committee will meet in September 1998.

#### Committee on Feminism and International Law

This Committee presented a Preliminary Report in Taipei on *Women's Equality and Nationality in International Law* which deals with still existing national discrimination against married women in respect of nationality.

The Co-Rapporteur, Professor Karen Knop (Canada), gave an overview of the three generations of issues involved:

- the issue of married women's nationality in a world where the wife's nationality was in virtually all countries dependent on that of the husband;
- the issues of the right of women to pass nationality to their children and naturalization procedures for non-national spouses;
- a number of contemporary issues connected with sex discrimination.

Three international legal regimes are pertinent: nationality, equality and children's rights. These points, and those contained in the full and thorough Report were well discussed in the Session.

#### Space Law Committee

This Report contains the Final Draft of the *Revised Convention on the Settlement of Disputes related to Space Activities* based on the ILA Paris Convention on Dispute Settlement adopted in 1984, but revised in the light, particularly, of the great increase in the use of outer space for commercial purposes.

The Committee on the basis of the excellent Committee Report prepared by Professor Williams discussed three topics: dispute settlement, space debris and the future work of the Committee. It concluded that the Final Text should now be adopted by the ILA. Regarding space debris, recalling the ILA Buenos Aires Draft Instrument on that subject, the need was stressed to keep this subject under study by the Committee in view of its growing relevance for the practice of space activities. There was consensus that the future work of the Committee should now focus on a review of the five major space law conventions in view of the growth and development of commercial space activities by states and private enterprises. Regarding the latter two topics, i.e. space debris and the review of the Conventions, it was agreed that the ILA should contribute to the work of the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS).

#### International Committee on the Formation of Customary (General) International Law

The Report presented in Taipei was concerned with the 'objective' (also known as 'material') element in customary law: State practice. Later Reports will deal with the role of treaties in the formation and evidencing of rules of customary law, and with the role played by resolutions of organs of international organisations, notably the General Assembly of the United Nations. It is anticipated that these Reports as well as a final Report will be presented to the London Conference in the year 2000.

A lively discussion on the content of the Report took place in Taipei. Questions were posed from the floor to which the Chairman of the Committee, Professor Mendelson QC, responded. In some instances amendments were suggested which he promised would be taken into account in the Committee's further work. In others, he explained why what was suggested was either incorrect or unacceptable (as the case may be), bearing in mind positions the Committee had already adopted. In yet other instances, he was able to point out that the question or comment was based on a misunderstanding of the Report. But in any event, he would bring the record of the debate to the attention of the Committee following the Conference.

Professor Mendelson also requested comments on the form of the present Report and on whether members would like it followed, if possible, in later reports, including the final one. (The present Report is in the form of a brief restatement, with 14 brief 'propositions' and further paragraphs of comment. Nothing like this has ever been produced before in the field of customary international law). This format was unanimously welcomed by those present, who felt that a restatement of the rules on the formation of customary international law by the ILA would represent a very valuable contribution both to scholars and to practitioners.

#### Committee on International Legal Aspects of Sustainable Development

This Committee presented its Third Report at Taipei. Part I of the Report reviews main developments relating to sustainable development during the period 1996 - 8. Part II contains a report on the policy seminar on *Sustainable Development, Human Rights and Regional Cooperation* held in Dhaka, Bangladesh on 25 - 28 March 1997, and Part III discusses the Committee's working programme and proposes to circulate a questionnaire, as part of the process of exploring the feasibility of an ILA *Declaration of Principles of International Sustainable Development Law*.

Many members participated in a very lively discussion of the Committee's Report. Main items included: the need for an integrated approach, building on various chapters of international law such as human rights law, international economic law, international environmental law and the law of the sea; the necessity of giving due weight to developmental as well as environmental concerns; and the feasibility of a future ILA Declaration on Principles of International Law on Sustainable Development. The meeting welcomed the idea of circulating an elaborate questionnaire for the latter purpose, not only to members of the ILA Committee but also in a later stage to all national branches. The Committee will meet in Sao Paulo in 1999.

#### Committee on Regional Economic Development Law

This Committee presented its Second Report at Taipei. The major part of this Report is devoted to the African developments of regional economic integration and cooperation. It also contains some material on regional systems which were dealt with in the First Report, namely ASEAN and NAFTA. Professor Ida, Rapporteur, presented the African experiences and the Asian developments in the Second Report. He emphasized the tendency towards juridicization, but with some nuances, of each of the regional institutions, especially in respect to dispute settlement. Professor Hartnell, co-Rapporteur, presented the recent development of the NAFTA and supplemented the Report with a brief introduction on Eastern Europe's regional framework.

During the discussion, several valuable questions and comments were expressed, focussing on the dispute settlement system in each of the regional groupings, as well as on the relationship between WTO and regional systems. Accordingly, relevant clarifications and views were given by the two Rapporteurs.

#### Committee on International Law in National Courts

This Committee presented its Third and Final Report at Taipei. Based on national reports received from 24 Branches, the Committee presented its findings on the following issues:

- a. the role and rank of international law in national legal orders, including the application of instruments adopted within the framework of international organisations;
- b. ways and means of ensuring that questions of international law are, where appropriate, considered by the highest national courts;
- c. ways and means of ensuring that national courts receive all necessary assistance in enabling them to identify and apply correctly rules of international law;
- d. the relations between the judiciary and the executive in dealing with questions of international law arising in national courts;
- e. standing to raise questions of international law in national courts; and
- f. the education of judges in international law.

#### Committee on International Commercial Arbitration

Mr Audley Sheppard, Co-rapporteur of this Committee presented a paper in Taipei entitled *Public Policy as a Ground for Refusing Enforcement of Foreign Arbitral Awards*. It reviews public policy in its various guises, as found in international arbitral enforcement conventions and recent State practice, in order to assist the Committee examine the proposition that -

the principle of comity of nations requires that the awards of foreign arbitration tribunals be given due deference and be enforced unless exceptional circumstances exist.

Because the paper had not been circulated to members of the Committee beforehand, it could not be accepted as its official Report. However, an informal Workshop discussion took place.

#### Committee on International Securities Regulation

This Committee delivered its Fifth Interim Report in Taipei. It comes in four parts. In the first part, the Chairman of the Committee, Professor Lichtenstein, deals with mechanisms and models for international cooperation in securities matters, in this case, surveying regulatory co-operation as exemplified by the current work of the International Organisation of Securities (IOSCO). The largest issue facing the international securities markets is the adaptation of national and international regulation to the 'borderless' world of the Internet. In Parts II and III Mr Willis (Co-Rapporteur, Australia) outlines the nature of that challenge and sets out the basis for an 'ILA Statement of Principles for Regulatory Intervention in relation to Securities Business on the Internet'. Part IV contains a draft questionnaire prepared by Mr Hober (Co-Rapporteur, Sweden) for discussion as the basis of a survey of national regulatory attitudes to be undertaken by national branches.

Taking as its starting point, the technical but untenable position, that access to a securities transaction posted on the Internet attracts the legal and enforcement jurisdiction of every national regulator, the Committee's Fifth Report proposes a Statement of Principles on the Exercise (or more strictly, restraint from exercise) of Jurisdiction over Internet securities transactions. These Principles accept the jurisdiction of the country of the issuer of the securities, supplemented by the jurisdiction of the country of the residence of the objectively-determined offerees targeted by the issuer and intermediaries involved. The Principles then discuss appropriate bases for objectively judging whether an Internet subscriber is targeted. The next step for the Committee is to submit these principles to the International Organisation of Securities Commissions (IOSCO) with a view to adoption by IOSCO members.

Professor Lichtenstein has resigned as Chair of the Committee, but will remain a member. She has been replaced by Edward H. Fleischman of the American Branch, who is already a member of the Committee.

#### The Committee on Refugee Procedures

This Committee presented its Second Interim Report at Taipei. Following its First Interim Report of 1996 which analyzed the main components of the concept of temporary protection, the Second Interim Report addresses the questions listed in the 1996 Report with a view to identify the possible content of principles to be adopted. In so doing special emphasis is given to the legal aspects of the concept.

The speakers, while generally endorsing the approach adopted by the Report, pointed out that in situations which give rise to the need for temporary protection, the appropriate principle to be applied is that every human being is entitled to have his human rights respected at all times and in all situations everywhere. It was therefore important to stress the role and responsibility of the international community and all its members with regard to temporary protection. The concept of common but differentiated responsibilities may well be applied in this context. The importance of international burden-sharing was also stressed. The Committee will continue its work along the lines set out in its first and second Interim Reports, taking into account the comments made at the 68th Conference and, if possible, will present its Final Report to the 69th Conference in London.

#### International Family Law

This new Committee did not report at Taipei.

#### Transnational Enforcement of Environmental Law

This Committee is also newly established and did not report at Taipei. However, it held an informal meeting during the Conference to discuss the future working programme at which the Chairman, Professor Alan Boyle (UK) presided. Professor Stephen C. McCaffrey (McGeorge School of Law, University of the Pacific at Sacramento, Ca, USA) has been appointed as the Rapporteur. The Committee may meet in Sao Paulo next year.

#### The General Operation of Committees

During the Conference the Director of Studies convened a meeting of Committee Chairmen and Rapporteurs to discuss the functioning of the Committees. Among the items of importance was the concern felt by many Committee officers about inactive members. The new rules which require both the mandate

and the membership of Committees to be reconsidered after 4 years (and in 2001 for Committees in existence in November 1997) will help to overcome that problem to some extent. The Director of Studies pointed out that the Secretariat already routinely requested curricula vitae in respect of nominees and suggested that Committee Chairs might prior to giving consent write to the nominee pointing out the work involved and request a prompt reply of willingness to cooperate. If no reply was received, it could be taken as an indication that the candidate was not serious.

The Director of Studies also requested that copies of all circulars, questionnaires etc circulated to the members of the Committees be copied to him, to enable him to have some idea of what Committees were doing. He also asked to be notified of any changes in Committee officers. He stressed the usefulness of Committees meeting between Conferences, possibly yearly, and that it was essential that draft reports prepared by rapporteurs be circulated to members of the Committees for their comments before being presented as the Report of the Committee at the General Conference. Clearly, Reports that members had not had the opportunity to express a view on could not be treated as Reports of a Committee. The question was also raised of ensuring that all persons listed as members of ILA Committees were, and continued to be, financial members of the Association. As regards new Committees, the Director of Studies indicated that there was room for 2 to 3 new Committees after the Taipei Conference to replace those which were terminating at that Conference. Suggestions for new Committees included Committees on Biotechnology and International Law, Issues of the Aged, the Law of Investment, and the Teaching of International Law. Recommendations for 2 new Committees will be made at the November meeting of the Executive Council. It was a very useful meeting which will be a regular feature of future Conferences.

### **STUDY GROUPS**

The Director of Studies has proposed the establishment of a Study Group on State Responsibility which will monitor the work in that field of the International Law Commission. A Chair and approximately 6 members will be recommended at the November meeting of the Executive Council.

### **THE NEW CONSTITUTION OF THE ASSOCIATION**

The Closing Plenary Session of the Conference adopted without opposition the new Constitution of the Association. Its full text will be published in the Report of the Taipei Conference.

### **REVISED PROCEDURES FOR ESTABLISHING INTERNATIONAL COMMITTEES AND STUDY GROUPS**

At its meeting in November 1997 the Executive Council adopted the following revised rules for the establishment of Committees and Study Groups. They operate as from the date of adoption.

#### *Establishment of International Committees*

1. Proposals of a subject for study by the International Law Association may be made by any Branch or member.

2. On the recommendation of the Director of Studies, the Executive Council may under Article VI paragraph 8 of the Constitution establish an International Committee, define its mandate, and appoint a Chair and one or more Rapporteurs, who shall be members of the Association. In deciding on the appointment of a Committee, regard should be paid to the representation of different legal systems and of the various geographical regions.

#### *Nomination and Appointment of Members*

3. Branches will be notified of the establishment of the Committee. Each Branch may nominate one or more members of the Association as members of the Committee, on the following basis: for Branches with a paid-up membership of less than 100, one member of the Committee; for Branches with a paid-up membership of 200 - 250, two members; for Branches with a paid-up membership of more than 250, three members. In case of need and with the approval of the Chair of the Committee, a Branch may nominate one alternate for each appointed member.

4. The Director of Studies may nominate up to 5 members of the Headquarters Branch to any Committee.

5. No person may be a member or alternate member of more than two Committees at the same time.

6. It is recognised (a) that it is impractical for all Branches to have members on every Committee; (b) that persons should only be nominated who are willing to contribute to the work of the Committee, in particular by responding to questionnaires and circulated drafts; and (c) that the role of alternate is particularly appropriate to enable younger members of the Association to participate in its work. Although there is no fixed maximum number of members for Committees, that number should be kept under review so as not to become unwieldy.

7. The Executive Council may appoint to a Committee persons nominated in accordance with these procedures, subject to the approval of the Chair of the Committee. In giving approval the Chair should take into account relevant expertise, geographical representation and the needs of the Committee.

8. As a supplement to the membership of Committees under paragraph 7, the Executive Council may, on the joint recommendation of the Director of Studies and the Chair of the Committee, appoint up to three additional members. Additional members will be persons with special expertise and experience in the subject of the Committee, who have indicated their willingness to contribute to its work and who are or forthwith become members of the Association.

9. Officers and members of Committees serve in a personal capacity and not as representatives.

10. Paragraphs 3 - 5 are without prejudice to the membership of Committees as established at the date of adoption of these revised procedures.

#### Mandate of Committees and Renewal of Mandate.

11. Committees will be established with a mandate in the first instance for four years. The Executive Council may renew the mandate, in its original form or with amendments, for further periods of up to four years. The membership of the Committee will be reviewed, on the recommendation of the Chair of the Committee and the Director of Studies, on each occasion of renewal of the mandate. This paragraph applies to existing Committees, whose mandate in the first instance will be four years from adoption of these revised procedures. During the last year of the Committee's mandate, no new members should be nominated.

#### Work of Committees

12. The Officers of a Committee shall communicate regularly with members of the Committee. They shall provide sufficient time to them for commenting on drafts prepared by the Rapporteur(s), in order to ensure that the reports of the Committee represent the collective work of its membership. The Chair of the Committee shall keep the Director of Studies informed of the work of the Committee.

#### Study Groups on Particular Topics

13. The Executive Council may also, on the recommendation of the Director of Studies, establish Study Groups on defined topics, either with a view to engaging in work preparatory to the establishment of an International Committee, or to commenting or reporting on some issue within the fields of interest of the Association.

14. The mandate and composition of Study Groups shall be determined by the Executive Council on the recommendation of the Director of Studies, taking into account any suggestions of Branches.

15. Study Groups shall be established for a period of no more than three years in the first instance. In case of need their mandate may be renewed.

16. In the case of urgency, a Study Group may be established by agreement between the officers of the Association, subject to ratification by the next meeting of the Executive Council.

## **NEWS FROM BRANCHES**

### Australian Branch

The Australian Branch commenced the New Year with a Twilight Seminar at which Dr Ziegler of the University of St Gallen, and formerly of the Federal Prosecutor's Office in Bern, spoke on national prosecution of war crimes and

offences against humanity. On 16 April the Branch President, Dr Peter Nygh, spoke on the progress of the work of the Special Commission on a Draft Convention on Jurisdiction and Recognition of Judgments in Civil and Commercial Matters. On 20 May he repeated the same talk at a meeting of the Queensland Chapter of the Australian Branch. Several other functions are being organised for members in Sydney, Brisbane and Canberra later this year.

#### New Zealand Branch

In February 1998 the Branch launched a sub-committee in Auckland which will focus on the issue of New Zealand's general compliance with human rights law.

#### British Branch

On 24 and 25 April 1998 the British Branch held its Annual Spring Conference at Rhodes House Oxford with the theme: 'The Role of Law in International Politics'. It was a great success and, regrettably, many applicants for places had to be turned away. Sir Arthur Watts has stepped down as President of the Branch and been appointed its Honorary President. Lord Mustill has succeeded him as President with Jeremy Carver as Vice-President.

#### Branche française

Durant l'année académique 1996 - 1997, la branche française s'est réunie trois fois sous la présidence de M. Gilbert Guillaume, Juge à la Cour internationale de Justice.

Au cours de la troisième réunion durant l'année académique 1966 - 1997, en avril 1997, la branche française a eu le privilège d'entendre une communication présentée par M. Hans van Loon, Secrétaire général de la Conférence de La Haye de droit international privé. Voici le résumé de cette communication:

L'orateur a tout d'abord souligné les liens historiques très forts qui ont de tout temps existé entre la Conférence de La Haye et l'Association de droit international qui, fondée en 1873, a précédé de vingt années la fondation de la Conférence de La Haye dans sa forme initiale.

Il a ensuite montré que l'évolution de la Conférence de La Haye est intimement liée à l'évolution de l'Europe sous l'influence de figures historiques telle Tobias Asser et son inspirateur, Mancini,

Le premier travail de coopération entre l'ILA et la Conférence eut lieu en 1926 lorsque l'ILA a adopté un projet de convention internationale sur les contrats de vente qu'elle a soumis comme base de discussion à la Sixième Session de la Conférence de la Haye. Ce texte remarquable, notamment par ce qu'il prévoit pour la première fois la possibilité pour les parties de choisir la loi applicable au contrat de vente, n'a finalement pas permis d'aboutir à une convention avant celle de 1955 qui, bien que ratifiée par un petit nombre de pays, est très souvent mise en application, notamment par les tribunaux français.

Cette Convention inaugure d'ailleurs le nouveau statut de la Conférence qui devient une organisation intergouvernementale permanente dont tous les Etats membres, à l'exception du Japon, sont européens et la langue commune est français. Ce ne sera qu'en 1960 que l'anglais sera joint au français comme langue officielle de l'organisation. La Conférence se voit confier une mission non-politique, on dirait presque technique si l'on devait oublier le caractère porteur de valeurs des Conventions préparées: liberté: respect des autres, surtout en matière de statut personnel; coopération en matière procédurale; et, par dessus tout, rapprochement des systèmes romano-germanique et de common law.

La création du Conseil de l'Europe d'une part et des Communautés européennes d'autre part a rendu nécessaire une étroite coopération entre ces différentes institutions et la Conférence. Avec le Conseil de l'Europe, cette coopération a été formalisée par un accord qui permet aux deux organisations de travailler sur des thèmes différents, chacune réservant à l'autre les matières et méthodes pour lesquelles elles sont le plus efficaces. C'est ainsi, par exemple, que le Conseil de l'Europe a renvoyé à la Conférence la proposition britannique visant à simplifier la pratique de legalisation en chaîne, ce qui a permis l'élaboration de la Conférence de La Haye du 5 octobre 1961 supprimant l'exigence des actes publics étrangers. De la même manière, saisi par l'Union internationale des huissiers d'une proposition de négocier un accord en matière de notification des actes, le Conseil de l'Europe a renvoyé ce sujet à la Conférence, sujet qui est devenu la Convention du 15 novembre 1965 relative à la signification et la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale.

En ce qui concerne les Communautés européennes et, désormais, l'Union européenne, l'originalité du processus d'intégration européenne visant à créer un ordre juridique nouveau propre aux Etats de l'Union,

entraîne des conséquences sur le travail de la Conférence. En effet, les Etats membres de l'Union européenne créent des Conventions, pour les besoins de leur citoyens, indépendamment du travail effectuée au sein de la Conférence. C'est ainsi, notamment, que le travail effectuée par les Etats membres de l'Union en vertu de l'article 220 du Traité de Rome concernant la reconnaissance et l'exécution des décisions judiciaires, qui a finalement été élargi également à la compétence juridictionnelle internationale directe, a largement diminué l'intérêt de la Convention de La Haye de 1971 se bornant à prévoir des dispositions concernant l'exécution des jugements. Toutefois, la coopération trouve à s'appliquer. C'est le cas, par exemple, de l'article 20 de la Convention de Bruxelles concernant la vérification de la régularité de la signification au défendeur défaillant qui renvoie aux dispositions de l'article 15 de la Convention de La Haye sur la notification à l'étranger, chaque fois que le défendeur se trouve dans un Etat Partie à la Convention. Toutefois, il convient de noter que l'article 15 de la Convention de La Haye ne se borne pas à la protection du défendeur situé sur le territoire de la Conférence mais à tous ceux situés sur le territoire de tous les Etats membres de cette Convention. Un autre exemple de cohabitation des Conventions de La Haye ou de celles élaborées par les Etats de l'Union européenne peut être pris avec la Convention de Rome de 1980, qui coexiste et s'harmonise parfaitement avec la Convention de La Haye de 1955 sur la loi applicable aux ventes internationales de marchandises. En effet, cette dernière étant une règle spéciale par rapport à la Convention de Rome, un pays comme la France a estimé préférable de ne pas dénoncer cette Convention qui demeure très utile dans la pratique.

L'avenir reste relativement incertain. Tant que nous sommes sous l'égide du titre VI du Traité de Maastricht, l'article K traitant du domaine de la justice et des affaires intérieures civiles reste du domaine de la coopération intergouvernementale et permet aux Etats de l'Union européenne de conserver une certaine indépendance au sein de la Conférence de La Haye. Toutefois, l'exemple de la Convention de La Haye du 19 octobre 1996 concernant la compétence, la loi applicable, la reconnaissance, l'exécution et la coopération en matière de responsabilité parentale et de mesures de protection des enfants et de la négociation de la Convention dite 'Bruxelles II', sur le même sujet, a montré la limite de cette indépendance et la nécessité de négocier des clauses spécifiques pour éviter si possible les conflits des Conventions.

Quelles seront les conséquences du Traité d'Amsterdam? Il est difficile de le dire, d'autant que, à l'heure où nous parlons, le contenu exact du Traité concernant les matières de droit civil et de droit international privé n'est pas connu avec certitude. Ce qui rend encore plus difficile les travaux de coordination entre les deux organisations est certainement le fait que la Conférence de la Haye de droit international privé n'est pas observateur pour les travaux de l'Union européenne qui se déroulent donc hors sa présence. Certes, des réunions périodiques informelles ont lieu, ainsi que des échanges d'information mais cette méthode présente de nombreuses limites.

L'orateur a conclu en se disant persuadé que la Conférence de la Haye continuera à jouer un rôle important comme forum spécialisé en droit international privé, à la fois pour les Etats de l'Union européenne et vis-à-vis des Etats tiers qui participent à la Conférence. La Conférence peut, en effet, constituer un pont important entre les Etats de l'Union européenne d'une part et ceux des Etats-Unis d'autre part, comme l'a montré une déclaration commune adoptée par l'Union et les Etats-Unis en 1996. Il est clair également que la Conférence a un rôle à jouer dans les relations entre l'Union européenne et les pays en développement. La Convention de la Haye du 29 mai 1993 sur la protection des enfants et la coopération en matière d'adoption internationale en offre un bel exemple. Les premiers Etats à ratifier cette Convention ont été les Etats latino-américains, des Etats asiatiques et un Etat africain et il est à espérer que les Etats européens suivent bientôt sur ce même chemin. Enfin, la Conférence permet également de créer un pont entre les pays de l'Europe de l'Est et les anciennes républiques de l'Union soviétique avec les autres parties du monde, y compris les pays de l'Union européenne. Ces mêmes liens existent avec les Etats du Maghreb et du Moyen Orient. C'est ainsi notamment que la Conférence va organiser un colloque en collaboration avec l'Université d'Osnabrück traitant des relations entre le droit islamique et le droit séculier européen. La Conférence joue ainsi pleinement son rôle de forum de discussion et de croisement des valeurs.

#### Indian Branch

The Annual Seminar and General Meeting of the Indian Branch was held on 6 December 1997 in New Delhi. The Seminar was inaugurated by the President of the Branch, the Honourable Justice J. S. Verma, Chief Justice of India. The topic of the Seminar was *Enforcement of Foreign Judgments*. The Chief Justice introduced the subject and presided over the entire function. The Seminar was attended by Justices M.M. Punchhi, A. S. Anand and M. Srinivasan of the Supreme Court of India as well as many judges of the Delhi

High Court. The papers were presented by Messrs Danial Latifi, S.K. Dholakia, Mukul Mudgal, Sameer Parekh, Ajay Kumar Thakur and the Hon. Organising Secretary of the Branch, Mr P. H. Parekh. The other speakers included: Mr F. S. Nariman, the President of the Bar Association of India, Mr Justice Kuldip Singh, Mr Ashok Desai, Attorney General of India, Ms Seita Vaidyalingam and Mr Anup Choudry. Some valuable suggestions were made by Dr Rajender Jain, President of the Indore Centre and Mr L. M. Sarin, President of the Chandigarh Centre. In early January 1998 the Branch conducted a successful Seminar on *International Trade Law* which has been reported on already in the last Newsletter.

#### New Branches

At its meeting in Taipei, on 30 May 1998, the Executive Council formally approved and welcomed the re-establishment of the Hong Kong Chapter of the ILA. The President is Mr. Justice Godfrey JA, and at its general meeting held on 20 May 1998 Ms. Alexa Lam, the elected Hon. Treasurer, also agreed to act as Hon. Secretary until the next annual general meeting.

Professor Rhoda Mushkat and Mr. Andrew Byrnes represented the Branch at the Taipei Conference.

Discussion are proceeding with a view to re-establishing the Iranian Branch.

### REPRESENTATION AT CONFERENCES

#### The Hague Conference on Private International Law

The ILA was represented at the Special Commission held on 3 to 13 March 1998 to consider a Convention on the Recognition and Enforcement of Judgments in Civil and Commercial Matters by Dr Campbell McLachlan (British Branch) and Dr Ines Weinberg (Argentinian Branch). The observers made several very useful interventions which will assist in the shaping of the Convention.

### PERSONALIA

#### APPOINTMENTS

The Executive Council congratulated Professor James Crawford, former Director of Studies, on his recent appointment as Senior Counsel for Australia.

#### IN MEMORIAM

The Full Council of the Association noted with deep regret the deaths of:

**David Gill**, former member of the Executive Committee of the American Branch and past President of the American Society of International Law

**Professor Myres S. MacDougal**, who died on 7 May 1998, aged 92 years, former Professor of Jurisprudence at Harvard and former President of Yale, the Founder of the New Haven School of Jurisprudence.

**Mr. Henry Read** – The ILA notes with great sadness the sudden death of Mr. Henry Read, the Chairman of Cambrian Printers, Aberystwyth, Wales, who have been our printers since 1950. Mr. Read and his company have given the ILA sterling service over many years. He will be greatly missed.

#### BARBARA OSORIO's PERSONAL FAREWELL

As many of you already know, I shall retire from the post of Secretary to the ILA in January 1999, after nearly 20 years of service in various capacities. I would like to take this opportunity to say how much, overall, I have enjoyed the experience and to thank all of you with whom I have come in contact, by any means, for all your friendship, support and encouragement. The ILA is an unique institution whose outstanding features are the high quality of its work and the enthusiasm with which its members apply to it. It has been a privilege to work with and for you. My best wishes to everyone for the future.

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